

IMMIGRATION AND SENTENCING: DOES GEOGRAPHICAL REGION OF CITIZENSHIP  
INFLUENCE SENTENCE LONGEVITY?

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## ABSTRACT

A large volume of sentencing research has examined the effects of offender characteristics on sentencing outcomes. Most of this research has focused on offender race/ethnicity. Despite the growth of immigration debates in the United States, there is limited knowledge on the role played by citizenship status. The current study builds upon that body of sentencing literature by going beyond the examination of the legal status of offenders to explore whether sentencing outcomes vary according to geographical location of citizenship. Specifically, federal sentencing data is used to assess whether the length of sentence for non-US citizens convicted of drug trafficking is influenced by the geographical region of the offender country of citizenship. Initial findings revealed that defendants from Asia, the Caribbean, Europe, Middle East/North Africa and the South/Central American regions were treated more severely than defendants from the Mexican region. However, once control variables were added the sentence imposed upon offenders from the Mexican region was harsher than sentences given to defendants from the Caribbean region. Implications of the findings and directions for future research are discussed.

## DEDICATION

I dedicate this thesis with profound love and appreciation to my parents, Engr. Adekunle and Mrs. Mojisola Adegun whose words of encouragement and drive for tenacity has been the guiding path that has brought me to where I am today. I am forever grateful for the dogged spirit you inculcated in me which in turn gave me the perseverance to pursue education to this level.

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I dedicate this work to the entire staff of the University of Tennessee at Chattanooga's Student Support Service (SSS) especially Mrs. Shirl Ghirlston, Mr. Chris Stokes, and Mrs. Melissa for their unconditional love and support. In addition, this work is dedicated to my "American Mum" in the person of Dr. Sarah Sandefur (Department of Education) for her motherly role in the course of my education.

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## CHAPTER 1

### INTRODUCTION

In the United States, the last two decades have witnessed a rapid increase in immigration. The foreign-born population has nearly doubled since 1990 and now stands at approximately 38 million (Light, Massoglia, and King 2014). According to Passel and Cohn (2010), of the Pew Hispanic Center, data shows that as of March 2009, 11.1 million unauthorized immigrants were living in the United States. Latin American countries accounted for the overwhelming majority of unauthorized immigrants. In March 2009, there were 8.9 million unauthorized immigrants in the U.S. from Mexico and other parts of Latin America. Of those, more than half (6.7 million) were from Mexico, while the remaining 2.2 million (20%) were from other parts of Latin American nations and the Caribbean (approximately 1.3 million are from Central America, 575,000 from South America and 350,000 from the Caribbean). Unauthorized immigrants from South and East Asia accounted for 1.2 million (11%) of the total, Europe and Canada accounted for about 475,000 (4%) unauthorized immigrants. Approximately, 150,000 (1%) came from the Middle East.

Consistency and fairness are considered the goals in sentencing. Despite sentencing reforms and laws targeted at producing equitable treatment, research continues to find unwarranted disparities in sentencing outcomes based on extra-legal characteristics such as age,

gender, education, and race/ethnicity (Albonetti, 1997; Steffensmeier and Demuth, 2001). The extant research on race and the criminal justice system has been generally focused on black and white offenders (Crawford, Chiricos, and Kleck 1998; Steffensmeier, Ulmer, and Kramer 1998; Kautt and Spohn 2002). Given the demographic changes in the U.S. the literature has extended its research to incorporate Hispanics in analysis of sentencing disparities and discrimination (Demuth 2003; Steffensmeier and Demuth 2000, 2001; Doerner and Demuth, 2009; Light, Massoglia, and King, 2014).

The growth of Hispanics has also led to increase, albeit limited, attention to the sentencing patterns among non-citizens and the role played by citizenship status. Demuth (2002), for example, was of the opinion that an empirically assessment of citizenship effects on sentencing outcome is overdue. He suggested that, “the growing number of and changing compositions of non-citizens in the federal courts coupled with the lack of attention to the treatment non-citizen defendants in the federal system is a glaring omission” (Demuth, 2002). Since Demuth, there is a small body of work that have examined whether non-citizens are treated more severely than similarly situated citizens (Demuth, 2002, Wolfe, Pyrooz and Spohn, 2011). This study builds upon that body of sentencing literature. However, it extends that body of work by going beyond the examination of the legal status of offenders to explore whether sentencing outcomes vary according to geographical location of citizenship. Specifically, this study uses federal sentencing data to assess whether the length of sentence for non-US citizens convicted of drug trafficking is influenced by the geographical region of the offender country of citizenship. As a backdrop, the paper starts by examining public attitudes, criminalization and sentencing of noncitizens. Sentencing and the effects of citizenship status on sentencing outcomes were then

explored. The focal concern perspective is employed as a theoretical framework to guide the study.

## CHAPTER 2

### LITERATURE REVIEW

#### Public Attitudes, Criminalization and Sentencing of Non-Citizens

According to Simon and Lynch (1999), “[t]he American public expresses positive and approving attitudes towards immigrants who came ‘earlier,’ but expresses negative sentiments about those who are coming at whatever time a survey is being conducted” (p. 458). Relying on a national poll in 1993 where respondents were asked – was immigration a good or bad thing for this country in the past – Simon and Lynch (1999) found that 59 percent said “a good thing,” 31 percent answered “a bad thing.” Then on the same poll, respondents were asked – is immigration a good thing or bad thing for this country today – 29 percent answered “a good thing” and 60 percent answered “a bad thing.” In another 1995 poll on whether immigrants make positive contribution, Simon and Lynch (1999) reported that 52 percent believe “immigrants are a burden on our country because they take our jobs, housing, and health care” (p. 458). Similarly, Wilkes, Guppy and Farris (2008) reported that Native-born people are fearful that immigrants will either take over their jobs or depress their wages. This suggests that American citizens have a general negative attitude toward immigrants, and may indicate an attitude that perceives immigrants as parasite on the country’s resources and sabotage to the country’s improvement. Such sentiments lead to a political climate that portrays immigrants as

responsible for the social and economic problems that plagues society (Percival and Percival, 2010). An influx of migrants into the U.S in recent years has also led to an increased fear of immigrants. Fear of non-citizens is reflected in stereotypes of them as more dangerous, more threatening, and more crime-prone than citizens (Martinez and Lee, 2000; Sampson, 2008; Wolfe et al., 2011; Wang, 2012; Wu and D'Angelo, 2014). Supporting this view point, Hagan, Levi and Dinovitzer (2008) stated that "... the arrival of record numbers of immigrants early in the century provoked fears in rural, native-born protestants that they were losing their advantages positions in U.S society" (p. 96).

These public views have found credence in the political, legislative and judicial arena. Taking a clue from a sociological research and theorizing on immigration, Hagan et al. (2008) stated that from the States point of view, the presence of immigrants disturbs the mythical purity or perfection of the national order (p. 97). This state-based view of the immigrants, according to Hagan, becomes a framework for the public concerns over immigrants. He further noted that immigrants are perceived as being intrinsically delinquent by virtue of their displacement status and this delinquency is compounded when a legal infraction is committed. In other words, immigration itself is viewed collectively as a latent, camouflaged offence and hence when an immigrant commits a legal offense, he or she not only committed the primary offence but they additionally broke the unwritten law surrounding the way foreigners should act (p.97). Referring to this perception, Hagan et al. concluded that "[n]ot only might they [immigrants] experience harsher juridical and social judgments, but also... any trial involving a delinquent immigrant puts the very process of immigration on trial, first as a form of delinquency and second as a source of delinquency" (p.97).

Not surprisingly, research has also shown that public views of immigrants are reflected in laws passed by Congress which have increased law enforcement power against immigrants in extraordinary ways (Hagan et al., 2008; Hagan and Philips, 2008; Wolfe et al., 2011; Light, 2014). The illegal Reform and Immigration Responsibility Act, for example, broadened the definition of an “aggravated felony” that justified the deportation of immigrants – to include relatively minor drug offenses. The Patriot Act enhanced the discretion of law enforcement authorities to detain and deport immigrants suspected of terrorism (Wolfe et al., 2011; Light, 2014). States have also passed various laws to deter and criminalize non- citizens. For instance, in Hazleton, Pennsylvania an ordinance (Illegal Immigration Relief Act Ordinance of 2006) was passed that would sanction businesses who hired undocumented immigrants and property owners who rented to them (Rubinkam, 2011). Alabama in 2011 passed the House Bill 56 titled Beason-Hammon Alabama Taxpayer and Citizenship Protection Act. Among restrictions put in place by this bill were the requirements that schools check a student’s immigrant status, make contracts with undocumented immigrants invalid, and it became illegal for undocumented immigrants to apply for jobs or a driver’s license. The law also gave local law enforcement permission to racially profile anyone suspected of being undocumented (Rubinkam, 2011). Several states including Alabama, South Carolina, Minnesota, Rhode Island, Michigan and Illinois have implemented similar laws.

In a similar vein, the perceptions of immigrants have been shown to influence sentencing outcome at the judicial level. For example, in *United States v. Onwuemene* (1991) the trial judge mentioned the defendant’s immigrant status during the decision making process stating:

“You are not a citizen of this country. This country was good enough to allow you to come in here and to confer upon you ... a number of the benefits of this society, form of government, and its opportunities and you repay that kindness by committing a crime like this. We have got enough criminals in the United States without importing any.”

Similarly in *United States v. Borrero-Isaza* (1989) the trial judge repeatedly mentioned the defendants nationality (Columbian) as well as his undocumented status. The judge also references Columbia as a “source country” for drugs and used that stereotype as part of his rationale during sentencing. He stated:

“I just finished a case with two Colombian aliens. Not Only aliens, illegal aliens ... People, such as Mr. Borrero are emboldened to undertake this type of crime because they don't think they are going to pay for it that much... It has gone too far ... that an illegal alien who doesn't speak the language from Columbia – come here, and with impunity ... sell kilogram quantities of cocaine ... And somehow the people who are selling narcotics, particularly from source countries have to know that we in the Unites States mean business, and we are going to put a stop to this.”

In yet another example of the courts perception of immigrants, the prosecution in the case of *Unites States v. Gomez* (1986), argued that there was a disturbing trend occurring among drug offenders, noting specifically that many recent drug cases involved immigrants from Latin America. The trial judge stated that he intended to make an example out of the defendant so that others would be deterred from immigrating to the U.S for the purpose of drug trafficking. He referenced both the defendant's immigration status and nationality. These legislations and cases illustrated above sheds light on the belief that noncitizens are regarded as social, economic, political and criminal threat and this in turn has the potential to influence how they are treated within the criminal justice system.

Despite the perception of noncitizens as dangerous and crime-prone, research has consistently repudiated the stereotype of criminal immigrants (Hagan and Palloni, 1999; Hagan and Phillips, 2008; Hagan et al., 2008). The immigration and crime literature provides supporting evidence that immigration has neither a negative relationship nor was it found to be associated with crime (Martinez and Lee, 2000; Sampson, 2008). Lee, Martinez, and Rosenfeld



(2001), for example, found that cities with large number of immigrants did not have higher rates of homicide. Hickman and Suttorp (2008) study also found that deportable aliens did not have higher recidivism rates than non-deportable aliens. This finding led to their conclusion that deportable aliens are no greater threat to public safety than are legal immigrants. In short, compared to U.S born population, research has generally found that immigrants commit less crime (Wright and Benson, 2010).

### Sentencing and the Effect of Citizenship Status on Sentencing Outcomes

Despite the growing number of immigrants in the U.S. and the negative attitudes the public holds towards them, there is limited research on the treatment of immigrants in the criminal justice system. More specifically, there is a scarcity of scholarly research that focuses exclusively on the effects of citizenship status on sentencing outcomes. An even fewer number of studies have focused on national origins as a predictor of sentencing severity. The bulk of earlier studies on sentencing concentrated only on race and examined the relative treatment of African Americans and White Americans (Crawford, Chiricos, and Kleck 1998; Steffensmeier, Ulmer, and Kramer 1998; Kautt and Spohn 2002). Findings suggest that black offenders are disadvantaged at sentencing compared to their white counterparts (Mitchell, 2005; Johnson and Betsinger 2009; Light, 2014). Recently, however, interest in ethnicity has grown in relation with the ever increasing arrival of Latin Americans (Albonetti, 1997; Demuth, 2003; Steffensmeier and Demuth 2000, 2001; Doerner and Demuth, 2009; Light, Massoglia, and King, 2014). These studies indicated that Hispanics offenders are punished more severely than whites and may have even replaced African Americans as the most disadvantaged group at sentencing. The findings have been particularly pronounced for drug offenses (Barnes and Kingsnorth, 1996; Steffensmeier and Demuth, 2000; Hartley and Armendariz, 2011).

Sentencing research has consistently found that legally relevant factors such as offense seriousness and criminal history are the strongest predictors of sentencing outcomes (Albonetti, 1997; Everett and Wojtkiewicz, 2002; Spohn and Holleran, 2000; Spohn and Fornango, 2009). However, the findings on the effects of extra-legal factors have been mixed or at best inconsistent. For example, while some find that race/ethnicity has little to no effect on sentencing outcomes, others have found that factors such as race/ethnicity, sex, age, and education can influence the likelihood of receiving a prison sentence and when incarcerated, the length of sentence (Spohn and Holleran, 2000; Steffensmeier and Demuth, 2000; Everett and Wojtkiewicz, 2002; Spohn and Fornango, 2009; Wolfe et al., 2011).

As mentioned earlier, there are limited studies that have exclusively looked at the effect of citizenship status on sentencing. Like the findings on race/ethnicity the findings on the effects of citizenship status has also been inconsistent. Some results suggests that noncitizens are disadvantages at sentencing (Light et al., 2014; Wolfe, Pyrooz, and Spohn, 2011), they faced a greater likelihood of incarceration (Demuth, 2002; Kautt and DeLone, 2006; Wu and DeLone, 2012), receive longer sentences ( Mustard, 2001; Kautt and DeLone, 2006; Hartley and Armendariz, 2011; Wu and DeLone, 2012), and face lower odds of receiving a substantial assistance departure (Johnson and Betsinger 2009; Wu and Spohn, 2010). Other results found no sentencing difference between citizens and noncitizens offenders (Everett and Wojtkiewicz, 2002; Kautt and Spohn, 2002). Still others suggest a more nuanced relationship between citizenship and sentencing. For instance, Demuth (2002) found that legal and illegal aliens are more likely to be incarcerated, but finds no differences with regards to sentence length. Similarly, Wolfe et al. (2011) and Wu and DeLone (2012) found that noncitizens are disadvantage at incarceration, but actually receive shorter prison terms.

Albonetti's (1997) seminal test for disparities in the likelihood of incarceration and sentence length disclose that non-U.S citizen's offenders were treated more harshly in that they had a higher likelihood to receive a prison sentence and were given moderately longer prison terms than U.S citizens. Likewise, Demuth (2002) studied the influence of citizenship status and the likelihood of incarceration and sentence length. He found that defendants who are U.S citizen had lower odds of incarceration than both authorized and unauthorized immigrants. His study also indicated that undocumented immigrants had a higher likelihood of incarceration compared to their similarly situated authorized immigrants. He, however, found that there was no significant impact of citizenship status on prison sentence length. While Albonetti and Demuth's studies focused on the direct effect of citizenship status on federal sentencing outcomes, other studies have examined the interaction between citizenship status and other variables. Steffensmeier and Demuth (2000), for example, explored whether citizenship status interacted with offender's race and ethnicity. Their results showed that non-citizens received harsher sentences. Particularly, Non-citizen Latino offender got harsher punishments than their similarly situated black non-citizens and white non-citizens.

In a more current analysis, Wolfe et al. (2011) investigated the role of offender citizenship status on the likelihood of incarceration and the length of prison sentence at the federal level. They differentiated among citizens, legal aliens, and illegal aliens to determine if illegal non-citizens are sentenced more harshly than legal non-citizens. Their investigation indicated that both illegal aliens and resident-legal aliens faced significantly higher odds of incarceration than US citizens. Also, they found that the length of prison sentence did not differ for resident-legal aliens and citizens, but illegal aliens received significantly shorter sentences than did US citizens. They speculated that non-citizens receive shorter sentences because illegal

aliens are likely to face deportation once they have served their prison sentences. The authors also found that offender's ethnicity affected sentence length for both illegal aliens and citizens. The relationship was positive for illegal aliens but negative for citizens; that is, Latino illegal aliens received longer prison sentences than similarly situated white illegal aliens, but Latino citizens were given shorter sentences than white citizens. Based on their findings, Wolfe et al, (2011) concluded that illegal aliens were receiving harsher sentences because they are perceived as more dangerous than their fellow U.S. citizens.

Two conclusions can be made from the review of the literature. First, the literature reveals there is inconsistency in terms of the findings. While some scholars found citizenship status to have no effects on sentence outcomes, others found statistically significant effects in both types of sentence outcomes (in/out decision and length of sentence). However, some studies found the effects only for length of sentence while others observed that the effects were limited to the likelihood of incarceration. The second conclusion that can be drawn from the literature is that there negative sentiments towards immigrants can potentially influence sentence outcomes and contribute to unwarranted sentencing disparities. Together, these conclusions set the stage for additional research that explores the role that citizenship status play on sentencing outcomes. The current study seeks to build upon previous research by examining the effects citizenship status on sentence length. However, it expands previous literature by not just examining the effects of citizenship status on sentencing, but by going further to explore the offenders' citizenship status according to geographical regions. More specifically, the purpose of the current study is to examine whether sentence length of non-U.S. citizens convicted of drug trafficking in federal courts varies according to the offenders' geographical region of citizenship.

## CHAPTER 3

### THEORETICAL FRAMEWORK

Although several theoretical frameworks have been used in sentencing research, the focal concerns perspective has been used extensively to explain judicial decision-making (Steffensmeier, Ulmer, and Kramer 1998; Steffensmeier and Demuth 2000; Kramer and Ulmer 2002; Hartley, Maddan, and Spohn 2007; Freiburger 2009 and Wolfe, Pyrooz, and Spohn 2011). The cornerstone of the perspective is that judge's sentencing decisions are based on three focal concerns; (1) blameworthiness of the defendant and the degree of harm suffered by the victim, (2) protection of the community, and (3) practical/organizational constraints and consequences or social costs of the sentencing decision.

Blameworthiness correlates with the just desert or retributive philosophy of punishment. This includes the view that the punishment should fit the crime. The underlying premise here is that as the seriousness of the offense increase, and the more extensive the defendant's prior record, so too would the severity of the imposed punishment (Steffensmeier, Ulmer & Karter 1998). Showing support for judicial concern over the blameworthiness of the offender, research consistently reveal that seriousness of the offense, that is, the degree of the defendant's culpability and the harm caused by the offense, is the most significant factor in sentencing

outcomes (Kramer and Steffensmeier 1993; Steffensmeier, Ulmer and Kramer 1998; Hofer, Blackwell and Ruback 1999; Engen and Gainey 2000, and Kramer and Ulmer 2002).

Although the defendant's criminal history can be viewed as a factor that increases perception of blameworthiness, it is most commonly associated with the second focal concern, which addresses the demands to protect the community. This concern draws attention to the need to incapacitate the offender and guard against recidivism. Predictions about the dangerousness of the offender or the risk that the offender will recidivate are said to be based on attributions determined by the nature of the offense (e.g., violent, property, or drug), facts of the crime (e.g., use of weapon) and also the characteristics of the offender such as education, drug dependency, employment or family background (Steffensmeier et al. 1998; Steffensmeier and Demuth 2000).

Lastly, the third focal concern, practical constraints/consequences deals largely with the "real world" problems courts, correctional organizations and other social institutions may encounter as a result of the judge's decision. This concern essentially pertains to the efficiency of the system and requires judges to take into consideration organizational, individual and/or situational factors (Steffensmeier, Ulmer, and Kramer, 1998). Examples of organizational factors that may influence judges' decision may include over-crowding prisons/jails, the cost borne by the correctional facility, and the practicality or availability of alternative programs (e.g., drug treatment programs, mental health facilities). Examples of an individual/situational concern for courts may include the offender's ability to do time and the consequences stemming from disruption of ties to children or family members. In light of these concerns offender's marital status and number of dependents are likely to influence judicial sentencing decisions.

Although judges, like other decision makers, are expected to make decisions based on well-calculated and rationally based factors, the reality is that judges are not always equipped with sufficient time nor do they possess complete knowledge surrounding a particular case or defendant. Specifically, focal concerns theorists have averred that judges rarely have enough information to accurately determine an offender's dangerousness or threat. Rather, judges encounter an uncertain decision-making environment and therefore must engage in uncertainty management (Johnson, Ulmer, and Kramer 1998). Faced with these limitation judges develop a "perceptual shorthand" to make bounded decisions regarding the culpability of the offender, how dangerous they are and their subsequent risk of recidivism. The perceptual-shorthand, however, is said to be based on stereotypes and physical attributes that are themselves linked to offender characteristics such as race/ethnicity, gender and age (Wolfe et al, 2011). Consequently, it is argued that judges, being human beings, are likely to rely on stereotypical responses prevalent in the community and then tie an offender's characteristics with the aforementioned focal concerns to influence their sentencing decisions. For example, in assessing the blameworthiness and dangerousness of the offender, judges may take into consideration personal characteristics of the offender. Therefore, extra-legal factors such as race/ethnicity, age, gender, or even marital status and parental support are likely to interact to influence sentencing outcomes because these attributes are believed to be related to "statuses to membership in social groups thought to be dangerous and crime prone" (Wolfe et al., 2011; 352).

Indeed, a number of studies have shown that even after controlling for relevant factors (i.e., seriousness of the offense and previous criminal records) the extra-legal factor of race/ethnicity (Kramer and Steffensmeir 1993; Albonetti 1997; Mitchell 2005; Doerner and Demuth 2010), age (Steffensmeier, Kramer, and Ulmer, 1995; Doerner and Demuth, 2010),

gender (Bickle and Peterson, 1991; Schanzenbach, 2005; Griffin and Wooldredge, 2006; Koons-Witt, 2002) and even nationality/citizenship status (Demuth 2002; Logue 2009; Hartley and Armendariz, 2011) remain significant predictors of sentencing outcomes.

Tying the focal concern perspective to the issue of immigration, the heart of the current study, Wolfe et al. (2011) contended that based on the negative perceptions of immigrants, it follows that “one might expect that judges both as citizens and as elected officials, may share in the general stereotyping predominant in the community” (pg 352). He argued that judges may view immigrants as more blameworthy for their offenses, on the grounds that they have brought criminal behavior into the country and/or have taken for granted the benefits of the society (Wolfe et al., 2011). Thus, if judges share public perceptions that immigrants are more likely than citizens to commit crime, they may also see them as more dangerous than citizens. Hartley and Tillyer (2012) are of the opinion that the increase in immigration caseload coupled with increasing budget constraints for detention facilities may force the judges to make decisions based on a focal concern related to practical and organizational limitations of the district. Unlike other federal defendants, immigrants do not usually have the opportunity for release and must therefore be detained. This places burden on the detention facilities as well as the court’s time and cost associated with processing these cases (Hartley and Tillyer, 2012). According to Wolfe et al. (2011), another practical constraint that judges might encounter in the sentencing of immigrants involves their ability to deport the offender. They argue that judges are likely to impose shorter prison sentences under certain circumstances because they take into consideration that non-citizen/immigrants may eventually be deported, which in itself is a punishment.



## CHAPTER 4

### METHODS

#### Data

The data for this study were drawn from the 2008 United States Sentencing Commission's (USSC) Monitoring of Federal Sentencing (MCFS) data series. The comprehensive datasets are compiled and made available via the Inter-university Consortium for Political and Social Research. The Monitoring of Federal Sentencing (MCFS) is rich in information as it contains over 350 pieces of offender-specific and case specific information of all offenders sentenced in federal courts. In 2008 a total of 76,478 defendants were adjudicated in the nation's 94 federal district courts. Since citizenship status, particularly defendants who are not citizens of the United States, is of key interest, the first order of business is to use the variable CITWHERE to select only those cases where the defendants were not citizens of the United States. That procedure reduced the sample size to 27,620.<sup>1</sup> Following the method used in previous federal sentencing studies (e.g., Kautt, 2002; Hartley, 2008; Freiburger, 2009; Spohn and Belenko 2013), the study is limited to drug offenses, specifically drug trafficking. The decision to focus on drug trafficking is also made in light of previous findings that concluded

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<sup>1</sup> A total of 27,723 cases remained after the selection of Non-U.S. Citizens. However, there were 103 cases that had missing values for citizenship status. The elimination of those cases brought the actual number of remaining cases to 27,620.

that extra-legal sentencing disparity (e.g., race/ethnicity) is especially pronounced in drug related cases (Everett and Wojtkiewicz, 2002; Spohn, 2000; Stefensmeier and Demuth, 2000). The elimination of non-drug trafficking cases abridged the sample size to 6,947 cases. The sentencing of defendants involves a two-stage decision-making process. The first decision is whether or not to sentence the defendant to a prison. Once the decision has been made to incarcerate the defendant, the second decision is the length of sentence. However, since an overwhelming 98.9 percent of the defendants in the current study received a prison sentence the decision was made to focus solely on the length of sentence. That decision produced a sample size of 6,873 cases, which was further reduced to 6,839 after the elimination of cases with missing values for length of sentence.

## Measures

### *Variables*

The dependent variable is length of sentence. This outcome variable is measured in months and is capped at 470, which according to the sentencing commission is considered a life sentence. The length of sentence is further logged and a constant of 1 was added to control for skewness. The study incorporates the three groups of independent variables traditionally examined in sentencing research. These groups of variables are to some extent on a scale ranging from what is commonly considered legally irrelevant to legally relevant factors.

### *Legally Irrelevant Factors*

On one end of the scale are the legally-irrelevant variables, also known as extra-legal factors which represent attributes of the offender. Dominant among this group of variables are the race/ethnicity of the offender (white, black, Hispanic, and other races) and gender dummy coded “0” for male offenders and “1” for female offenders. Additional extra-legal factors

examined in this and previous research are age measured as a continuous variable indicating the age at which the offender was sentenced, and educational attainment (measured as less than high school, high school graduate, some college and college graduate). As you may recall, a focal concern of judges is the disruption of ties to children or families a sentence decision may cause. For that reason, the number of dependents is also included as a control and is measured as a continuous variable. Given that the current study's focus is on immigrants, it is also necessary to add controls for legal status (resident/legal aliens, illegal aliens and unknown alien status).<sup>2</sup> The major contribution of this study is its examination of the effects of geographical region of citizenship on sentence length. Hence, an important control variable is geographical region of the defendant's country of citizenship. Although most studies on immigration rely on the classification used by the PewResearch Center, it is necessary to modify the Pew's groupings to include countries in the study that are not included in the Pew's classification. The modification is achieved by combining the Pew's groupings with that of the United Nations to create a new classification scheme. Once the scheme was created the CITWHERE variable (the variable that lists the offender's country of citizenship) was then used to place offenders in the appropriate region. The nine dummy-coded geographical regions are Africa, Asia, Canada, Caribbean, Europe, Middle-east/North Africa, Mexico, South and Central America and Oceania. The Oceania case was ultimately excluded as there were only two cases.

### *Mid-range Extra-Legal Factors*

Somewhere between the extra-legal factors and the legally relevant factors are case processing variables. This group of variables consists of pretrial detention status (in-custody or

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<sup>2</sup> Unknown alien status consists of those defendants who are non-U.S. Citizens but their alien statuses (whether they are legal or illegal) are unknown.

bail) and case disposition (plea or trial). They create a slight dilemma for researchers in the sense that they are not formally considered legally-relevant variables neither are they technically regarded as extra-legal. Nonetheless they have been found to have some influence on sentence outcomes. For example, Steffensmeier & Demuth's (2000) study revealed that for both drugs and non-drug offenses going to trial not only increased the length of sentence, it emerged as one of the strongest predictors of sentence length. With regards to pretrial status, Hagan & Palloni (1997) found that the odds of conviction and imprisonment were higher for immigrants not because of their legal status, but rather because they were more likely than non-immigrants to be detained prior to trial. For that reason, both the defendant's pretrial detention status (dummy coded as bail "0" and in custody "1") and the mode of disposition (dichotomized as plea "0" and trial "1") were added as important controls.

### *Legally Relevant Factors*

On the far end of the range are the legally-relevant variables. The most crucial is the presumptive sentence, which takes into consideration the severity of the offense and the defendant's prior criminal history. The presumptive sentence is measured as the adjusted guideline minimum; the minimum sentence a judge can impose without departing from the guidelines. However, if there is a mandatory minimum sentence for drugs and the drug minimum is greater than the adjusted guideline minimum then the drug minimum becomes the presumptive sentence. The natural log of the presumptive sentence was computed and a constant of 1 was added to adjust for non-normality (Skewness). To capture potential variation in sentencing departures (see Wu & Spohn 2010; Iles, Bumphus, and McGuffee, 2014), guideline departures were categorized as no departures (defendants were sentenced within the guideline

range), government sponsored downward departures (this includes departures for substantial assistance– departures that are awarded to defendants who provide valuable information to the government that leads to the prosecution of others), downward departures, and upward departures. Given that the focus is on drug trafficking offenses, it is necessary to also control for types of drug. The dummy coded categories are cocaine, crack, heroin, marijuana, methamphetamine, and other drugs.

### Statistical Analysis

The statistical procedures used in the current study include univariate, bivariate and multivariate analysis. Univariate analysis is used to describe the variables employed in the study. Bivariate analysis is used as a preliminary method of testing for collinearity issues between independent variables and to examine the relationship between the dependent and independent variables. For multivariate analysis ordinary least squares (OLS) is employed to test for linear relationships between the dependent variable and key independent variables. Two models are introduced. The first model examined just the relationships between length of sentence and regions. The second model introduced controls for all confounding variables. These control variables includes a combination of legal, extra-legal and case processing factors commonly used in sentencing research (see literature review).

## CHAPTER 5

### FINDINGS

Table 1 provides the descriptive statistics for the dependent and the independent variables used in this study. There are a total of 6,839 cases. The average length of sentence is 63 months. Turning now to the characteristics of the defendants, the table reveals that with regards to racial/ethnic composition, an overwhelming majority of the defendants are Hispanics (83.2%) followed by Whites (9.6%) then Blacks (4.5%). Over 90 percent (92.3%) of defendants are male, the average age is 34 and the average number of dependents is 1.93. With respect to educational attainment, 69.2 percent have less than a high education, 17.7 percent have at least a high school education, 9.7 percent have some college and 3.4 percent are college graduates. When it comes to citizenship status, 27.2 percent of defendants are resident/legal aliens while the vast majority, 65.3 percent, is illegal aliens. Turning now to our main variable of interest, the table further reveals that almost three-quarters (72.8 percent) are Mexican nationals. The remaining defendants are from the Caribbean (10.9 percent), South/Central America (9.6 percent), Asia (2.4 percent), Canada (1.7percent), Africa (1.2percent), Europe (0.8 percent) and the Middle East/North Africa (0.4 percent).

The case processing variables discloses that 94.7 percent of defendants are held in custody prior to sentencing and 96.3 percent of the cases are disposed of via plea agreements. As

to legally relevant factors, the average number of counts of conviction is 1.31 and defendants are almost evenly divided with respect to their criminal histories; 52.2 percent have no prior records history while 47.8 percent have a prior record. In regards to departures, more than half of the defendants (54.8 percent) are sentenced within the sentencing range, 32.8 percent are awarded a government sponsored departure while only 12.0 percent and 0.4 percent receive below and above the range sentencing departures, respectively. Regarding drug type, defendants are largely convicted of marijuana (38.9 percent) charges, followed by cocaine (30.0 percent), methamphetamine (17.0 percent), heroine (8.4 percent), crack (2.9 percent) and other drugs at 2.7 percent.

Table 2 presents the characteristics of offender by regions. As expected the vast majority of offenders from the Mexican and the South/Central American regions are Hispanics – 90.8 percent and 92.7 percent, respectively. Noteworthy is the finding that in the Middle East/North Africa region there are no female offenders. With regards to education, the Mexican region has a higher percentage of its offenders with less than a high school education (76.9 percent) while offenders from Africa have the highest percent of college graduates (18.1 percent). The Mexican region is also the region with the highest percentage of illegal aliens (78.1 percent) followed by South/Central America (62.4 percent); the region with the lowest percentage of illegal alien offenders are from Asia (25.3 percent) followed by the Middle East/North Africa (31.0 percent). Given their high percentage of illegal aliens, it is not surprising that offenders from Mexico and South/Central America are also the two regions with the highest percentage of offenders that are held in custody prior to trial (Mexico – 97.4 percent; South/Central America – 94.4 percent) and are more likely to plead guilty, 97.2 percent and 97.4 percent, respectively. With regards to criminal history, defendants from Asia (65.1 percent) and the Caribbean (64.7 percent) are more

likely to have prior records. Also noteworthy is the observation that defendants from the Mexican region (9.1 percent) have the lowest percentage of cases that received sentences below the guidelines. More than half (54.9 percent) of the defendants from South/Central America were convicted of cocaine while Asia (6.0 percent) reins as the region with the lowest percentage. However, Asia (23.5 percent) stood out as the region with the highest percentage of offenders convicted of meth while the Caribbean (1.2 percent) has the lowest percentage. While the Caribbean (13.5 percent) is detected as having the highest percentage of crack cases, Canada (0.9 percent) is observed as having the lowest. Lastly, with regards to length of sentence across regions, the table reveals that defendants from South/Central America (84.8 mean months) has the longest mean sentence followed by Middle East/North Africa (82.2 mean months), Caribbean (79.1 mean months), Europe (77.0 mean months), Asia (67.5 mean months), Africa (60.8 mean months), Mexico (58.0 mean months) then Canada (53.2 mean months).

Table 3 provides the results of the regression models. In Model 1 the adjusted R square shows that the included variables only explain .037 of the variation in sentencing. With the exception of Africa and Canada all of the region variables are statistically significant. More specifically, the table reveals that defendants from Asia, Caribbean, Europe, the Middle East/North Africa and South America are subject to sentences that are 19.8, 46.5, 48.4, 46.0, 68.5 percent longer, respectively, than those given to Mexican nationals. Would these differences remain once other controls are added to the model? Model 2 presents the answer to that question. This full model shows that 81 percent of the variation in sentencing can be explained by the included variables. The findings reveal that once the controls are added only the Caribbean region retains statistical significance. More importantly, the direction reverses in that Caribbean defendants now receive sentences that are 8.1 percent lower than their Mexican



counterparts. The two extra-legal variables to reach statistical significance are gender, with females receiving sentences that are 24.1 percent lower than males, and age (older defendant are receiving longer sentences).

With regards to race/ethnicity none of the racial/ethnic categories are statistically significant. However, the absence of statistical significance may be due to lack of racial/ethnic diversity in the sample (83.2% are classified as Hispanics). As expected, all of the legally relevant variables are statistically significant and their high b-coefficient indicates that they are the strongest predictor of the sentence outcome. Consistent with previous sentencing research these variables are the strongest predictor of sentence outcomes.

Table 1: Descriptive Statistics for Dependent and Independent Variables

Variable	N	%	Mean	SD
<b>Dependent Variable</b>				
Sentence Length			63.39	61.68
<b>Independent Variables</b>				
<i>Extra-Legal Factors</i>				
Race/Ethnicity				
Whites	652	9.6		
Blacks	309	4.5		
*Hispanics	5679	83.2		
Other	184	2.7		
Gender				
*Male	6309	92.3		
Female	530	7.7		
Age			33.70	10.1
Education				
*Less than HS	4627	69.2		
H.S Grad	1185	17.7		
Some College	647	9.7		
College Grad	226	3.4		
Number of Dependents			1.93	1.81
Alien Status				
Resident/Legal Alien	1862	27.2		
*Illegal Alien	4468	65.3		
Unknown Alien Status	414	6.1		
Region of Citizenship				
Africa	85	1.2		
Asia	166	2.4		
Canada	117	1.7		
Caribbean	747	10.9		
Europe	56	0.8		
Middle East/N. Africa	29	0.4		
*Mexico	4980	72.8		
South/Central America	659	9.6		
<i>Mid-range Extra Legal Factors (Case Processing)</i>				
Pretrial Dent. Status				
In Custody	6465	94.7		
Bail	360	5.3		
Mode of Disposition				
Plea	6589	96.3		
Trial	250	3.7		

Table 1 (Continued)

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<i>Legally Relevant Factors</i>			
Num. Cts. of Convictions	6839		1.31      0.96
Criminal History			
No	3565	52.2	
Yes	3263	47.8	
Departures			
*Within Range	3731	54.8	
Above Range	25	0.4	
Govt. Sponsored	2236	32.8	
Below Range	816	12.0	
Drug Type			
Cocaine	2047	30.0	
Crack	196	2.9	
Heroin	576	8.4	
*Marijuana	2655	38.9	
Methamphetamine	1161	17.0	
Other	182	2.7	

N= 6,839

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ABBREVIATION: SD= Standard Deviation

\*= Reference Category

Table 2: Characteristics by Regions

	Africa %	Asia %	Canada %	Caribbean %	Europe %	Mid E/N. Africa %	Mexico %	So./Central Am %
Whites	3.5	7.9	63.5	3.1	66.1	79.3	9.2	3.3
Blacks	89.4	0.6	11.3	25.3	7.1	3.4	0.0	3.8
Hispanics	7.1	2.4	1.7	71.2	25.0	0.0	90.8	92.7
Other races	0.0	89.0	23.5	0.4	1.8	17.2	0.0	0.2
Male	90.6	94.0	86.3	94.6	92.9	100.0	92.1	91.2
Female	9.4	6.0	13.7	5.4	7.1	0.0	7.9	8.8
Age	39.06	36.40	37.21	38.13	34.41	37.93	32.09	38.54
Less than HS	20.5	48.1	33.9	52.4	21.4	50.0	76.9	53.5
HS grad	39.8	23.1	26.1	32.0	46.4	21.4	13.4	25.3
Some College	21.7	18.8	31.3	12.6	21.4	17.9	7.2	15.6
College Grad	18.1	10.0	8.7	3.0	10.7	10.7	2.4	5.5
# of depen.	2.16	1.23	1.20	2.17	0.63	1.93	1.95	1.93
Legal aliens	54.1	63.9	21.4	52.9	46.4	62.1	22.1	22.0
Illegal aliens	41.2	25.3	55.6	41.1	39.3	31.0	71.8	62.4
Unknown status	3.5	7.8	20.5	5.4	12.5	6.9	5.9	4.4
In custody	81.2	72.1	85.3	85.8	87.5	85.7	97.4	94.4
Bail	18.8	27.9	14.7	14.2	12.5	14.3	2.6	5.6
Plea	82.4	95.2	94.0	92.1	94.6	86.2	97.2	97.4
Trial	17.6	4.8	6.0	7.9	5.4	13.8	2.8	2.6
# of counts	1.80	1.58	1.39	1.62	1.89	1.52	1.24	1.29
Prior record	54.1	65.1	34.2	64.7	46.4	58.6	45.6	42.2
No priors	45.9	34.9	64.8	35.3	53.6	41.4	54.4	57.8
Within range	52.9	45.8	39.3	54.8	44.6	48.3	56.4	49.4
Above range	0.0	0.0	1.7	0.5	0.0	0.0	0.3	0.5
Gov. Sponsored	21.2	39.2	39.3	24.6	30.4	31.0	34.2	31.1
Below range	25.9	15.1	19.7	20.1	25.0	20.7	9.1	19.1
Cocaine	11.8	6.0	21.6	46.5	19.6	11.1	25.8	54.9
Crack	10.6	4.8	0.9	13.5	1.8	11.1	1.0	3.5
Heroin	47.1	9.0	0.9	16.5	14.3	18.5	4.0	28.8
Marijuana	4.7	22.9	35.3	18.4	8.9	29.6	48.2	3.7
Meth	3.5	23.5	6.9	1.2	19.6	14.8	20.8	7.8
Other drugs	22.4	33.7	34.5	3.9	35.7	14.8	0.1	1.2
Sentence	60.83	67.57	53.27	79.19	77.06	82.27	58.07	84.83

Table 3: Ordinary Least Squared (OLS) Regression

Variable	Model 1		Model 2	
	<i>b</i>	<i>SE</i>	<i>b</i>	<i>SE</i>
White			-.033	.022
Black			.022	.031
Other race			.002	.065
Gender			-.133***	.020
Age			.002***	.001
H.S Grad			.015	.014
Some College			.011	.018
College Grad			.025	.030
Number of Dependents			.003	.003
Resident/Legal Alien			-.016	.013
Unknown Alien Status			-.004	.022
Africa	.052	.104	.047	.057
Asia	.181**	.075	-.034	.070
Canada	-.003	.089	-.067	.049
Caribbean	.382***	.037	-.082*	.020
Europe	.395*	.128	.068	.060
Middle East/N. Africa	.379**	.177	-.052	.084
South/Central Africa	.522***	.039	-.002	.020
Pretrial Dent. Status			.339	.024
Mode of Disposition			.288***	.029
Num. Cts. of Convictions			.024***	.006
Criminal History			.150***	.011
Presumptive Sentence			.799***	.008
Above Range			.457***	.088
Govt. Sponsored			-.588***	.012
Below Range			-.393***	.017
Cocaine			.163***	.016
Crack			.202***	.035
Heroin			.058**	.023
Methamphetamine			.232***	.018
Other			.182***	.038
Intercept	3.646*	.013	.041	.038
R <sup>2</sup>		.037		.818

\*p < .05; \*\*p < .01; \*\*\*p < .001

## CHAPTER 6

### DISCUSSION

Does sentence length vary according to geographical region of citizenship? According to the current study, the answer is yes. Bivariate analysis first revealed a statistically significant correlation between length of sentence and regions of citizenship ( $r = -.039, p \leq .01$ ). With no added controls, Model 1 in Table 3 confirmed that correlation by disclosing that defendants from Asia, the Caribbean, Europe, Middle East/North Africa and those from South/Central America were all subject to sentences that are 19.8, 46.5, 48.4 and 68.5 percent longer, respectively, than those given to their Mexican counterparts. Model 2 shows that when extra-legal and legally-relevant variables are added to the regression, only the Caribbean region retained statistical significance. However, results are reverse in that offenders from the Caribbean are receiving more lenient sentences than offenders from Mexico. The finding of harsher sentences for the Mexican region is not surprising for two reasons; (1) Mexico's proximity to the United States and the subsequent migration of its nationals into the country, and (2) judges' concern with the need to protect the community from the perceived "dangerous immigrants."

First, although Canada shares border with the United States, much of the illegal immigration debate in the United States surrounds protecting the border that separates Mexico from the United States. The emphasis on the Mexican border is partially justified in the sense

that more than half of the illegal immigrants in the United States are Mexican nationals. According to Passel and Cohn (2010), of the PewHispanic Center, as of March 2009, 11.1 million unauthorized immigrants were living in the United States. While Mexico and other parts of Latin America constitute 80.2 percent (8.9 million) of the unauthorized immigrant, Mexicans alone make up 60 percent (6.7 million) of the 11.1 million illegal immigrants.

In some respect, these figures signal a bad news scenario for immigrants. Contrary to empirical research (Ousey and Kubrin, 2009; Wadsworth, 2010; Katz, Fox and White, 2011), for instance, a large percentage of Gallop poll respondents believe that immigrants are responsible for the crime increase in the United States and share some culpability for the deterioration of social and moral values in society (Gallup, 2011). Inevitably, these assumptions have been instrumental in creating a host of state legislation aimed at illegal immigrants, especially in border-states such as Arizona, California and New Mexico. In fact, according to Jones-Correa (2012) between 2005 and 2010 there has been a fourfold increase in the number of bills introduced in state legislation; some of which have given local law enforcement agencies the power and authority to enforce behaviors that were once delegated to federal law enforcement. One such legislation is the enactment of SB1070 in Arizona. Considered as one of the nation's toughest immigration bill, the law in effect makes it a misdemeanor for immigrants not to have immigration documents on their possession at all times. It also gives local law enforcement officials broad authority to question and detain those suspected of illegal entry into the United States. In reference to the Arizona law, President Obama remarked that the legislation has the potential "to undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and our communities that is so crucial to keeping us safe" (Archibold, R.C. 2010). Opponents of the law refer to it as an "open invitation for harassment and discrimination

against Hispanics regardless of their citizenship status.” Together, these two primary factors – proximity to the United States and the high number of Mexicans in the country – might help explain why the Mexican region, compared to other regions, will be the group more scrutinized and subject to harsher treatment by the Criminal Justice System. In other words, it is conceivable that the same punitive measures directed towards immigrants by legislative policies and local law enforcement may also manifest itself in the courts, particularly in the sentencing of immigrants from the Mexican region.

Building upon the former discussion point, and with regards to the theoretical framework used, the current study found supporting evidence that judges sentencing decisions are guided by the concern to protect the community from the perceived dangerousness immigrant. To recap, judges’ sentencing decisions are piloted by three focal concerns. (1) The blameworthiness or culpability of offender and the harm caused to the victim, (2) the desire to protect the community, and (3) the practical consequence, or social costs of sentencing decisions. However, because judges do not have all the information required to accurately predict the offender’s level of dangerousness and threat, they develop and rely on the use of a ‘perceptual shorthand.’ This perceptual shorthand is said to be based on stereotypes and attributes that embodies the legally irrelevant characteristics of offenders (e.g., race/ethnicity, age, gender). The characteristics in turn are believe to negatively influence sentence outcomes due to images that link those traits to groups that are presumed dangerous and/or have a high propensity to commit crimes (Steffensmeier et al., 1998). Likewise, the citizenship status of offenders can potentially shape judicial sentencing decisions (Wolfe et. al., 2011). If the community views stereotypical perceptions of immigrants as dangerous and ‘crime prone’ than it is likely that judges’



sentencing decision will be swayed by similar public sentiments of immigrants as a proxy for dangerousness.

Not only is this position consistent with Ulmer's (1997) assertion that judges' decisions are often shaped by the 'contours' of the community in which they serve, but it also evokes recollection of the judges' comments in the case of *United States v. Onwuemene*, who strongly chastised the offender for being an immigrant with the audacity to commit crime in the United States. As the judge puts it "we have got enough criminals in the United States without importing any." Relatedly, the judge in *United States v. Borrero-Isaza* showed his concern for protecting the community by stating that the defendant, a non-citizen, and people from his country have to know that "we in the United States mean business and we are going to put a stop to this."

Along similar lines, it can further be speculated that judges' concern with the need to protect the community from the "dangerous immigrant" can be linked to the minority threat hypothesis. It is predicted, for example, that by 2043 Hispanics will no longer be a minority group, but rather the majority in the United States. This influx of Mexicans may potentially create fear and threaten the dominance of the existing majority group. This position is supported by the minority threat hypothesis which posits that as the relative size of a minority group increases, the majority group will perceive a threat both to their economic interest, due to increasing competition for limited resources, and to their social and political dominance (Wang and Mears, 2010). Additionally, the hypothesis postulates that in an attempt to maintain their status quo, the existing majority group may resort to the use of punitive measures to control the minority group. It is within this context, that it is not surprising that defendants from the Mexican regions are targeted as the group subject to more severe sanctions.

In short, Mexico's geographical closeness to the United States and the subsequent high number of immigrants from Mexico, judges' concern with protecting the community from dangerous offenders and the minority threat hypothesis can all help explain the statistically significant finding of longer sentences for offenders from the Mexican region as compared to the Caribbean region.

## CHAPTER 7

### CONCLUSION

Building upon the existing literature on the role citizenship status plays on sentencing, the goal of this study was to examine whether sentence length of non-citizens convicted of drug trafficking varies depending upon geographical regions. The findings from this study support the conclusion that a defendant's geographical region does matter with respect to sentencing outcomes. As an extra-legal factor, the finding is consistent with prior research that found evidence of unwarranted sentencing disparity based on citizenship status (e.g., Wolfe et al., 2011) and national origins (Iles, et al., 2009). The results of this study highlight the effects of negative sentiments and stereotypes that are attached to immigrants and how these factors can significantly influence sentencing outcomes within the criminal justice system, especially at the judicial level. More specifically the study found that defendants from the Mexican region seem to bear the brunt of the focal concern perspective that guide the decision of judges. For instance, the influx of Mexicans, their geographical proximity, and the general negative perspective that see them as a 'threat' can collectively explain why they receive longer sentences. The implications of all this is that country of citizenship, not just citizenship status, is an important but often over-looked variable in sentencing research. For that reason and following the lead of Iles et al., 2009, who focused specifically on national origins, it is imperative that future

sentencing research go beyond the typical examination of citizenship status to explore the actual country of citizenship. In the United States, for example, Mexicans are often used as proxy for Hispanics in general. This is noteworthy because sentencing research that lumps defendants from other Latino countries with that of Mexico has the potential of masking important differences between the two groups. The findings here suggest that it is time to begin the task of unmasking and exploring the variation among Hispanic groups.

Despite the major contributions made by the current study, there are two primary limitations. First the study was limited in the sense that it cannot be generalizable to other offenses. This study only examined citizenship status within the context of drug offenses. It is possible that the results may be different for other offenses such property and violent crime. A second limitation is the study's focus on federal cases. Defendants convicted in state courts may face altogether different outcomes. For example, state offenders may not be subject to deportation as compared to their federal counterparts. Therefore, those sentenced on the state level may in fact receive longer sentences since these on the federal level may have received shorter sentences based on the potential of being deported. In any event the findings and conclusions made in the current study are still relevant in that it demonstrates that citizenship, particularly country of citizenship, matters and are just as important as other attributes of the offender. The finding also suggests a need for future research in this area.

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APPENDIX A  
BIVARIATE CORRELATIONS

Appendix A: Bivariate Correlations

	X1	X2	X3	X4	X5	X6	X7	X8	X9	X10	X11	X12	X13	X14	X15
Independent Variables															
Offender Characteristics															
X1 White	1.000														
X2 Black	-.071**	1.000													
X3 Hispanic	-.724**	-.485**	1.000												
X4 Other	-.054**	-.036**	-.371**	1.000											
X5 Gender	.036**	.000	-.025*	-.008	1.000										
X6 Age	.005	.075**	-.069**	.053**	.006	1.000									
X7 < high school	-.077**	-.148**	.178**	-.083**	-.057**	-.071**	1.000								
X8 HS grad	.027*	.111**	-.094**	.026*	.025*	.021	-.696**	1.000							
X9 Some College	.069**	.062**	-.112**	.053**	.041**	.021	-.491**	-.152**	1.000						
X10 College Grad	.026*	.042**	-.073**	.067**	.027*	.102**	-.280**	-.087**	-.061**	1.000					
X11 # of Dependents	-.081**	.041**	.062**	-.055**	-.062**	.238**	.070**	-.045**	-.054**	.003	1.000				
X12 Legal Aliens/Res	.133**	.087**	-.202**	.112**	.086**	.129**	-.145**	.099**	.078**	.032**	.002	1.000			
X13 Illegal Aliens	-.107**	-.092**	.189**	-.122**	-.073**	-.140**	.134**	-.084**	-.078**	-.038**	-.012	-.840**	1.000		
X14 Unknown Alien Stat.	-.024*	.016	-.001	.026*	-.007	-.020	.023	-.016	-.014	-.002	.020	-.155**	-.348**	1.000	
X15 Africa	-.023	.458**	-.229**	-.019	.007	.059**	-.118**	.065**	.046**	.091**	.014	.068**	-.057**	-.012	1.000
X16 Asia	-.009	-.030*	-.339**	.836**	-.010	.042**	-.072**	.022	.048**	.057**	-.061**	.130**	-.133**	.012	-.018
X17 Canada	.024**	.043**	-.285**	.168**	.029*	.046**	-.101**	.029*	.097**	.039**	-.053**	-.017	-.027*	.080**	-.015
X18 Caribbean	-.077**	.349**	-.112**	-.050**	-.031**	.153**	-.128**	.132**	.034**	-.008	.047**	.202**	-.178**	-.010	-.039**
X19 Europe	.175**	.011	-.142**	-.005	-.002	.015	-.095**	.069**	.037**	.037**	-.066**	.039**	-.050**	.025*	-.010
X20 Middle E./N. Africa	.155**	-.003	-.145**	.059**	-.019	.027*	-.027*	.006	.018	.026*	.000	.051**	-.047**	.002	-.007
X21 Mexico	-.019	-.356**	.330**	-.271**	.010	-.260**	.271**	-.183**	-.134**	-.085**	.013	-.188**	.223**	-.008	-.184**
X22 South/Central Amer.	-.069**	-.011	.083**	-.051**	.013	.155**	-.112**	.065**	.066**	.039**	.000	-.038**	-.020	-.023	-.037**
Case Characteristics/Contextual Factors															
X23 Pretrial Status	-.004	-.063**	.102**	-.149**	-.049**	-.073**	.121**	-.088**	-.071**	-.008	.018	-.215**	.179**	.035**	-.068**
X24 Settled by Plea	.003	.115**	-.078**	.026*	-.024*	.080**	-.055**	.043**	.015	.026*	.021	.052**	-.064**	.029*	.084**
Legally Relevant Variables															
X25 # Counts of Conviction	-.022	.082**	-.049**	.048**	-.025*	.049**	-.038**	.021	.018	.024	.002	-.009	.002	.009	.057**
X26 Criminal History	-.067**	.056**	.005	.038**	-.128**	.104**	.037**	.029*	-.051**	-.074**	.051**	.052**	-.022	-.022	.014
X27 Presumptive Sentence	-.079**	.048**	.021	.032**	-.088**	.183**	-.056**	.035**	.021	.034**	.101**	-.057**	.018	.027*	-.028*
X28 Within Range	-.155**	-.004	.135**	-.025*	-.048**	-.014	.039**	.008	-.048**	-.039**	.025*	-.030*	.039**	-.010	-.004
X29 Above Range	.005	.010	-.005	-.010	-.018	.027*	.002	-.002	.006	-.011	.007	-.010	-.002	.005	-.007
X30 Govt. Sponsored	.147**	-.043**	-.103**	.026*	.005	-.044**	-.017	-.015	.033**	.021	-.004	-.007	.002	.011	-.028*
X31 Below Range	.023	.066**	-.056**	.003	.069**	.081**	-.037**	.010	.026*	.031*	-.034**	.058**	-.063**	.000	.048**
X32 Cocaine	-.035**	.057**	.034**	-.087**	-.003	.144**	-.087**	.044**	.059**	.035**	.091**	-.003	-.017	-.008	-.045**
X33 Crack	-.026*	.205**	-.102**	.020	-.014	-.004	.002	.028*	-.023	-.027*	-.028*	.054**	-.046**	.001	.052**
X34 Heroin	-.050**	.046**	.009	.011	.040**	.088**	-.087**	.043**	.040**	.065**	-.017	.028*	-.035**	-.006	.156**
X35 Marijuana	.041**	-.113**	.048**	-.040**	.009	-.155**	.122**	-.066**	-.063**	-.068**	-.034**	-.005	.043**	-.035**	-.079**
X36 Meth	-.001	-.097**	.048**	.014	-.038**	-.048**	.061**	-.031*	-.047**	-.013	-.014	-.071**	.051**	.053**	-.040**
X37 Other Drugs	.089**	.114**	-.263**	.299**	.017	.023	-.110**	.043**	.086**	.051**	-.066**	.085**	-.094**	.016	.137**
Dependent Variables															
Y1 Log of Sentence	-.121**	.056**	.059**	.013	-.135**	.186**	-.033**	.032**	-.001	.021	.107**	-.075**	.037**	.026*	-.006

	X16	X17	X18	X19	X20	X21	X22	X23	X24	X25	X26	X27	X28	X29	X30
Independent Variable															
Offender Characteristics															
X16 Asia	1.000														
X17 Canada	-.021	1.000													
X18 Caribbean	-.055**	-.046**	1.000												
X19 Europe	-.014	-.012	-.032**	1.000											
X20 Middle E./N. Africa	-.010	-.009	-.023	-.006	1.000										
X21 Mexico	-.258**	-.216**	-.573**	-.149**	-.107**	1.000									
X22 South/Central Amer.	-.052**	-.043**	-.114**	-.030*	-.021	-.534**	1.000								
Case Characteristics/Contextual Factors															
X23 Pretrial Status	-.159**	-.055**	-.140**	-.029*	-.026*	.199**	-.005	1.000							
X24 Settled by Plea	.010	.016	.079**	.008	.035**	-.079**	-.019	-.010	1.000						
Legally Relevant Variables															
X25 # Counts of Conviction	.045**	.012	.112**	.055**	.014	-.121**	-.006	.016	.249**	1.000					
X26 Criminal History	.055**	-.036**	.118**	-.002	.014	-.073**	-.036**	-.054**	.063**	.073**	1.000				
X27 Presumptive Sentence	.027*	.009	.132**	.026*	.024*	-.220**	.172**	.040**	.141**	.178**	.233**	1.000			
X28 Within Range	-.029*	-.041**	.000	-.019	-.009	.052**	-.035**	.030*	.064**	-.002	.040**	-.136**	1.000		
X29 Above Range	-.010	.029*	.010	-.006	-.004	-.012	.005	.014	.014	.041**	.030*	.026*	-.067**	1.000	
X30 Govt. Sponsored	.021	.018	-.062**	-.005	-.003	.047**	-.012	.000	-.118**	-.044**	-.044**	.079**	-.770**	-.042**	1.000
X31 Below Range	.015	.031**	.088**	.036**	.018	-.145**	.071**	-.048**	.070**	.058**	-.003	.090**	-.406**	-.022	-.258**
X32 Cocaine	-.083**	-.024*	.126**	-.021	-.026*	-.150**	.176**	.012	.028*	.023	.018	.346**	-.012	.008	-.004
X33 Crack	.018	-.016	.224**	-.006	.031*	-.184**	.013	-.006	-.015	.076**	.124**	.100**	-.006	-.010	-.019
X34 Heroin	.003	-.036**	.101**	.019	.023	-.265**	.237**	.022	-.011	-.002	-.033**	.085**	-.032**	.008	-.036**
X35 Marijuana	-.052**	-.010	-.148**	-.056**	-.012	.313**	-.235**	-.004	-.056**	-.112**	-.176**	-.632**	.071**	-.009	.013
X36 Meth	.027*	-.035**	-.148**	.006	-.004	.166**	-.079**	.041**	.039**	.060**	.163**	.302**	-.039**	.005	.020
X37 Other Drugs	.304**	.260**	.026*	.187**	.048**	-.259**	-.029*	-.149**	.036**	.055**	.027	-.027*	-.027*	-.010	.004
Dependent Variables															
Y1 Log of Sentence	.013	-.014	-.101**	.027*	.019	-.172**	.142**	.114**	.207**	.203**	.299**	.846**	.159**	.068**	-.187**

  

	X31	X32	X33	X34	X35	X36	X37	Y1
Legally Relevant Variables								
X31 Below Range	1.000							
X32 Cocaine	.023	1.000						
X33 Crack	.039**	-.113**	1.000					
X34 Heroin	.099**	-.199**	-.052**	1.000				
X35 Marijuana	-.126**	-.523**	-.137**	-.243**	1.000			
X36 Meth	.029*	-.297**	-.078**	-.138**	-.362**	1.000		
X37 Other Drugs	.037**	-.108**	-.028*	-.050**	-.132**	-.075**	1.000	
Dependent Variables								
Y1 Log of Sentence	.015	.315**	.099**	.048**	-.591**	.312**	-.020	1.000

\*p is ≤ to .05 level of significance (two tailed)

\*\*p is ≤ to .01 level of significance (two tailed)

## VITA

Oladipupo Victor Adegun was born in Ondo State, Nigeria, to the parents of Adekunle and Mojisola Adegun. He is the last of four children, two older sisters and an older brother. He attended primary through secondary school in Ondo State, Nigeria. After graduating from secondary school, he proceeded to Obafemi Awolowo University, Ile-Ife, Osun State where he studied English language education for three years and then proceeded to University of Benin, Benin-city, Edo state to study Law. In his fourth year of law school, he got the opportunity to migrate to the United States where he enrolled in the University of Tennessee at Chattanooga. He completed his Bachelors of Science degree in May 2013 in Legal Assistant Studies and Criminal Justice (Minor). After graduating with his Bachelors, he accepted a graduate research assistantship at the University of Tennessee at Chattanooga in Criminal Justice program. Oladipupo graduated with a Master's of Science degree in Criminal Justice in May 2015. He intends to further his education by either pursuing a Ph.D. or Law degree.