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June 2023

Administrative Appeal Decision - Boeck, Carol (2022-03-28)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Boeck, Carol

DIN: 15-G-0188

Facility: Taconic CF

AC No.: 10-032-21 B

Findings: (Page 1 of 1)

Appellant challenges the September 2021 determination of the Board, denying release and imposing a 24-month hold. Appellant's instant offense is for driving her car at a high rate of speed right into a group of pedestrians, striking and killing two of them, and then fleeing the scene. Appellant raises many issues. One of the issues raised is an alleged improper COMPAS departure.

First of all, appellant has an EEC. However, the Board decision used the deprecation standard in the decision, which is statutorily incorrect. Thus, a de novo is warranted.

But secondly, the Board decision also stated they are not departing from the COMPAS, but then did depart from the low risk of arrest score by stating there is a probability the appellant would not remain at liberty without violating the law. And no reason for the departure was given, nor was the scale cited. So a de novo is also warranted on this issue as well.

Recommendation: Vacate and remand for de novo interview.

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Boeck, Carol

Facility: Taconic CF

NYSID: [REDACTED]

Appeal Control No.: 10-032-21 B

DIN: 15-G-0188

Appearances: Michael Pollok Esq.
7468 South Broadway
Red Hook, New York 12571

Decision appealed: September 2021 decision, denying discretionary release and imposing a hold of 24 months.

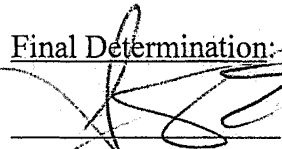
Board Member(s) who participated: Lee, Corley, Mitchell

Papers considered: Appellant's Brief received January 13, 2022

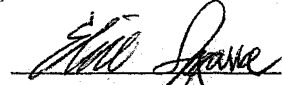
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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

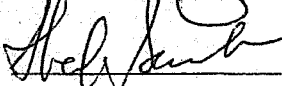
Final Determination: The undersigned determine that the decision appealed is hereby:

 Affirmed Vacated, remanded for de novo interview Modified to _____

Commissioner

 Affirmed Vacated, remanded for de novo interview Modified to _____

Commissioner

 Affirmed 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 Appellant and the Appellant's Counsel, if any, on

03/28/2022 bb

Distribution: Appeals Unit – Appellant - Appellant's Counsel - Inst. Parole File - Central File
P-2002(B) (11/2018)