



Minnesota Department of **Human Services**

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Cross-Agency Data-Sharing To Improve Program Integrity In Public Benefit Programs

Office of Inspector General
Report to Legislature
February 2014

Introduction

The 2012 Legislature authorized three data sets from the Court Administrator and the Department of Public Safety to be sent to the Department of Human Services (DHS) on a regular basis to improve program integrity within DHS public benefit programs.

The three data sets are:

- 1) Data provided by the State Court Administrator on persons with felony drug convictions;
- 2) Data provided by the Department of Public Safety on persons with the same photo on multiple driver licenses; and
- 3) Data provided by the Department of Public Safety on persons with driver's licenses that are deactivated because their temporary legal presence may have expired. Temporary legal presence refers to a time-limited admission to the United States by a non-citizen.

Legislative Report Requirement *Laws of Minnesota 2012, Chapter 247, Article 3, Section 29.*

This section instructs DHS, in consultation with the Department of Public Safety (DPS), to issue a report to the Legislature regarding implementation of the provisions mentioned above having to do with the data from the Minnesota Courts and DPS. The report is to contain information on the number of persons affected and the fiscal impact by program.

Availability of the Data

The enactment date for all three data sets was July 2013. Because the data has only been available for a few months, this report will provide an update of activities started by the Children and Family Services (CFS) administration and the DHS Office of Inspector General (OIG). The OIG will provide a second, more extensive report of investigations and DHS agency actions related to the data sets by December 15, 2014.

I. Drug Felony Conviction Data Minnesota Statutes 256.01 Subd. 18c

This legislation requires two reports. 1) The State Court Administrator is required to provide a report every six months to DHS containing information on persons convicted of a felony drug conviction during the previous six months. DHS shall determine whether the individuals who are the subject of the data are receiving general assistance or MFIP benefits. If an individual is receiving benefits, then DHS must instruct the county to issue vendor payments of benefits and initiate random drug screening for the individual.

2) The court administrator is also required to provide a one-time report on individuals with a felony drug conviction dated from July 1, 1997, until the date of the data transfer.

Current status of matching convicted drug felon data with persons on economic assistance programs

In the initial DHS matching process using conviction data from the courts dating from July 1, 1997, the matched individuals on an economic assistance programs totaled 2,758, which is 1.6% of all participants. In the majority of these matches, the felony convictions occurred more than five years ago. Additional information, including disability, mental health and chemical dependency status is available.

From August 1, 2013 through December 2013, (ten out of 2,758 people (0.4 %) eligible for DHS programs, who also have been identified as having a felony drug conviction, were tested and that data is entered in the MAXIS computer system. Eight drug tests were negative, one was positive, and one person failed to keep the appointment. For recipients on General Assistance (GA) or Minnesota Supplemental Aid (MSA) the first failed drug test results in a 5 year disqualification ([256D.024](#)). For recipients on MFIP/DWP/WB a first failed drug test results in benefits being vendor paid and a 30% sanction. A 2nd failed drug test results in permanent disqualification ([256J.26](#)). The recipients tested were eligible for the Minnesota Family Investment Program, the Diversionary Work Program, General Assistance, Group Residential Housing or the Minnesota Supplement Aid in either September or October 2013 and were provided to DHS in the September match. Due to this policy recently being implemented, DHS does not expect that a large quantity of tests have been administered at this time as policies and procedures at the county level are currently being developed. All counties and tribes have submitted a random drug testing policy to DHS.

Time Line

July 1, 2013 – New Legislation policy became effective.

July 15, 2013 – [Bulletin 13-69-07](#) was posted and provided to counties.

August 2013 – Letters ([DHS-6749A](#) and [DHS-6749B](#)) informing individuals that they have a drug felony conviction are sent out to GA/MSA and MFIP recipients.

August 7, 2013 – Initial list of matches affecting 2,700 individuals were sent to counties.

September 3, 2013 – Updated list of matches, affecting 2,758 individuals were sent to counties (1.65% of all program participants).

September 2013 – DHS started fielding policy questions from counties.

September 20, 2013 – Provided a Q&A document to counties addressing common questions.

Items of note:

- DHS has knowledge of two individuals who were misidentified as convicted drug felons.
- DHS met with the four most affected counties (Hennepin, Ramsey, St. Louis and Anoka) on December 18, 2013 to discuss the status of policy implementation. These counties make up 69.4% of all matches.
- DHS has received random drug testing policies from all counties and tribes.

DHS has requested the following policies from each county's MFIP Biennial Service Agreement with the Department:

What procedures/policies do you have in place for administering random drug tests of convicted drug felons on MFIP as required by Minnesota Statutes, section 256J.26 subdivision 1? Check one:

- Written policy within the MFIP Unit*
- Coordination with Corrections*
- Currently establishing new policy/procedures*
- Other*

DHS Contact:

Larry Hosch

Office: (651) 431-2358

Mobile: (651) 230-2529

Larry.Hosch@state.mn.us

II. Driver's License Data from Department of Public Safety (DPS) Data on Multiple Driver's Licenses and Identification Cards

Laws of Minnesota 2012, Chapter 247, Article 3, Section 3.

Discussion This provision requires the Department of Public Safety (DPS) to provide data on a monthly basis to DHS with information regarding persons who apply or currently hold a driver's license or state identification card, where the cards have been cancelled by DPS. Their new facial recognition program finds potential instances of fraudulent activity regarding multiple identification cards obtained by certain individuals. DHS is required to compare the information provided with the DHS data regarding recipients of DHS public assistance programs to determine whether any person with multiple identification cards has illegally or improperly enrolled in a DHS public assistance program. If DHS determines that an applicant or recipient has illegally or improperly enrolled in any public assistance program, the Commissioner shall terminate the individual from the program according to applicable Minnesota Statutes and notify the appropriate county attorney.

DPS Driver and Vehicles Services Division Facial Recognition Project

{This component provided by DPS}

In 2008, Driver and Vehicle Services (DVS) used grant funding from the Federal Motor Carrier Safety Administration (FMCSA) to complete a "facial scrub" of its database of 16 million photos which dated back to 1999.

First Review

After the scrub, 1.2 million photo images were identified as requiring further review. DVS staff spent significant time reviewing these photos to narrow the review of photos within five categories: entry error, possible fraud, name change, no fraud, and overlay. The term "overlay" means incorrectly laying a photo over the demographic information of a different person.

Second Review

To date, 7,069 images must complete the second review process in order to determine if fraud could be involved and need further investigation. Final completion of the project is targeted for February 2014.

Investigations by DPS have taken more time than anticipated because of staff member's additional job responsibilities. To date, 9,014 licenses/ID cards have been cancelled.

Phase II of Facial Recognition Project

Use of FEMA 2011 DL Security Grant of \$829,411 for the Facial Recognition Project Phase II

- \$470,000 grant funding will be used for the database facial recognition scrub of photo images on cards from 2008 moving forward and including the images taken within the next six months (estimated that over 7.1 million images would need to be scrubbed against 18.5 to 19 million images).
- \$73,000 grant funding for facial recognition software licenses (negotiation to be completed within the next six months)
 - Purchase software licenses to conduct real time facial recognition match.
 - \$286,411 grant funding for staffing.

Facial Recognition Unit Plan at DPS

- Hire a Unit Supervisor during first quarter of fiscal year 2015, with three staff members.
- Facial recognition software roll-out at 126 driver's license agent offices and 14 exam stations will be completed by June 2014.
- Vendor will provide training modules and staff trained by May 2014.
- Staff experts are in place to provide technical and ongoing training and support.
- Process procedures have been developed for facial recognition matches.
- MN.IT staff has been involved in plans for the design, security and implementation of the Facial Recognition Unit program.

DPS Contact:

Patricia McCormack

Office: (651) 201 -7580

Patricia.McCormack@state.mn.us

DHS Investigation of Facial Recognition and Legal Presence Data

The DHS-OIG is working with MN.IT's data analysts to sort the data to match identities between DPS and DHS public recipients. The challenge with matching data sets to identify public recipients is that a crucial data element, such as a driver's license/ID card or Social Security Number (SSN), needs to be in both data sets to achieve a match. For example, drivers' license/ID card numbers are in the DPS data, but when counties accept a driver's license/ID card as identity verification, they do not collect the number. Social Security Numbers are in both agencies' data sets, but due to statute limits on the access, DHS does not receive the SSNs from DPS. The SSNs could provide a stronger match if that data element could be obtained from DPS in the future. Today, DHS only has a name and a birthdate to match the data sets. Many individuals with the same name, versions of the name, birthdates, etc., are in the data sets resulting in DHS having limited confidence in the potential matches it reviews and investigates.

Facial Recognition Data [Minnesota Statutes 256.01, Subd. 18d](#)

Discussion DHS has received a substantial share of the DPS facial recognition data on individuals with the same photo associated with multiple driver's licenses from DPS' 2008 data matching project. This data covers driver's license/ID card information from 1999 through 2008.

Note: DPS sends letters to persons with the same facial features on multiple drivers' licenses. DPS is sending this data to DHS to review and possibly investigate. When DPS cancels a license it is coded in a number of ways. DHS does not have access to the codes to determine whether the person provided proof of identity or did not respond to the letter.

From the initial facial recognition data set received which contains about 7,900 names, 277 current and 50 former public recipients have been identified as potential matches for review and investigation. All 327 cases are being reviewed.

With the possible matches of 277 names of current and 50 former public recipients, DHS-OIG is conducting a review of: 1) the identity documentation supplied to the county at the time of enrollment; 2) the driver's license/ID card data to confirm the photo, sort current licenses/ID card from cancelled licenses related to a name change, canceled and suspended licenses; and 3) a comparison of DPS photos with county public client photos, etc. From this we will determine whether any case warrants an investigation.

DHS does not have a basis to know how many potential recipient cases will be selected for investigation. There would be more confidence in the identification of every possible public recipient needing review if we had stronger data elements for matching, as discussed above. In addition, law enforcement sources have reported that the majority of individuals who use false identities, discard and illegally obtain many new fraudulent identity cards without going through DPS to keep ahead of detection.

So far, among the 277 names, DHS has found three cases that initially appeared to have duplicate DHS benefit cases.

In one case, DHS verified that the apparent same face on two different driver's licenses actually belonged to a set of identical twins, both of whom were appropriately enrolled in a public program.

In a second case, with the same face on two different driver's licenses, one of the names was found to match an enrollee in a public program, and that individual was determined to be appropriately enrolled and receiving public benefits. The local Fraud Prevention Investigator determined that the other name belongs to a second individual who had not enrolled in a public program, but who had used the recipient's Social Security Number to obtain employment. The case of the second individual was referred to the local sheriff's office for further investigation of identity theft by the non-recipient.

In a third case with the same face on two different driver's licenses, one of the names was found to match an enrollee in a public program, and that individual was determined to be appropriately enrolled and receiving public benefits. The second name belongs to an individual who is not enrolled in a public program, and after verifying the identity through a booking photo from Illinois county jail, the case will be referred to the local sheriff's office for further investigation of identity theft by the non-recipient.

Law Enforcement and County Attorney Referrals

After consultation with a number of county attorneys in the metro area, the OIG has been advised that prior to presenting a case for consideration of criminal charges, it is critical to have a completed investigation that identifies the real individual, the fake identities used, the public benefits obtained through fraud or theft, and any other applicable DHS rules, policies or manuals that could impact the matter. However, it has also been clarified that in order to be viable for prosecution; these cases need to be based on current data.

DHS is a member of the Federal Document Benefit Fraud Task Force, made up of representatives from several federal and state law enforcement agencies to review the data for other criminal activity beyond misuse of Minnesota public benefits. The Office of Inspector General is sharing the data with this Task Force for possible federal criminal investigations.

If a DHS-OIG investigation determines that a recipient is using multiple identities or an ineligible individual is using a false identity to receive benefits, the case will be pursued with County Attorneys for criminal charges or administrative actions.

A. **Legal Presence Data** [Minnesota Statutes 256.01, Subd. 18e](#)

Discussion This provision requires DPS to provide data on a monthly basis to DHS with certain information regarding all applicants and holders of a driver license/ID card whose temporary legal presence date may have expired, and as a result, the driver license/ID card or identification card has been cancelled by DPS. DHS is required to use the information provided by DPS to determine whether the eligibility of any recipients of DHS public assistance programs has changed as a result of the status change in the DPS data. If DHS determines that a recipient has illegally or improperly received benefits from any public assistance program, the Commissioner shall terminate the individual from the program according to applicable Minnesota statutes and notify the appropriate county attorney.

DHS has received Legal Presence data from 1999 through the end of 2013.

Note: DPS is providing data on persons whose temporary legal status was scheduled to expire. If the card holder did not respond to the DPS letter requiring an update on his/her legal status, DPS cancelled the license but did not confirm the expiration. The temporary legal status may not have expired. DPS then sends the information to DHS. If the cardholder is a current or former DHS public recipient, DHS proceeds to verify their legal status.

Data on over 32,000 cancelled driver's licenses were received by the end of October 2013. Of these, 98 were current public recipients and 444 were former public recipients. DHS-OIG's investigations are proceeding to determine: 1) the identity documentation used by the county; 2) whether the cardholder's immigration or legal status was verified at the point of county enrollment/reenrollment; and 3) whether the cardholder has current legal status. DHS-OIG may also access the Systematic Alien Verification Entitlements (SAVE) program which is a federal data base and software system used by public agencies, to verify current legal status.

DHS OIG will share the most recent 2013 and subsequent data with the Federal Document Benefit Fraud Task Force.

If the OIG's investigations identify persons without legal status, who are currently receiving or have received public benefits, the OIG will refer the case to the appropriate law enforcement agency and county attorney.

APPENDIX – STATUTES

1. [Minnesota Statutes 256.01 Subd. 18c](#)

Drug convictions (a) The state court administrator shall provide a report every six months by electronic means to the commissioner of human services, including the name, address, date of birth, and, if available, driver's license or state identification card number, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person convicted of a felony under chapter 152 during the previous six months.

(b) The commissioner shall determine whether the individuals who are the subject of the data reported under paragraph (a) are receiving public assistance under chapter 256D or 256J, and if the individual is receiving assistance under chapter 256D or 256J, the commissioner shall instruct the county to proceed under section 256D.024 or 256J.26, whichever is applicable, for this individual.

(c) The commissioner shall not retain any data received under paragraph (a) or (d) that does not relate to an individual receiving publicly funded assistance under chapter 256D or 256J.

(d) In addition to the routine data transfer under paragraph (a), the state court administrator shall provide a onetime report of the data fields under paragraph (a) for individuals with a felony drug conviction under chapter 152 dated from July 1, 1997, until the date of the data transfer. The commissioner shall perform the tasks identified under paragraph (b) related to this data and shall retain the data according to paragraph (c).

2. [Minnesota Statutes 256.01 Subd. 18d](#)

Subd. 18d. Data sharing with the Department of Human Services; multiple identification cards.

(a) The commissioner of public safety shall, on a monthly basis, provide the commissioner of human services with the first, middle, and last name, and the address, date of birth, and driver's license or state identification card number of all applicants and holders whose drivers' licenses and state identification cards have been canceled under section [171.14](#), paragraph (a), clause (2) or (3), by the commissioner of public safety. After the initial data report has been provided by the commissioner of public safety to the commissioner of human services under this paragraph, subsequent reports shall only include cancellations that occurred after the end date of the cancellations represented in the previous data report.

(b) The commissioner of human services shall compare the information provided under paragraph (a) with the commissioner's data regarding recipients of all public assistance programs managed by the Department of Human Services to determine whether any individual with multiple identification cards issued by the Department of Public Safety has illegally or improperly enrolled in any public assistance program managed by the Department of Human Services.

(c) If the commissioner of human services determines that an applicant or recipient has illegally or improperly enrolled in any public assistance program, the commissioner shall provide all due process protections to the individual before terminating the individual from the program according to applicable statute and notifying the county attorney.

3. [Minnesota Statutes 256.01 Subd. 18e](#)

Subd. 18e. Data sharing with the Department of Human Services; legal presence data.

(a) The commissioner of public safety shall, on a monthly basis, provide the commissioner of human services with the first, middle, and last name, and address, date of birth, and driver's license or state identification card number of all applicants and holders of drivers' licenses and state identification cards whose temporary legal presence date has expired and as a result the driver's license or identification card has been accordingly canceled under section [171.14](#) by the commissioner of public safety.

(b) The commissioner of human services shall use the information provided under paragraph (a) to determine whether the eligibility of any recipients of public assistance programs managed by the Department of Human Services has changed as a result of the status change in the Department of Public Safety data.

(c) If the commissioner of human services determines that a recipient has illegally or improperly received benefits from any public assistance program, the commissioner shall provide all due process protections to the individual before terminating the individual from the program according to applicable statute and notifying the county attorney.