



STATE OF OHIO  
OFFICE OF THE AUDITOR  

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JIM PETRO, AUDITOR OF STATE

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# Preventing Welfare Fraud

*Locating and Preventing Public Assistance Payments To  
Fugitive Felons -- 1999*

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*An Operational Review by the:*

**Fraud, Waste, and Abuse  
Prevention Division**





STATE OF OHIO  
OFFICE OF THE AUDITOR

JIM PETRO, AUDITOR OF STATE

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Ms. Jacqueline Romer-Sensky, Director  
Ohio Department of Human Services  
30 East Broad Street  
Columbus, Ohio 43266-0423

Dear Director Romer-Sensky:

I am pleased to provide you with our report *Locating and Preventing Public Assistance Payments to Fugitive Felons -- 1999*. The report discusses the results of our second state-wide computer match to: (1) locate and arrest fugitive felons by using addresses obtained from public assistance files, (2) identify and recover public assistance benefits paid to fugitive felons, and (3) prevent fugitive felons from receiving future public assistance payments. The match resulted in the arrest of 320 fugitive felons, the identification of \$1 million in public assistance overpayments subject to recovery, and the prevention of \$325,000 in future overpayments. I greatly appreciate the cooperation of your staff in completing this project.

Copies of this report are being sent to members of the General Assembly, the Department of Public Safety's Ohio Highway Patrol, the Buckeye State Sheriff's Association, the Ohio Association of Chiefs of Police, the Ohio Human Services Directors' Association, the U.S. Department of Agriculture's Office of Inspector General, and other interested parties. If you or your staff have any questions concerning the report or would like to discuss its contents further, please call Johnnie L. Butts Jr., Chief of our Division of Fraud, Waste and Abuse Prevention, at (614) 466-3212.

Yours truly,

JIM PETRO  
Auditor of State

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## **EXECUTIVE SUMMARY**

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*Although expenditures for public assistance benefits have shrunk substantially in recent years, the outlay is still significant. During Fiscal Year 1999, Ohio issued \$961 million in public assistance benefits for Ohio Works First and Food Stamp recipients. The Auditor of State (AOS) has a continuing interest in assuring that public assistance benefits are only paid to those who need and are entitled to them.*

*Sections 5107.36 and 5115.04 of the Ohio Revised Code (ORC) and 42 United States Code (USC) Section 608(a)(9) prohibit fugitive felons, probation violators, and parole violators from receiving most forms of public assistance. The Auditor of State (AOS), in cooperation with the Ohio Highway Patrol, the Ohio Department of Human Services (ODHS), the Buckeye State Sheriff's Association, the Ohio Human Services Directors' Association, the U.S. Department of Agriculture, and the Data Linkage Project<sup>1</sup>, performed a second state-wide match<sup>2</sup> to identify fugitive felons receiving public assistance. The match had three objectives: (1) to locate and arrest fugitive felons by using addresses obtained from public assistance files, (2) to identify and seek recovery of public assistance benefits paid to fugitive felons, and (3) to prevent fugitive felons from receiving future public assistance payments.*

*In August 1999, information about 1,082 fugitive felons who were receiving public assistance was sent to county sheriffs' departments and county departments of human services. As of January 24, 2000, county sheriffs reported the arrest of 320 fugitives, and county departments of human services (CDHSs) identified \$1,056,028 in public assistance overpayments that are subject to recovery. Over half of the arrests and three fourths of the potential recoveries were reported by Cuyahoga County. Across the state, benefits to 534 public assistance recipients were terminated or adjusted, and the CDHSs expect to refer 68 recipients for fraud prosecution because of false statements made about their criminal status. We estimate the terminated cases prevented \$325,122 in future public assistance overpayments.*

*Collectively, the 1998 and 1999 state-wide matches resulted in 729 arrests, about \$1.5 million in recoverable overpayments, and about \$532,416 in prevented overpayments. Appendix 1 provides a county by county list of 1999 arrests, overpayments, and fraud referrals. Appendix 2 lists the offenses for which the 320 individuals were arrested.*

*Section 5101.28 (A) of the Ohio Revised Code requires that ODHS enter into data sharing*

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<sup>1</sup> The Data Linkage Project was established in 1993 (Amended Substitute House Bill 152) to encourage the exchange of agency data to prevent overpayment and fraud in Ohio's public assistance programs.

<sup>2</sup> Results from an earlier 1998 state-wide match was reported in "Preventing Welfare Fraud: Locating and Preventing Public Assistance Payments to Fugitive Felons", June 1999 (AOS/FWAP-99-006R)

*arrangements with law enforcement agencies to assist in identifying and locating fugitive felons who are receiving public assistance. Ideally, to help law enforcement locate a fugitive felon at the earliest possible time, and to prevent an erroneous payment from occurring, the data sharing should occur when a fugitive felon applies for public assistance, or when a public assistance recipient becomes a fugitive felon. Preventing an erroneous payment from occurring would avoid the need for more costly and often unsuccessful recovery actions.*

*Following our 1998 state-wide fugitive felon match, we recommended that ODHS establish a computer link with the Department of Public Safety's Highway Patrol to identify and locate fugitive felons on public assistance. ODHS officials told us that such a link will be implemented in February 2000.*

*The AOS is encouraged that ODHS plans to establish a fugitive felon data sharing link. In the meantime, the AOS recommends that ODHS follow up with the appropriate CDHSs to recover the overpayments identified by county investigations. After reviewing a draft of this report, ODHS affirmed on February 1, 2000 that the Department is establishing a data sharing link and agreed to follow up with CDHS staff concerning recovery of the overpayments.*

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### ABBREVIATIONS

AOS	Auditor of State
CDHS	County Department of Human Services
FS	Food Stamps
LEADS	Law Enforcement Automated Data System
ODHS	Ohio Department of Human Services
ORC	Ohio Revised Code
OWF	Ohio Works First
SSN	Social Security Number
USC	United States Code

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## ***BACKGROUND***

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Under federal and state welfare reform (42 United States Code (USC) Section 608 (a)(9), Ohio Revised Code (ORC) Sections 5107.36 and 5115.04, individuals with outstanding felony warrants or with probation/parole violations are ineligible to receive most forms of public assistance. Over the last several years, the Auditor of State (AOS) has assisted individual county law enforcement and human service agencies identify fugitive felons<sup>1</sup> who were receiving public assistance benefits. Last year, the AOS performed a state-wide computer match that resulted in the arrest of 409 fugitives and the identification of almost \$409,000 in overpaid benefits. These results and legislation<sup>2</sup> which requires the sharing of public assistance information for purposes of arresting fugitive felons, prompted the AOS to perform a second state-wide match.

ORC Section 5101.28(A) requires the Ohio Department of Human Services (ODHS) to enter into written agreement with law enforcement agencies to exchange, obtain, or share information about public assistance recipients. The information is to be used to assist law enforcement agencies, ODHS and county agencies determine whether an individual is a fugitive felon or has violated a condition of probation, a community control sanction, parole, or a post-release control sanction.

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## ***PURPOSE, SCOPE AND METHODOLOGY***

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This project had three objectives: (1) to locate and arrest fugitive felons by using addresses obtained from public assistance files, (2) to identify and seek recovery of public assistance benefits paid to fugitive felons, and (3) to prevent fugitive felons from receiving future public assistance payments. The project was conducted in cooperation with Ohio Highway Patrol, ODHS, the Buckeye State Sheriff's Association, the Ohio Human Services Directors' Association, the U.S. Department of Agriculture, and the Data Linkage Project.

To accomplish these objectives, a computer file of the 972,094 recipients on public assistance rolls as of August 3, 1999 was obtained from ODHS. Of the 972,094 recipients, 459,562 were deleted from the file because they were under the age of 18 and could not be fugitive felons. Because federal and state law do not prohibit fugitive felons from receiving Medical Assistance (usually referred to as Medicaid), we then excluded 176,582 adults who were Medicaid-only recipients. After excluding recipients under age 18 and Medicaid-only recipients, we matched the remaining 335,950 recipients against a file of outstanding felony warrants maintained on the Highway Patrol's Law Enforcement

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<sup>1</sup> Under ORC Section 5101.26 "Fugitive Felon" means an individual who is fleeing to avoid prosecution or custody after conviction for an offense that constitutes a felony under the laws of the place from which the individual is fleeing regardless of whether the individual has departed from the individual's usual place of residence.

<sup>2</sup> Amended Substitute Senate Bill 52, 122<sup>nd</sup> General Assembly which became effective September 1997.

Automated Data System (LEADS) as of August 1999. Matching just by social security number, we identified 1,193 individuals (fugitive felons) who appeared<sup>3</sup> to be receiving public assistance benefits in 48 Ohio counties. To further reduce mis-matches, we eliminated an additional 111 individuals because they failed to match on one or more characteristics that included last name, first name, date of birth, and/or gender. This resulted in a final match list of 1,082 persons.

On August 13, 1999, lists of persons receiving assistance in each county were sent to the respective county sheriffs and CDHSs for further investigation. The sheriffs' offices and CDHSs were asked to complete and return a questionnaire to the AOS on the results of their investigations. The questionnaires were used to tally information on such items as whether or not: (1) an arrest was made, (2) benefits were overpaid to a public assistance recipient (and how much), (3) future benefits had been terminated or adjusted, and (4) a recipient was being referred for fraud prosecution.

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## **RESULTS**

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Depending on the number of matches in the county and the availability of investigative resources, county sheriffs and CDHSs used different approaches to investigate the matches sent to them. Some sheriffs conducted a one or two night sweep, in which a coordinated team of law enforcement personnel attempted to arrest as many individuals as possible, as quickly as possible.

Other sheriffs chose to investigate their match results over a period of time, making arrests over a period of several months. CDHSs also varied their investigation periods, usually allowing the sheriffs in their county to attempt an arrest before initiating action to adjust a recipient's benefits. The latter was done to avoid alerting a recipient who may be attempting to avoid arrest.

County performance varied in terms of the number of cases investigated and the results of those investigations that were reported back to the AOS. Overall, through January 24, 2000, the Sheriffs' Offices reported results on 76 percent (817 of 1,082) of the individuals referred to them. The CDHSs reported results on 97 percent (1,050 of 1,082) of the referred cases. A county by county breakout is shown in Appendix I.

## **SHERIFFS' INVESTIGATIONS RESULTED IN 320 ARRESTS**

Through January 24, 2000, the AOS had received responses from county sheriffs on 817 of the 1,082 individuals that had been forwarded to them for investigation. The sheriffs' offices reported making 320 arrests, or 30 percent of the total names sent to them. This compares favorably with the 21 percent arrested during the 1998 state-wide match. Table 1 summarizes the arrest results from the 1998 and 1999 state-wide matches, and Appendix 1 breaks out the 1999 results by county.

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<sup>3</sup> The computer match was based on Social Security Numbers and the above-mentioned additional factors. In some instances, false matches occurred because computer files contained an erroneous Social Security Number for one of the matched individuals. County investigation was required to confirm whether matched individuals were in fact fugitive felons drawing public assistance.

**Table 1: Summary of Sheriffs' Investigations of AOS Fugitive Felon Matches**

	<b>1998 State-wide match</b>	<b>Percent of Total Referred</b>	<b>1999 State-wide match</b>	<b>Percent of Total Referred</b>
<b>Number Referred for Investigation</b>	1,926	100 %	1,082	100 %
<b>Responses Received</b>	1,041	54 %	817	76 %
<b>Arrests Made</b>	409	21 %	320	30 %

Source: AOS questionnaire results.

According to information in LEADS, 93 (29 percent) of the 320 persons arrested were wanted for parole or probation violations. Other arrests included persons wanted for robbery-related offenses (77 persons), drug offenses (71 persons), fraud and forgery-related offenses (31 persons), and assault (12 persons). Cuyahoga County reported the arrest of 170 fugitives, including one wanted for homicide. Appendix 2 breaks out the arrests by type of offense.

### **CDHS' INVESTIGATIONS IDENTIFIED \$1 MILLION IN OVERPAYMENTS**

Through January 24, 2000, the AOS had received responses from CDHSs on 1,050 of the 1,082 individuals that had been forwarded to them for investigation. As a result of their investigations, the CDHSs identified \$1,056,028 in recoverable overpayments and 534 public assistance recipients whose benefits were either terminated or reduced. We estimated that the savings to the state associated with terminated benefits amounted to \$325,122. All of these results are improvements over the results reported in our 1998 state-wide match. Table 2 summarizes the results from the 1998 and 1999 state-wide matches, and Appendix 1 breaks out the 1999 results by county.

**Table 2: Summary of CDHS Investigations of AOS Fugitive Felon Matches**

	<b>1998 State-wide match</b>	<b>Percent of Total Referred</b>	<b>1999 State-wide match</b>	<b>Percent of Total Referred</b>
<b>Number of Individuals Referred to CDHSs for Investigation</b>	1,926	100 %	1,082	100 %
<b>Number of Questionnaires Returned</b>	903	47 %	1,050	97 %
<b>Number of Individuals with Overpayments</b>	330	17 %	709	66 %
<b>Overpayment Amount</b>	\$408,597	NA	\$1,056,028	NA
<b>Number of Assistance Cases Terminated</b>	142	7 %	297	27 %
<b>Prevented Overpayments<sup>1</sup></b>	\$207,294	NA	\$325,122	NA
<b>Number of Cases with Future Benefit Reductions</b>	69	4 %	237	22 %
<b>Number of individuals Referred for Fraud Prosecution</b>	101	5 %	68	6 %
<b>Number Reported as “No Action Taken”<sup>2</sup></b>	297	15 %	391	36 %

Source: AOS Questionnaire results.

<sup>1</sup> A 6-month projection based on the actual monthly benefit paid to recipients whose benefits were terminated.

<sup>2</sup> A CDHS may not have taken any action because, for example: (1) warrant information was not accurate, (2) the CDHS was unable to obtain a warrant date from the Sheriff’s office, so they could not calculate the amount of the overpayment; or (3) a recipient had been removed from public assistance before the date of the warrant

## **ODHS PLANS FUTURE DATA SHARING**

The AOS match identified persons who, in many cases, had warrants outstanding for several years, and who had also been drawing public assistance for several years. The delays in identifying these individuals raise questions about whether a better method exists for law enforcement and human services agencies to share information.

Ideally, data sharing should occur when a fugitive felon applies for public assistance, or at the point a public assistance recipient becomes a fugitive felon. In this way, law enforcement would have information to locate a fugitive felon at the earliest possible moment that new information became available, and human services agencies would be able to prevent the payout of erroneous benefits. The latter would avoid the need for more costly and often unsuccessful recovery actions.

In our report on the results of the 1998 state-wide match<sup>3</sup>, we recommended that ODHS establish an on-line computer link as part of a data sharing arrangement with the Ohio Department of Public Safety's Highway Patrol. ODHS responded that it had initiated an Offenders Data Exchange project that would include the exchange of information on fugitive felons. According to an official in ODHS' Office of Management Information Systems, ODHS now plans to establish a data sharing link between LEADS and public assistance files in February 2000.

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### ***CONCLUSIONS & RECOMMENDATIONS***

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Issuing public assistance benefits to persons who are not entitled to them, such as fugitive felons, contributes to fraud, waste and abuse in public assistance programs. As the administrator of Ohio's public assistance expenditures, ODHS is charged with ensuring that benefits are issued

only to eligible recipients.

As a result of two state-wide computer matches between public assistance files and fugitive felon files, county officials have reported the arrest of 729 fugitives, identified almost \$1.5 million in recoverable public assistance payments, and prevented about \$532,416 in future overpayments. These results support the benefits of establishing a data sharing link that will routinely assist law enforcement authorities locate fugitive felons and prevent fugitive felons from receiving benefits to which they are not entitled.

The AOS is encouraged that ODHS plans to establish a data sharing link in February 2000. In the meantime, the AOS recommends that ODHS follow up with the appropriate CDHSs to recover the overpayments identified by county investigations.

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### ***AGENCY COMMENTS***

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After reviewing a draft of this report, ODHS, on February 1, 2000, affirmed that it is in the process of establishing a link between public assistance applicant and recipient

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<sup>3</sup> "Preventing Welfare Fraud: Locating and Preventing Public Assistance Payments to Fugitive Felons", June 1999 ( AOS/FWAP-99-006R)

data, and the Ohio Department of Public Safety's Law Enforcement Automated Data System. ODHS also agreed to follow up with applicable CDHS staff concerning prosecution and recovery of the overpayments identified by the match.

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**APPENDIX 1  
COUNTY BREAKOUTS OF FUGITIVE FELON MATCH RESULTS**

County	Unique Likely Matches	County Sheriffs' Offices		County Human Service Departments						
		Responses Received	Arrests Made	Responses Received	Cases Terminated	OWF Over-pmt. Amount	FS Over-pmt. Amount	Total Over-Pmt. Amount	Future Benefits Adjusted	Referrals to Prosecutor
Adams	1	1	1	1	0			\$0	1	0
Ashtabula	5	3	3	5	0		\$3,009	\$3,009	3	0
Athens	4	0		4	1		\$1,313	\$1,313	1	2
Butler	6	0		0						
Clark	7	7	3	7	3		\$834	\$834	1	1
Clermont	3	0		3	2			\$0	0	2
Columbiana	1	1	1	1	0			\$0	0	0
Cuyahoga	585	425	170	564	196	\$284,283	\$523,518	\$807,801	171	30
Darke	1	1	1	1	0		\$1,292	\$1,292	0	0
Delaware	2	2	0	2	1		\$570	\$570	1	2
Erie	4	3	0	4	0	\$505	\$2,387	\$2,892	1	1
Fairfield	1	1	0	1	1			\$0	0	0
Franklin	125	106	17	125	2	\$12,375	\$25,803	\$38,178	16	1
Gallia	2	0		2	2			\$0	2	2
Geauga	1	1	0	1	0			\$0	0	0
Greene	5	5	0	5	0		\$2,408	\$2,408	0	1
Guernsey	3	0		3	0		\$105	\$105	1	0
Hamilton	57	57	29	57	14	\$11,666	\$22,895	\$34,561	8	0
Hancock	1	1	0	1	0	\$170	\$323	\$493	0	0
Henry	1	1	0	1	1			\$0	0	0
Hocking	1	0		1	0			\$0	0	0
Jefferson	2	0		2	1		\$4,017	\$4,017	0	2
Knox	2	2	0	2	1			\$0	0	0
Lake	6	6	2	6	3	\$278	\$877	\$1,155	1	1
Lawrence	7	0		7	0		\$1,199	\$1,199	1	0
Licking	2	0		2	0	\$76	\$78	\$154	0	0
Logan	1	1	0	1	1		\$375	\$375	0	1



**APPENDIX 1  
COUNTY BREAKOUTS OF FUGITIVE FELON MATCH RESULTS**

County	Unique Likely Matches	County Sheriffs' Offices		County Human Service Departments						
		Responses Received	Arrests Made	Responses Received	Cases Terminated	OWF Over-pmt. Amount	FS Over-pmt. Amount	Total Over-Pmt. Amount	Future Benefits Adjusted	Referrals to Prosecutor
Lorain	15	15	7	15	5	\$1,256	\$5,038	\$6,294	1	0
Lucas	87	87	58	87	11	\$13,781	\$33,072	\$46,853	11	0
Mahoning	18	18	9	18	1	\$5,770	\$11,689	\$17,459	1	11
Marion	4	4	1	4	0	\$400	\$968	\$1,368	1	0
Meigs	1	0		1	0	\$178	\$276	\$454	1	0
Miami	4	3	0	0						
Montgomery	5	0		5	0	\$534	\$685	\$1,219	0	0
Morrow	1	1	1	1	0		\$119	\$119	0	0
Muskingum	1	1	1	1	0			\$0	0	0
Perry	1	1	0	1	1			\$0	0	1
Pickaway	2	2	2	2	0			\$0	0	0
Portage	4	0		4	3		\$931	\$931	0	0
Richland	5	0		5	3		\$1,080	\$1,080	0	1
Scioto	14	0		14	4	\$4,743	\$11,711	\$16,454	4	1
Stark	21	0		20	19	\$10,510	\$21,710	\$32,220	0	3
Summit	47	47	7	47	14	\$4,949	\$16,195	\$21,144	8	2
Trumbull	9	9	6	9	4	\$1,159	\$7,282	\$8,441	0	3
Tuscarawas	1	1	0	1	1					
Washington	2	2	0	2	0			\$0	0	0
Wayne	2	2	1	2	2		\$1,536	\$1,536	0	0
Wood	2	0		2	0		\$100	\$100	2	0
<b>TOTALS</b>	<b>1,082</b>	<b>817</b>	<b>320</b>	<b>1,050</b>	<b>297</b>	<b>\$352,633</b>	<b>\$703,395</b>	<b>\$1,056,028</b>	<b>237</b>	<b>68</b>

Appendix 2

**BREAKOUT OF ARRESTS BY TYPE OF OFFENSE**

Description of Offense	Number of Arrests	Percent of Total
Probation/Parole Violation	93	29.1%
Burglary, Theft, Robbery	77	24.1%
Drug-Related Offenses	71	22.2%
Fraud and Forgery	31	9.7%
Failure to Appear	23	7.2%
Assault	12	3.8%
Crimes Against Person	2	0.6%
Child Neglect	2	0.6%
Abduction	1	0.3%
Contempt of Court	1	0.3%
Cruelty Toward Child	1	0.3%
Damage to Private Property	1	0.3%
Family Offense	1	0.3%
Homicide	1	0.3%
Morals-Decency Crimes	1	0.3%
Obstructing Police	1	0.3%
Perjury	1	0.3%
<b>Totals</b>	<b>320</b>	<b>100.0%</b>

Source: Law Enforcement Automated Data System and County Sheriffs' responses to AOS questionnaire.



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**FUGITIVE FELONS - 1999**

**STATE WIDE**

**CLERK'S CERTIFICATION**

**This is a true and correct copy of the report which is required to be filed in the Office of the Auditor of State pursuant to Section 117.26, Revised Code, and which is filed in Columbus, Ohio.**

*Susan Babbitt*

**CLERK OF THE BUREAU**

**CERTIFIED  
FEBRUARY 17, 2000**