

January 13th, 2014

Dear (ARRC) Director Koury,

My name is Mr. Patrick Austin I.D. #90-A-9824, and I am writing you to inform you how the lack of a governing policy by parole for the use of (Compas) amounts to the continued practice of commissioners basing their decisions on assumptions and their personal feelings instead of scientific data.

The risk assessment instrument (Compas) is a fourth generation tool used by (Criminal Justice) agencies across the country. It is the current policy of the (D.O.C.C.S.) to have staff use (Compas) in all interviews with offenders appearing before the parole board. The use of (Compas) in theory is suppose to be provided to the parole commissioners to assist them in their determinations regarding an offender danger to the community as well as his/her required needs if released back into the community.

The use of (Compas) is suppose to take away the old way of making such determinations by the parole commissioners where they based their decisions on assumptions or their personal feelings. From my personal experience I can tell you that nothing has changed in the parole process. Commissioners are continuing to use there personal feelings about an offender or the nature of his/her crime when rendering parole release decisions.

I will use my situation as a perfect example of what is continuing to occur at the parole boards even when an inmate score low in every category on (Compas). On March 20th, 2013 while residing at (Marcy Correctional Facility) I appeared before the following commissioners: " Hernandez, Alexander & Thompson".

It should first be pointed out that in 2009 Commissioner Hernandez post-poned my initial parole proceeding to obtain a copy of my sentencing minutes. I was later denied parole by three other commissioners, but it was "Commissioner Hernandez) that voted to affirm my parole appeal as a member of the appeals unit panel. The same thing happened in 2011 when I appealed the denial of parole to the appeals unit (Commissioner Hernandez) voted to affirm my appeal. Then in 2013 it was (Commissioner Hernandez) that conducted the entire parole release interview which at time appeared to be an interrogation instead of a parole interview by (Commissioner Hernandez). In each denial of parole it was based on the serious nature of my crime!

At the 2013 interview (Commissioner Hernandez) acknowledged that I scored low in every category on (Compas), She also acknowledged that I had a lot of community and family support, that I have done well while in prison, and that I done a good job presenting myself during the hearing. Yet, I was denied parole because of the nature of my crime. Commissioner Hernandez, during the interview misquoted what the judge said to me at sentencing even though she had the sentencing minutes, and she relied on erroneous information contained in my parole folder concerning how it is being alleged that the crime was committed also.

When I asked (Commissioner Hernandez) if she had any problems with the risk assessment instrument (Compas) her response was quite surprising. On page #12 of the hearing transcripts (Commissioner Hernandez) is quoted as saying the following: " I do have a problem with risk assessment, but not problems with your case. Sometimes they say people are violent when they are not, it is because of their age. There is things that are perfect with the risk assessment. I will be honest with you. Sometimes it says disciplinary record and when discipline was in County Jail not State."

Commissioner Hernandez, made more statements about (Compas) that does not appear in the transcripts from my hearing for some strange reason. However, the statement that does appear in the record demonstrates why it is imperative for some kind of written policy be instituted immediately for all commissioners to adhere to even in the event that they disagree with the results generated by (Compas).

The decision to deny me parole by (Commissioner Hernandez) was pre-determined as well as based on the same old procedure of rendering their decisions based primarily on the nature of our crimes. To support my conclusion on page #11 Commissioner Hernandez stated to me the following: " We talked a lot about a lot of things, its pretty much you against what is in here." Commissioner Hernandez, pointed to the (Pre-Sentence Report) when she made reference to what is in here in the transcripts.

. However, the nature of the crime is never going to change. If that is going to be the only thing that parole commissioners are going to base their decisions primarily on then there is no reason why I should have to appear before another parole board. To be honest with you I am starting to be discouraged to the point where I don't want to go before another parole board. It is my family and friends that continue to encourage me not to give up. If there is anything that I can do to assist in this matter please let me know.

Yours Truly,

Mr. Patrick Austin
90-A-9824

cc"

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