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The Effects of Increasing the Number of Voting Members on Parole Panels:

A Case Study of LA Act 604 of 2018

By

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Baton Rouge, Louisiana

In recent years, legislative bodies in the United States have enacted much-needed criminal justice reform measures. On the federal level, the First Step Act passed in 2018.¹ The law included provisions to increase good time credit for prisoners, reduce the distance between prisoners' permanent residency and the correctional facility they are at, mandate a retroactive application of the Fair Sentencing Act, and ban inhumane practices, including depriving female inmates of menstrual products and restraining pregnant inmates.² States have also adopted progressive criminal justice reform measures. In North Carolina, Governor Roy Cooper signed an executive order in August of 2020 to "ban the box" for public sector jobs.³ "Ban the box" is the practice of removing questions about an applicant's criminal history on job applications so that people responsible for hiring decisions may compare their qualifications to other applicants in the first step of the hiring process without the stigma associated with criminal convictions.⁴ Last June, Oregon passed a law ending the practice of suspending people's driver's licenses due to unpaid criminal fees and fines.⁵ New York passed a law in April 2019 disallowing cash bail for misdemeanors and some felonies. Criminal justice reform has also passed in some of the most unlikely states in the Deep South.

Louisiana, the state with the highest incarceration rate in the nation, passed a sweeping criminal justice reform package in 2017. Lawmakers responsible for crafting the package known

¹ "An Overview of the First Step Act," BOP (Bureau of Prisons), accessed March 1, 2021, <https://www.bop.gov/inmates/fsa/overview.jsp>.

² Id.

³ "Criminal Justice Reform in the States: Spotlight on Legislatures," The Appeal Political Report (The Appeal), accessed March 1, 2021, <https://theappeal.org/political-report/legislative-round-up/>.

⁴ "Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies," National Employment Law Project, accessed March 2, 2021, <https://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>.

⁵ Id.

as the Justice Reinvestment Initiative aimed to accomplish four goals.⁶ First, the Department of Public Safety and Corrections needed to use its limited resources to house the most dangerous offenders. Second, the state had to improve its community supervision efforts. Third, the state needed to make efforts to remove barriers to reentry for returning citizens. Fourth, officials should use the savings accrued from the first three goals to improve victim support and recidivism prevention services across the state.⁷

The Justice Reinvestment Initiative included ten bills. As part of the package, the state of Louisiana expanded parole eligibility to juvenile lifers who had served more than 25 years of their sentence.⁸ Notably, the group that was extended parole eligibility included people convicted of second-degree murder as juveniles. Louisiana also created a system for defendants to pay fees and fines via a payment plan.⁹ The legislature discontinued the practice of prohibiting people convicted of drugs from receiving public assistance. S.B. 139, also known as Act 280, extended parole eligibility to people who committed second-degree murder after July 2, 1973, and before June 29, 1979.¹⁰ During that time in the 1970s, people sentenced to life for second-degree murder were parole eligible.¹¹ Later, the state rescinded their parole eligibility. Act 280 simply restored parole eligibility for people convicted of second-degree murder during the 1970s.

By every quantifiable measure, the Justice Reinvestment Initiative met the goals outlined by the Louisiana Justice Reinvestment Task Force. This bipartisan group conducted a data-based

⁶ “Louisiana’s Justice Reinvestment Reforms 2019 Annual Performance Report,” Louisiana’s Justice Reinvestment Reforms 2019 Annual Performance Report § (2019).

⁷ “PDF,” March 2018.

⁸ Id.

⁹ Id.

¹⁰ “Aspx” (Baton Rouge, 2017).

¹¹ (New Orleans, n.d.).

assessment of Louisiana's criminal justice shortcomings and outlined ways for the state to mitigate its weaknesses. As part of the package, the Louisiana Commission on Law Enforcement and the Department of Public Safety and Corrections must compile an annual report tracking the Justice Reinvestment Initiative's effects. The first annual report composed in June 2018 showed substantial progress. Concerning the first goal, using scarce resources for the most serious offenders, the Department of Public Safety and Corrections recorded a twenty percent decrease in the non-violent offender population.¹² The percentage of prisoners incarcerated for drug and property crimes dropped twenty-one and twenty percent, respectively.¹³ The sentence lengths for non-violent offenders also dropped substantially. In keeping with the Justice Reinvestment Initiative's second and third goals, strengthen the state's community supervision and eliminate barriers for successful reentry for returning citizens, Louisiana saw a more than seven percent decrease in total revocations of probation and parole.¹⁴ The state used the savings from the reform measures to award grants to the Crime Victims' Reparations Fund and improve regional reentry centers across the state.¹⁵

Despite the Justice Reinvestment Initiative's success in its first year, the Louisiana Legislature made changes to the package's components during the 2018 legislative session. In 2018, the legislature mandated removing people convicted of first-degree murder from the list of eligible recipients of the Medical Treatment Furlough.¹⁶ The medical treatment furlough

¹² “Louisiana's Justice Reinvestment Reforms First Annual Performance Report,” Louisiana's Justice Reinvestment Reforms First Annual Performance Report § (2018).

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

program allows prisoners to receive treatment at an outside medical facility.¹⁷ The change represents a rollback of progressive policies implemented in the 2017 legislative session.

ACT 604 (SB 495) of 2018 also contained a harsh amendment to the 2017 package. Under Act 280 of 2017, people convicted of committing second-degree murder between July 2, 1973, and June 29, 1979, could be granted parole with a parole board's unanimous vote. The offenders were granted parole hearings before three-member panels. The 2018 amendment, featured in the text below, increased the number of parole board members on the panels from three to five, a higher bar. The effect of changing the number of members on the parole panels for Act 280 eligible parole applicants is the focus of this paper.

SB NO. 495

ENROLLED

H. ~~(1)~~ Notwithstanding any provision of law to the contrary, an offender serving a life sentence for second degree murder (R.S. 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions are met:

~~(1)(a)~~ The offender committed the offense after July 2, 1973, and prior to June 29, 1979.

~~(2)(b)~~ The offender has served at least forty years of the sentence imposed.

~~(3)~~ The committee on parole has granted parole with a unanimous vote of those present:

(2) An offender who has met the requirements of Paragraph (1) of this Subsection and is granted a hearing before the committee on parole shall be released on parole if a five member panel of the committee vote unanimously to grant parole.

The above text is Act 604 of 2018, which amended Act 280 of 2017

¹⁷ “2018 Louisiana Laws :: Revised Statutes :: TITLE 15 - Criminal Procedure :: RS 15:574.20 - Medical Parole Program; Medical Treatment Furlough; Eligibility; Revocation,” Justia Law, accessed March 5, 2021, <https://law.justia.com/codes/louisiana/2018/code-revisedstatutes/title-15/rs-15-574.20/>.

In this paper, I analyze the effects of changing from three-member panels to five-member panels on grant rates for Act 280 eligible parole applicants. To conduct my analysis, I obtained information from the Department of Public Safety and Corrections on all parole applicants who appeared before the board under the provisions outlined in Act 280. The dataset included all applicants' race, outcome, and date of their hearing. I also obtained twenty-three parole hearing tapes from the Department of Public Safety and Corrections to conduct a qualitative analysis of the Act 280 outcomes before and after the transition to five-member panels. The Tiger Athletic Foundation provided the funding for the parole tapes.

Parole in Louisiana

To understand the effect of increasing the number of parole panel members for Act 280 hearings, one must first understand Louisiana's parole process. The Board of Parole consists of seven members appointed by the governor.¹⁸ The seven members share the responsibility of participating in three- and five-member parole hearings. According to Louisiana law, all board members must have five years of experience in one of the following fields: corrections, law enforcement, law, sociology, education, social work, medicine, or penology.¹⁹ If the governor appointed a person to the board before August 15, 2010, they are not required to have experience in one of the fields listed above. The board must have one member recommended by a victim's rights nonprofit. Additionally, all members must serve full-time in their position, meaning they cannot hold another job.

¹⁸ “2011 Louisiana Laws :: Revised Statutes :: TITLE 15 - Criminal Procedure :: RS 15:574.2 - Board of Parole; Membership; Qualifications; Vacancies; Compensation; Domicile; Venue; Meetings; Quorum; Panels; Powers and Duties; Transfer of Property to Board; Representation of Applicants before the Board; Prohibitions,” Justia Law, accessed March 5, 2021, <https://law.justia.com/codes/louisiana/2011/rs/title15/rs15-574-2/>.

¹⁹ Id.

Currently, the board consists of seven members appointed by Governor John Bel Edwards, the only Democratic governor in the Deep South. Sheryl Ranatza chairs the board. She is the former deputy secretary of the Department of Public Safety and Corrections.²⁰ Jim Wise is the vice-chair of the board. He is a former Sheriff's deputy in Vernon Parish and a former investigator at the Louisiana State Penitentiary, also known as Angola.²¹ Another member of the board, Victor Jones, also has extensive experience in law enforcement. He was the Natchitoches Parish Sheriff from 1999 until 2020 when he became a member of the board on parole.²² Tony Marabella is a former criminal defense lawyer and judge at the 19th Judicial District Court in Baton Rouge, Louisiana.²³ Pearl Wise, a member of the board on parole since 2016, is a former probation and parole officer in Monroe, Louisiana. Alvin Roche, the victims' advocate of the board, worked at the Southern University Law Center library for more than fifteen years.²⁴ The last member of the board, Brennan Kelsey, is a former physical therapist with more than twenty years of experience in the field. Notably, the majority of the board has experience in law enforcement or corrections. Meanwhile, only one member, Tony Marabella, has worked on behalf of defendants.

Parole board members are some of the most influential figures in the criminal justice system in Louisiana. They exercise a tremendous amount of discretion in deciding the fate of defendants. They can determine when a person is released and the conditions that must meet to

²⁰ "Pardons & Parole," Louisiana Department of Public Safety & Corrections, December 23, 2020, <https://doc.louisiana.gov/imprisoned-person-programs-resources/pardons-parole/>.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

continue living in society.²⁵ They also possess the ability to decide the punishment for violations of parole conditions.

In many cases, a three-member board's unanimous vote is required for a person to be granted parole.²⁶ However, under certain circumstances, a person only needs a majority of votes by a three-member panel to be granted parole. To be eligible to receive a non-unanimous vote to be granted parole in Louisiana, a person must not have been convicted of a sexual or violent crime, have received no disciplinary writeups in the last twelve months, have participated in the mandatory one hundred hours of pre-release education, have finished substance abuse counseling if they have a history of abuse, have earned a GED, if able to, and have a low-risk assessment by the Department of Public Safety and Corrections.²⁷ These requirements suggest two things. First, violent and sexual offenders have a higher threshold to meet to return to society. Second, writeups, programming, and risk assessment are essential factors for the board when evaluating parole applicants. Additionally, if a person commits a crime against a peace officer, they must receive a unanimous vote to grant by a five-member panel.

Tiers of Parole Applicants in Louisiana

Tier	Number of Panelists	Unanimous or Non-Unanimous	Minimum Votes Required to be Granted
Tier 1	3	No	2
Tier 2	3	Yes	3
Tier 3	5	Yes	5

²⁵ Id.

²⁶ Id.

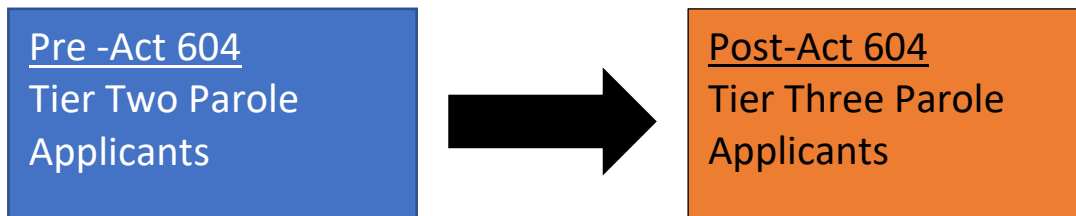
²⁷ Id.

The different voting requirements suggest there are three tiers of parole applicants in the minds of legislators, the people responsible for crafting parole laws. The people in tier one, those convicted of a non-violent or non-sex-related offense, in addition to the requirements regarding programming and behavioral assessment, need the fewest votes to be granted parole. They must only receive 66.66% of votes before a three-member panel to be released. The second tier, people convicted of violent or sex-related offenses or prisoners with inadequate programming or behavioral assessments, have a higher threshold to meet than the first tier. They must receive 100% of the votes to be granted parole. Members of the third tier, those convicted of crimes against peace officers, also have to receive 100% of votes from five, not three-member panels, to be granted parole.

In Louisiana, peace officers hold special status. The Blue Lives Matter bill passed in the 2016 legislative session made peace officers a protected class. It is a hate crime, a crime with an increased sentence, to commit an offense against a person due to their status as a law enforcement officer or emergency services worker.²⁸ Louisiana was the first state to enact a law, making peace officers a protected class.²⁹ The inclusion of peace officers as a protected class suggests lawmakers view crimes against peace officers as particularly heinous crimes. In light of peace officers' inclusion as a protected class, the parole process is intentionally more difficult for people convicted of crimes against peace officers.

²⁸ “Should Killing a Police Officer Be a Hate Crime?,” Should Killing a Police Officer Be a Hate Crime | The Pew Charitable Trusts, accessed March 6, 2021, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/08/03/should-killing-a-police-officer-be-a-hate-crime>.

²⁹ Monu Bedi, “Duke Law Journal,” The Asymmetry of Crimes By and Against Police Officers | Duke Law Journal, accessed March 6, 2021, <https://dlj.law.duke.edu/2017/06/the-asymmetry-of-crimes-by-and-against-police-officers/>.



As stated earlier, Act 280 parole-eligible offenders were initially considered before three-member panels. Like other tier two parole applicants, they needed three affirmative votes to be granted parole. However, that changed following the passage of a bill during the 2018 legislative session. Act 604 of 2018 mandated Act 280 eligible parole applicants receive a unanimous vote to grant by a five-member panel to be released. This shift, from three to five-member panels, constitutes a shift of Act 280 eligible parole applications from tier two to tier three parole applicants. One would expect Act 280 parole applicants would have a lower grant rate following the shift. After all, they face the same obstacles to release as people convicted of crimes against peace officers, one of the most beloved and protected groups in Louisiana. Accordingly, one would expect Act 280 applicants would have a lower grant rate before five-member boards than before three-member boards.

Act 280 Parole Applicants- Age and Crime

Under Act 280, people convicted of committing second-degree murder between July 2, 1973, and June 29, 1979, are eligible for parole consideration if they have served forty years of their sentence.³⁰ As a result, Act 280 parole applicants are almost all in their late fifties or older. Researchers have extensively studied the relationship between age and crime. A person's likelihood of engaging in criminal activity peaks between fifteen and twenty-four years old.³¹ After the peak period, the probability that a person engages in illegal activity decreases

³⁰ Id.

³¹ Jeffery T. Ulmer, "The Age and Crime Relationship," in *Social Variation, Social Explanations* (SAGE, n.d.).

quickly, and the decrease continues as a person gets older.³² Data from the Uniform Crime Report, a compilation of crime data from across the United States, confirms this research, specifically concerning homicide. According to the Uniform Crime Report, in 2019, 1,910 offenders between ages 10-19 committed homicide, representing 12% of all homicides. The largest group of homicide offenders was by far, people between twenty and twenty-nine years old, who committed 27% of all reported homicides that year.³³ After age 29, homicides decline rapidly. The next age group, 30-39, was responsible for 2,475, followed by 1,285 homicides for the 40-49 age group. The following five age groups from 50-90+ accounted for roughly 9% of all homicide offenders. The Act 280 eligible parole applicants fall into the less dangerous age groups. After serving forty years of their sentences, Act 280 parole applicants pose less of a risk to the public than their younger counterparts.

In recent years, scholars have also begun researching the likelihood of violent offenders recidivating, or returning to prison, once they are released back into society. Scholars at Louisiana State University have examined the possibility of violent offenders recidivating- whether through a technical violation or a new crime- once they are released. The group of researchers studied two populations. First, they studied people released over the age of forty-five who had served at least twenty years of a sentence of thirty or more years. Second, they studied people pardoned by the governor.

They evaluated the recidivism rate for each of the groups in three- and five-year increments. They broke down the types of recidivism into technical and new crime violations. Technical recidivism is a violation of the rules of release, such as drinking alcohol or failure to

³² Id.

³³ Id.

report by curfew.³⁴ New crime recidivism is committing a new crime after being released from prison.

The data show for the first group, the three-year recidivism rate was 11.2%, while the five-year recidivism rate was 19.8%.³⁵ Removing technical violations, the three- and five-year recidivism rates for the group were 5.37% and 8.02%, respectively. Within the group of data concerning pardoned offenders, the researchers broke down the recidivism rates by crime. They have recidivism rates for people convicted of armed robbery, first-degree murder, and second-degree murder. For people pardoned after a conviction of second-degree murder, the three- and five-year recidivism rates are 0% and 1.94%, respectively.³⁶ The new crime recidivism rate for three- and five-years post-release is 0% and 0%.³⁷

The data show that people released after more than thirty years posed a minimal risk of committing a new crime. Additionally, the group of people pardoned for second-degree murder posed virtually no threat of committing a new crime. These two findings suggest Act 280 parole applicants possess a minimal risk of returning to prison, especially for new crimes. Despite this data and the research concerning the relationship between age and crime, the Louisiana Legislature passed Act 604 in 2018, making it potentially more difficult for people convicted of second-degree murder in the 1970s to be granted parole.

³⁴ “Know More: Recidivism,” Restore Justice, accessed March 11, 2021, <https://restorejustice.org/about-us/resources/know-more/know-more-recidivism/>.

³⁵ Edward S Shihadeh, Keith Nordyke, and Anthony Reed, “Recidivism in the State of Louisiana: An Analysis of 3- and 5-Year Recidivism Rates Among Long-Serving Offenders” (Baton Rouge, LA: Crime and Policy Evaluation Research Group, 2013).

³⁶ Id.

³⁷ Id.

The continued incarceration of violent offenders who pose little risk of recidivating comes at a high cost to Louisiana. This state has struggled to balance its budget for much of the last decade. In the 2019 fiscal year alone, Louisiana faced a 1.6-billion-dollar shortfall.³⁸ Yet, as of 2015, the state spent an average of \$16,251 per inmate.³⁹ For older prisoners, like Act 280 eligible parole applicants, the costs are higher. They often have health and mobility issues that make it more expensive for states to care for them while incarcerated.⁴⁰ The practice also comes at a high cost to the prisoners and their families. The prisoners, most of whom are poor people of color, are continually denied the ability to return to their families and communities to rebuild their lives.

Data

To test the notion that Act 604 made it more difficult for Act 280 parole applicants to be paroled, I obtained data from the Louisiana Department of Public Safety and Corrections. By far, the data collection was the most difficult aspect of this project. When I made the requests to the Board on Parole, I often waited months for a response that included the information I requested. In total, I spent more than a year waiting on the information necessary to complete this project.

Ultimately, the data set I obtained included information about each Act 280 parole applicant, including their race, hearing date, and parole outcome. The first Act 280 hearing date

³⁸ “Budget Q&A,” Louisiana Budget Project, February 27, 2018,

<https://www.labudget.org/common-questions-about-louisianas-budget-crisis/>.

³⁹ “The Price of Prisons - The Price of Prisons - Prison Spending in 2015,” Vera Institute of Justice, accessed March 11, 2021, [https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends-prison-spending](https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends-prison-spending).

⁴⁰ “Aging Prison Populations Drive Up Costs,” The Pew Charitable Trusts, accessed March 11, 2021, <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs>.

was December 12, 2017. The last hearing date in the data set provided by the Louisiana Department of Public Safety and Corrections was July 13, 2020. During that time, ninety-five Act 280 eligible parole applicants have appeared before the board on parole. Twenty-one of the Act 280 parole applicants were white, which equates to 22.11%. The remaining seventy-four applicants were black, which equals 77.89%. One of the ninety-five parole applicants was female, which equals 1.05%. The remaining ninety-four applicants were male.

I divided the dataset into two categories, Pre-Act 604 hearings and Post- Act 604 hearings. The first period, Pre-Act 604 hearings, spans from December 12, 2017, until October 11, 2018. Act 604 became effective on November 1, 2018. However, the first hearing before a five-member panel did not take place until March 26, 2019. The Post-Act 604 period described in this paper lasts from March 26, 2018, until July 13, 2020, the last hearing date in the data set provided by the Louisiana Department of Public Safety and Corrections.

Pre- Act 604 Data

Fifty-six Act 280 parole applicants appeared before three-member panels before Act 604 became law. Seven of the fifty-six applicants were white, which is 12.5% of applicants. Forty-nine of the fifty-six applicants were black, which equals 87.5%. All of the applicants were male. The hearing took place on twenty-five distinct dates. During that period, the board denied twenty-four of the fifty-six applicants' parole applications, which is a denial rate of 42.88%. Thirty-two of the fifty-six parole applications were granted, a grant rate of 57.14%.

Post-Act 604 Data

Thirty-nine Act 280 parole applicants appeared before five-member panels after Act 604 took effect on November 1, 2018. Fourteen of the thirty-nine applicants were white, which equals 35.9%. Twenty-five of the thirty-nine applicants were black, which equals 64.1%. One

applicant was female; the rest identified as male. The board held the parole hearings on six different dates. Sixteen of the thirty-nine applications were denied before five-member boards, which equals a denial rate of 41.03%. The board voted to grant twenty-three of thirty-nine applications, which equals a grant rate of 58.97%.

Comparison

Surprisingly, the grant rate for Act 280 eligible parole applicants was higher before five members. When appearing before three-member boards, applicants only received unanimous votes to 57.14% of the time. Meanwhile, applicants were granted parole 58.97% of the time before five-member boards. The grant rate was 1.83% higher before five-member boards. To determine if the difference between the two populations was statistically significant, I ran a t-test.

T-Test Output

Group	Observations	Mean	Standard error	95% confidence interval
Pre- Act 604	56	.5714286	.0667285	.4377017- .7051554
Post-Act 604	39	.5897436	.0797935	.4282101- .7512771

t-statistic= -.01760
degrees of freedom= 93
p-value= .4303

The results of the t-test indicate that the difference between the two groups is not statistically significant. The difference between the two groups is probably due to random chance. However, the data and resulting statistical analysis are only applicable to a limited time frame and sample

of parole applicants. Within a different timeframe, things could change. The number of board members could become a statistically significant factor.

Overall Trends

A quick analysis of the population data makes it apparent a considerable shift has occurred in the number of hearings per day. Before Act 604, there were 24 hearing dates with an average of 2.33 hearings per date. Post Act 604, there were six hearing dates with an average of 6.5 hearings per date. To determine if the number of hearings per date affected parole outcomes, I conducted a multivariate regression analysis.

Multivariate Regression Analysis Featuring the Number of Hearings per Date

VARIABLES	(1) Model 1
race	0.0516 (0.0805)
hearings	0.127*** (0.0112)
Constant	-0.224*** (0.0613)
Observations	95
R-squared	0.615
Standard errors in parentheses	
*** p<0.01, ** p<0.05, * p<0.1	

The results indicate that the number of hearings per date is highly statistically significant and positive. As the number of hearings per date increases by one, an applicant is 12.7% more likely to be granted parole.

Parole Tapes

To understand the factors affecting parole outcomes for Act 280 applicants, I purchased twenty-three parole hearing tapes from the Department of Public Safety and Corrections. The Tiger Athletic Foundation at Louisiana State University provided the money used to buy the recordings. I could only purchase twenty-three tapes, the maximum amount I could afford, using the TAF grant. I grouped the recordings by date. I chose to buy tapes from days when the denial rate was exceptionally high to understand why the board was denying certain applicants. Eleven of the recordings were before Act 280 took effect, while twelve of the tapes were of hearings after Act 280 became law. Of the twenty-three people featured in the recordings, twelve were denied parole, while eleven were granted parole.

Writeups

On the tapes, the board consistently discussed one topic: writeups. Often, it was the first topic of discussion in the hearing. Bobby Sneed, an applicant whose parole hearing was April 13, 2018, faced harsh criticism of his disciplinary record. Kenny Loftin began his questioning of Mr. Sneed, saying, "I will be honest with you. I am concerned about your disciplinary record." Mr. Sneed had received sixty-five writeups in the last few years before his hearing. He was written up in 2016 for aggravated disobedience and contraband. Mr. Loftin commented on the writeup, saying, "You are asking me to go against the courts and law enforcement, and you're still getting writeups. I am probably not going to vote for you." After the panel unanimously voted to deny, all three members explained that Mr. Sneed's writeups' volume and recency was a significant factor in their vote to deny his application.

In Michael Cook's hearing on May 17, 2018, his writeups also played a significant role in his denial. Mr. Brennan Kelsey began his questioning of Mr. Cook with an inquiry about his history of disciplinary writeups. In 2013, Mr. Cook received two writeups for drug use while

incarcerated. Mr. Kelsey posed a question, "Why would you fool with drugs?" He provided an answer to his own question, "stupidity." In the end, Mr. Cook was denied unanimously with the nature of his writeups cited as a significant factor.

Donnie Collum, whose hearing occurred on September 24, 2019, struggled to overcome his disciplinary record in his fight to be paroled. Keith Jones noted Mr. Collum "had an awful lot of writeups." Mr. Alvin Roche began questioning Collum, saying, "227 writeups is totally unacceptable." He also noted the date since Mr. Collum's last writeup and the nature of the writeups. He received two disciplinary writeups in 2016 for fighting, which Mr. Roche said created a pattern of "aggressive, violent behavior." After Mr. Roche's questioning, Mr. Loftin declined to ask a question, and the panel began voting. Unsurprisingly, Mr. Collum was unanimously denied parole, with panel members pointing to the nature, volume, and recency of writeups to justify their decision.

The same day Mr. Collum was denied due to writeups, the board denied Mr. Donald Brooks due to writeups, too. During his time in prison, Mr. Brooks received a total of 85 writeups. His late writeup was an aggravated work offense in 2017. As a result of his writeup, he was sent to the working cell block at Angola. During the voting, all but one member voted to deny his parole application. Mr. Roche noted his decision was based on "disciplinary conduct that is totally unacceptable."

On September 24, 2019, Mr. David Johnson was also denied parole due to writeups. He was issued a 30W writeup in August of 2018, barely a year before his parole hearing. The correctional officer gave the 30W writeup because Mr. Johnson strong-armed another offender in prison. Mr. Loftin is the first and only questioner in the hearing, which lasted less than fifteen

minutes. At the end of his questioning, Mr. Loftin said, "You are asking me to release within a year of writeup? Not going to happen."

During Mr. Roy McClelland's hearing on September 24, 2019, the panel members also cited writeups as a reason for their decision to deny his parole application. He was written up six times in 2018. Mr. Roche commented on the writeups saying, "The Parole Board likes to see an offender writeup free for 18-24 months." Anecdotally, the recency of the date of the last writeup plays a significant role in whether the board grants or denies prisoners' parole applications. In twenty-one of the twenty-three hearings, the board discussed the date of the applicant's last writeup. It is the most common topic of discussion in the tapes. To test if it affected the parole board's decision to grant, I conducted a multivariate regression analysis, controlling for the effects of race and the number of panel members.

Multivariate Regression featuring the number of years since an applicant was last written up

VARIABLES	(1) Model 1
Panel	-0.0183 (0.175)
Years	0.0646*** (0.0160)
Race	-0.295 (0.191)
Constant	0.0896 (0.159)
Observations	21
R-squared	0.550

Standard errors in parentheses
 *** p<0.01, ** p<0.05, * p<0.1

The regression results indicate the independent variable, the number of years since an applicant received their last disciplinary writeup, is highly statistically significant and positive. For each additional year with no writeups, applicants are 6.46% more likely to be paroled.

The Heinousness of the Crime

In some of the hearings, the heinousness of the crime became a central focus of the hearing, even though the crimes took place more than forty years ago. Theoretic Givens, who appeared before a three-member board on May 17, 2018, was grilled about his crime by the panel members: Judge Coon, Jim Wise, and Brennan Kelsey. During the crime, Mr. Givens was involved in a dispute over drug money. He beat a woman with a gun to scare her into giving him the money. While he was beating her, the gun went off, killing the victim. Much of Mr. Givens' hearing focused on the crime. It appeared the board did not believe his judgment and decision-making skills were sufficient. He was ultimately denied,¹⁻² with Judge Coon and Brennan Kelsey voting to deny his application.

Michael Lewis, who was unanimously denied by a five-member board on September 24, 2019, also struggled to overcome his crime's heinousness. Mr. Lewis was twenty-seven at the time of his crime, while his victim was only fifteen years old. Mr. Lewis worked for the victim's family as a handyman. He met their young son during his work. He began selling the young boy drugs. Eventually, the young man could not keep up with his payments. Mr. Lewis murdered the boy and extorted the family. During the hearing, Mr. Loftin asked how much a boy's life was worth? In his view, it was worth a couple of thousand dollars, how much the victim owed Mr. Lewis. The members expressed concern over his judgment and ultimately voted to deny his application for parole unanimously.

Donald Brooks also was denied in part due to the heinousness of his crime. He was convicted of second-degree murder after shooting a seventy-eight-year-old man in the face. Four panel members: Jim Wise, Kenny Loftin, Alvin Roche, and Brennan Kelsey, voted to deny his application. Only Keith Jones voted to grant his application.

Even though the crimes took place more than forty years, they place a central role in some hearings. Board members' commentary on heinous crimes indicates they view particularly horrific crimes as a lack of judgment and a result of poor decision-making skills.

Law Enforcement Opposition

In nearly every hearing, law enforcement opposed the applicants' application for parole. For some applicants, though, law enforcement officials appear at the hearings to contest their parole application. Mr. Jerome West was denied 2-3 by a five-member board due in part to law enforcement opposition. A member of the Orleans Parish District Attorney's office appeared at the hearing to oppose his application due to the nature of his crime. Mr. Brennan Kelsey, the chair of the hearing, cited the District Attorney's opposition as a reason for his vote to deny Mr. West's application.

Discussion

Parole hearings are often not central to the criminal justice reform debate. They are an obscure, opaque part of the process. However, the process needs to be analyzed further. Parole board members exercise a great deal of discretion. More attention needs to be paid to how they make decisions that affect prisoners' lives, who are vying for the opportunity to return to their loved ones.

In this paper, I analyzed the effect of increasing the number of members on parole boards using a small population of people convicted of second-degree murder. Admittedly, the population size was small. I could have drawn more definitive conclusions from a larger population. However, using a combination of quantitative and qualitative tentative findings were reached.

First, changing the number of parole board members from three to five is not a statistically significant variable in determining parole applicants' outcomes at this time. In the future, with more observations, that may change. Additionally, a qualitative analysis of parole hearing tapes indicates the frequency and recency of writeups play a substantial factor in determining whether or not an applicant is granted parole. Regression analysis confirms the number of years since an applicant was last disciplined before their parole hearing significantly impacted the applicant's outcome. Additionally, the parole board often cites the heinousness of the crime and law enforcement opposition as reasons to deny an applicant's parole request. There also appears to be an increase in the number of hearings per date from three to five-member panels. A regression analysis indicates a positive relationship between the number of hearings per date and parole outcomes.

Parole is not an abstract process. It affects applicants and, by extension, their families. All too often, too little attention is paid to the process. Meanwhile, parole board members exercise an extreme degree of discretion. People need to learn more about parole board members' decision-making. This paper is the first step in a much-needed analysis of the process. The discoveries in this paper, including the effect of time since an applicant's last disciplinary writeup and the impact of the number of hearings per date, are just the beginning. Scholars need to pay greater attention to the parole process; lives are dependent on them paying more attention. Parole

applicants and their families deserve to know the factors affecting parole outcomes. Real change to a very broken criminal justice system can stem from this scholarship.

In the future, it may be beneficial for researchers to study the relationships among parole board members and how their relationships affect grant rates. It would also be helpful to gain the complete parole tape collection. The tapes would allow researchers to conduct an analysis of each members' voting habits to determine which member has the highest denial rate.

Nevertheless, this project is the first step in understanding parole, an often-overlooked aspect of the criminal justice system.