



STATE OF NEW YORK
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF THE WELFARE INSPECTOR GENERAL
OFFICE OF THE WORKERS' COMPENSATION FRAUD INSPECTOR GENERAL

Policy and Procedure Manual

FUNCTIONAL AREA: OPERATIONS
POLICY TITLE: CASE MANAGEMENT UNIT
POLICY NUMBER: O101
EFFECTIVE DATE: 8/8/2016
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POLICY

The Office of the New York State Inspector General, the Office of the New York State Welfare Inspector General, and the Office of the New York State Workers' Compensation Fraud Inspector General (collectively known as "OIG") shall conduct all investigations, examinations and reviews in a professional manner. Many OIG investigations commence upon receipt of complaints from individuals, received in a variety of forms including: personal delivery, regular mail, telephone (hotline), e-mail, and website submission. The OIG have established a Case Management Unit ("CMU") that is supervised by a Chief Investigator. The CMU is responsible for processing all potential investigations received and being considered by the OIG.

The CMU is responsible for OIG quality control. The CMU tracks OIG referrals to covered agencies; secures and reviews for sufficiency responses from covered agencies about actions taken; and communicates with covered agencies, as needed, to ensure that adequate, timely responses are received. The CMU also ensures that all these efforts are documented in OIG's case management system. The CMU Chief Investigator reports to the Executive Deputy Inspector General on a weekly basis regarding these efforts.

PROCEDURES

1. Processing of Complaints

- A. OIG staff members are authorized and encouraged to accept complaints. Information regarding complaints, however received, should be brought to the attention of the appropriate Deputy Inspector General or Chief Investigator, who will ensure that the information is forwarded to the CMU as soon as possible. If the Deputy Inspector General or Chief Investigator is not available, the OIG staff member receiving the complaint should forward it to the CMU as soon as possible. OIG staff members who

accept complaints should be aware that conflict-of-interest principles apply, and that if they accept complaints from family members or friends, they must alert the CMU and OIG's Chief Counsel.

B. No investigation will be initiated until a complaint is assigned a case number, unless prior approval by an OIG Executive Staff member is obtained.

C. The CMU is responsible for processing all complaints. Upon receipt of a complaint, the CMU will complete the following steps:

- 1) Assign the complaint a case number. The case number is an 11-digit number (0000-000-0000) designated as follows: Digits 1-4 denote the numerical sequence of the complaint; digits 5-7 identify the state agency referenced in the complaint; digits 8-11 correspond to the current year. (Note: investigative action can begin upon assignment of case number without completion of remaining steps. Also note that some 5-7 digits are associated with Office of the Welfare Inspector General and/or Workers' Compensation Board external crimes, not employee misconduct cases that use a state agency code.)
- 2) Assign the complaint a case name. The case name should refer to the principal subject of the complaint and will be the name of an individual (last name, first name; if multiple subjects, case name will be principal subject, et. al.), or agency/organization.
- 3) Assign the complaint a case type. The case type describes the specific misconduct alleged in the complaint. Where there are multiple allegations, the case type should refer to the most serious allegation. Check all individuals (complainant, subject, witnesses, etc.) and business entities associated with the complaint against information in Law Manager in order to determine possible involvement with prior OIG investigations. The results of Law Manager searches are to be included on the Complaint Intake Form.
- 4) The CMU shall prepare an electronic binder and a paper binder, which shall be distributed on a weekly basis to the Inspector General and all members of the Case Review Panel ("CRP"). The binders shall consist of all complaints received in the prior week, as well as outstanding matters from prior weekly CRP meetings (i.e., matters placed in "Preliminary Investigation" status by the CRP to determine additional facts before CRP decision made, etc.).

2. Case Review Panel

A. The CRP consists of the Executive Deputy Inspector General, the Chief Deputy Inspector General, and the Deputy Inspectors General. Other members of the Executive Staff may participate. Members of the Executive Staff may be excused by the Inspector General based on availability. In addition, the following OIG staff shall participate in the CRP, along with OIG staff members they designate as being required to attend:

- Chief, Case Management Unit
- Chief Investigators
- Special Deputy for Communications and External Affairs

B. The CRP shall discuss each new complaint and make a determination as to the actions to be taken. The CMU Chief or CMU-designated staff shall document the actions taken by the CRP for entry into OIG's case management system. The determinations that may be

taken are:

- 1) No Action: There will not be any investigative activity in response to the complaint.
- 2) Referral: The complaint will be referred to the affected agency and/or another agency having jurisdiction, and the CMU shall prepare a referral letter to the agency/ies designated by the CRP, and will request a written response to OIG within 45 days. As appropriate CMU will also communicate to the complainant advising him/her that his/her complaint has been referred and to what agency. The letter will be signed by the Chief of CMU and will be maintained in the case management system. CMU will also follow up with the respective agencies within 45 days if CMU does not receive a response to the original referral letter.
- 3) Preliminary Investigation ("PI"): A matter will be considered outstanding and discussed at the next CRP meeting if it is determined that additional facts are necessary to decide whether the matter should be referred, opened as an investigation, or deemed "No Action." A staff member will be assigned the task of gathering the additional information. Preliminary investigations are intended to be completed within two weeks. If the preliminary investigation shows no merit, it will be closed at CRP. If a preliminary investigation is conducted and it is determined at CRP that it is unsubstantiated and there are no findings or recommendations, the Chief Investigator, Deputy Chief Investigator, or investigator, with approval, will send an email to CMU to close, refer or no action the case. The email should contain a brief explanation as to why the case is being closed, referred, or no further action is being taken.
- 4) Investigation: An OIG case shall be opened. Legal, Investigations and Audit staff are assigned at the time the case is opened by CRP by respective Deputy Inspectors General and Chief Investigators.

C. Upon completion of the CRP meeting, CMU staff is responsible for updating the OIG case management system to reflect the disposition of each complaint. The CMU will prepare a Complaint Intake Form for cases that are opened. Assigned staff shall be notified by the case management system. Once the complaint is opened, CMU will also add the initial complaint and supporting documents to the J:Drive.

3. Processing Non-Jurisdictional Correspondence ("Dead") Complaints

A. Non-jurisdictional or "dead" complaints are complaints that the Inspector General lacks jurisdiction to investigate. Complainants and/or agencies are advised that the matter does not fall within the Inspector General's jurisdiction. If the complaint was made by a private citizen, the citizen is provided with the contact information for the agency/entity that would have jurisdiction over the complaint. If the complaint falls within another agency's jurisdiction the complaint is sent to the agency for whatever action it deems appropriate. No response is required by OIG. Chief Counsel should be consulted in regard to any questions about OIG's jurisdiction.

B. Once it has determined that the complaint does not fall within OIG's jurisdiction, the CMU will assign a correspondence (dead) number.