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Administrative Appeal Decision - Vaughn, Derrick (2020-04-08)

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ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Vaughn, Derrick

Facility: Franklin CF

NYSID: [REDACTED]

Appeal Control No.: 08-136-19 B

DIN: 91-A-0824

Appearances: Hillary Packer, Esq.
Law Office of Ronald L. Kuby
119 West 23rd Street, Suite 900
New York, NY 10011

Decision appealed: August 2019 decision, denying discretionary release and imposing a hold of 18 months.

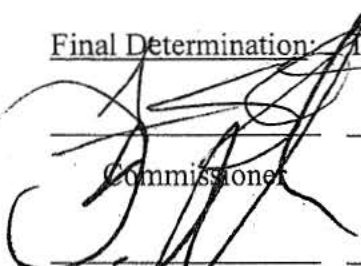
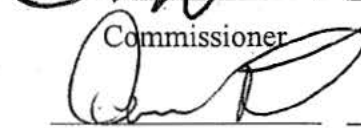
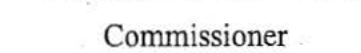
Board Member(s) who participated: Cruse, Corley

Papers considered: Appellant’s Letter-brief received December 11, 2019

Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

Records relied upon: Pre-Sentence Investigation Report, Parole Board Report, Interview Transcript, Parole Board Release Decision Notice (Form 9026), COMPAS instrument, Offender Case Plan.

Final Determination: The undersigned determine that the decision appealed is hereby:

	___ Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	___ Modified to _____
Commissioner			
	___ Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	___ Modified to _____
Commissioner			
	___ Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	___ Modified to _____
Commissioner			

If the Final Determination is at variance with Findings and Recommendation of Appeals Unit, written reasons for the Parole Board’s determination must be annexed hereto.

This Final Determination, the related Statement of the Appeals Unit’s Findings and the separate findings of the Parole Board, if any, were mailed to the Inmate and the Inmate’s Counsel, if any, on 4/8/2020.

TH

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Vaughn, Derrick

DIN: 91-A-0824

Facility: Franklin CF

AC No.: 08-136-19 B

Findings: (Page 1 of 1)

Appellant challenges the August 2019 determination of the Board, denying release and imposing a 18-month hold. Appellant is currently service an indeterminate sentence of 23 years to life as a result of his conviction for manslaughter in the first degree. Appellant contends, among other things, that the Board did not sufficiently explain its reasons for a departure from the COMPAS risk and needs assessment instrument.

The Board was required to consider the COMPAS risk and needs assessment and “specify any scale within the department risk and needs assessment from which it departed and provide an individualized reason for such departure” by 9 NYCRR 8002.2 (a). The record does not reflect a discussion of the COMPAS instrument during the interview or any statement regarding its use in the decision. Therefore, a *de novo* interview is warranted.

In light of the foregoing, appellant’s remaining contentions need not be addressed.

Recommendation: Vacate and remand for de novo interview.