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Exploring Factors That Influence Human Trafficking Sentencing Lengths

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FLORIDA INTERNATIONAL UNIVERSITY

Miami, Florida

EXPLORING FACTORS THAT INFLUENCE HUMAN TRAFFICKING

SENTENCING LENGTHS

A dissertation submitted in partial fulfillment of

the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

INTERNATIONAL CRIME AND JUSTICE

by

Brent W. Blakeman

2022

To: Dean John Stack
Steven J. Green School of International and Public Affairs

This dissertation, written by Brent W. Blakeman, entitled Exploring Factors that Influence Human Trafficking Sentencing Lengths, having been approved in respect to style and intellectual content, is referred to you for judgment.

We have read this dissertation and recommend that it be approved.

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Florida International University, 2022

ABSTRACT OF THE DISSERTATION
EXPLORING FACTORS THAT INFLUENCE HUMAN TRAFFICKING
SENTENCING LENGTHS

by

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Florida International University, 2022

Miami, Florida

Professor Suman Kakar, Major Professor

The area of human trafficking and sentencing research is currently under-explored. Consequently, little foundational knowledge has been established in this area of sentencing research to ensure that sentencing biases do not exist that undermine the tenets of justice. This study produces research and findings that incrementally contribute to building this foundational knowledge on human trafficking and sentencing. It does this by creating and testing a conceptual framework of human trafficking and sentencing that identifies potential predictors of human trafficking sentencing lengths that can be used to identify potential problematic sentencing issues. The model tested in the study includes the following concepts: paternalism/chivalry, political conservatism, the diffusion of responsibility in the sentencing of group offenders, sentencing year. The data used to test the validity of the conceptual framework is comprised of human trafficking sentencing data that was extracted from press releases, reports, and cases disseminated by the United States Attorney's Office (USAO) from 2013 - 2017. The results of this study find support for two of the four predictive concepts, paternalism/chivalry and the diffusion of

responsibility in predicting human trafficking sentencing lengths. For paternalism/chivalry, this study finds that female human trafficking offenders receive sentences that are, on average, 27% shorter than their male counterparts. The diffusion of responsibility concept results suggests that human traffickers who offend with an accomplice(s), on average, receive sentences that are about 9% shorter than solo traffickers. The extant research on human trafficking and sentencing has been consistently marginalized due to a lack of data. The inception of this study and its findings overcome these obstacles to produce original findings, which engenders a formidable basis of research on which future works can expound. In itself, this study forwards progress towards a fuller understanding of human trafficking and its effect where implications can be devised to eradicate the conditions that catalyze the manifestations of human trafficking.

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Chapter 1: Introduction to the Study

This study was developed as a positive step in addressing Picarelli's (2015) observation that quantitative research on the prosecutorial elements of human trafficking is arguably non-existent. Human trafficking research is still in a developmental phase, with the majority of the literature lacking scientific rigor to justify conclusive results (Fedina, 2015; Gozdziaik & Bump, 2008). This is primarily due to the lack of reliable and valid data on human trafficking. Consequently, only a handful of robust research studies have been conducted, which are typically based on the data collected through funded research projects that are typically supported by agencies, such as the National Institute of Justice (NIJ) (Gozdziaik & Bump 2008). This study follows the lead of NIJ-backed research studies to produce findings that are derived from a quantitative analysis of United States Attorney's Office (USAO) press releases on human trafficking. As a result, this study's implications have the potential capacity to pave new avenues into understanding how judiciaries influence human trafficking and sentencing outcomes. Ultimately, it has the potential to serve as a roadmap by providing an empirical foundation for future research to expound.

The study draws on a conceptual framework made up of observations proposed in past research exploring potential predictive concepts that influence human trafficking sentencing lengths. The main goal of this study is to illuminate potential sentencing biases and other extra-legal factors to address the current gap that exists in the research. It focuses specifically on sentencing lengths due to the data limitations to investigate other court processes and the significant increase in the number of federal prosecutions labeled

as human trafficking offenses since the Trafficking Victims Protections Act 2000 (TVPA) was passed (Albonetti, 2014).

This chapter starts with a section that establishes the background of this study by delving into a brief history of the research done on human trafficking and sentencing to give context to the study. It then proceeds to establish the need for this research, followed by its purpose. Next, it goes into establishing the research questions and hypotheses to create a frame of reference for the aspects of human trafficking and sentencing this study is analyzing. Following the research questions and hypotheses section, this chapter proceeds into the conceptual framework of this study that is used to generate the aforementioned section. This section is followed immediately by the nature of this study, where key variables are discussed, and terms in this study are defined. After this section, is the assumption section that discusses the critical assumptions on which the findings of this study are premised. This section is followed by the scope and limits section of this study, where the parameters of the study are outlined and defined. This section, segues into the limitations section of this study where the limitations of the study's design and other attributes are discussed. Finally, the chapter's last section is the significance of the study, where it collates all of the sections of this chapter, making an argument for the significance that this study has in furthering the knowledge base in human trafficking and sentencing research.

Background of the Study

The American judicial system has its foundation embedded in the constructs of due process and equality dating back to its inception by the Founding Fathers.

Nevertheless, the process of selecting and the appointment of Federal judges has the propensity to introduce politics into the judicial system that can influence sentencing outcomes (Jacobs & Carmichael, 2001; Heumann, 1977). Federal judges are appointed to serve on the bench, as outlined by Article II of the U.S. Constitution (U.S. Const. art. II.). At the federal level, when judicial vacancies occur, new judges are appointed by the president that is currently in power. Generally, it is assumed that a Democratic president will appoint more liberal federal judges, and vice versa with a Republican president (Zuk, Gryski, & Barrow, 1993). Therefore, due to presidential term limits, at the federal level, appointed federal judges should be more evenly distributed throughout the U.S. However, that is not the case. Currently, the distribution of Article III judges is 405 for Democratic presidential appointees and 368 for Republican presidential appointees. As of July 12th, 2018, about 61% of sitting district court judges were appointed by a Democratic president and 39% by a Republican president (Pew Research, 2018).

The political nature of appointing Federal judges, risks the introduction of political biases, along with other biases and factors (e.g. racial, gender) where these extra-legal factors can begin to influence sentencing lengths imposed on offenders (Franklin & Henry, 2020; Sorensen, Sarnikar, & Oaxaca, 2012). The passage of Federal sentencing guidelines has been enacted to specifically address and mitigate these issues with sentencing biases (Hofer, 2019). However, research has still been able to find evidence that is indicative of potential biases in sentencing (Bennett, 2014; Everett, & Wojtkiewicz, 2002; Hofer, 2019). However, an important caveat to note to these findings,

is that these studies did not cover human trafficking cases. Consequently, this study aims to build upon prior research by focusing specifically on human trafficking cases.

In an attempt to garner a fuller understanding of sentencing biases for human trafficking offenders, a portion of this study's research focuses on a subset of sentencing biases that deal with politics and gender. The nature of the data for this study affords the ability to examine two predictive concepts of sentencing biases and the intersection of these two concepts. These two predictive concepts are the political conservatism of Federal judges, the paternalistic/chivalric perspective of Federal judges towards female offenders, and an interaction between these two concepts, where more conservative judges will tend to be more paternalistic/chivalric toward female offenders.

Identifying and addressing judicial sentencing biases and other extra-legal factors are critical to upholding the central tenet of the justice system - equality under the law (Franklin, 2018). Judges have the power to influence incarceration rates and sentencing outcomes (Hall & Windett, 2015). Overall, incarceration rates have been changing and have been notably on the increase since 1980, but are currently on a slight decline since 2010 (The Sentencing Project, 2019). Though incarcerations as a whole were increasing, females have seen some of the most significant increases during this period. From 1980 to 2017, the incarceration rate for women increased eightfold increase (Bronson & Carson, 2019). In 2017, the total prison population in the U.S. was 1,489,363, with approximately 92.5% male and 7.5% female inmates (Bureau of Justice Statistics, 2019). How these incarceration rates relate to human trafficking incarceration rates and sentencing outcomes is uncertain. Official numbers on reported human trafficking

inmates are not available; however, the Department of Justice released a press statement that from 2011 to 2015, federal prosecution of human trafficking cases was up by 40% (Department of Justice, 2018).

This uptick in Federal prosecutions of individuals charged with human trafficking, signals a pressing need for more research in this area to investigate these processes to ensure that they are following the basic presumptive guidelines of justice. Additionally, research can help to identify potential factors of salience that have implications that are imperative to Federal prosecution goals and other stakeholders in this area. For research to redress this gap, continuous research needs to focus on establishing an empirical baseline understanding of Federal prosecutions of human trafficking offenders to ensure that the handling of court processes and sentencing outcomes are adhering to the fundamental tenets of equality and fairness. This study focuses on establishing an incremental piece of human trafficking research by examining factors that predict sentencing lengths for human trafficking offenders.

At the time of this writing, there was only one quantitative study, that examined human trafficking and sentencing. This study analyzed human trafficking and sentencing length and reported that sentencing lengths have been increasing since the passage of TVPA 2000 (Albonetti, 2014). Given the current state of the literature on human trafficking and sentencing, it is clear that it does not have an established research framework for this study to develop further. Therefore, this study borrows four predictive concepts from sentencing literature on other crimes to establish a research framework to conceptualize factors that have the potential to predict human trafficking sentence

lengths. These four borrowed predictive concepts that are used to establish a conceptual framework to study factors that predict human sentencing lengths are the following: paternalism/chivalry, political conservatism, interaction term, the diffusion of responsibility in the sentencing of group offenders, and sentencing year.

The lack of research on how federal judiciaries influence sentencing length for human trafficking offenders, understanding what factors influence sentencing lengths of human trafficking offenders and how these sentencing outcomes align with prior sentencing research on the four previously mentioned predictive concepts will help to identify the absence or presence of gender, political, and other extra-legal factors that influence sentencing lengths for human trafficking offenders. It is the duty of the judicial system to uphold the tenets of due process and equality when it comes to sentencing offenders (Alt, 2012). The dearth of research that examines factors that influence the Federal judicial sentencing practices of human trafficking offenders for potential gender bias, political bias, and other abnormalities makes it increasingly difficult to identify the fidelity to the tenets of justice in human trafficking sentencing practices. Therefore, the study produces a seminal piece of research literature that can be used to help identify or investigate further whether the basic tenets of due process and equality of the Federal judicial system are being upheld when factoring in the sentencing lengths of human trafficking offenders.

Problem Statement

Currently, research on human trafficking and sentencing is plagued by the lack of robust quantitative research (Cockbain & Kleemans, 2019). Consequently, studies of

human trafficking lack a reliable empirical understanding of the mechanisms of sentencing human traffickers is needed. The specific problem is that there are limited robust empirical tests of what factors influence human trafficking sentencing lengths. This lack of understanding becomes increasingly problematic when trying to assess and garner a baseline of human trafficking sentencing processes' fairness and effectiveness. Additionally, supplementing this issue, is the lack of research that identifies factors of sentencing lengths that can espouse an empirical foundational understanding of human trafficking and sentencing to embolden a capacity to outline potential problematic sentencing themes for human traffickers.

Furthermore, the research deficit becomes even more pressing when considering that in recent years there has been an increase in the number of Federal prosecuted human trafficking cases (Department of Justice, 2018). In 2018 a report on federally prosecuted human traffickers published by The Human Trafficking Institute (2019) stated that the United States Attorney's Office charged 359 individuals with human trafficking. Out of these, 346 (96.4%) were convicted, and 91.9% of these convicted offenders received a sentence that involved a term of confinement. In 2013, the United States Attorney's office reported a 92% overall conviction rate for all individuals charged by federal prosecutors (DOJ, 2014). When comparing this with the human trafficking offenders' conviction rate, they have a relatively higher conviction rate (i.e. 4.4% higher). The amalgamation of these two effects (i.e. higher trending Federal prosecutions and higher conviction rate of human trafficking cases) indicates a pressing need to establish an empirical understanding of the Federal sentencing mechanism that influences human

traffickers' sentencing lengths. Collating this with the current sparseness of research conducted on factors that influence sentencing lengths creates a need to address the large gap in understanding the Federal courts' human trafficking sentencing process.

Purpose of the Study

The purpose of this study is to develop a quantitative approach to establishing a baseline understanding of potential factors that predict human trafficking sentencing lengths to address the current gap to inform sentencing practices. Given the complexity and uniqueness of human trafficking, it would be problematic to extrapolate findings from sentencing research conducted on other crimes to be congruous to sentencing outcomes for human traffickers. Instead, this study borrows thematic predictive concepts from the extant literature to construct a framework to test the constructs' validity in predicting human trafficking sentencing length. The goal is to foster a sound methodological approach for addressing the quantitative research gap in human trafficking and sentencing research. Through this process, this study will develop a human trafficking and sentencing framework that has underpinnings derived from general sentencing literature to firmly establish a baseline understanding of factors that influence sentencing lengths for human trafficking offenders.

Research Questions and Hypotheses

Research Question 1:

Is there evidence of possible paternalism/chivalry present in the sentencing lengths given to human trafficking offenders?

Hypothesis 1:

Null: There is no relationship between human traffickers' gender and sentencing lengths.

Alternative 1: Female human traffickers will receive less severe sentences than male human traffickers.

Alternative 2: Male human traffickers will receive less severe sentences than female human traffickers.

Research Question 2:

Does political conservatism influence human trafficking sentencing lengths?

Hypothesis 2:

Null: There is no relationship between the sentencing judges' political affiliation and the human traffickers' sentencing length.

Alternative 1: Human traffickers who are sentenced by conservative judges will receive longer sentences than human traffickers sentenced by liberal judges.

Alternative 2: Human traffickers who are sentenced by liberal judges will receive longer sentences than human traffickers sentenced by conservative judges.

Research Question 3:

Is there an interaction effect between the paternalism and political conservatism hypotheses in predicting sentencing outcomes of female human trafficking offenders that are sentenced under conservative judges?

Hypothesis 3:

Null: There is no interaction effect between paternalism and political conservatism of the sentencing judge on predicting sentencing length for human trafficking offenders.

Alternative 1: Female human traffickers who are sentenced by conservative judges will have shorter sentences than their counterparts.

Alternative 2: Male human traffickers who are sentenced by liberal judges will have shorter sentences than their counterparts.

Research Question 4:

Is there a diffusion of responsibility when it comes to sentencing lengths for human trafficking offenders that operate as individuals or with co-offenders?

Hypothesis 4:

Null: There is no diffusion of responsibility practiced by judges when sentencing human traffickers who were operating as an individual or with co-offenders.

Alternative 1: Human traffickers who operate with co-offenders will have shorter sentences than traffickers that operate as individuals.

Alternative 2: Human traffickers who operate as individuals will have shorter sentences than traffickers that operate with co-offenders.

Research Question 5:

Is there an association with sentencing year and sentencing length?

Hypothesis 5:

Null: There is no association with sentencing year and sentencing length.

Alternative 1: Human trafficking offenders who are sentenced in 2017 will have different sentencing lengths than offenders that were sentenced in 2013.

Conceptual Framework

Research on human trafficking and sentencing is an under-investigated area of research (Goździak & Bump, 2008; Sweileh, 2018). Consequently, the conceptual framework and empirical analysis of human trafficking and sentencing is non-existent. To address this issue, this study consults prior research literature that has been conducted on sentencing lengths for various other crimes to formulate a human trafficking sentencing conceptual framework. Four predictive conceptual themes from prior research's sentencing frameworks will be borrowed to create a conceptual baseline to examine predictors of human trafficking sentencing lengths.

These four predictive concepts from prior research conducted on sentencing lengths for various other crimes will be used as a conceptual framework to formulate research questions and hypotheses to be answered and tested using human trafficking sentencing data. The four predictive concepts are the following: paternalism/chivalry, political conservatism, the diffusion of responsibility, and sentencing year. Research on the paternalism/chivalry concept purports that female offenders will receive shorter sentences than their male counterparts even while controlling for rival casual factors (Nowacki & Windsong, 2019). The political conservatism concept posits that conservative judges will impose longer sentences than their more liberal counterparts (Huang, Finn, Ruback, & Friedmann, 1996; Jacobs & Carmichael, 2002). Additionally, an interaction term that combines the two explanatory variables from the paternalism/chivalry and the political conservatism concepts to investigate whether female human traffickers' sentencing lengths are moderated by conservative judges will

be examined (Helms & Jacobs, 2002; Kim, Wang, & Cheon, 2019). The diffusion of responsibility concept examines how group offending influences sentencing lengths for offenders (Vigna, 2006; Weisburd, 2018; Waring, 1998). This concept will be applied to examine how the length of sentencing is impacted by human traffickers who were operating at the individual, couple, or group level. Lastly, the sentencing year concept is derived from Albonetti's (2014) study on human trafficking where there was a positive correlation with sentencing year and sentencing length for human trafficking offenders. This concept was included in this research study, in an attempt to verify prior research's findings by using a more robust analysis (i.e. correlation versus regression). Collectively, these four predictive concepts will be used to formulate a conceptual framework to develop research questions and hypotheses to examine predictors of human trafficking sentencing lengths.

Furthermore, since this research is unprecedented there is no baseline on demographic variables of human trafficking sentencing lengths. Therefore, the analysis of common demographic variables in human trafficking and sentencing literature is limited. Consequently, this study will be establishing this baseline by reporting demographic and other common variables in this study. These variables are the following: judges' age, judges' gender, judges' race, offenders' age, type of human trafficking, victims' age, firearm, total crime involvement, interstate, and intercountry.

Nature of the Study

This study deploys a cross-sectional (i.e. uses data from one period in time) research design to examine predictors of sentencing length for human traffickers. This

study creates and uses its own primary data set to conduct statistical analyses to answer the research questions in this study. The selection of this type of research design fits best to answer the research questions of this study because it proffers a snapshot of data at one point in time, where linear regression statistical methods can be deployed to observe salient predictors of sentencing length.

The dependent variable is sentence length and is measured by months sentenced to confinement. The five key predictor variables are the following: offender's gender, judge's political affiliation, gender x political, co-offender, and sentencing year. The offender's gender refers to the sex of the offender – male or female. Judges' political affiliation is Democrat or Republican. Gender x political is the interaction term between the offender's gender and the sentencing judge's political affiliation. The co-offending variable pertains to whether the offender was involved in human trafficking operations as an individual or with accomplice(s). Lastly, sentencing year pertains to the year the offender was sentenced.

The data for this study was collected by extracting values from variables found in the text of press releases. First, all press releases on sentenced human traffickers that were disseminated by the United States Attorney's Office (USAO) from 2013 – 2017 were read, and all pertinent variables that are included in this study were extracted. These data were entered into an Excel spreadsheet and were coded with a unique identifier (i.e. 1, 2, ...6, etc.) to enable an accurate cleaning process of the data to prepare them for statistical analysis.

This study's quantitative analysis deploys linear regression statistical methods to analyze the data to test the study's hypotheses to answer the research questions. More specifically, the study deploys Ordinary Least Squares (OLS) using Heteroscedasticity Consistent (HC) error estimates techniques to test the statistical influence of the variables in this study's hypotheses in predicting sentencing lengths for human trafficking offenders. OLS with HC error estimates is the best suited statistical technique to test the study's hypotheses. It affords the ability to isolate the influence of the explanatory variable of the respective hypothesis on the dependent variable while controlling for rival casual factors (Gelman & Hill, 2018). This allows for the observation of the isolated predictor and its level of significant contribution to the overall model's explained variance. The strength of these results are used to make the determination whether to fail to reject the null hypothesis or reject it and accept one of the alternative hypothesis. The direction of the relationship is used to determine which alternative hypotheses are accepted to answer the given research question.

Definitions of Terms

- Bottom Prostitute – A pimp/traffickers' most trusted prostitute, usually the most senior prostitute. These individuals may be actively still engaged in prostitution work or just be assisting the pimp/traffickers' in monitoring the other prostitutes and other operational tasks (Raphael & Myers-Powell, 2010).
- Diffusion of Responsibility – A sociopsychological phenomenon where individuals feel less responsibility for actions that were conducted as part of a

group versus if they acted alone (Bandura, Underwood, & Fromson, 1975; Gustave Le Bon, 1896).

- Heteroscedasticity – The residual error terms are not constant in linear regression (Breusch & Pagan, 1979).
- Paternalism/Chivalry – Protectionism views/perspectives towards women, that they need to be protected (Nowacki & Windsong, 2019).
- Political Conservatism – The politically conservative nature of a given measured construct (e.g. judge’s political affiliation, a percentage that voted Republican, etc.) that is tested to influence sentencing outcomes (Jacobs & Carmichael, 2001).

Assumptions

This study is based on the assumption that the information reported by the USAO and Ballotpedia that was used to create the dataset for this study are accurate to ensure internal validity. Additionally, it is assumed that the human trafficking cases disseminated by the USAO are complete or, if they are incomplete, they are not biased in some manner in the type of cases that they decided to report and release. In other words, if USAO did not release the total enumeration of all human trafficking cases during 2013 – 2017, the ones that were released were not biased or released in some sort of systematic manner. Therefore, based on this assumption, it is presumed that the data used in this study are complete or are random, making the internal validity of this study intact.

External validity or generalizability is contingent on the internal validity of this study. Therefore, the assumption is, as previously discussed, the internal validity is intact in this study allowing for the external validity of this study to be inferred to the

population of human traffickers sentenced in federal courts. It is assumed that all findings from this study can be inferred to the population of sentenced human trafficking offenders and is an accurate snapshot of the manifestation of factors that predict sentencing lengths.

Scope and Delimitations

The scope of this study consists of the analysis of press releases about human traffickers who were sentenced in Federal courts from 2013 - 2017. The information on these offenders was derived from press releases that were disseminated by USAO. The classification scheme used to delineate an offender who was sentenced for human trafficking was defined by the TVPA 2000 and its subsequent reauthorizations.

Strict adherence to this definition to classify offenders as human traffickers was followed with fidelity to ensure that the internal validity of this study remained intact. Every sentenced human trafficking offender who was reported by the USAO during the afore-mentioned years was included in this study. Each offender's case was carefully read to ensure that the offender's sentence for human trafficking met the requirements in the afore-mentioned definition of human trafficking. Human trafficking offenders who met the definition of human traffickers but were involved in other crimes were still included in the dataset. Only offenders who did not meet the definitional parameters of human trafficking were dropped from the dataset.

Limitations

There are two limitations of this study that are related to the collection of the data. The first limitation is the unknown totality of sentenced human traffickers in Federal

courts during 2013 - 2017. The second limitation is the use of the president's political party that appointed the sentencing judge of a given offender as the proxy variable to indicate the political party of the respective judge.

The total number of human traffickers who were sentenced during 2013 - 2017 in Federal court is unknown and is a limitation that threatens the external validity of this study. This study created a dataset based on all of the press releases disseminated by USAO on sentenced human traffickers during the afore-mentioned years. Therefore, the dataset is a USAO press release population of human traffickers sentenced during these years. However, since the actual total number of human traffickers that are sentenced during these years is unknown, this study's dataset is most likely a sample of the total number of human traffickers sentenced during these years. Therefore, to address these issues of external validity (i.e. to be able to infer these results as all human traffickers sentenced in federal courts during these years), this study's generalizability relies on the previous assumption that the USAO press releases were not produced or released in a systematic manner that would bias the randomness of the dataset. Additionally, the study's dataset, when it is used as a statistic (i.e. to make inferences to the total population of federally sentenced human traffickers), it becomes a large sample size, which helps to ameliorate the risk of the presence of sampling bias within the dataset. However, in the absence of these effects, an important caveat is that the results of this study, when making inferences to the population of federally sentenced human traffickers, do not preclude the possibility of biased p-values for the coefficients. When the assumptions and limitations of this study are not subsumed as risks, there is an

explicit risk of measurement bias that undermines the significance of the study's findings and implications; however, this is unavoidable due to the lack of access to data. However, these types of assumptions and limitations are common to criminal justice research, especially studies that deal with data that make inferences based on reported crime data (House, Kalsbeek, & Kruttschnitt, 2014; Pepper, Petrie, & Sullivan, 2009).

Since the founding of the United States, presidents have been selecting judges almost exclusively from their own political party because this helps to further their political agendas. The selection of federal judges is one of the major powers that the executive branch employs to control the judicial branch (Chemerinsky, 2002). The sentencing judges' political party variable was created based on the political party of the president who appointed them to the bench. This approach to creating this variable by relying on a proxy variable still runs the risk of threatening the internal validity of the study. It is possible for presidents to appoint judges who do not align with their values or political party. Also, it is possible that over time judges' values and political parties can change. However, this phenomenon is rare and coupling this with the study's sizable dataset it would control for this phenomenon if it were present (Nagel, 1961). Therefore, given these reasons, the risks to internal validity are too minute to be a substantial threat.

Significance of the Study

The significance of this study is that it will advance the research knowledge base to better inform the sentencing practices for human trafficking offenders. Consequently, this study has the potential to enact positive social change within the human trafficking

and sentencing sector of society by informing stakeholders of the scientific implications of their commissions.

Significance to Research

This study illuminates the predictors of human trafficking sentencing lengths by deploying an exploratory approach that has a central focus on using quantitative analysis to explore salient predictors of human trafficking sentencing lengths whereas the majority of prior research relies on anecdotal accounts. The creation of a data set and the use of inferential statistics that this study uses proffer a significant contribution to research, especially when considering that human trafficking is a developing area of research, which is arguably due to the lack of available data for statistical analysis (Gozdziak & Bump, 2008; Picarelli, 2015; Sweileh, 2018).

Furthermore, due to this lack of data, the research on human trafficking and sentencing, albeit sparse, is largely qualitative and theoretically based. Theoretical research is vital to exploring ideas to be eventually investigated with data. However, there is a risk of a saturation point where theoretical research will begin to overshadow scientific research and policies can be enacted from these theoretical works that are not effective and in some cases, harmful (Cockbain & Kleemans, 2019). Therefore, the implications of this study are impactful to address these issues by establishing empirical foundational knowledge of the predictors that influence sentencing lengths for human trafficking offenders. This affords stakeholders the ability to identify the dynamics of human trafficking and how these influence sentencing lengths for these offenders. This

can lead to future subsequent developments of empirical works in human trafficking and sentencing research.

Additionally, within this study's elements, which are derived from its establishment of a dataset that is more robust than current research, it formulates a capacity to extend research well beyond just human trafficking and sentencing. This capacity is produced through this study's development and establishment of data and thus sets up conditions that are conducive to uncovering factors that have not been previously known to be matters of salience due to the absence of data and its subsequent analyses. Consequently, this seminal observation of data has the potential to uncover previously unknown causal mechanisms of human trafficking sentencing, because it affords a unique opportunity to examine human trafficking through the lenses of data and subsequent data analysis techniques. This can potentially proffer an opportunity to glean insight into possible avenues to further investigate the root causes of human trafficking that may extend well beyond the scope of human trafficking and sentencing research. Without this seminal preview of human trafficking data, it might be a long time, if ever, before other important realms of human trafficking are investigated.

Significance to Social Change

The capacity of this study to inform positive social change is enabled by the implications derived from the findings of this study where they can be used to inform the Federal courts and other stakeholders within this arena of the outcomes of their judicial faculties. Currently, there is little to no empirical research that directly assesses the salient factors that predict sentencing lengths for human trafficking offenders. Therefore,

there is no baseline understanding of the manifestations that influence the sentencing lengths of human trafficking offenders. Due to this lack of insight into this phenomenon, it is possible that injustices (i.e. actions that do not ascribe to the tenets of the U.S. Justice System) are being overlooked. Beyond this, a seminal purview of findings from a dataset on human trafficking has the potential to unveil breadcrumbs that could possibly lead to the development of research and implications to further address the calamities that human trafficking manifests that are beyond human trafficking and sentencing. This is vital because addressing the root causes of human trafficking is arguably one of the only ways to develop tailored sustainable approaches to ending this sector of human suffering.

Collectively, this study produces a two-prong advancement in the research on human trafficking and sentencing. It does this by developing a much-needed dataset along with establishing a foundation of research on factors that predict human trafficking offenders' sentencing lengths. Together, these two components of this study make a massive contribution to the research of human trafficking and sentencing and to human trafficking research as a whole. Furthermore, the absence of studies like this one, that use a large dataset and statistical analysis techniques, is detrimental to fully understanding human trafficking and its effects. With this continued absence, there is an increasing risk that the development in the understanding of human trafficking and its effects will continually be retarded by a saturation of conceptual works, anecdotal accounts, quantitative research that relies on small sample sizes for their concluding evidence, and research that uses geographically isolated samples that lack any generalizability beyond the area's postal code. The saturation of this type of research forces the hand of

stakeholders to do something. Forcing them to enact interventions and policies on implications based on poorly specified data can lead to acute and sometimes disastrous consequences (Cockbain & Kleemans, 2019).

Albeit, the action and motivation to create positive social change by stakeholders are present. However, due to the hastiness to act, there is a heavy reliance on inferior scientific methods and even anecdotal accounts (Cockbain & Kleemans, 2019). This study has the potential to help to set the precedence for a higher standard of research to advance positive social change through the exemplification of its processes and the establishment of a dataset to analyze human trafficking. That is, through this study's processes, it establishes a sounder foundation of research that is grounded in an extensive data set and data analysis techniques where implications can be used to develop empirically guided interventions and policies.

Summary

Chapter 1 has laid out the foundation and provided an overview of this study's goals, purpose, and expected significant contribution to human trafficking and sentencing research. This study produces research on potential predictors of human trafficking sentencing where currently research is minimal. The lack of prior research on human trafficking and sentencing forces this study to establish a conceptual framework to conduct research. This framework was created by borrowing concepts and themes from sentencing literature conducted on other crimes to formulate a human trafficking and sentencing framework, where five research questions are proposed and answered.

This work establishes foundational knowledge of predictors of human trafficking sentencing lengths by creating and using a large dataset to run linear regression techniques to test hypotheses to uncover salient factors that predict sentencing lengths of human trafficking offenders. Coupling these effects with the creation and establishment of a large dataset, it enables more formidable results for implications to be drawn to address human trafficking and sentencing more effectively. This sets a precedence for future works in human trafficking and sentencing research to follow to break the cycle of anecdotal and conceptually based approaches towards human trafficking research and solutions by moving towards more data-driven works.

The next chapter presents the literature review. Since there is minimal research on human trafficking and sentencing, this chapter focuses on analyzing and discussing prior research conducted on the themes and concepts that make up this study's conceptual framework. This chapter will give a frame of reference to the literature that will provide context to the conceptualization of this study's research questions and proposed hypotheses. Additionally, this chapter will be used as a source in later chapters to pull on references to make inferences and comparisons for the discussion of this study's findings and implications.

Chapter 2: Literature Review

The lack of research on what factors predict human trafficking sentencing lengths posits a risk of sentencing practices that do not ascribe to the foundational tenets of the U.S. Justice System. The purpose of this study is to draw on a conceptual framework to glean insight into the predictors of human trafficking sentencing lengths to unveil potential sentencing biases and other extra-legal factors in an attempt to help incrementally fill the current gap in the research. Given the lack of research on this topic, this literature review focuses on the discussion of the research that analyses the four predictive concepts that make up this study's conceptual framework – paternalism/chivalry, political conservatism, the diffusion of responsibility, and sentencing year.

Chapter Two's first section is an overview of the literature research strategy that was used to gather sources for this study's conceptual framework and literature review. The next section establishes the literature on the background and conceptual framework of this study. The last section is the literature review section, where all of the prior research conducted on the four predictive concepts that make up this study's conceptual framework is discussed. The purpose of this chapter is to establish the existing base of research in this field and provide context and support for this study's research questions and corresponding hypotheses. It also serves as a reference for the discussions and implications section that comes later in Chapter 4 where the findings of this study will be discussed and compared to the research that is discussed in this chapter.

Literature Search Strategy

The paucity of prior research on human trafficking and sentencing resulted in an unconventional approach to the literature search strategy for this study. Instead of searching for research by using key terms that related directly to this study's topic, the search strategy focused on researching literature on the concepts that make up this study's conceptual framework. A conspectus of the library databases and search engines, along with the key search terms were used to create the compendium that supports this study's conceptual framework is also outlined in this section.

Library Databases

The Florida International University Library (FIUL) was used to search for the relevant literature using the following key search terms:

- “Chivalry and Sentencing”
- “Diffusion of Responsibility” and “Sentencing”
- “Human Trafficking and Sentencing”
- “Paternalism and Sentencing”
- “Political Conservatism and Sentencing”

Search Engines

Three main search engines, Bing, Google, and Google Scholar were used to search for literature in reference to this study's topic. These search engines were used to cross-reference searches that were conducted in the FIUL database. Therefore, the key search terms that were used in the FIUL's database were used in these search engines.

Additionally, these search engines were used to search for quick references to criminal justice statistics, laws, and terminology.

Background and Conceptual Framework

This section first focuses on the background in the evolution of federal laws that pertain to prosecuting human trafficking offenders to give context to what guides the sentencing practices of human traffickers and to establish the sentencing year concept. It then proceeds into three different sub-sections – paternalism/chivalry, political conservatism, and the diffusion of responsibility that establish the three primary concepts of this study’s conceptual framework that are underpinned by research.

Human Trafficking Background

The Racketeering Influenced Corrupted Organization Act (RICO) and The Mann Act are two provisions that are used to prosecute human trafficking. The passage of RICO afforded the federal government a more streamlined and effective process to prosecute members of organized crime involved in racketeering by allowing prosecutors to prosecute criminal organizations as a whole instead of individual offenders (DuCharme, Levitt, Mont, Newbraugh, Salem, & Seidman, 2019). As a result, since human trafficking falls under the umbrella of racketeering, the passage of RICO granted the federal government more ability to prosecute human trafficking cases that had elements that were difficult to meet the legal guidelines to be prosecuted under TVPA to be subsequently prosecuted under RICO (Crocke, 2017; Polaris, 2019). The Mann Act, also known as the “White Slave Traffic Act,” in its original conception, was initially designed to force victims to participate in federal proceedings. In 1986, Congress

expanded the Act to afford federal prosecutors the ability to prosecute human trafficking perpetrators who transported victims across states or intercountry commerce that involved commercialized sex acts that were considered unlawful (Crocke, 2017).

President Bill Clinton signed one of the first major federal laws to combat human trafficking in 2000. The law is known as the Trafficking Victims Protection Act 2000 (TVPA); it was a victim-centered approach to prosecuting perpetrators of human trafficking that expanded the reach of the federal government to prosecute more cases while protecting victims' interests (Kappelhoff, 2008). Since the passage of TVPA 2000, there have been numerous reauthorizations and amendments made to the Act. At the time of this writing, TVPA has been reauthorized in 2003, 2005, 2008, 2013, and 2017 (see also Figure 1), with each reauthorization adding incremental revisions to address issues where the past Act was deficient (Polaris, 2019).

In addition to prosecuting guidelines, these Acts mandated mandatory sentences for federal judges to impose on offenders, with some of these sentences being quite lengthy (Albonetti, 2014). Given that there are mandatory sentencing guidelines for judges to follow, it would be expected that there would not be disparity along political lines. However, mandatory sentencing guidelines do have quite a broad range. Thus an offender who is convicted under TVPA § 1591(b)(1) can have a sentence imposed that ranges from 12 years and 7 months to 27 years and 3 months without the addition of any penalty enhancers (Albonetti, 2014). In consideration of this sentencing range, judges are afforded discretion in terms of length of sentences imposed on offenders. As a result, this introduces variability in sentencing outcomes. This study relies on that variability to test

the conceptual framework of this study - the paternalism/chivalry, political conservatism, interaction term (gender x political), the diffusion of responsibility in sentencing, and sentencing year.

Furthermore, when considering the sentencing of female offenders of human trafficking, the law affords prosecutor discretion when charging bottom prostitutes (typically – the women who are the most senior and trusted female prostitutes in a pimp’s stable) with the mandatory minimums (Santana, 2018). In these types of situations, the prosecutor can leverage the bottom prostitutes’ cooperation in the case in exchange to charge them with crimes that fall outside mandatory minimums, consequently undermining judges’ discretion on sentencing lengths for bottom prostitutes (Crocke, 2017). This has the potential to introduce spuriousness into the analysis that tests the paternalism/chivalry hypothesis using human trafficking sentencing data. That is, if there is an observed difference in sentencing lengths, it may not be attributed to the judges’ discretionary practices, but to what charges the prosecutor decided to pursue. However, since the current sample is relatively large, it increases the capacity to control for these anomalies in prosecutor sentencing discretions. Therefore, it would be expected that these incidences too would be evenly disbursed regardless of political influences.

Paternalism/Chivalry

If there is paternalism/chivalry in the context of sentencing, judges will impose sentences onto women to protect them (Nowacki & Windsong, 2019). This is done through the assertion of traditional values that women are the weaker sex, needing to be controlled and cared for by men, and that any disparaging act or outburst demonstrated

by a woman is juvenile - a byproduct of the absence of men fulfilling this needful void (Embry & Lyons, 2012). Consequently, this espouses a logic that insidiously combines with other factors to influence judicial sentencing narratives that women cannot be held to the same standard as men (Rodriguez, Curry, & Lee, 2006). This paternalistic ideology in sentencing tends to introduce bias, leading to a more lenient sentencing practice by judges when it comes to sentencing female offenders (Daly, 1989).

Paternalism involves restricting an individuals' actions for "her own sake" (Schofield, 2018). This construct was a well-known, explicitly legal practice in sentencing even into the 1970's (Clemments, 1972; Crew, 1991). Some states had gender as a legal factor, instead of an extralegal factor written into their sentencing guidelines (Temin, 1973). Even though paternalism laws can be attributed to both conservative and liberal values, it tends to be more of a coveted value associated with conservatism (Schofield, 2018). When it pertains to values towards women, conservatism and paternalism are often entangled. In criminal justice terms, women are perceived as unable or lacking the criminogenic capacity compared to men (Doerner & Demuth, 2014; Embry & Lyons, 2012). In the courtroom, the research has observed that when female defendants are sentenced, they receive less punitive sentences in comparison to their male counterparts while controlling for a whole host of factors (Albonetti, 1997; Curry, Lee, & Rodriguez, 2004; Doerner, 2012; Doerner & Demuth, 2010; 2014; Farnworth & Teske, 1995; Freiburger, & Sheeran, 2017; Griffin & Wooldredge, 2006; Jeffries, Fletcher, & Newbold, 2003; Kim, Wang, & Cheon, 2019; Koons-Witt, 2002; Rodriguez, Curry, & Lee, 2006; Spohn & Beichner, 2000; Steffensmeier & Demuth, 2006). For example, one

study found that 30% of the disparity in women's incarceration could not be explained by observable criminal factors (Butcher, Park, & Piehl, 2017). Additionally, to further solidify the concept of paternalism/chivalry in the judicial sentencing practices of female offenders, a recent paternalism/chivalry meta-analysis study conducted by Bontrager, Barrick, and Stupi (2013) confirmed that the vast majority of research supports the validity of the paternalism/chivalry hypothesis.

Collectively, these studies demonstrate support for the paternalism/chivalry hypothesis in sentencing outcomes for female defendants in other crimes. There is robust support for chivalry being present when it comes to judges sentencing female offenders. However, there are no studies that test the presence of chivalry in the sentencing decision of judges that sentence female human traffickers. The inclusion of this hypothesis as part of the conceptual framework was based on the strength of the research backing this hypothesis. Even so, this is a well-established hypothesis in general sentencing literature; therefore, it adds strength to this study's conceptual framework as having concepts grounded in robust research. Consequently, this adds credibility to the formulation of one of this study's research questions: Does chivalry exist in judges' decisions when sentencing female human traffickers?

Political Conservatism

Political ideologies in sentencing goals for offenders, more specifically, sentencing punitiveness, are divided along partisan lines (Payne, Gainey, Triplett, & Danner, 2004). Longer sentencing lengths for the purposes of punishment and deterrence are primarily associated with conservatism values; consequently, this sentencing

practice has been observed to be more prominent in conservatively-controlled courts (Helms & Jacobs, 2002). Conservatives tend to favor general deterrence models versus more rehabilitative approaches that are supported more by liberal ideologies (Jacobs & Carmichael, 2001), with classic crime control rhetoric, such as “Crime is a decision and not a disease” (as quoted in Garland, 2002:198) being a more conservative public sentiment focused on crime control. Conservative presidential candidates will often campaign on being tough on crime and denigrate their opponent’s position as being “soft on crime.” These values and ideologies are entrenched in a resounding emphasis on punishment - seeing offenders as rational and conscious individuals who deserve punishment can be attributed to conservative values (Garland, 1990; Lacey, 1988 as cited in Jacobs & Carmichael, 2004). Conservative politicians glean lower-class and middle-class support by campaigning on law and order and displaying support for the death penalty (Edsall & Edsall, 1991) riding on the belief that offenders are incorrigible and lack the capacity to being reformed (Thorne, 1990). Subsequently, conservatives are known to allocate more funds to law enforcement and corrections than their liberal counterparts, who focus more on treatment and rehabilitation (Scheingold, 1991). Furthermore, research demonstrates that conservative judges are known to favor a higher level of punitiveness in terms of sentencing length than their political counterparts (Fearn, 2005; Heumann, 1977; Jacobs & Carmichael, 2004; Jacobs & Helms, 1996; Payne et al., 2004). Collating these effects, it helps to formulate the basis of conservative values to theorize the potential influences that it can have on the punitiveness of sentencing.

Contrary to a common understanding, public opinion can still influence non-electable government positions and can influence policies and decisions made by these actors in these positions in both conservative and liberal states (Wright, Erikson, McIver, 1987). An example of how public opinion and pressure can influence non-electable positions was the situation with the federal circuit court judges where, arguably, they were swayed by public opinion when considering sentencing for the Vietnam Era draft cases (Cook, 1977). Additionally, conservative strength is also known to increase incarceration rates through the mere presence of more political resources to sway punitiveness (Jacobs & Helms, 1996). Though institutions of justice like federal district courts are meant to be isolated from public opinion and other political factors, these factors can still permeate these institutions and influence policies, decisions, and punitiveness.

Additionally, from a slightly different approach that strengthens the political conservatism concept is the observed difference between conservative and liberal judges they practice their discretion in the use of federal sentencing guidelines. Federal guidelines afford tools to Federal judges when it comes to sentencing decisions. Downward departures from sentencing guidelines is one of those tools that are at the judges' disposal when sentencing offenders. When examining downward departures versus no departure from sentencing guidelines, downward departures in sentencing decisions were found to be more common in politically liberal environments (Johnson, Ulmer, & Kramer, 2008). This helps to solidify further demarcation between

conservatism and liberal judges on their approaches to sentencing, which lends credence to the political conservatism concept of this study's conceptual framework.

The political conservatism concept has been well established in the research literature, with the vast majority of studies finding support for its proposition. This formed the basis of selecting this concept to use as one of the conceptual pieces that make up the conceptual framework of this study to examine predictors of human trafficking sentencing length. The strength and establishment of the concept of political conservatism in research buttresses this study's conceptual framework. Due to its research propriety, it gives this study's conceptual framework robust sustenance, where choosing some less established concept would curtail support for its presumptive research questions and hypotheses.

Diffusion of Responsibility

The diffusion of responsibility is a sociopsychological phenomenon where individuals feel less responsibility for actions that were conducted as part of a group versus if they acted alone (Bandura, Underwood, & Fromson, 1975; Gustave Le Bon, 1896). A myriad of studies have been conducted that validate the phenomenon of the diffusion of responsibility, also known as the "bystander effect" across multiple research disciplines (Beyer, Sidarus, Bonicalzi, & Haggard, 2017; Brütt, Schram, & Sonnemans, 2020; Christensen, 2019; Darley & Latane, 1968). The presence of research on the diffusion of responsibility in criminal justice has also been established, validating the phenomenon of the diffusion of responsibility is present in criminal justice application (Feldman & Rosen, 1978; Lantz, 2018; McGloin & Piquero, 2009; McGloin & Rowan,

2015). However, the majority of the criminal justice research examines how the diffusion of responsibility manifests among co-offenders when it comes to committing crimes. Only one study has been conducted that examines explicitly if judges also apply the diffusion of responsibility in their sentencing practices when sentencing offenders that are part of co-offending groups (see Feldman & Rosen, 1978). There are several ancillary sentencing studies that include control variables for co-offending, but these studies do not focus explicitly their research on ascertaining the influence of diffusion of responsibility on judges sentencing offenders involved in co-offending crimes (Crew, 1991; Croall, 1993; Hagan, Nagel, & Albonetti, 1980).

The diffusion of responsibility in sentencing is based on the premise that the blame for the crime is distributed among accomplices, groups, or co-offenders. Thus, the sentencing lengths for these offenses will also be distributed proportionately. However, when it comes to individual offenders, the diffusion of responsibility does not exist - the blame for the crime rests solely on the individual who committed the crime. Therefore, when it comes to sentencing, the possibility of the mitigation of the sentence through the diffusion of responsibility is absent, and the individual receives the full weight of the sentence. Following this logic, while controlling for rival causal factors, the diffusion of responsibility in sentencing posits that offenders who are part of a group will receive shorter sentences than offenders who committed offenses as individuals. Feldman and Rosen's (1978) study is the only study known to apply diffusion of responsibility to sentencing practices. They found evidence that judges practice diffusion of responsibility

when imposing sentencing lengths for individual offenders versus group offenders, where individual offenders received harsher sentences than group offenders.

In the context of criminal activity, this sentencing practice risks becoming diametrically opposed to the tenets of justice and the concept of just desserts. This is due to the presence of others, (i.e., co-offenders) who have the potential to increase violent behaviors. That is, when crimes are committed by groups, they tend to be more violent than crimes committed by solo offenders (McGloin & Piquero, 2009). Lantz's (2018) study found that crimes committed by groups versus an individual are more likely to be severe. Additionally, he found that as the size of the co-offending group increases the likelihood of offense severity increases. McGloin and Thomas's (2016) findings also suggest that as the group increases, offenders experience a decrease in the anticipated risks of punishment and informal sanctions, leading to higher probability of more violent offenses. This suggests that crimes committed with co-offenders have a higher probability of being more severe than crimes committed by an individual. Subsequently, this would be antithetical to tenets of justice and just dessert to observe a diffusion of responsibility in sentencing lengths imposed by judges on individuals that were part of a group versus an individual.

The application of diffusion of responsibility is an understudied area in sentencing literature. This study uses diffusion of responsibility as one of the elements that make up this study's conceptual framework to examine predictors of human traffickers' sentencing lengths. The usage of this concept furthers the understanding of predictors of human trafficking sentencing lengths by giving a context to buttress the research question and

hypotheses. Additionally, beyond the scope of furthering the understanding of predictors of human trafficking sentencing lengths, the application and testing of the validity of the diffusion of responsibility phenomenon helps to further solidify its validity as an empirical concept in research.

Review

The literature review focuses first on the existing literature on human trafficking and sentencing. It then moves on to examine the empirical research that tested the paternalism/chivalry and political conservatism hypotheses, and diffusion of responsibility phenomenon in the sentencing outcomes for criminal offenders, which make up this study's conceptual framework to examine predictors of human trafficking sentencing lengths. Since there has been no known prior literature on human trafficking and sentencing that applies the before-mentioned concepts to human trafficking and sentencing data, the classification of this study is seminal research; therefore, it is not without caveats.

An important caveat is that the prior research findings conducted on these four predictive concepts are to be used as a guide to give context to this study's research questions and purported directional hypotheses. Human trafficking is a unique and dynamic crime that contains multiple different criminal elements where there lacks robust research to fully understand its abstruse elements. Therefore, the findings of this study that do not align with the majority of research's findings derived from these three concepts should not be discounted. For example, human trafficking can involve all of the criminal elements of rape, kidnapping, domestic violence, assault and battery, and more;

or it can be as simple as forced prostitution. For these reasons, it should not be unexpected if the results of this study do not align with the tested hypotheses that were drawn from consulting prior literature findings on the concepts that make up this study's conceptual framework.

Human Trafficking and Sentencing

The literature on human trafficking is relatively scarce in comparison to other, more conventional fields of study in criminal justice. This dearth in the literature is even more pronounced when the focus is on studies that are quantitatively based and relate to the sentencing of human trafficking offenders.

Albonetti (2014) is the only study at the time of this writing that conducted descriptive analysis on the sentencing lengths of human trafficking at the federal level. The study looked at sentence length for human trafficking during the years between 2000 and 2010 and how they varied with the passage of various laws. Overall, during the ten years, the author found that cases were still being prosecuted under pre-TVPA statutes rather than post-TVPA and its subsequent reauthorizations, but were up by 15% in 2010. The first significant finding is that the mean sentencing length was increasing each year, most notably after the passage of Amendment 612 by the Sentencing Commission that afforded a penalty enhancer if the case involved the use of a deadly weapon. Mean criminal history and percent detained pre-trial also had an upward trend. Additionally, when comparing the graphs provided by the author, there was a positive correlation between the percent of cases prosecuted under TVPA statutes and mean sentence length,

mean criminal history, and percent under pre-trial detention and a negative correlation with sentencing that stayed with guidelines (Albonetti, 2014).

Due to the lack of access to individual-level data on human trafficking sentencing, Albonetti (2014) used descriptive statistics of aggregated data to reach the conclusions in her study. Therefore, considering that this study did not run statistical models and the absence of other research using quantitative data to investigate human trafficking sentencing, there is currently no empirical research on human trafficking sentencing outcomes. There is no frame of reference for literature on human trafficking and sentencing, where gaps in the knowledge of this research topic can be identified through the discourse of research. Consequently, to establish a frame of reference to develop this study, a consultation of research on predictors of sentencing lengths for other crimes was conducted to select four additional common concepts in sentencing literature to construct this study's conceptual framework. What follows next is a discourse into the research literature that has been conducted on these four concepts that make up this study's conceptual framework.

Paternalism and Sentencing

This section covers various research approaches and findings that test the validity of the paternalism/chivalry hypothesis in predicting sentencing outcomes. Within this section, the research is broken down and organized into sub-sections according to themes. The research conducted on the paternalism/chivalry hypothesis consists of studies that used either state or federal sentencing data. The delineation of these studies is based on

state or federal sentencing data that in some sub-sections are not explicitly disaggregated into separate subsections.

It is acknowledged that criminal offenders sentenced at the state level are sentenced by different sentencing guidelines that can vary from state to state. Additionally, these guidelines are likely to be different from federal sentencing guidelines, which collectively can result in aggregated mean sentencing lengths for similar crimes to be significantly different from state to state and from the federal level. Therefore, it would be fallacious to make inferences about aggregated sentencing lengths from the state to the federal level. However, the matter of salience is the explanatory variable of gender used to test the validity of paternalism/chivalry in sentencing. This variable is not predicated on the formulation of sentencing guidelines. No state or federal guidelines for sentencing explicitly specify shorter or longer sentences for offenders based on their gender.

Additionally, states that have presumptive sentencing guidelines that limit or disable the sentencing discretion of judges, where extralegal factors cannot influence sentencing lengths, would not be used in research that analyzes the variability in the sentencing lengths of female versus male offenders (Griffin & Wooldredge, 2006). Therefore, research on the paternalism/chivalry in sentencing conducted at the state or federal level is not influenced by spuriousness from an extraneous variable that exists within their sentencing guidelines. With that said, findings in research on the paternalism/chivalry hypothesis that use state-level data still proffer support to this

study's conceptual framework that tests the validity of this hypothesis using federal level sentencing data.

Paternalism Supported

The majority of research that tests the validity of the paternalism/chivalry hypothesis using general crime data (i.e. not human trafficking data) finds support that while controlling for rival casual factors in sentencing, female offenders receive shorter sentences than their male counterparts (Albonetti, 1997; Bontrager, Barrick, & Stupi, 2013; Butcher, Park, & Piehl, 2017; Curry, Lee, & Rodriguez, 2004; Doerner, 2012; Doerner & Demuth, 2010; 2014; Farrell, Ward, & Rousseau, 2010; Farnworth & Teske, 1995; Freiburger, & Sheeran, 2017; Griffin & Wooldredge, 2006; Jeffries, Fletcher, & Newbold, 2003; Kim, Wang, & Cheon, 2019; Koons-Witt, 2002; Nowacki, 2017, 2018; Rodriguez, Curry, & Lee, 2006; Spohn, 1999; Spohn & Beichner, 2000; Steffensmeier & Demuth, 2006).

Using Kansas's state-level sentencing data, Butcher, Park, and Piehl (2017) found that women sentenced for both drug and non-drug offenses still received shorter sentences than males. On average, women for both offense categories were found to be 5-6% less likely to be incarcerated in comparison to males for the same offenses. Of the women who were sentenced, they received, on average, 2% or 9% respectively shorter sentences than their male counterparts (Butcher, Park, & Piehl, 2017). Rodriguez, Curry, and Lee (2006) found similar results using Texas state-level sentencing data, where they observed female drug offenders receiving prison sentencing lengths that were

approximately 8% shorter than male offenders. Steffensmeier and Demuth (2006) also found similar results, using state-level felony sentencing data to test the paternalism/chivalry hypothesis in predicting shorter sentencing lengths for female versus male offenders. Their study finds additional support for the paternalism/chivalry hypothesis, with males on average receiving a sentence that is 20% longer than females. They also found that the odds of being incarcerated were approximately 71% higher for male versus female offenders.

A study that used multiple site locations for sentencing data still found support for the paternalism/chivalry hypothesis. Spohn (2000) used felony sentencing data from three major cities located in the U.S. – Chicago, Kansas City, and Miami to test for gender disparities in sentencing. She found support for gender disparities in the decision to incarcerate either in jail or prison, supporting the paternalism/chivalry hypothesis. However, there was a less pronounced gender disparity in the decisions to incarcerate in Miami, where males were approximately only 1.5 times more likely to be incarcerated than females. In Chicago and Kansas City, the odds of incarceration were about 2.5 times higher for males than female offenders.

Doerner and Demuth (2014) used federal sentencing data from 2001 – 2003 to test the paternalism/chivalry hypothesis in federal sentencing processes. In their study, they found support for this hypothesis, where females received more lenient sentencing outcomes than male offenders while controlling for legal factors. Like Steffensmeier and Demuth (2006) who used state-level data in their study (2006), Doerner and Demuth found that the odds of being incarcerated were approximately 74% higher for male

offenders than for female offenders while controlling for rival causal legal and extralegal factors. However, for sentencing lengths, they observed that males received sentencing lengths on average that were 50% longer than female offenders. This is approximately 2.5 times greater than what was found in Steffensmeier and Demuth's (2006) study.

In an earlier study by Doerner and Demuth (2010), they found similar results, using federal sentencing data from 2001. They found that the odds of being incarcerated was approximately 42% lower for female offenders than for male offenders.

Additionally, for sentencing lengths, they observed that females received, on average, sentencing lengths that were 25% shorter than male offenders. Similarly, Farrell, Ward, and Rousseau (2010) used federal sentencing data from similar years (2000 – 2002) and also found the support of gender disparities in federal sentencing practices. They found that female offenders' odds of incarceration were 26% lower than male offenders, and their length of sentence to be, on average, 13% shorter than male offenders.

In Nowacki's (2017) and Nowacki's (2018) studies that both used federal sentencing data also found support for the paternalism/chivalry hypothesis. In both studies, Nowacki used federal sentencing data that was partitioned into four different periods of federal sentencing reform data. The four different periods were the following: pre-PROTECT, post-PROTECT, post-Booker, and post-Gall. The analyses of gender disparities across these data sets during federal sentencing reforms still demonstrated support for the paternalism/chivalry hypothesis and that regardless of the reform period, female offenders were still receiving more lenient sentences than their male counterparts (Nowacki, 2017; 2018). These two studies support the notion that even sentencing

reforms appear to have little impact on accounting for extralegal factors that lead to gender disparity in sentencing.

The culmination of the studies that support the paternalism/chivalry hypothesis in this study finds variability within this support. The strength validating the paternalism/chivalry hypothesis is not constant across the various research sites that these studies use. The strength of the validity of the paternalism/chivalry hypothesis also varies based on the types of crimes that the offenders committed. However, what they all have in common is that they find statistically significant evidence that supports the presence of paternalism/chivalry when it comes to the decisions to incarcerate and the length of confinement. This variability in the strength that the statistical techniques used to quantify the validity of paternalism/chivalry in the sentencing process demonstrates that it varies based on location, state or federal courts, and type of crime. In concert with these effects, it illustrates the pressing need to conduct similar analyses using federally sentenced human trafficking data. Currently, little research exists that establishes the presence of paternalism/chivalry in the sentencing of federally prosecuted human trafficking offenders. This study seeks to address this bifurcated gap in the human sentencing literature and in research that tests the reach of the validity of the paternalism/chivalry hypothesis in sentencing.

Paternalism and Mixed Findings

Other studies find that controlling for other factors nullifies the prediction of gender on sentencing length. Freiburger (2011) used Allegheny County, Pennsylvania's drug and property sentencing data and found that by controlling for familial role, it nulls

the effect of gender on sentencing length. Koons-Witt's (2002) findings also support Freiburger's (2011) study. Using sentencing data from Minnesota's state repositories, they found that judges tend to be chivalrous only towards women with dependent children in that they were less likely to receive a sentence that involved a term of confinement. Spohn's (1999) earlier study that analyzed Chicago's sentencing data on drug offenders buttresses this concept, observing that females who had dependent children had significantly lower odds of being incarcerated, but this was not observed to be the same for male drug offenders.

Contrary to Freiburger's (2011), Koons-Witt's (2002), and Spohn's (1999) findings, Griffin & Wooldredge (2006) in their analyses of Ohio's sentencing practices did not find support for the familial role as a factor in the sentencing of females. Instead, they found that women with more children were not less likely to go to prison; the number of children did not condition the probability of getting sentenced to a term of imprisonment. Furthermore, they found that in some instances, women with dependent children received longer prison sentences (Griffin & Wooldredge, 2006). These findings directly contradict research conducted on the familial role that purports it to be a significant control for testing the validity of paternalism/chivalry in sentencing practices. It is important to note that these studies used sentencing data that pertained to cases that were prosecuted under different states' laws and sentencing guidelines. Notably, these studies did not use federal sentencing data to arrive at their conclusions. The direct contradictions in the research in the mediating effect of familial role on sentencing is most likely a byproduct of the differences in the various states' court processes and

sentencing guidelines. Therefore, the external validity of these findings can arguably only be extended to the respective state.

Moving forward, overall, the majority of the studies find that women do receive lighter sentences than their male counterparts. A common theme among the minority of studies that do not align with prior literature is that they tend to explore more nuanced approaches by breaking down the data further to analyze different processes of court proceedings, such as offenders being charged or acquitted and how gender affects these different court processing stages. An example of this is in Steffensmeier, Kramer, and Streifel (1993) study where they found that while controlling for various factors (e.g. prior record, offense severity) in sentencing, females were less likely to be incarcerated (sentenced to probation, community service, etc.), but when controlling for incarceration, they observed a null effect between gender and sentencing length. Even though there was no observed effect between gender and sentencing length, it can be argued that not being incarcerated is considered to be a more lenient sentence than being incarcerated. Therefore, it is argued that controlling for incarceration while examining the effects on sentencing lengths is inconsequential to testing the overall picture of sentencing leniency. It should be noted that Steffensmeier, Kramer, and Streifel's (1993) study used sentencing data from the same state that Freiburger (2011) used in her study. Therefore, the findings of these results may be an artifact of Pennsylvania's court proceedings and sentencing guidelines.

Furthermore, Steffensmeier, Kramer, and Streifel (1993) also found that females had a higher percentage of downward sentencing departures compared to males and one

of the main justifications proffered by the judges was that the “defendant played a minor role in the crime and was only an accomplice” (p. 443). This statement by the judges could be a potential justification that may give some inference to offenders’ culpability and to why some female human traffickers may receive lighter sentences. It is possible that female human trafficking offenders are more inclined to be “bottom prostitutes” (i.e. former victims) and therefore are considered to be less responsible/culpable than male traffickers, consequently leading judges to sentence them more leniently (Steffensmeier, Kramer, & Streifel, 1993).

Paternalism Not Supported

Albonetti (1991) and Crew (1991) were the only two studies that were conducted that found no significant statistical differences in sentencing length based on gender. Albonetti (1991) conducted their analysis of factors that predicted sentencing lengths using sentencing data on 2,158 felony cases that were sentenced in Washington D.C.’s Superior Court in 1974. They did not find gender to be a statistically significant predictor of sentencing lengths; therefore, their study did not find statistically significant support for the paternalism/chivalry hypothesis in sentencing. However, due to the age of the data and the research site of the study being relatively unique (i.e. Washington D.C.), this is a study that has a narrow scope, making its findings specific, lacking little external validity. Washington, D.C. has governmental attributes that resemble both federal and state structures; therefore, it is difficult to extrapolate the findings from this study to be significantly indicative of the findings in this current study. However, they do both share

a common attribute that they both involve unique factors in their research designs (i.e. Washington D.C. and human trafficking offenders).

Even though Crew (1991) did not find statistically significant support for gender predicting sentencing lengths, they did find that extralegal factors (i.e. factors that should have no bearing on sentencing) that influence sentencing lengths were different between males and females. They found that race predicted longer sentences for men, but did not for women. Also, employment status interacted with gender and was found to be a significant predictor for sentencing. Being employed versus unemployed for women predicted sentence length, but employment status had no influence on sentencing for men. However, the implications of these results are premised on statistical techniques that threatens the internal validity of the study. To create a dataset for the study, Crew (1991) used a total enumeration (n=108) of women sentenced for felonies in Kentucky in 1980 and used a random sample of men sentenced that same year. The method used to create a sample runs the risk of sample bias, and the total sample size is small (n=228) and is based on one state's sentencing for one year.

Additionally, sentencing lengths are not known to be uniformly distributed, allowing for the use of parametric statistical techniques without transformation. Therefore, typically the dependent variable will have to go under some transformation (e.g. log, square-root, or arcsine transformations) to meet the assumptions of a normal univariate distribution where regression statistical techniques can be used (Bushway & Piehl, 2001). However, this study did not mention transforming the dependent variable to meet the assumptions of the regression models used in the study. In the culmination of

these effects, that study's findings become questionable and, therefore, are not considered to be influential in reference to this study's research question and hypotheses.

Paternalism Evil Women Hypothesis

Other studies examine the selective paternalism/chivalry hypothesis (evil women hypothesis), wherein some instances when women break away from traditional roles by committing more violent crimes, sentences imposed by judges are harsher (Rodriguez et al., 2006). However, as covered in the previous section, the majority of the literature has not found consistent support for this hypothesis. Embry and Lyons (2012) tested the evil women hypothesis or the opposite of the chivalry/paternalism hypothesis by using a sample of sex offenders. They found no support for the evil women hypothesis (i.e. women receive harsher sentences) regardless of the type of sex offense, but rather their findings were still congruent with prior literature that supports the chivalry hypothesis. As previously mentioned, sex offending is similar to sex trafficking; therefore, Embry and Lyon's study potentially proffers further partial guidance that sentencing outcomes for female human traffickers will not be supportive of the evil women hypothesis.

Only two studies were found that supported the evil women hypothesis. However, these studies were conducted under unique conditions that arguably afforded more favorable conditions to find results that were supportive of this hypothesis. Boritch (1992) found that women received harsher sentences than men during 1871 – 1920, which may lend credence to the historical period when the evil women hypothesis was relevant and when it was best appropriated. Chesney-Lind (1977) reported that female

juveniles were more likely to be cited for status offenses than boys, suggesting that this finding was stemming from the maintenance of traditional norms and the adages, such as “boys will be boys.” Even though this study found support for juvenile females receiving harsher sentences, an important caveat is that this study focused on juveniles and status offenses (i.e. behaviors that are crimes only because the individual is under a certain age proscribed by law) and not actual crimes. However, these findings are still consistent with paternalistic values. That is, officials would be more apt to overreact to minor females who rebel against status conditions in attempts to curb behaviors that may exacerbate to manifest into future actions that are actually criminal.

Paternalism and Sex Offenders

Similar to human trafficking and sentencing, sex offenders and sentencing length is also an understudied area of research (Denov, 2001). Sex offender and sentencing research is the most relatable to human trafficking. Although not the same, they do possess many of the same characteristics and criminal elements of human trafficking, especially sex trafficking.

Hassett-Walker, Lateano, and Di Benedetto’s (2014) study used data from the National Reporting Judicial System (NRJS) from 1986 -2006. This data consisted of felony sex offending cases processed in state courts, where they found some support for female sex offenders receiving shorter sentences than their male counterparts. Additional support for these findings, although arguably anecdotal, was a study by Goodwin (2019) who found support for the paternalism/chivalry hypothesis when comparing a handful of press releases regarding sex abuses by teachers in education. This observed relationship

between female sex offenders and shorter sentencing may be conditioned by the tendency for female sex offenders to be fulfilling the role of a facilitator for these crimes (Rosencrans, 1997). Though not empirically tested, Goodwin (2019) postulates literature, making the argument that women sex offenders are not taken as seriously by the courts, especially when the victims are minor males. These findings harks back to the traditional gender role values/paternalism values in American society to demonstrate further that these values still are present and influence sentencing outcomes.

Vandiver and Teske (2006) conducted a study that looks at a sample of 183 sentenced juvenile sex offenders and how gender predicted sentencing length. They found support for the paternalism/chivalry hypothesis, where they observed in their sample that juvenile male sex offenders were more likely to receive longer sentences than juvenile female sex offenders. However, due to the small sample size and the lack of a sufficient amount of control variables, the potential of omitted variable bias presents a risk to this study's internal validity. There may be other factors, such as the seriousness of the offense and other aggravating factors that were not included as controls in the authors' regression models that could have accounted for this gender disparity in sentencing lengths (Vandiver & Teske, 2006). Therefore, due to the lack of robust analysis, it is difficult to relate with much confidence the findings of this study to this current study's research question and hypotheses.

Paternalism Summary

The extensive literature on testing the paternalism/chivalry hypothesis, suggests that values and perceptions about women are extralegal factors that are interfering with

the tenets of due process and equality in the courts when it comes to sentencing. Though there are studies that do not find support for the paternalism/chivalry hypothesis in sentencing, those studies are part of a minute body of research where some of these findings are heavily contingent on the uniqueness of the respective study's sample and research sites. Therefore, those studies are not given much weight in the operationalization of this current study's research question and directional hypotheses. Given the paternalistic values that are embedded in both conservative and liberal values, it is expected that this study will find that female human traffickers will receive shorter sentences than their male counterparts while controlling for rival causal factors.

Political Conservatism and Sentencing

This section covers the research conducted on how politics influence sentencing outcomes and practices that test the political conservatism hypothesis in sentencing practices.

Political Conservatism Supported

This sub-section examines studies that support the notion of the political conservatism hypothesis – that the presence of conservatism is associated with more sentences to terms of confinement and longer sentences.

Political Conservatism and Incarceration Rates

A broad approach to examining how politics influences sentencing was conducted by Jacobs and Helms (1996). They used a time series analysis to test the political conservatism hypothesis by examining the impact conservatism had on incarceration using a data set that aggregated all state and federal incarcerations from 1950 -1990. The

metric of conservatism was created for each year by combining the republican president, mean percentage of Republican governors, mean percentage of Republicans in the House and Senate, and the percentage that identified as Republicans in yearly Gallup polls. The results of their study show that incarceration increases after expansions of the Republican Party's power, supporting the political conservatism hypothesis.

A later, but similar approach to Jacobs and Helms's (1996) study was conducted by Jacobs and Carmichael (2001) that also looked at how conservatism influenced states' incarcerations rates. Using census data from 50 states taken at three time periods – 1970, 1980, and 1990, they found that the Republican strength metric that combined Republican governor with the percentage of the states' legislatures that were over 60% republican significantly predicted higher incarceration rates. These two studies that focus on U.S. incarceration rates help to bastion the validity of the political conservatism because they present research that validates the political conservatism hypothesis potential generalizability to be applicable in various contexts.

Political Conservatism and State Courts

Bowers and Waltman (1993) analyzed data from 32 states that spanned 96 counties on felony cases sentenced in 1986 and how these sentencing lengths correlated with Erickson, McIver, and Wright's 1987 index of state conservatism. Using regression techniques, they found that felony sentencing lengths for rape, assault, and robbery were associated with state conservatism score. Their findings contributed support for the political conservatism hypothesis for certain crimes (rape, assault, robbery); however, homicide and property offenses did not align with the political conservatism hypothesis.

These findings suggest that the political conservatism hypothesis cannot predict sentencing length for all types of crimes. However, the operationalization of this study's political variable risks the internal validity of the study. The method used to operationalize the political variable "level of the state's conservatism" can be a victim of measurement error due to an ecological fallacy that is present. They used states' conservatism score, which is an aggregate group measure to infer to the individual measure - sentencing judges' political ideology. A more direct measure of the political variable to avoid measurement bias would be an individual measure of the respective sentencing judges' political ideology.

A more recent study on state conservatism by McCann (2009), a follow-up on Bowers and Waltman's (1993) study, also finds support for their conclusions. McCann (2009) conducted a study that examined how state conservatism influenced sentencing lengths for rape cases. The first dataset that was used consisted of data on felony sentencing cases from 32 states that consisted of a sample of 55,966 offenders who were sentenced in 1986 for the following felonies: homicide, rape, assault, robbery, burglary, larceny, and drug offenses. The second data set was used to operationalize the state conservatism variable. This comprised of 141,798 responses to telephone polls administered by the New York Times during 1976 – 1988. Using regression techniques, McCann (2009) found that while controlling for the seven other felonies, state conservatism accounted for about 18.9% of the variability in the sentencing lengths for rape cases. This study finds support for the notion that conservatism values are associated with longer sentencing lengths for rape offenders.

Published the same year as McCann (2009) study, Helms (2009) conducted a similar study that looked at seven states sentencing outcomes of felony cases across 387 counties. It should be noted that previously, Helms and Jacobs (2002) conducted a similar study using a sample from the same population as used in Helms's (2009) later study and found similar results. In Helms's (2009) study, a random sample of 5,037 felony offenders' sentencing outcomes from 1990 was selected to make up the study's data set. Helms (2009) found support for the political conservatism hypothesis with the political variable operationalized as the percent that voted Republican in the 1988 presidential election. The beta coefficient for % Republican was approximately .011 with $p < .05$. This indicates that the counties with more robust Republican support, as indicated by voting numbers, also support harsher punishments. Like other studies previously covered in this section, the operationalization of the political variable runs a risk of measurement error, which threatens internal validity. In both Helms and Jacobs's (2002) and Helms's (2009) studies, they only used one metric to determine political conservatism, which was weighted on voter turnout for one presidential election year. Voter turnout is known to have many factors that influence people turning out to vote, making a single presidential election voter turnout as a measure of political identity relatively unreliable, threatening the internal validity of the study (Rolfe, 2012, p. 106).

Huang et al. (1996) study examined how political conservatism influenced sentencing outcomes for one state - Georgia. The data was obtained from Georgia's Department of Corrections on offenders who were sentenced on felony convictions from 1981-1989. The political conservatism variable was operationalized as the percentage of

the citizens who voted Republican in presidential elections. Huang et al.'s (1996) results from their regression models indicated that sentencing length for violent crime (assault and robbery) was positively associated with the explanatory variable - political conservatism. However, it was not found to be predictive of sentencing lengths for rape or homicide. Additionally, they observed an interaction effect between the political conservatism and felons with more convictions that significantly increased sentencing lengths. These findings are similar to research findings that suggest that conservatives place values in deterrence and not rehabilitation, subsequently leading to the imposition of longer sentencings in conservatively-controlled courts (Jacobs & Carmichael, 2002).

Political Conservatism and Federal Courts

Farrell, Ward, and Rousseau's (2010) study found support for the political conservatism hypothesis. Using federal sentencing data from 2000-2002, they found that federal court districts that had a higher-level of liberal ideologies, as operationalized by the State Citizen and Government Ideology database, predicted shorter sentencing lengths for offenders than districts that had lower levels of liberal ideologies. Nowacki (2018) also found support for Farrell et al.'s (2010) study using a different approach to operationalizing the political variable in their study. Using federal sentencing data from 1999 – 2008, they operationalized the political variable as the percentage of people within the given federal court district who voted Republican in 2004. This method to operationalize the political variable runs a risk of measurement error due to federal judges not being elected to the bench by the people in which they serve. Nowacki (2018) is relying on the assumption that federal judges assimilate to their district values and

politics when they assume the bench. Additionally, the Nowacki (2018) sample size was very large, and therefore it is easy to find statistical significance with large sample sizes. The beta (0.005) for % voted Republican was very small, which further reduces the reliability of the findings. In consideration of these two issues, the reliability of the study's findings is questionable.

Johnson, Ulmer, and Kramer's (2008) study used a different approach to test the validity of the political conservatism hypothesis in federal courts. They applied the political conservatism hypothesis to analyze whether conservatism predicted the probability of downward departures in federal sentencing guidelines by judges. Their data set consisted of a sample of 169,561 felony prosecuted cases from 1997 - 2000 that spanned 89 federal district courts. They operationalized the political variable in their study by using the American Civil Liberties Union (ACLU) to obtain the liberalism scores of U.S. senators from the respective federal court district. Using this metric as a proxy for the political variable, they found that in federal court districts that were more liberal, federal judges were approximately 10% more likely to practice downward sentencing departures versus federal judges in districts that were not as liberal. Johnson, Ulmer, and Kramer's (2008) findings add supplemental support to Farrell, Ward, and Rousseau's (2010) and Nowacki's (2018) studies that there is enough variability in sentencing even with federal sentencing guidelines at the federal district court level where this variability is capable of being identified by the political conservatism hypothesis.

Judicial Conservatism and Sentencing

Other studies suggest that judicial conservatism also plays a role in sentencing outcomes (Heumann, 1977; Nardulli, Eisenstein, & Flemming, 1988). Using judicial voting records from Pittsburgh and Minneapolis to determine judicial partisanship, Heumann, (1977) found that conservative judges in Minneapolis were more punitive in their sentencing outcomes than liberal judges. Their findings suggest that the liberal Pittsburgh judges were more likely to impose sentences of probation, and when they did sentence offenders to incarceration, the length of the sentences was more likely to be shorter than the length of sentences imposed by the more conservative Minneapolis judges. Heumann (1977) posits that the judicial practice of sentencing offenders by the more conservative Minneapolis judges is founded in their more legalist orientation and lack of empathy for mitigating circumstances.

Political Conservatism Mixed or No Effects

Other studies found mixed results or no effects of conservatism on sentencing punitiveness (Baumer & Martin, 2013; Fearn, 2005). However, like some of the studies that found support for political conservatism, these studies used methodologies that raise significant risks that threaten the internal validity of their studies.

Fearn (2005) found no support for the political conservatism hypothesis in predicting on sentencing punitiveness. Their study used 1998 State Court Processing Statistics (SCPS) that contained felony sentencing data from 39 large urban areas spanning 17 states. The political conservatism variable was operationalized as it was in other studies that found support for political conservatism by using the percent of the

citizens who voted Republican in the 1996 presidential election. There are some plausible reasons as to why this study did not find support for political conservatism predicting sentencing outcomes.

First, as mentioned previously for other studies, the findings could be influenced by the potential measurement bias of the operationalization measure of the latent political conservatism term – percent of citizens who voted Republican in the 1996 presidential election. Secondly, there could be an issue of multicollinearity between the three, level two explanatory variables - percent voted Republican, percent evangelical, and southern region. These three explanatory variables could be measuring the same construct, which, if highly correlated, violates the assumptions of independence among the explanatory variables. Furthermore, this notion becomes especially concerning when considering that the sentencing data is from large urban areas, that are typically known to be more democratic. Therefore, this presents an increased risk of reducing the variability among the three afore-mentioned level two explanatory variables, presenting risks of higher levels of multicollinearity. This segues into the last issue that buttresses support that the dataset is derived from urban areas that are typically more liberal. The descriptive statistics of the study indicate that mean that voted Republican was 33.6% with a standard deviation of 9.33%. This suggests that the urban areas that were included in this study that had a majority that voted Republican in the 1996 election were about two standard deviations from the mean, which means that only 2.5% (or approximately 1) of urban areas had a majority of the population that voted Republican in the 1996 presidential election. This can cause issues with parameter estimations, which reduces the

variability resulting in type II error. Cumulating these three issues, especially the last one, the results of Fearn's (2005) study are arguable inconclusive due to fatal methodological errors.

Baumer and Martin (2013) also found no support for the political conservatism hypothesis but instead observed results suggesting that conservatism values were negatively associated with charging in murder cases. Similar to Fearn's (2005) study, Baumer and Martin's (2013) findings may be an artifact of how political conservatism was measured by using indicator variables and a parameter estimation bias of political conservatism variable. Their study used 1988 murder data from the Bureau of Justice Statistics (BJS) derived from 27 urban counties for a total sample size of 2,508 murder suspects to test the validity of the political conservatism hypothesis in predicting murder suspects' sentencing outcomes. The operationalization of the political conservatism variable was conducted by using indicator variables derived from a series of responses from survey questions that solicited citizens' responses from 1984-1988 in the respective urban county. The survey contained a political metric that asked a series of questions that are characteristic of conservative/liberal values to measure the latent variable of conservatism.

The method used by Baumer and Martin (2013) to operationalize political conservatism has the potential to be more accurate than using the percentage of citizens who voted Republican in one presidential cycle as a proxy for political conservatism. However, there is still a potential risk of measurement bias, which induces an increased risk of spuriousness that threatens the internal validity of the study. This is due to the

study's failure to measure the political conservatism of the judges, who are the individuals responsible for sentencing outcomes of the murder suspects. Additionally, similar to Fearn's (2005) study, Baumer and Martin's (2013) study also has methodological concerns regarding parameter estimation bias of the political conservatism term. The mean percentage of citizens who were identified across the 27 urban counties was 15.6%, with a standard deviation of 5.59%. This indicates that none of the urban counties had a percentage of citizens that indicated a conservative majority. The most conservative urban county (two standard deviations from the mean) in the sample is approximately 26.78% conservative. Therefore, it is argued that there is not enough variability to accurately determine the influence of political conservatism on sentencing outcomes that consists of data that comes from highly liberal urban counties.

The studies that have inconclusive support for the political conservatism hypothesis have two common themes. First, they use proxy variables to measure and construct the explanatory political conservatism variable. They rely on measurements of latent constructs to operationalize the political conservatism variable instead of identifying and using a manifest variable like a known judge's political party affiliation as a proxy for conservatism or liberal ideologies in sentencing practices. This method introduces an increased risk of measurement bias that threatens the internal validity of the study's findings. Second, the studies that did not find support for the political conservatism hypothesis used data from large urban populations that all had heavy liberal influence. These studies had parameter thresholds of the political conservatism variable that did not afford variation within the sample for there to be counties that had a

conservative majority. Primarily, these studies measured slight variations in the level of liberalism across large urban counties where these variations might be due to the margins of error among measurements of the latent constructs. Therefore, it is possible to deduce that these studies are not actually measuring the variation in the political construct, but the white noise in the data.

Political Conservatism Discussion and Summary

Human trafficking is often interpreted as sex trafficking. Therefore, examining the literature on violent crimes (e.g. rape) and sentencing that are similar to sex trafficking might give better guidance on what to expect to be observed between the political party and sentencing length. The findings on violent crime, conservatism, and sentencing length are mixed. Bowers and Waltman (1993) found that longer sentencing lengths for violent offenses (rape, assault, and robbery) had more than 21% of their variance explained by conservatism. McCann (2009) examined sentencing lengths for rape, and the political party affiliation at the state level buttressed support for Bowers and Waltman's (1993) findings on rape and sentencing length finding that state conservatism was correlated with length of sentence for rape. However, they found no effect on homicide or crimes that were non-violent offenses. Huang et al. (1996) found that sentencing lengths for rape and homicide did not differ by political affiliation and offered a possible suggestion that it was due to the egregiousness of the offenses, consequently nulling the effect of political affiliation values on sentencing for these two crimes. However, an important caveat to these findings is when it comes to the type of punishment for homicide, conservatism is associated with more favoritisms for the

death penalty, which is arguably more severe and longer than any prison sentence (Jacobs & Carmichael, 2002; Jacobs & Carmichael, 2004). Therefore, the lack of controlling for death penalty sentencing might be the reason for observing the null effect on sentencing for homicide across political parties.

In consideration of the findings in the prior literature that tests the political conservatism hypothesis on sentencing outcomes, it is suspected that support for this hypothesis will be found in the sentencing outcomes for human trafficking offenders, especially when considering the acute methodological issues illustrated in the studies that do not find support for this hypothesis. However, since there is little prior research on human trafficking and sentencing, coupled with human trafficking being a unique crime, it is possible that this study's findings will not align with prior research's findings in reference to the direction and strength of the relationship between political conservatism and sentencing lengths. The lack of statistical strength may be due to human trafficking being too egregious of an offense, where liberal and conservative judges' sentencing practices become more aligned. This was similar to what was observed in Bowers and Waltman's (1993) and Huang et al.'s (1996) findings that political conservatism was not predictive of sentencing outcomes for offenders convicted of homicide or rape.

Interaction Effect of Political Conservatism and Paternalism

This subsection focuses on the studies that tested for an interaction effect of paternalism and political conservatism variables on the sentencing lengths imposed by judges. Helms and Jacobs's (2002) found support for an interaction between gender and political environment. They found that males versus females were more likely to receive

longer sentencings in counties that had a higher percentage that voted Republican in the 1988 presidential elections. The methods that Helms and Jacobs (2002) used to operationalize political conservatism variable (% voted Republican in presidential elections) were similar to the methods used in a more recent study by Kim, Wang, and Cheon (2019). Therefore, both studies have heightened risks that threaten the internal validity of their studies due to the potential measurement bias of the explanatory variable – political conservatism. This issue is discussed after the introduction and findings of Kim, Wang, and Cheon’s (2019) study.

Kim, Wang, and Cheon’s (2019) study is the most recent study that tested the validity of an interaction between paternalism and political conservatism. They found that female offenders who were sentenced in politically conservative Federal courts received less of a sentencing discount than females sentenced in less conservative courts. Political conservatism for the federal district court was operationalized by using the percent of the population in each county where the federal courts were located that voted for George W. Bush in the 2004 election. Similarly, to what was discussed previously, this could be a fatal flaw in their study due to the measurement error that can arise from how this study operationalized the explanatory variable - political conservatism. That is, federal district judges are appointed to fill bench vacancies by the current president in power. Therefore, the political affiliation of the judge is not contingent on the percentage of the county that votes Republican in presidential elections. Instead, it is contingent on the president’s political party that appointed the judges in the given federal court when the judicial vacancies arise. A more accurate measurement, like the one this study uses to

operationalize the political conservatism variable is looking at what is the political party of the president who appointed the sentencing judge for each sentenced offender.

When considering the findings from these two studies, even though they are potentially founded on measurement bias, this study's hypothesis is still based on these findings. This is due to the lack of other studies, regardless of methodological errors, to suggest alternative outcomes. Therefore, due to this current study being able to operationalize a political conservative variable (i.e., judges' political affiliation) that is more robust against measurement bias, this study has the capacity to be one of the more accurate measurements of the interaction between paternalism and political conservatism on sentencing length.

Diffusion of Responsibility

There is minimal research in the criminal justice field of research that focuses on the concept of diffusion of responsibility. This sub-section examines the two areas of criminal justice research that focuses on the application of the diffusion of responsibility - co-offending and sentencing outcomes.

Diffusion of Responsibility, Co-offending, and Crime Severity

This area of criminal justice research focuses on how the mechanisms of diffusion of responsibility manifests among co-offending and influences crime severity. The premise of the diffusion of responsibility applies to when individuals are part of groups that when in the presence of others, individuals feel less responsible for actions when it was a group effort more so than if it was an individual effort (Mathes & Kahn, 1975; Mynatt & Sherman, 1975; Wallach, Kogan, & Bem, 1964; Whyte, 1991). When the

concept of the diffusion of responsibility is applied to criminal justice (i.e. offenders are in the presence of others), offenders feel less responsible, which tends to exacerbate the elicitation of criminal behaviors and crime severity than if the offenders acted alone (Behnk, Hao, & Reuben, 2017; Lantz, 2018; McGloin & Piquero, 2009; Warr, 2002).

This sub-section focuses on research that analyzes co-offending and criminal severity of the concept of diffusion of responsibility. The relevance of this sub-section to the present study is that a criminal severity metric is used as one of the control variables (see Chapter Three – Research Method) to reduce omitted variable bias when testing for the influence of diffusion of responsibility on sentencing lengths for human trafficking offenders.

Warr (2002) was one of the first criminologists/sociologists to devise a conceptual framework of diffusion of responsibility that applied the concept to examining criminal justice attributes. McGloin and Piquero (2009) was one of the current studies that examined the concept of diffusion of responsibility among violent co-offending juvenile delinquents. They used a random sample ($n = 5,600$) of arrested juvenile delinquents in Philadelphia in 1987. Using this data set, McGloin and Piquero (2009) analyzed three inquiries regarding the diffusion of responsibility among violent co-offending juvenile delinquents. These three inquiries are the following: Is there a relationship between the number of co-offenders and the probability that there is a violent incident, is the number of accomplices in co-offending groups associated with higher levels of co-offending violence, and were juveniles who have no prior offenses more likely to have a first-time offense that was more violent as the number of accomplices in the co-offending group increased?

McCloin and Piquero (2009) found support for all the inquiries. The authors had some reporting errors with the interpretations of their findings. Therefore, the reported results of their study are based on the technical interpretations of their models. For the first inquiry, they found that the probability of violence increases as the number of co-offenders increases. For the second, they found that for a one-unit average increase in the number of accomplices the expected count of violent offenses committed by a group increases by 9.6% with $p < .05$. In the last inquiry, they found that for a one-unit increase in the average number of accomplices, the probability of juvenile delinquents (who had no prior offenses) to have a first offense that is violent increases by about 33%. These results provide some evidence to support the notion that diffusion of responsibility is present among juvenile co-offending and elevated crime severity.

A more recent study on the diffusion of responsibility among group offenders by McGloin and Thomas (2016) was conducted by using scenario surveys administered to undergraduate students from two different colleges – University of Maryland (UMD) and University of Missouri – St. Louis (UMSL). The authors tested two hypotheses that were indicative of the diffusion of responsibility – as the number of individuals increases the probability of a deviant act, the informal costs that the individuals anticipate experiencing decreases (perceived responsibility), and as the number of people engaging in the deviant act increases, the risk of formal sanctions decreases (sanction risk). Questions relating to the scenario that the undergraduates read as part of the scenario survey were created using a Likert Scale that was designed to measure the latent construct of diffusion of responsibility. The findings supported both hypotheses with little variation across the

research sites UMD and UMSL. For the first hypothesis, they found that group size was a significant predictor of perceived responsibility, where undergraduate students from UMD that were part of larger groups were about 3% less likely to indicate higher levels of responsibility, about 2.2% for UMSL undergraduate students. For the second hypothesis, based on the responses from the UMD undergraduate students, the perceived risk of formal sanctions for a deviant acted decreased by about 10%, with the addition of 33 individuals to the groups. Similar findings were found for the UMSL undergraduate students.

Behnk, Hao, and Reuben (2017) took a similar approach to McGloin and Thomas's (2016) study to examine the presence of diffusion of responsibility among groups and deviant acts. They used an experimental design within a laboratory that consisted of sender-receiver games to measure the proclivity of antisocial behaviors among groups. The games are designed to rule out spurious factors that could influence the experiment. When controlling for all of these factors, Behnk, Hao, and Reuben (2017) found that individuals who were part of two-person team versus an individual were more likely to send anti-social messages; however, this was contingent upon both working together, not where one individual was passive in the decision making. The findings from this experimental design provide robust support for the diffusion of responsibility among groups who commit devious acts. Due to the study's design being experimental, it can be stated that diffusion of responsibility among groups causes deviant acts. Therefore, this study helps to establish that the concept of diffusion of responsibility is a phenomenon that is observable among groups.

The most recent study by Lantz (2018) examines how the diffusion of responsibility manifests among co-offending groups and increases the severity of crimes. Lantz's (2018) study is an extension of McCloin and Piquero's (2009) study that looks at how the diffusion of responsibility was associated with more violent offenses among larger groups of co-offenders. In Lantz's (2018) study, he used data from the National Incident-Based Reporting System (NIBRS) from 2003 to 2012 for a total sample of 1,022,350 offenders to test the hypothesis for the diffusion of responsibility – as co-offending group sizes increase, so will the severity of the crime. The dependent variable to measure the severity of the crime was weapon use and injury, and the explanatory variable used to measure the diffusion of responsibility, net other controls, was whether others were involved in the incident (i.e. co-offending). The measurement of this explanatory variable was bifurcated into separate operationalizations of group and group size. The first measurement coded group as a dichotomous variable (co-offending Yes = 1, No = 0), and the second measure was a continuous interval variable, which was the count of the number of offenders involved in the group.

Lantz (2018) used simple logistic regression techniques to examine the relationship between co-offending and crime severity to test the concept of diffusion of responsibility. He found that for offenses committed by groups (dichotomous), they were roughly 64% more likely to commit offenses using a weapon versus individuals. Also, groups were approximately 31% and 79% more likely to commit offenses that resulted in minor or severe injury, respectively, in comparison to crimes committed by individuals. For the continuous operationalization of the group variable, the likelihood that an offense

would be committed with a weapon increased by roughly 33% with the addition of one accomplice. For minor or severe injury to the victim, the probability of these manifesting increased by approximately 18% and 43%, respectively, with the addition of one accomplice. These findings support the notion of mechanisms of diffusion of responsibility being present among groups that tend to exacerbate the severity of the crime.

The findings of Lantz's (2018) study demonstrate robust support for the manifestation of the diffusion of responsibility among co-offending groups, adding incremental knowledge to this understudied area of criminal justice. However, there are two critical caveats related to the methodologies used in this study that cast uncertainty on the validity of the findings. The first is the sample size of the dataset is very large, and even the slightest variation will produce statistically significant findings (Lantz, 2013). The second, which is of more salient concern, is the specification error due to the types of statistical techniques used to produce the finding of the study, which tends to produce type I errors (O'Dwyer & Parker, 2014). Research studies that analyze datasets containing co-offending data using simple logistic regressions are using data techniques where their underlying assumptions are violated (Berk, 1983; Waring, 1998). Data that contain individuals nested within groups produce a clustering of residual error terms, which creates heteroskedasticity across the grouping clusters (White, 1980). Logistic regression assumes that the residual error terms are independent and cannot account for the heterogeneity of individual factors to the ecological context of groups (Johnson, 2012). However, when using data that consists of groups (co-offending), the residual

error terms are correlated among individuals nested within groups, violating the assumption of independence among the residual error terms. When simple regression techniques are used on data that violates the assumption of independence among the residuals, there is a tendency of underestimation of the standard error terms leading to a heightened risk of type I errors (O'Dwyer & Parker, 2014). This leads to an increased risk of rejecting the null hypothesis when it should be retained. Multilevel modeling (MLM) and HC error estimates are some of the best statistical techniques to control for correlation of the residual error terms in datasets that have data clusters (i.e. groupings) (Hayes & Cai, 2007; Waring, 1998). In consideration of these effects, the results of Lantz's (2018) study on the diffusion of responsibility become questionable, leaving room for research that uses more robust statistical modeling techniques to obtain more accurate parameter estimates of the influence of the mechanisms of the diffusion of responsibility has in groups and on crime severity.

Diffusion of Responsibility and Sentencing

The research that has been covered so far establishes how the mechanisms of the diffusion of responsibility manifest among offender groups and are associated with the commitment of more crimes and crime severity in comparison to solo criminal actors. This next section focuses on the research that looks at how the diffusion of responsibility that influences the criminal actions of groups, as discussed in the previous section, plays out as a possible mitigating factor when it comes to sentencing of individuals involved in co-offending offenses.

Feldman and Rosen's (1978) study was one of the first studies that examined how the diffusion of responsibility manifested in sentencing outcomes of offenders who acted alone versus those who had an accomplice. Using sentencing data from the Richmond Virginia Commonwealth Attorney's Office (1973 – 1975), they examined robberies of more than \$25. The total sample size was 140 offenders, 70 solo offenders, and 70 offenders who had accomplices. The logarithmic mean for sentencing length for solo robberies was 9.06 and 7.67 years for robberies conducted with accomplices. Using a directional singled tailed t-test, with $\alpha = 0.25$, Feldman and Rosen (1978) found statistically significant differences between the sentencing lengths between the two groups that committed robberies with robbers who had an accomplice(s) receiving significantly shorter sentences than solo robbers. They found support for the diffusion of responsibility in the sentencing practices of judges. However, this is concerning since literature suggests that as the number of accomplices increases, the probability of increased violence also increases (Lantz, 2018; McGloin & Piquero, 2009). Therefore, net controls for other factors, the judges' practice of diffusion of responsibility when it comes to sentencing solo versus co-offenders where the co-offenders receive more lenient sentences than solo offenders, potentially risks undermining the tenets of justice and just desserts.

For certain types of crimes, like white-collar crimes, the diffusion of responsibility that is inherent in the structure of legitimate operations makes it increasingly difficult to collect evidence and to ascertain blame (Croall, 1993). Hagan, Nagel, and Albonetti's (1980) study ancillary tested the diffusion of responsibility by

including a variable that indicates if the offender had an accomplice(s) when examining the sentencing lengths imposed by judges in 10 federal district courts. The study had a sample size of 6,562 prosecuted offenders from 1974 -1977, and the researchers did not find statistically significant differences for sentence severity for white-collar offenders who acted alone or had an accomplice(s). However, for common crimes, they did find statistically significant differences for both the less educated and college-educated offenders. Having accomplices predicted more severe sentences, which is the opposite of the premise of the diffusion of responsibility. These findings suggest that the diffusion of responsibility might only be valid or selectively predictive of sentencing outcomes for certain crimes.

Another study's findings by Crew (1991) further suggests that the diffusion of responsibility concept has selective capacity in predicting sentencing outcomes. He used a sample of 336 offenders sentenced for felonies in Kentucky in 1980. Co-offender was the proxy variable that was used to test for the diffusion of responsibility in sentencing lengths. The analysis did not find statistical significance for the co-offending variables when analyzing the aggregate sentencing lengths of both female and male felony offenders. However, there was statistically significant support for the diffusion of responsibility when disaggregating the dataset to examine the sentencing lengths of females and males separately. The analysis of female sentencing lengths supported the diffusion of responsibility where they would receive shorter sentences when they had co-offenders. This study does show support for the diffusion of responsibility's predictive capacity of sentencing lengths depending on the contextual characteristics (e.g. male

versus female offenders) of the study; however, this study has some methodological issues that undermine the validity of the findings.

Crew's (1991) methodological errors are model specification errors where the data used in the study has conditions that violate the assumptions of the statistical models that were used. The first potential issue is the use of regression techniques without transforming the dependent variable. Sentencing length is known to have a highly positive skew, meaning it does not follow a normal univariate distribution where parametric statistical techniques can be accurately used. The second issue of concern is the presence of nested data or data grouping that violates the assumption of regression techniques of independence among the residuals. This issue was thoroughly discussed previously in the critique of Lantz's (2018) study. In Crew's (1991) study, the significant findings that supported the diffusion of responsibility and shorter sentencing lengths for female offenders who had an accomplice(s) may be due to the regression model's assumptions being violated, which led to an underestimation of the standard error terms. Additionally, another issue was that there were eight independent variables in the model for female offenders, but the sample was only 108. This violates the preferred rule of thumb of 20 units per independent variable to minimize bias in the regression models (Austin & Steyerberg, 2015; Green, 1991).

Diffusion of Responsibility Discussion and Conclusion

The diffusion of responsibility is a human behavior phenomenon that has been empirically established by studies that have conducted experimental designs that afford the capacity to determine causality (see Behnk, Hao, & Reuben, 2017; Mathes & Kahn,

1975; Mynatt & Sherman, 1975; Wallach, Kogan, & Bem, 1964; Whyte, 1991).

However, research on how the diffusion of responsibility manifests in criminal justice applications is underdeveloped. This is due to the limited research in this area and methodological issues with the research that does exist that undermine the validity of the findings. Consequently, there is a lack of knowledge that is grounded in sound methodological principles on how the diffusion of responsibility manifests among sentencing judges to predict sentencing lengths for co-offenders. Therefore, due to paucity of research on this topic in criminal justice and sentencing applications, although not the primary intent of this study, it has now become an ancillary research contribution where the findings of this study can help to establish further the concept of the diffusion of responsibility in criminal justice sentencing applications.

One of the primary intents of this study is to use the concept of the diffusion of responsibility and the research conducted on this concept to establish part of a conceptual framework to examine factors that are predictive of human trafficking sentencing lengths. However, as previously discussed, the development of research in the diffusion of responsibility in criminal justice applications is deficient. Consequently, this portion of the study's findings produces multiple contributions to research by potentially further establishing the concept of the diffusion of responsibility in criminal justice applications and furthering the knowledge of factors that predict human trafficking sentencing lengths. Even though the findings on the diffusion of responsibility and sentencing severity are mixed, this study's research question and hypothesis are based on Feldman and Rosen's (1978) findings on how the diffusion of responsibility is predictive of shorter sentencing

lengths for offenders who are part of co-offending groups. These findings are from dated research, but they still offer the best findings due to being based on sound methodological and statistical principles.

Summary and Conclusions

This section examined the literature that establishes the concepts that are used in this study's conceptual framework to examine factors that predict human trafficking sentencing lengths. The four predictive concepts and the corresponding research that were covered in this section are the following: paternalism/chivalry hypothesis, political conservatism hypothesis, interaction term (gender x political), the diffusion of responsibility, and sentencing year. None of the research within these four predictive concepts had research that directly examines the research questions and hypotheses that this study presents. Therefore, this study is producing seminal research on human trafficking and sentencing. Furthermore, some of the research conducted on some of the concepts have findings that are concluded from results that lack robust methodology. Therefore, this study will not only establish foundational research in human trafficking and sentencing, but its findings will also contribute to supporting the validity of these concepts in criminal justice by using sounder methodologies than some prior research.

Chapter 3: Research Method

This chapter focuses on a thorough discussion of the research methods used to conduct this study. It includes four sections. The first section of this chapter is on the study's research design and rationale. Within this subsection, the study's research design and variables are discussed along with the rationale of the chosen research design. The next section is the methodology section that consists of multiple subsections that are made in reference to the methods used to create the study. The third section covers the study's data analysis plan. In this section, the process of how the data was analyzed for the study is thoroughly discussed. The last section of Chapter 3 covers the threats to the validity of the study. In this section, the external threats, internal threats, and construct validity in reference to the study's methods are discussed.

Research Design and Rationale

This study deploys a quantitative cross-sectional correlated research design using human trafficking sentencing data from 2013-2017 to examine factors that predict human trafficking sentencing lengths. The research design is tailored to explore the applicability of concepts in general sentencing research literature to human trafficking sentencing. The need for this type of exploratory research is due to the marginalization of sentencing research conducted explicitly on human trafficking and sentencing. The need for this specific focus, which arguably make this research more substantive, is due to human trafficking being a unique and dynamic crime, with a transnational context. Consequently, these factors have the potential to introduce dynamics where the

sentencing for this crime may manifest differently than observed in more general sentencing practices.

There are five research questions and corresponding hypotheses that are derived from the concepts that make up this study's conceptual framework. Three main concepts are borrowed from general sentencing literature and two ancillary concepts, one from the combination of two main concepts, and the other from human trafficking sentencing research. Together, they are used to create the study's conceptual framework to formulate the five research questions and corresponding hypotheses pertaining to human trafficking sentencing lengths. These five predictive concepts are the following:

paternalism/chivalry, political conservatism, the diffusion of responsibility, and the ancillary predictive concepts - interaction term and sentencing year. The interaction term between paternalism/chivalry and the political conservatism concepts makes up the fifth research question corresponding hypotheses in this study. The research questions were formulated based on consulting the prior literature on these sentencing concepts. The majority of findings and methodological rigor of the research studies were considered to devise the null and alternative hypothesis to conduct this confirmatory research. In other words, the hypotheses were devised to confirm with the majority of the research findings that have been conducted on these concepts in general sentencing literature.

The dependent variable is federal human trafficking sentencing lengths, and the four independent (explanatory) variables and the interaction term are the following: gender of the offender, sentencing judges' political affiliation, gender of the offender x sentencing judges' political affiliation, solo versus co-offending, and sentencing year.

The research design also incorporates control variables to control for omitted variable bias and spuriousness in the interpretations of the explanatory variables on the dependent variable. A total of 10 control variables are included in the research design that consists of offender and judges' demographics, victims' characteristics, and variables that control for crime severity. The control variables are the following: offenders' age, sentencing judges' age, sentencing judges' gender, sentencing judges' race, victims' age, type of human trafficking, total criminal involvement, firearm, interstate, and intercountry. The incorporation of control variables is a crucial component of the study's research design to ensure that there are not lurking variables that are confounding the results of the explanatory variables in the study. Therefore, this study's research design ensures that there are adequate controls for crime severity, which is essential for reaching unbiased estimates of the predictors of human trafficking sentencing lengths.

Methodology

Sampling and Target Population

This study collected data on all federally sentenced human trafficking offenders from 2013 - 2017 that were disseminated in the form of internet press releases by the United States Attorney's Office (USAO). An important caveat to mention is that this does not mean that all human traffickers who were sentenced during these years are included in this data set. In other words, this dataset consists of a population of USAO human traffickers sentenced during 2013-2017, not necessarily a population of all human traffickers sentenced. However, attempts were made to verify if these press releases did contain all offenders sentenced during these years by analyzing sentencing totals released

by the Bureau of Justice Statistics (BJS). The search was unable to find a listed category of sentenced human traffickers in BJS's statistical reports. The reason to obtain a population instead of a sample of federally sentenced human trafficking offenders is the relatively small population size of the offenders who are federally sentenced under human trafficking sentencing guidelines. Using a population instead of a sample provides a more robust measure of the given phenomenon.

The data that is used for this current study has heteroskedasticity, which undermines the accuracy of the estimation of the standard errors. When a total population is used versus a sample, there are no standard errors to report that make inferences to the population parameters (Moore, McCabe, & Craig, 2017). Therefore, by using a population instead of a sample, this controls for this issue (Moore, McCabe, & Craig, 2017). However, the exact total population size of federally sentenced human trafficking offenders from 2013-2017 is not known. Therefore, the same statistical techniques must be used when analyzing this data as if it were still a sample if inferences want to be made to the target population (i.e. all federally sentenced human traffickers from 2013 - 2017). However, this does not mean that collecting all of the data released by USAO to have a population was a waste of time because the estimations of population parameters are still needed to be incorporated in the analysis. The population data used in this study can still be beneficial if premised on the assumptions that the internet press releases are a total enumeration or are, at the very least, a random dissemination of cases.

In consideration of the above discussion, the target population for this study, where the results of the findings of this study can be inferred too, is the contemporary

population of federally sentenced human trafficking offenders. It should be noted that this study is a population of USAO's press releases about federally sentenced human traffickers. Therefore, the study's findings, when referring to USAO's internet press releases about sentenced human traffickers, the significance of the beta coefficients is not contingent on the standard error estimates of the population parameters or the p-values.

Procedures for Data Collection (Primary Data)

Data for this study were obtained by deploying a primary data collection method that consisted of the usage of the internet to extract variables from press releases, reports, and cases that were published by USAO and Ballotpedia (an encyclopedia that contains information on elections and other government activities). It should be noted that this was all publicly accessible data, and no special authorizations were needed to access this data. From the USAO website, press releases were used to obtain all the data on the variables (e.g. sentencing length, offenders' gender, solo versus co-offending, sentencing year, offenders' age, victims' age, type of human trafficking, total criminal involvement, firearm, interstate, and intercountry) for federal human trafficking cases from 2013 – 2017. Ballotpedia was used to determine the sentencing judges' characteristics - age, gender, race, and political affiliation.

The first stage of gathering and cleaning data to create an accurate human trafficking and sentencing dataset was to make sure there were specific parameters set to identify human trafficking cases. The inclusion of human trafficking cases as part of this study's dataset had to meet the definition of human trafficking at the federal level as defined by the TVPA 2000 and its subsequent reauthorizations as the following:

- a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9)).

The press releases on human trafficking cases were obtained by entering “human trafficking” in the keywords search option on the USAO website. The press releases were then sorted to extract only the press releases that contained human trafficking cases reported between 2013-2017. The cases that were mislabeled as human trafficking according to TVPA 2000 and its subsequent reauthorizations were dropped. Cases that involved child pornography, where the offenders had no physical contact or control over the victims were also dropped. Also, cases that involved offenders caught in police sting operations that involved undercover police posing as the potential victims were dropped. Only the cases that involved perpetrators who had physical involvement or control of real victims and the successful completion of human trafficking, as defined by TVPA 2000 and its subsequent reauthorizations, were included in this study.

The data on the sentencing judges’ demographic and political affiliations for each offender were collected through Ballotpedia’s website. This was conducted by using the

sentencing judges' name that was obtained from USAO's press releases for the respective offenders and searching Ballotpedia's web database for information on the respective sentencing judge.

Microsoft Excel spreadsheets were used to record the data extracted from the press releases. Additionally, to foster organization and avoid duplications, reference variables to each case were included, such as the names of the case, date, and location. Each case was broken down to the individual unit of analysis, meaning cases that had multiple offenders were broken down to the individual level. Each press release was analyzed to pull out the data in reference to the variables used for this study. Any missing data for variables were cross-referenced by entering the case name into an internet search to glean further information for the missing data. Only cases (offenders) that received a sentence were used in this study, creating a combined total of 548 individually sentenced human trafficking offenders. Lastly, data on a total of 15 variables were collected, and the operationalization of these variables are discussed in the next section.

Operationalization of Variables

Dependent Variable

The dependent variable is sentencing length, which is defined as the total number of months that judges sentenced human traffickers to confinement in a detention facility. Offenders that received probation as a sentence were given zero months for sentencing length because they were not sentenced to any time in confinement. An offender who received an imposed sentence of life in prison was given 470 months as a correction term for sentencing length, which is consistent with prior literature (see Doerner & Demuth,

2010). The sentencing length was log 10 transformed to account for not following a normal distribution to enable the use of parametric statistical techniques for analysis. The technical reasoning and rationale are covered more thoroughly later in the Analytical Strategy Section.

Independent Variables

A total of 14 independent variables are included in this study – ten are obtained from the USAO press releases and four from Ballotpedia. The ten independent variables from the USAO press release are the following: sentencing year, offenders’ age, offenders’ gender, victims’ age, human trafficking type (HT type), total criminal involvement, firearm, co-offending, interstate, and intercountry. The four independent variables from Ballotpedia are judges’ political affiliation, judges’ gender, judges’ age, and judges’ race. Out of these 14 independent variables, four are explanatory variables and the rest are control variables.

Explanatory variables.

There are four explanatory variables derived from the four concepts that make up this study’s conceptual framework - gender of the offender, sentencing judges’ political affiliation, co-offending, and sentencing year. The gender of the offender is defined as a nominal variable and pertains to whether the human trafficker is a male or female. This variable is used to test the for the paternalism/chivalry concept in human trafficking sentencing lengths. The sentencing judges’ political affiliation is defined as a nominal variable and indicates whether the judges’ political affiliation is liberal or conservative based on the political party of the president that appointed the federal judge to serve on

the bench. This variable is used to test for the political conservatism concept in human trafficking sentencing lengths. The co-offending variable is also a nominal variable and is operationalized as a dichotomous variable that indicates if the sentenced human trafficking offender operated alone or with one or more accomplices. This explanatory variable is used to test for the diffusion of responsibility concept for human trafficking sentencing lengths. The last explanatory variable is sentencing year. This is defined as the year that the human trafficking offender was sentenced. It is operationalized as a discrete variable to test if there is a positive association between year and sentencing length.

Control variables.

The ten control variables are: sentencing judges' age, sentencing judges' gender, sentencing judges' race, offenders' age, victims' age, type of human trafficking, total criminal involvement, firearm, interstate, and intercountry.

Sentencing judges' age is a numeric continuous variable and is defined as the sentencing judges' age at the time of the sentencing proceeding where the human trafficking offender was sentenced for their offenses. Sentencing judges' gender is operationalized as a nominal variable. It is defined as the biological sex (male or female) of the sentencing judge at the time the given human trafficker was sentenced. The sentencing judges' race is operationalized as a four categorical nominal variable, where White, Black, Hispanic, and Asian are the four races of judges that make up the four-race categories of this variable.

Offenders' age is numerical and a continuous variable, indicating the age of the offender at the time of their sentencing. A total of 28 cases had missing data on offenders' age, and mean substitution was used to generate data for the missing values. Victims' age is defined as the age of the victim(s) in the case and is classified as minor, adult, or both – “both” meaning victims of human trafficking consisting of both minor and adult victims. HT type is classified into three categories: sex, labor, or both. Some cases involved both sex and labor trafficking elements and consequently assigned to the category of “both.” Firearm is defined as the mentioning of the use/involvement of a firearm(s) by the offender during the crime. Total crime involvement is a discrete variable and is defined as the sum of criminal activities that were mentioned in the sentencing press releases based on the following criminality matrix: fraud, money laundering, drug trafficking/distribution, human smuggling, kidnapping, child pornography, and a catch-all “other crimes.” Interstate is defined as the human trafficking operations crossing state lines or having operations that operate in two or more states. In cases that involved human operations in two or more states, each offender involved in the case is defined as interstate. Similarly, to interstate, intercountry was defined the same way, except that it involves human trafficking operations that transcend U.S. borders.

Coding

Table 1 illustrates the coding of the 15 variables in this study.

Table 1 Coding of the 15 Human Trafficking Variables

Variable	Variable Classification	Definition
Sentence Length (logged)	Dependent	Logged sentence length

Offenders' Gender	Independent (Explanatory)	Coded 1 for female, 0 for male
Judges' Political Affiliation	Independent (Explanatory)	Coded 1 for conservative, 0 for no
Co-offending	Independent (Explanatory)	Coded 1 for co-offending, 0 for no
Sentencing Year	Independent (Explanatory)	2013 coded 1, ... 2017 coded 5
Gender x Political	Independent (Explanatory)	Coded 1 for female conservative, 0 for no
Judges' Age	Independent (Control)	Age of judge at the time of sentencing
Judges' Gender	Independent (Control)	Coded 1 female, 0 for male
Judges' Race - White	Independent (Control)	Coded 1 for White, 0 for no
Judges' Race - Black	Independent (Control)	Coded 1 for Black, 0 for no
Judges' Race - Hispanic	Independent (Control)	Coded 1 for Hispanic, 0 for no
Judges' Race - Asian	Independent (Control)	Coded 1 for Asian, 0 for no
Offenders' Age	Independent (Control)	Age of offender
Victims' Age - Adult	Independent (Control)	Coded 1 for adult, 0 for non-adult
Victims' Age - Minor	Independent (Control)	Coded 1 for minor, 0 for non-minor
Victims' Age - Both	Independent (Control)	Coded 1 for both, 0 not both
HT Type - Labor	Independent (Control)	Coded 1 for labor, 0 for no
HT Type - Sex	Independent (Control)	Coded 1 for sex, 0 for no
HT Type - Both	Independent (Control)	Coded 1 for both, 0 no
Firearm	Independent (Control)	Coded 1 for firearm, 0 for no
Total Crime Involvement	Independent (Control)	Criminal activity count
Interstate	Independent (Control)	Coded 1 for interstate, 0 for no
Intercountry	Independent (Control)	Coded 1 for intercountry, 0 for no

Data Analysis Plan

This section covers the data analysis procedures that were used to test the research questions/hypotheses to produce the findings of this study. The section starts with discussing the software used and the type of statistical techniques used to produce the study's findings. It then proceeds into a discussion and rationale into the data

transformation done to the dependent variable and the use of robust standard errors to control for potentially biased estimations of the population parameters. It then moves on to discuss the rationale for the inclusion of control variables to control for omitted variable bias and confounding variables. Lastly, the research questions and hypotheses are restated, along with the statistical techniques used to calculate the results. Additionally, the format of the results to each of the research questions and corresponding hypotheses are also discussed.

Analytic Software and Model

This study's analysis was conducted using the Statistical Package for the Social Sciences 26 (SPSS) to run Ordinary Least Squares (OLS) regression models with the Regression Linear Models (RLM) macro add on by Hayes and Cai (2007), which allows the use of a Heteroskedasticity Constant (HC) calculation of standard errors. OLS with the RLM macro addon was chosen as the optimal method of analysis because the study only has one scalar dependent variable and heteroscedasticity among the residuals, making the data the best fit to meet the OLS model assumptions (Hayes & Cai, 2007; Lewis-Beck & Lewis-Beck, 2016).

Dependent Variable Transformation

The dependent variable for this study is sentencing lengths. Sentencing lengths are known to have a distribution that follows a non-normal curve where they tend to follow a distribution that has a positive skew (Britt, (2009). This non-normality consequently violates the assumptions of using parametric linear models (McDonald, 2014). To check for a non-normal distribution, a histogram of the sentencing lengths with

a reference line that illustrated a normal curve was produced in SPSS 26 to confirmed that the sentencing length data were positively skewed and could not be analyzed using parametric statistical techniques. This issue of a non-normal distribution was addressed by using a log 10 transformation to normalize the distribution of sentencing length. The results of the log 10 transformation for sentencing length were checked for skewness and kurtosis, where they both fit in between the range of -2 and +2, which is an acceptable range to assume a normal univariate distribution (George & Mallery, 2010). Since a log 10 transformation was used to normalize the distribution for sentencing lengths, the beta coefficients for the independent variables are interpreted as a percentage.

Robust Standard Errors

One of the assumptions of OLS is that there is homoscedasticity among the variance in the residuals (Hayes & Cai, 2007). This assumption typically gets violated when using data that is clustered or nested. Frequently in social sciences, this occurs in crime data that consists of data that contains co-offending offenses (Waring, 1998). Within these co-offending groups, the observations are more likely to correlate with each other, resulting in the variances in the residuals to become non-constant (i.e. heteroscedastic). Consequently, this violates the assumptions of OLS and can lead to errors in the standard error estimates in the model potentially resulting in type I and type II errors (Wilcox, Carlson, Azen, & Clark, 2013).

The data set for this study does contain co-offending data, and when tested for heteroscedasticity using the White test, which tests for non-constant variance among the error residuals, the test came up statistically significant (White, 1980). Therefore, to

address this issue, SPSS and the Regression Linear Models (RLM) macro add on by Hayes and Cai (2007), which allows for the use of White's (1980) Heteroskedasticity Constant (HC) standard errors to be calculated was used to control for heteroscedasticity. HC3 covariance estimator is used to calculate the robust standard errors measures control for non-constant variance in the residuals. This covariance estimator uses the square root of the elements that are diagonal in the covariance matrix, affording it the capacity to control for irregularities in the data that would otherwise violate the assumptions of ordinary linear regression techniques that use standard error estimates. Additionally, the HC3 covariance estimator in comparison to other estimators (e.g. HC0) is more robust with smaller samples (Long & Ervin, 2000; Mackinnon & White, 1985). The usage of OLS, coupled with the RLM macro addon, is one of the best ways to ensure the accuracy of the confidence intervals and significance tests for the beta coefficients for this study. This study's usage of these advanced statistical techniques produces far more accurate estimates of significance, minimizing the risks of type I and type II errors, making it far superior to prior research that does not use these types of statistical techniques to account for heteroscedasticity.

Inclusion of Control Variables

The importance of including control variables is crucial for almost any statistical analysis because it allows for more accurate estimates of the predictor or explanatory variables (Moore, McCabe, & Craig, 2017). This study contains controls that included basic demographic information and, more importantly, controls that focus on crime severity. The importance of controlling for crime severity is due to the focal point of this

study examining predictors of sentencing length (i.e. punishment severity). It is logically assumed that offenders who commit more severe crimes or have higher criminality are also going to receive longer sentences. Therefore, not controlling for crime severity and criminality could confound the results of the explanatory variables that are used to test this study's hypotheses and provide answers to the research questions.

The demographic characteristics of judges were included as controls because studies have been conducted that suggest that judges' characteristics do influence sentencing outcomes and lengths (Johnson, 2006; Johnson, 2014; Tiede, Carp, & Manning, 2010). Judges' age was included as a control because older judges are associated with imposing shorter sentences (Johnson, 2006). Judges' gender was also included as a control because research suggests that female judges are associated with imposing shorter sentences (Johnson, 2006; Johnson, 2014; Tiede, Carp, & Manning, 2010). The last control variable for judges' demographic factors was race. Research is mixed on this control variable. Some studies find that minority judges are associated with longer sentences, where others find that they are associated with shorter sentences (Johnson, 2006; Johnson, 2014).

Age of offender is used as a control variable; prior research finds that, on average, older offenders receive shorter sentences than younger offenders (Steffensmeier, Kramer, & Ulmer, 1995; Steffensmeier & Motivans, 2000). The majority of the data for this study pertains to offenders involved in sex trafficking, a sub-category of human trafficking. Therefore, the age of the victim was included as a crime severity control because research on sentencing judges' sentencing practices for sexual abuse incidences suggests that

judges impose longer sentences for offenders when the victims are younger (Lewis, Klettke, & Day, 2014). Research on sentencing lengths for human trafficking types has not been firmly established. However, the type of human trafficking – sex trafficking, labor trafficking, or a combination of both is included as a control for crime severity because sex trafficking is arguably a more severe crime than labor trafficking. A similar logic was followed to include control variables for human trafficking operations that transcended state or transnational borders (e.g. interstate and intercountry). That is, the sentencing lengths for human trafficking offenders who operated across different countries or state borders would be different from offenders who operated within one state or country.

Total crime involvement is made up of the sum of a criminality matrix of the following: fraud, money laundering, drug trafficking/distribution, human smuggling, kidnapping, child pornography, and a catch-all category of “other crimes.” This variable is used for a control for crime severity and criminality because it is logically assumed that an offender who has a higher level of criminality will get a longer sentence. The use of a firearm is included as a control for crime severity because it is known to be a penalty enhancer under federal sentencing guidelines and consequently has a high probability of increasing sentencing lengths (Albonetti, 2014; Burman, 2004). Additionally, even if the firearm is not part of the formal charges, to a judge, the known presence of a firearm is likely to be an indicator of increased risk. Therefore, the sentencing judge is more likely to sentence the offender more severely due to the judge viewing the presence of a firearm

as a significant risk to the public and indication of future criminal activity (Albonetti, 1991).

Research Questions/Hypotheses and Statistical Tests

This sub-section restates the study's research questions and corresponding hypotheses and the statistical tests that are used to test the hypotheses. A variate of Ordinary Least Squares Regression (OLS) is used in this study - Regression Analysis Linear Model (RALM). This is a macro addon for SPSS developed by Andrew Hayes, which affords the estimation of confidence intervals and significance tests that uses robust standard errors (HC3) (Hayes & Cai 2007). For each research question, two models will be used to test the corresponding hypotheses, similar to hierarchical regressions or stepwise regression. The first model will be a baseline model where all of the control variables are included. In the second model, the explanatory variable for the respective research questions is added to observe the beta coefficient's direction and significance on the dependent variable sentencing length (logged). There will be five separate analyses ran for each of the research questions using OLS with HC to produce a total of five separate table outputs of the results.

Research Question 1:

Does the prior research on the paternalism/chivalry hypothesis conducted on sentencing outcomes for various other crimes align with human trafficking sentencing outcomes?

Hypothesis 1:

Null: There is no relationship between human traffickers' gender and sentencing lengths.

Alternative 1: Female human traffickers will receive less severe sentences than male human traffickers.

Alternative 2: Male human traffickers will receive less severe sentences than female human traffickers.

Research Question 2:

Does the prior research on the political conservatism hypothesis conducted on sentencing outcomes for various other crimes align with human trafficking sentencing outcomes?

Hypothesis 2:

Null: There is no relationship between the sentencing judges' political party and the human traffickers' sentencing length.

Alternative 1: Human traffickers who are sentenced by conservative judges will receive longer sentences than human traffickers sentenced by liberal judges.

Alternative 2: Human traffickers who are sentenced by liberal judges will receive longer sentences than human traffickers sentenced by conservative judges.

Research Question 3:

Is there an interaction effect between the paternalism and political conservatism hypotheses in predicting sentencing outcomes of female human trafficking offenders who are sentenced under conservative judges?

Hypothesis 3:

Null: There is no interaction effect between paternalism and political conservatism on predicting sentencing length for human trafficking offenders.

Alternative 1: Female human traffickers who are sentenced by conservative judges will have shorter sentences than their counterparts.

Alternative 2: Male human traffickers who are sentenced by liberal judges will have shorter sentences than their counterparts.

This study tests a third hypothesis, which tests for an interaction effect in the main effects of the paternalism/chivalry and the political conservatism hypotheses. This hypothesis is based on the assumption that female offenders sentenced under conservative judges will receive lighter sentences than their counterparts due to paternalism being arguably more entrenched within conservative values (Schofield, 2018). Although Kim, Wang, and Cheon (2019) found an interaction effect between paternalism and political conservatism, which led to longer sentences. Regardless of these findings, it is still expected that the inverse of their findings will be observed due to the overwhelming amount of literature supporting both the paternalism/chivalry and political conservatism hypotheses.

Research Question 4:

Is there a diffusion of responsibility when it comes to sentencing lengths for human trafficking offenders who operate as individuals, or with co-offenders?

Hypothesis 4:

Null: There is no diffusion of responsibility practiced by judges when sentencing human traffickers who were operating as an individual or with co-offenders.

Alternative 1: Human traffickers who operate with co-offenders will have shorter sentences than traffickers who operate as individuals.

Alternative 2: Human traffickers who operate as individuals will have shorter sentences than individuals who operate with co-offenders.

Research Question 5:

Is there an association with sentencing year and sentencing length?

Hypothesis 5:

Null: There is no association with sentencing year and sentencing length.

Alternative 1: Human trafficking offenders who are sentenced in 2017 will have longer sentences than offenders that were sentenced in 2013.

Alternative 2: Human trafficking offenders who are sentenced in 2013 will have longer sentences than offenders sentenced in 2017.

Threats to Validity

This section discusses and addresses the issues and concerns relating to the study's data that threaten the external, internal, and construct validity of the study.

Overall there are minimal threats to the validity of the study. However, the biggest threat to the validity of this study has to do with not knowing whether the study's data is a random sample, and this threatens the external validity of the study. This issue is addressed thoroughly in the external validity sub-section.

External Validity

The threat to the external validity of this study is uncertain due to the unknown size of the target populations (i.e. number of human traffickers sentenced during 2013 - 2017 in federal courts) and whether the population of human trafficking sentencing data disseminated by USAO press releases is a random sample of all of the human trafficking offenders sentenced during 2013- 2017. As previously mentioned, attempts were made to find the total number of human traffickers sentenced during these years by consulting BJS's data and archives, but came up short due to the lack of a category listed for "Human Trafficking". Therefore, the study's findings having the capacity to make inferences to the population of human trafficking offenders sentenced in federal courts are contingent on the assumption that the data collected on 548 sentenced human traffickers from the USAO's press releases is a random sample. There are no other ways to verify if this data is a random sample.

However, there is evidence available that suggests that the study's data sample is random. The Bureau of Justice Statistics (BJS) reported that the median prison sentence for human traffickers convicted of labor or sex trafficking in 2015 was 134 months (Motivans & Snyder, 2018). The median sentence length for the data used in this study is 168 months. This is approximately a 3-year difference in the median sentencing lengths. It is possible that this fluctuation in median sentencing length is due to this study's data covering five years of sentencing data compared to only the 2015 median sentence length for federally sentenced human trafficking offenders. Albonetti (2014) did note fluctuations of 30 months in the median sentencing lengths of offenders among different

sentencing years in her analysis of human trafficking sentencing lengths that covered a span of ten years (2000 - 2010).

Internal Validity

The internal validity of this study is robust, given the data that are available and the lack of comparable research in this area of research. The two main threats to the internal validity of this study are the potential of omitted variable bias and the uncertainty of the randomness of the study's data.

There is always a risk of omitted variable bias that threatens the internal validity of almost any non-experimental design research. The missing variable, which could lead to omitted variable bias is due to the lack of data to be able to control for prior record of the sentenced human trafficking offenders. Variables like prior record are notable control variables in sentencing literature that have been found to have a significant influence on the sentencing outcome (Roberts, 1997; Spohn & Welch, 1987). However, it is argued that human trafficking is a more egregious crime where sentences are long enough that it would not allow for offenders to develop an extensive prior record. When compared to less severe crimes, like petty theft, these less severe crimes receive sentences that are less severe, if they receive a sentence at all. Consequently, this would allow enough time for an offender to develop an extensive prior record. Therefore, it is concluded that controlling for prior record for human trafficking sentencing lengths is not as important as it is for sentencing lengths for less serious crimes.

Construct Validity

This study's research design, statistical techniques, and operationalization of explanatory variables minimizes the risks to the construct validity of this study. There are slight risks that threaten the construct validity due to how the political conservatism explanatory variable was operationalized. The presidents' political party (e.g. Republican or Democrat) that appointed the sentencing judges was used to operationalize the respective sentencing judge's political affiliation (i.e. liberal or conservative). It is possible that this does not reflect the sentencing judges' current political affiliation at the time of sentencing due to changing political party after being appointed to the bench. However, this phenomenon is expected to be very minimal due to the average age of appointed judges, coupled with the tendency for political values to be solidified at older ages (Gilleard, & Higgs, 2009).

Ethical Procedures

This study presents few if any ethical issues because it does not involve the active observation of human subjects and uses data that are publicly accessible and readily available. However, an Institutional Review Board (IRB) application (IRB-19-0085) was submitted to gain approval to conduct this study. The approval came back under expedited review, and the application was labeled "IRB Exempt" because this study did not involve human subjects.

Summary

This chapter discussed the study's use of a quantitative cross-sectional correlated research design to examine factors that predict human trafficking sentencing lengths

using data on 548 federally sentenced human trafficking offenders from 2013 - 2017. The data for this study were collected from internet press releases that were disseminated by USAO. The operationalization of the study's variables, rationale, and data analysis techniques were outlined in reference to the study's research questions and hypotheses. This chapter ends with a discussion of threats to the validity of the study and the data analysis plan. This chapter segues into the next chapter, which discusses the outcomes of the data analysis plan.

Chapter 4: Results

This chapter starts by reporting the descriptive statistics of the study. Next, the heteroskedasticity tests are reported, which influenced the study's need to correct for biased standard errors by incorporating Heteroskedastic Consistent (HC) standard errors (i.e. robust standard errors) to ensure that the reported significance tests were unbiased. Lastly, the results are reported for each of the study's five research questions and corresponding hypotheses. These findings are reported in separate sections for each research question that include two models – one baseline and the other with the predictor variable added to observe the statistical significance and its contribution to the overall explained variance in the full model.

Study Results

Descriptive Statistics

Table 2 consists of three sections that report the mean and standard deviation (SD) of all the variables in this study with $N = 548$. The first section is the dependent variable - logged sentence lengths. The second section consists of the five explanatory variables, and the last section is the descriptive statistics of all the control variables.

Dependent Variable

The first section in Table 2 presents the means and SD of the dependent variable, which is the logged sentence length. The mean is 2.15, which equates to a mean sentence length of approximately 141 months.

Explanatory Variables

The second section reports the mean and SD of the five explanatory variables in the study - offenders' gender, judges' political affiliation, co-offending, sentencing year, and gender x political. Offenders' gender is a dichotomous variable, with female coded as one. Therefore, the mean (0.14) is the proportion of female offenders in the dataset. This is also true for all of the dichotomously coded variables in this study, where the dichotomous variables that are coded one indicate the proportion they represent in the dataset. The dichotomous variables are denoted by the superscript “a” in Table 2. Judges' political affiliation is almost a perfect split, with approximately 50% of the judges being conservative. Co-offending's mean is about 57%, indicating that the majority of the offenders in this dataset operated with an accomplice(s). Sentencing year was coded 1 – 5 (2013 -2017) the mean is approximately 3.42, indicating that the majority of the offenders in the dataset were sentenced in the later sentencing years. This is suggesting that more current years have a higher number of human trafficking offenders being sentenced to prison, which is consistent with reports on human trafficking prosecutions (Motivans & Snyder, 2018). Lastly, the gender and political moderator term's mean is about 7%, indicating that 7% of the dataset consists of female offenders sentenced under conservative judges.

Control Variables

The third section of Table 2 reports the means and SDs of all the control variables in this study - judges' age, judges' gender, judges' race – White, judges' race – Black, judges' race – Hispanic, judges' race – Asian, offenders' age, victims' age – adult, victims'

age – minor, victims' age – both, HT type – labor, HT type – sex, HT type – both, firearm, total crime involvement, interstate, and intercountry. The mean age of sentencing judges at the time of sentencing is about 62.78 years old. Female judges made up approximately 30% of the sentencing judges in the dataset. Judges that were White made up the majority of judges at about 75% of the dataset, followed by Black (15%), Hispanic (7%), and Asian (3%) judges.

The mean offender's age is approximately 34 years old, with an age range of 19 – 78 years old, and the majority of these offenders being male at roughly 86%. Human trafficking offenders who trafficked only minors made up about 50% of the dataset. Traffickers who only trafficked adult victims (26%) and a combination of both adults and minor victims (24%) made up the rest of the dataset. The majority of the human trafficking cases were sex trafficking at roughly 93%, labor at 7%, and only 1% or fewer of the offenders were involved in human trafficking operations that consisted of both sex and labor trafficking elements. The study's results also found that 11% of human traffickers used a firearm as a tool in the furtherance of their criminal activities was intriguing. Human trafficking is not akin to robbery or murder, where firearms are more likely to be a primary tool. In contrast, for human trafficking, firearms would be more likely a secondary or tertiary tool, most likely serving to sway coercion. The mean for total crime involvement is approximately 51%. About 53% of the offenders were involved in human trafficking operations that crossed state lines. This may be because multi-jurisdictional cases are more likely to get processed in the Federal courts. Also, this

would explain why roughly 18% of the offenders sentenced were involved in human trafficking operations that were transnational (i.e. intercountry).

Table 2 Descriptive Statistics of Human Trafficking Offenders

Variable	Mean	SD
Sentence Length (logged)	2.15	0.44
Offenders' Gender ^a	0.14	0.35
Judges' Political Affiliation ^a	0.50	0.50
Co-offending ^a	0.57	0.50
Sentencing Year	3.42	1.27
Gender x Political ^a	0.07	0.26
Judges' Age	62.78	9.22
Judges' Gender ^a	0.30	0.46
Judges' Race – White ^a	0.75	0.43
Judges' Race – Black ^a	0.15	0.36
Judges' Race – Hispanic ^a	0.07	0.25
Judges' Race – Asian ^a	0.03	0.16
Offenders' Age	33.93	9.68
Victims' Age – Adult ^a	0.26	0.44
Victims' Age – Minor ^a	0.50	0.50
Victims' Age – Both ^a	0.24	0.43
HT Type – Labor ^a	0.07	0.25
HT Type – Sex ^a	0.93	0.26
HT Type – Both ^a	0.01	0.10
Firearm ^a	0.11	0.31
Total Crime Involvement	0.51	0.80
Interstate ^a	0.53	0.50
Intercountry ^a	0.18	0.39

a. Means for dichotomous variables are interpreted as proportions

Heteroscedasticity Tests

This section reports and discusses the findings of four tests that are designed to detect heteroscedasticity – White, Modified Breusch-Pagan, Breusch-Pagan, and F Test. All four test the null hypothesis that the variance of the errors does not depend on the

values of the independent variables. Therefore, if the corresponding test statistic (chi-square or F statistic) is statistically significant, the null hypothesis is rejected, indicating that there is a high probability of heteroscedasticity that is influencing the standard error of the betas coefficients. Consequently, signaling the potential increased risk of type I and type II errors.

All four heteroscedasticity tests were statistically significant (see Table 3), indicating that there is a high probability of heteroscedasticity among the residuals. The White test is more general and is used for asymptotic datasets, where it allows for the independent variables to have nonlinear and interaction effects on the variance. Therefore, it can produce significant results, but it does not necessarily mean that there is heteroscedasticity among the residuals (White 1980), hence, the inclusion of the three other tests of heteroscedasticity. The Breusch-Pagan heteroscedasticity test tests for the presence of heteroskedasticity by assuming that variance in the error residuals is a linear function of the independent variables (Breusch & Pagan, 1979). Therefore, for the heteroskedasticity to exist, it has to be a linear correlation between the independent variables and the error residuals. The Modified Breusch-Pagan is a more robust version of the Breusch-Pagan test. Its test assumptions are not based on the Gaussian distribution of the error terms making it more robust than the Breusch-Pagan test by being able to control for kurtosis among the residual error terms (Koenker, 1981). The F Test is a more straightforward test for heteroscedasticity. It partitions the residuals of the observations into two groups - low predictors and high predictors values. An F-statistic is used to compare the differences between the error residuals of two groups, and if it is statistically

significant, this indicates a high probability of heteroscedasticity among the variance of the residual errors (Moore, McCabe, & Craig, 2017).

The overwhelming evidence from these four tests suggests that there is a high probability of heteroscedasticity among the variables in this study’s dataset, calling for adjustments in the statistical techniques to account for this issue. As discussed previously in the data analysis plan section in Chapter 3, these findings led to using a macro add-on that allows for the calculation of OLS parameter estimates using HC error estimates. All analyses for the results of the five research questions and corresponding hypotheses in the following sections are calculated using (HC) error estimates.

Table 3 Test of Heteroscedasticity (Full Model)

Test	Chi-square	F
White	206.77**	
Modified Breusch-Pagan	15.98***	
Breusch-Pagan	20.48***	
F Test		16.40***

*p < .05. **p < .01. ***p < .001.

Model Results

Paternalism/Chivalry

This section discusses the findings of the OLS regression models with robust standard errors (White’s HC3 standard errors) Models 1 and 2 outputs that test the validity of the paternalism/chivalry hypothesis in predicting shorter sentencing lengths for female human trafficking offenders. Model 1 is the baseline model that has all of the controls and the other explanatory variables. Model 2 adds the explanatory variable offenders’ gender to the model to test the paternalism/chivalry hypothesis by observing

the strength and direction of the beta coefficient, statistical significance, and the amount of variance that is added to the overall model with the introduction of offenders' gender variable.

Model 1

In Model 1 (Table 4), the baseline model consists of the other explanatory variables and control variables that accounted for about 20% (Olkin-Pratts R-Square) of the explained variance in sentencing length, which was statistically significant with $p < .001$. In this model, Victims' age (adult and both), human trafficking type (labor and both), firearm, total crime involvement, and co-offending had statistically significant effects in explaining the total variance in the logged sentencing length for human trafficking offenders. Judges' age, judges' gender, judges' race, judges' political affiliation, offenders' age, interstate, intercountry, and sentencing year were found to be non-significant.

The beta for victims' age – adult, was approximately -0.15, indicating that human traffickers who trafficked solely adult victims received, on average, a sentence that was approximately 15% shorter than offenders that trafficked just minor victims with $p < .001$. Human traffickers who trafficked victims' who consisted of both minors and adults received on average sentences that were approximately 9% longer than offenders who trafficked victims who were only solely minors. For human trafficking type – labor, human trafficking offenders who only trafficked victims for the purpose of labor trafficking versus sex trafficking received sentences that were, on average, 44% shorter with $p < .001$. Human trafficking offenders who were sentenced for trafficking victims

for both labor and sex trafficking received sentences that were approximately 47% longer than offenders who trafficked victims for solely sex trafficking with $p < .05$. Firearms were also a significant predictor in the model, indicating that offenders who used/in possession of a firearm received, on average, sentences that were 15% longer than offenders who did not use or were not in possession of a firearm. The beta for total crime involvement is 0.08, indicating that for a one-unit increase in total crime involvement, the length of the sentence increases by about 8%. Co-offending is the last significant variable in the baseline model with a beta coefficient of -0.13, indicating that human trafficking offenders who offend with an accomplice(s) received, on average, 13% shorter sentences than solo offenders.

Model 2

This model introduces the gender variable to test the paternalism/chivalry hypothesis in human trafficking sentencing lengths. Mimicking a hierarchical regression model by stepping the models affords the ability to test the sole influence of gender on the dependent variable while controlling for all of the other variables within the model. All beta coefficients and significant levels were similar in Model 2 as in Model 1 except for judges' race – Hispanic, victims age – both, and human trafficking type – both. Judges' race -Hispanic become statistically significant at the .05 level with the beta coefficient indicating that human trafficking offenders sentenced by Hispanic versus White judges receive, on average, sentences that are 14% longer. For victims' age – both and human trafficking type – both the beta coefficients are no longer statistically significant in the full model. It is noted that Models 2, 4, 5, 8, and 10 are also full models;

therefore, the betas, significant levels, and Olkin-Pratts R-Square will be the same across all five models. They are included in the results for each research question and corresponding hypotheses to observe the differences between the models when the explanatory variable is added.

Model 2 shows support for paternalism/chivalry hypothesis in sentencing lengths for human trafficking offenders, therefore rejecting the null hypothesis – that offenders’ gender does not predict their sentencing lengths. The beta for gender (female) indicates that female offenders, on average, receive sentences that are approximately 27% shorter than their male counterparts while controlling for the other variables in the model. The beta for gender was found to be highly statistically significant with $p < .001$. The Olkin-Pratts R-Square for Model 2 is roughly 26%, indicating that the addition of the gender variable accounted for an increase of approximately 6% of total explained variance in the dependent variable. This change in the r-square was statistically significant at the .001 level, indicating that the gender variable had a statistically significant influence in explaining the variance in sentencing length for human trafficking offenders.

Table 4 *OLS Regression of Sentenced Human Trafficking Offenders - Paternalism/Chivalry (N = 548)*

Variable	Model 1		Model 2	
	<i>B</i>	<i>SE (HC3)</i>	<i>B</i>	<i>SE (HC3)</i>
Judges' Age	0.04	0.23	-0.02	0.23
Judges' Gender	0.00	0.04	0.00	0.04
Judges' Race - Black	-0.05	0.05	-0.05	0.04
Judges' Race - Hispanic	0.14	0.07	0.14*	0.07
Judges' Race - Asian	0.11	0.07	0.11	0.06
Offenders' Age	0.06	0.17	0.09	0.17
Victims' Age - Adult	-0.15***	0.04	-0.16***	0.04
Victims' Age - Both	0.09*	0.04	0.07	0.04

HT Type - Labor	-0.44***	0.09	-0.40***	0.09
HT Type - Both	0.47*	0.24	0.50	0.25
Firearm	0.15**	0.05	0.14**	0.05
Total Crime Involvement	0.08**	0.03	0.08**	0.03
Interstate	-0.05	0.03	-0.04	0.03
Intercountry	-0.11	0.06	-0.12	0.06
Judges' Political Affiliation	0.05	0.03	0.06	0.03
Co-offending	-0.13***	0.03	-0.09**	0.03
Sentencing Year	0.02	0.01	0.02	0.01
Offenders' Gender			-0.27***	0.05
Constant	2.02***	0.51	2.08***	0.49
Olkin-Pratts R-Square		0.2029***		0.2579***

Note: The dependent variable is log transformed sentence length. *p < .05. **p < .01. ***p < .001.

Political Conservatism

This section tests the political conservatism hypothesis. It follows the same format as the previous section in reporting the results. There are two models (Models 3 and 4) with one baseline model (Model 3) with the predictor variable judges' political affiliation left out of the model to be added in the second model (Model 4). Since the baseline models will be similar across the results of the five research questions and corresponding hypotheses, only substantial differences between the baseline models will be reported.

Model 3

Model 3 is the baseline model (Table 5). This baseline model is similar in its beta coefficients and significant levels except for judges' race – Hispanic and offenders' gender, which was not reported in Model 1. Judges' race – Hispanic was statistically significant with $p < 0.05$. The beta coefficient is 0.16, indicating that human trafficking offenders sentenced by Hispanic versus White judges receive, on average, sentencing lengths that are about 16% longer. The Olkin-Pratts R-Square is about 0.255 (25.5%),

indicating that the variables included in Model 3 explain approximately 25.5% of the total variance in the dependent variable.

Model 4

The introduction of the explanatory variable judges' political affiliation in Model 4 was not statistically significant. The beta coefficient is 0.06, indicating if statistically significant that offenders sentenced by conservative versus liberal judges, on average, would receive sentence lengths that were 6% longer. However, the beta coefficient was not statistically significant; therefore, the null hypothesis that the judges' political affiliation does not predict offenders' sentencing length is retained. The Olkin-Pratts R-Square for Model 4 is approximately 0.2579, which is about .3% from Model 3. This indicates that the judges' political affiliation variable only explains approximately .3% of the variance in the dependent variable – sentencing lengths.

Table 5 OLS Regression of Sentenced Human Trafficking Offenders - Political Conservatism (N = 548)

Variable	Model 3		Model 4	
	<i>B</i>	<i>SE (HC3)</i>	<i>B</i>	<i>SE (HC3)</i>
Judges' Age	0.06	0.23	-0.02	0.23
Judges' Gender	-0.02	0.04	0.00	0.04
Judges' Race - Black	-0.06	0.04	-0.05	0.04
Judges' Race - Hispanic	0.16*	0.07	0.14*	0.07
Judges' Race - Asian	0.11	0.06	0.11	0.06
Offenders' Age	0.09	0.17	0.09	0.17
Victims' Age - Adult	-0.16***	0.04	-0.16***	0.04
Victims' Age - Both	0.07	0.04	0.07	0.04
HT Type - Labor	-0.43***	0.09	-0.40***	0.09
HT Type - Both	0.51	0.26	0.50	0.25
Firearm	0.14**	0.05	0.14**	0.05
Total Crime Involvement	0.09***	0.03	0.08**	0.03
Interstate	-0.04	0.03	-0.04	0.03

Intercountry	-0.12	0.06	-0.12	0.06
Offenders' Gender	-0.27***	0.05	-0.27***	0.05
Co-offending	-0.09**	0.03	-0.09**	0.03
Sentencing Year	0.02	0.01	0.02	0.01
Judges' Political Affiliation			0.06	0.03
Constant	1.98***	0.50	2.08***	0.49
Olkin-Pratts R-Square		0.2551***		0.2579***

Note: The dependent variable is log transformed sentence length. *p < .05. **p < .01. ***p < .001.

Gender Moderated by Political

This section tests the interaction term that combines the paternalism/chivalry and the political conservatism hypotheses to see if there is an interaction between offenders' gender and judges' political affiliation.

Model 5

Model 5 (Table 6) is a baseline model that is identical to Models 2, 4, 8, and 10. Therefore, the results are identical to those models and are not reported. The purpose of including this model is to observe the differences between Model 6, where the interaction term is added.

Model 6

Model 6 introduces the interaction term that combines offenders' gender and judges' political affiliation to create an interaction term that is female offenders sentenced by conservative judges. The results of the model indicate that the interaction term is not statistically significant and did not make a meaningful contribution to the overall explained variance in sentencing lengths. Therefore, the null hypothesis is retained – gender is not moderated by judges' political affiliation in predicting human trafficking sentencing lengths.

Table 6 *OLS Regression of Sentenced Human Trafficking Offenders - Gender x Political (N = 548)*

Variable	Model 5		Model 6	
	<i>B</i>	<i>SE (HC3)</i>	<i>B</i>	<i>SE (HC3)</i>
Judges' Age	-0.02	0.23	-0.04	0.23
Judges' Gender	0.00	0.04	0.00	0.04
Judges' Race - Black	-0.05	0.04	-0.05	0.04
Judges' Race - Hispanic	0.14*	0.07	0.14*	0.07
Judges' Race - Asian	0.11	0.06	0.11	0.06
Offenders' Age	0.09	0.17	0.09	0.17
Victims' Age - Adult	-0.16***	0.04	-0.16***	0.04
Victims' Age - Both	0.07	0.04	0.06	0.04
HT Type - Labor	-0.40***	0.09	-0.40***	0.09
HT Type - Both	0.50	0.25	0.49	0.25
Firearm	0.14**	0.05	0.14**	0.05
Total Crime Involvement	0.08**	0.03	0.08**	0.03
Interstate	-0.04	0.03	-0.04	0.03
Intercountry	-0.12	0.06	-0.12	0.06
Offenders' Gender	-0.27***	0.05	-0.32***	0.08
Co-offending	-0.09**	0.03	-0.09**	0.03
Sentencing Year	0.02	0.01	0.02	0.01
Judges' Political Affiliation	0.06	0.03	0.05	0.03
Gender x Political			0.09	0.10
Constant	2.08***	0.49	2.13***	0.49
Olkin-Pratts R-Square	0.2579***		0.2579***	

Note: The dependent variable is log transformed sentence length. *p < .05. **p < .01. ***p < .001.

Diffusion of Responsibility

This section reports the results of the analysis that test if there is an association with the diffusion of responsibility and human traffickers' sentencing lengths. The diffusion of responsibility is operationalized by the co-offending explanatory variable. If there is an association between the co-offending variable and sentencing length, this

would suggest that judges incorporate the diffusion of responsibility in their sentencing decisions.

Model 7

Model 7 (Table 7) is the baseline model that leaves out the co-offending explanatory variable. There are no meaningful differences to report in the beta coefficients or significant levels for any of the variables that are marginally different from the previous models. The purpose of this model is to report the Olkin-Pratts R-Square to be able to compare it with the Olkin-Pratts R-Square in Model 8, which is approximately 0.2471 (24.71%).

Model 8

Model 8 introduces the explanatory variable co-offending. The beta coefficient for co-offending is -0.09, which is statistically significant with $p < .01$. This indicates that human trafficking offenders who operated with an accomplice(s) have sentencing lengths that are approximately 9% shorter than offenders that operated solo. The Olkin-Pratts R-Square is approximately 0.2579 (25.79%), which is about a 1% increase in the overall explained variance in the dependent variable with the addition of the co-offending variable. Therefore, the null hypothesis for this research question is rejected, and the alternative hypothesis is accepted – the diffusion of responsibility predicts shorter sentencing lengths for co-offenders sentenced for human trafficking offenses.

Table 7 OLS Regression of Sentenced Human Trafficking Offenders - Diffusion of Responsibility (N = 548)

Variable	Model 7		Model 8	
	<i>B</i>	<i>SE (HC3)</i>	<i>B</i>	<i>SE (HC3)</i>
Judges' Age	-0.01	0.23	-0.02	0.23

Judges' Gender	0.00	0.04	0.00	0.04
Judges' Race - Black	-0.05	0.04	-0.05	0.04
Judges' Race - Hispanic	0.16*	0.07	0.14*	0.07
Judges' Race - Asian	0.11	0.06	0.11	0.06
Offenders' Age	0.14	0.18	0.09	0.17
Victims' Age - Adult	-0.16***	0.04	-0.16***	0.04
Victims' Age - Both	0.05	0.04	0.07	0.04
HT Type - Labor	-0.40***	0.09	-0.40***	0.09
HT Type - Both	0.47	0.26	0.50	0.25
Firearm	0.14**	0.05	0.14**	0.05
Total Crime Involvement	0.08**	0.03	0.08**	0.03
Interstate	-0.04	0.03	-0.04	0.03
Intercountry	-0.15*	0.06	-0.12	0.06
Offenders' Gender	-0.29***	0.05	-0.27***	0.05
Judges' Political Affiliation	0.06	0.03	0.06	0.03
Sentencing Year	0.02	0.01	0.02	0.01
Co-offending			-0.09**	0.03
Constant	1.96***	0.50	2.08***	0.49
Olkin-Pratts R-Square		0.2471***		0.2579***

Note: The dependent variable is log transformed sentence length. *p < .05. **p < .01. ***p < .001.

Sentencing Year

The focus of this section's analysis is to determine if there is an association between sentencing year and sentencing lengths, which was a concept derived from the limited research that empirically observed a positive correlation between sentencing year and sentencing length for human trafficking offenders (see Albonetti, 2014)

Model 9

Model 9 (Table 8) is a baseline model that leaves out the sentencing year to determine the Olkin-Pratts R-Square of the model, which is approximately 0.2548

(25.48%). There are no meaningful differences in the beta coefficients significant levels of the variables that would be worthy of reporting. Therefore, the purpose of this model is to leave out the sentencing year to observe the contribution that the sentencing year has to the overall variance in the dependent variable when added in Model 10.

Model 10

The addition of the sentencing year was not statically significant. The Olkin-Pratts R-Square is approximately 0.2579 (25.79%), which is an increase of about only .3% of the total variance in the dependent variable from Model 9. Therefore, the results from Model 10 support the retention of the null hypothesis – sentencing year is associated with sentencing lengths.

Table 8 *OLS Regression of Sentenced Human Trafficking Offenders - Sentencing Year (N = 548)*

Variable	Model 9		Model 10	
	<i>B</i>	<i>SE (HC3)</i>	<i>B</i>	<i>SE (HC3)</i>
Judges' Age	-0.07	0.23	-0.02	0.23
Judges' Gender	0.00	0.04	0.00	0.04
Judges' Race - Black	-0.05	0.04	-0.05	0.04
Judges' Race - Hispanic	0.15*	0.07	0.14*	0.07
Judges' Race - Asian	0.10	0.06	0.11	0.06
Offenders' Age	0.08	0.17	0.09	0.17
Victims' Age - Adult	-0.16***	0.04	-0.16***	0.04
Victims' Age - Both	0.07	0.04	0.07	0.04
HT Type - Labor	-0.39***	0.09	-0.40***	0.09
HT Type - Both	0.48	0.24	0.50	0.25
Firearm	0.13*	0.05	0.14**	0.05
Total Crime Involvement	0.08**	0.03	0.08**	0.03
Interstate	-0.05	0.03	-0.04	0.03
Intercountry	-0.14*	0.06	-0.12	0.06
Offenders' Gender	-0.27***	0.05	-0.27***	0.05
Judges' Political Affiliation	0.06	0.03	0.06	0.03
Co-offending	-0.10**	0.03	-0.09**	0.03

Sentencing Year			0.02	0.01
Constant	2.27***	0.49	2.08***	0.49
Olkin-Pratts R-Square		0.2548***		0.2579***

Note: The dependent variable is log transformed sentence length. *p < .05. **p < .01. ***p < .001.

Summary

The results for the study's five research questions and corresponding hypotheses are mixed. Support was found for two of the five research questions alternative hypotheses – paternalism/chivalry and the diffusion of responsibility. These findings align with research conducted on sentencing for other types of crimes. The results for the paternalism/chivalry alternative hypothesis found that female human traffickers received sentencing lengths that were, on average, 27% shorter than their male counterparts with the offenders' gender variable explaining about 6% of the variance in sentencing lengths. Evidence for the diffusion of responsibility was also supported, where human trafficking offenders who committed their offenses with an accomplice(s) received sentencing lengths that were approximately 9% shorter than solo human traffickers with the co-offending variable explaining about 1% of the variance in the dependent variable. Statistically significant results were not observed for the three other explanatory variables – judges' political affiliation, gender x political, and sentencing year. Therefore, the null hypotheses for the three corresponding research questions were retained.

This concludes Chapter Four that reports the findings on this study's five research questions and corresponding hypotheses. Some of the findings in this study are consistent with the prior research discussed in Chapter Two. However, some of these findings are not, and the interpretation of these findings, how they compare with prior research are

discussed next. In Chapter 5, the interpretations of the findings are discussed, followed by recommendations and the conclusions of the study.

Chapter 5: Discussion, Conclusions, and Recommendations

This study's research is particularly impactful, given the present dearth of literature. The current state of research on human trafficking and sentencing is so minute that there is a lack of empirical research to establish foundational knowledge to understand how sentencing manifests for human trafficking offenders. This creates a void in the knowledge framework of sentencing where there can be potential conditions that exist that are malignant to the tenets of the justice system. This study adds an incremental piece to this knowledge framework on human trafficking and sentencing by conducting quantitative research that identifies predictors of human trafficking sentencing lengths. Furthermore, this study establishes a baseline precedence for future works in this field to expound. Therefore, this type of research has the potential to become a staple in this area of research that is often overlooked due to the lack of data and is plagued with research that lacks robust quantitative methodologies (Goździak & Bump, 2008; Sweileh, 2018).

This chapter begins with a section on the summary of the findings from Chapter Four, followed by a section on the interpretation of the findings. In this section, this study's findings are compared to the findings for similar research that were discussed in Chapter Two. Next is a section on the limitations of the study, followed by recommendations for future research to explore and expand upon this research. The last section is the conclusion where the major takeaways of this study are stated that capture the essence of this research.

Summary of the Findings

The findings of this study are mixed across the five research questions and corresponding hypotheses when compared to the majority of the research findings on the study's four predictive concepts that make up its conceptual framework. The findings provide support for paternalism/chivalry and for the diffusion of responsibility. The findings for political conservatism, the interaction term, and sentencing year do not align with prior research. These mixed findings may be due to two factors. The first is that human trafficking is a unique crime, reducing the likelihood that the findings will be analogous to other types of crimes. The second has to do with the methodological approaches that prior research has taken, which undermines the validity of their findings.

The results of this study support the paternalism/chivalry concept in human trafficking and sentencing that female human traffickers receive shorter sentences than their male counterparts while controlling for rival causal factors. This study's findings help to further validate the reach of paternalism/chivalry concept into the sentencing practices of unique subsets of crimes (e.g. human trafficking). Additionally, these findings uncover potential biases in the sentencing practices of human trafficking offenders that are corrosive to the tenets of justice. However, there is an important caveat to these findings that the study's design was unable to control for, which is female human traffickers' culpability. It is not uncommon for female human traffickers to have once been victims themselves and have risen through the ranks to become a human trafficker (Lo Iacono, 2014; Santana, 2018). Under these circumstances, judges may have taken

into account females' culpability as a mitigating factor when imposing sentences, leading to shorter sentencing lengths for female versus male human traffickers.

The study's findings for the diffusion of responsibility are aligned with prior research's findings. The co-offending variable was used as the proxy measure for the diffusion of responsibility. That is, if the diffusion of responsibility exists among judges' sentencing practices while controlling for other rival casual factors, human trafficking offenders who offended with an accomplice(s) will receive shorter sentences. This notion was supported in this study's findings where human trafficking offenders that offended with others versus solo offenders receive significantly shorter sentences. These findings suggest that having an accomplice(s) is associated with shorter sentences where the diffusion of responsibility of the offense is spread among its offenders, and likewise, the punishment (i.e. sentence length). Similar to the gender bias in human trafficking sentencing, this finding also uncovers the potential of bias in the sentencing of co-offending cases for human trafficking offenders. This finding suggests that this bias exists among human trafficking sentencing practices where there is a potential risk of it being corrosive to the tenets of justice, especially when considering that prior research has found that co-offending tends to exacerbate crime severity and violence (Lantz, 2018; McGloin & Piquero, 2009; McGloin & Thomas, 2016).

The study's non-statistically significant findings for political conservatism, the interaction term, and sentencing year concepts that did not align with prior research findings could potentially be viewed as an indicator of the absence of sentencing biases. That is, the study's findings did not find evidence that supports the notion of the

sentencing judges' political affiliation bias influencing the sentencing lengths for human trafficking offenders. Additionally, the study's findings did not support the notion that conservative judges would be more paternalistic/chivalrous towards female human traffickers. Consequently, the biases in sentencing practices concerning the judicial political spectrum do not seem to be as prevalent among the judges' sentencing practices of human trafficking offenders.

Interpretation of Findings

This study fills gaps in the literature and produces quantitative research in human trafficking and sentencing. The results of this study are mixed – some aligning with prior research that tested the paternalism/chivalry and the diffusion of responsibility. In contrast, political conservatism, the interaction term, and sentencing year were not found to be statistically significant predictors of human trafficking sentencing lengths. These results indicate the need to investigate human trafficking further to get a better understanding of why it seems to be manifested so differently than other crimes. What follows in this section is the interpretation of this study's findings compared to prior research that was conducted on the four predictive concepts that make up this study's conceptual framework.

Paternalism/Chivalry

Consistent with prior literature, this study found support for paternalism/chivalry that females, on average, receive more lenient sentences than males (see Albonetti, 1997; Curry, Lee, & Rodriguez, 2004; Doerner, 2012; Doerner & Demuth, 2010; 2014; Farnworth & Teske, 1995; Freiburger, & Sheeran, 2017; Griffin & Wooldredge, 2006;

Jeffries, Fletcher, & Newbold, 2003; Kim, Wang, & Cheon, 2019; Koons-Witt, 2002; Rodriguez, Curry, & Lee, 2006; Spohn & Beichner, 2000; Steffensmeier & Demuth, 2006). The results of this study found that female human trafficking offenders sentenced for human trafficking offenses received, on average, 27% shorter sentences than their male counterparts. This shorter sentencing length for female versus male human traffickers falls within the sentencing length range of prior research findings, which ranges from 2% – 50%. The study's findings for shorter sentencing lengths for female offenders aligns the closest with Doerner and Demuth's (2010) study that looked at federal sentencing lengths in 2001 and found that females receive sentences that were 25% shorter, on average, than their male counterparts. The study's findings establish a baseline of knowledge in human trafficking that there is a potential of gender sentencing bias. Furthermore, the findings help to solidify the validity of the application of the paternalism/chivalry concept in predicting gender sentencing disparities for unique crimes (e.g. human trafficking).

Political Conservatism

Support for the political conservatism hypothesis was not found in this study, which goes against the majority of prior research findings. The results of the study supported the null hypothesis of the political conservatism hypothesis, which aligned with Huang et al.'s (1996) findings on sentencing lengths for rape and murder. These results suggest that human trafficking reaches a level of egregiousness similar to the crimes of rape and murder, where a political party has a null effect on sentencing lengths. Furthermore, another explanation for the failure to find support for the political

conservatism hypothesis may be due to how unique human trafficking is rather than how egregious it is. If this is the case, it will help to explain why this study's findings did not align with purposively similar crimes (e.g. sex offending) that tested the political conservatism hypothesis. Therefore, it is possible that these crimes do not have the capacity within their elements to reach the threshold of similarity with human trafficking to produce similar findings, and subsequently cannot be extrapolated to buttress support for expected human trafficking sentencing outcomes.

Another possible reason as to why this study's findings on political conservatism did not align with prior research may be due to the methodological errors present in some of the prior research. This was discussed in Chapter Two, where some of the studies that used federal sentencing data that found support for political conservatism had issues with their methodologies - measurement and model specification bias (see Farrell, Ward, & Rousseau, 2010; Nowacki, 2018). Both studies used latent measures (e.g. percentage that voted Republican in one presidential election) to operationalize the political conservatism of the court instead of a direct measure like judges' political affiliation. This creates a massive risk of measurement bias in the study's methodology. It makes it very difficult to ascertain if this construct of political conservatism actually measures the political conservatism of the court that is responsible for sentencing offenders. This is especially concerning, as previously mentioned, when considering the political insularity of the federal court judges from the jurisdiction they serve.

The second issue is concerns the model specification bias, where some of the studies mix level one and level two variables using statistical techniques such as basic

linear and logistic regression techniques that do not account for multiple levels of data. For example, Helms (2009) used ordinal regression where their data consisted of individual (level 1) and county level (level 2) variables in their ordinal models to infer that political conservatism influences punishment severity, where their explanatory variable (percentage voted Republican) was a level two variable, predicting a change in a level one dependent variable - sentencing type. These results from this study are flawed due to model misspecifications, which creates biases in the beta coefficients and error terms. This leads to biases in the parameter estimates and findings that have a high risk of type I and type II errors. Therefore, studies that have methodological issues should be discounted when compared to studies that present findings based on more robust methodological rigor.

The Interaction Term

Similar to the political conservatism hypothesis, this study did not find statistical significance for the interaction term. The interaction term tests if female human traffickers' sentencing lengths are moderated by conservative judges. The two prior research studies had mixed findings on the interaction between the gender of the offender and political conservatism (Helms & Jacobs, 2002; Kim, Wang, & Cheon, 2019). However, both studies found statistically significant results, which is contrary to this study's findings. A plausible explanation as to why this study's findings are different from prior research findings (i.e. where there was no statistically significant prediction for the interaction term) is methodological issues concerning measurement bias with prior

research. That is, Helms and Jacobs's (2002) and Kim, Wang, and Cheon's (2019) studies operationalized political conservatism as the percent that voted Republican at the county level where the federal court is located as the predictor variable for political conservatism. Therefore, the findings of prior research are based on possible misspecification error of the measurement of the sentencing judges' political affiliation.

Diffusion of Responsibility

Evidence for the diffusion of responsibility was found in this study where human trafficker offenders who operated with an accomplice(s) received shorter sentences than solo offenders. The findings from prior research on the evidence of the diffusion of responsibility in sentencing are limited and have mixed results. This study's findings did align with Feldman and Rosen's (1978) study that looked at sentencing lengths between offenders sentenced for burglaries who committed the crime with co-offenders or solo. However, the results did not align with Hagan, Nagel, and Albonetti's (1980) study that examined the diffusion of responsibility in the sentencing of white-collar offenses. Their study found no support for the diffusion of responsibility among solo or co-offending white-collar offenders in terms of sentencing severity. However, they did observe an inverse of the diffusion of responsibility when they looked at common crimes where this inverse of the diffusion of responsibility was manifested in sentencing lengths among the less educated and college-educated offenders. In other words, offenders who were less educated or college-educated and had an accomplice(s) receive more severe sentences than solo offenders. Crew's (1991) study did find support for the diffusion of responsibility in sentencing, but only for female offenders that had co-offenders.

However, Crew's (1991) findings are questionable because of the methodological errors where the study did not use robust standard errors to control for heteroscedasticity, which typically transpires in studies that have data that contains co-offending.

The evidence from prior research, albeit limited, suggests that the diffusion of responsibility has selective capacity in predicting shorter sentencing lengths for co-offending cases. The results from this study suggest that human trafficking is a criminal element that is part of that selective capacity. The contribution of the diffusion of responsibility explanatory variable co-offending explained about 1% of the variation in the sentencing lengths. This effect size is not as large as the offenders' gender explanatory variable (about 6% variation in sentencing length). However, it is still statically significant and contributes to the empirical understanding of predictors of human trafficking sentencing lengths that up to this point have been unknown. Additionally, the findings from this study also contribute to the limited research literature on the diffusion of responsibility in criminal justice applications. Therefore, the results produce substantial bifurcated findings that add empirical support to the diffusion of responsibility concept and identifies a salient factor that predicts sentencing lengths for human trafficking offenders.

Sentencing Year

The sentencing year concept was derived from a single study (Albonetti, 2014), that examined aggregated statistics of human trafficking sentencing lengths over ten years. They found that from 2000 - 2010 there was a statically significant increase in the mean sentencing length for human trafficking offenders sentenced in federal courts. This

study did not find support for Albonetti's (2014) findings by using sentencing year as a regressor on the dependent variable - sentencing length. The results from Model 10 did not find statistically significant support for sentencing year predicting human trafficking sentencing lengths. However, this study only looked at a five-year span, where the first sentencing year is 13 years after the passage of TVPA 2000. It is possible that Albonetti's (2014) study did capture the lagged effect of prosecutors prosecuting human traffickers under TVPA 2000 sentencing guidelines that consequently increased sentencing lengths. This study's failure to capture statistical significance may be due to the study's data timeframe being too far removed to capture the lagged effect of longer sentencing lengths for human traffickers, since shortly after 2010, the lagged effect could have plateaued.

This study's non-significant findings on sentencing year suggests that human trafficking offenders are being prosecuted under consistent TVPA 2000 sentencing guidelines. These findings help to establish further relevant factors that influence human trafficking sentencing lengths. Prior to this study, understanding what factors influenced sentencing lengths for human trafficking offenders, even the most basic factors such as sentencing year, was minimal. Therefore, understanding if a simple concept like sentencing year influences human trafficking sentencing lengths seems like a trivial endeavor if it were in a well-established field of research. However, since this type of research has been virtually non-existent until this study, an understanding of a seemingly simplistic factor (e.g. sentencing year) becomes a critical and substantive finding.

Limitations

The data for this study was primary data, and the source was USAO press releases. Therefore, some of the control variables that other studies in more established fields of research have used when studying sentencing for other types of crimes have been omitted in this study due to an inability to obtain data on these variables. This could lead to potential omitted variable bias in the results of the study. Variables like prior record are notable control variables in sentencing literature that have been found to have a significant influence on the sentencing outcome (Roberts, 1997; Spohn & Welch, 1987). This would be more of a concern if this study were attempting to inference results in an already well-established field of research that uses more robust methodologies. However, this is not the case; this study is setting up a baseline of research in a field of research that is virtually non-existent where future studies can improve upon this study's methods by adding more control variables.

However, to cast doubt on the possibility of omitted variable bias is how small the p-values are for the variables that were statistically significant in the models. Additionally, the total explained variance across all the models was about 26%, and the offenders' gender variable, a single variable accounted for approximately 6% of that total explained variance. Furthermore, the total variance explained by the overall model is about 2.5 times the threshold (10%) of acceptable explained variance in models in social sciences (Falk & Miller, 1992). These low-level p-values and the level of explained variance collate to suggest that these variables contribute significant influence on the dependent variables, and the addition of control variables will not nullify their effects on

sentencing length, consequently sufficing to alleviate the possibilities of omitted variable bias.

Furthermore, the argument that the reason this study does not find support for political conservatism is due to the measurement is challenging to defend, especially when considering that the measurement of political conservatism used in this study is a far more accurate operationalization than prior research that measured conservatism of the court by the percentage of people who voted Republican in a single presidential year. This study operationalized political conservatism by basing each judge's political affiliation on the political party of the president that appointed the respective judge to the bench. The process of appointing federal judges to the bench is politically insular to the political affinities of the people where the federal judges serve. Also, it has been well established that presidents appoint judges that align with their political beliefs and values to federal courts (Chemerinsky, 2002; Zuk, Gryski, & Barrow, 1993). Therefore, the approaches that prior research has taken to operationalize political conservatism of federal courts is farcical due to the insular political nature of federal judges.

Recommendations

Directions for future research works in human trafficking and sentencing are conceivably limitless due to the dearth of empirical literature and available data on this topic. Research that focuses on collecting robust data on human trafficking will have an immense impact in this field due to the lack of empirical research on human trafficking. Even though this study found statistically significant support for paternalism/chivalry in sentencing, there are still unknown factors that could be influencing these results. For

example, the findings on paternalism/chivalry have the potential to align with Rosencrans (1997) findings that can be extrapolated to suggest possible inferences to judges' decisions when sentencing female human trafficking offenders. That is, judges could potentially perceive female human traffickers as being involved in facilitator roles within human trafficking operations; therefore, perceiving females as less culpable and deserving of less severe sentences than their male counterparts. This is something that this study was unable to observe or control due to a lack of data on variables that would have afforded the capacity to measure how female offenders became human trafficking perpetrators. Therefore, to expand upon this current study's findings, research that focuses on ascertaining a better understanding of the dynamics of female human traffickers would be of significant relevance to better inform and understand sentencing outcomes of human traffickers. For example, research tailored towards understanding the pathways females take to become human trafficking offenders will help to establish offenders' culpability further and could potentially help buttress further support for the paternalism/chivalry hypothesis in human trafficking sentencing.

The results of the study did not find statistical significance for political conservatism influencing sentencing lengths for human trafficking offenders. These findings do not align with the majority of research on political conservatism and sentencing. However, they do align with Huang et al.'s (1996) study findings that sentencing for rape and murder was not predicted by political conservatism. Instead, it was suggested that rape and murder were such egregious crimes that politics did not influence sentencing decisions. Future research should a more precise understanding into

why human trafficking sentencing lengths seem not to be influenced by politics. They should seek to answer questions about whether judges view human trafficking as an egregious crime that is on par with rape and murder, or it is some other nuanced interpretation of the crime where politics do not influence sentencing. Uncovering these kinds of understanding about human trafficking will help to understand and further the dynamics of human trafficking that will help to enable more tailored approaches to dealing with this phenomenon.

To further investigate the non-significance of this study's interaction term (gender x political), future research should seek to further investigate the mechanisms of the female human trafficker. It is not uncommon for women to be trafficked first and later become perpetrators of human trafficking (Lo Iacono, 2014). That is, the lighter sentences for female offenders may be due to the actual and perceived offenders' culpability by judges. Therefore, considering that the offenders' culpability would be a bipartisan practice among judges and hypothetically given that a large portion of female offenders were once victims of human trafficking, this would proffer a possible explanation as to why the interaction term of gender and political on sentence length was observed to be non-significant. However, this is beyond the scope of this study's current data set and is reserved for future research to answer – to glean a better understanding of what begets a female trafficker.

Furthermore, this line of reasoning can also be applied back to why no support was found for the political conservatism. That is, the elements of human trafficking may be at a convergence point between the values of conservatism and liberalism that nulls

any effect that they have on influencing differences in sentencing lengths. Lastly, another possibility is that it is a gestalt of all of these factors and outside ecological factors that amalgamate to coalesce to null the political influences on sentencing lengths. Again, this is something that future research should seek out to unveil when data on this subject becomes more readily available.

This study did find support for the diffusion of responsibility in the sentencing practices, which aligns with prior research. However, the research on the diffusion of responsibility in criminal justice applications, especially sentencing, is minimal. Future research would be keen to explore how the diffusion of responsibility manifests among human traffickers and how it influences judges' sentencing practices. Research that focuses on uncovering the mechanism of the diffusion of responsibility among human traffickers would help to bring more context to human trafficking. This would develop a further understanding of how it functions, affording more effective approaches to address this phenomenon that could extend beyond the sentencing realm to develop more proactive approaches to ameliorate conditions that afford human trafficking to manifest. These approaches could focus on identifying and dismantling conditions that afford networks of human trafficking and the diffusion of responsibility from transpiring.

Furthermore, research that tests the validity of the extrapolation of findings in sentencing research for other crimes and whether they are reflective in human trafficking sentencing outcomes would also be beneficial. For example, prior research found that there was a conditioning effect on perpetrators who were male who victimized female versus male victims, which led to longer sentencing for males who victimized females

(Curry et al., 2004). Future human trafficking research could test Curry et al.'s (2004) findings to see if they hold in human trafficking sentencing outcomes. Collectively, any future research on human trafficking sentencing that takes on a comparative approach will help to establish a baseline in human trafficking sentencing, which is currently nonexistent. However, answers to these questions will not come easy and will most likely require putting forth greater effort to obtain data that is comprehensively sufficient to conduct these types of analyses.

Unfortunately, due to data limitations, human trafficking and sentencing is an area of research that is inchoate. Consequently, this study does not have all of the necessary data on variables to address all of the questions in human trafficking sentencing. It does, however, provide important outcomes, albeit not without its limitations and caveats. Still, it does proffer building blocks for more incremental research to improve upon to begin to beget a better understanding from a more empirical perspective of the dynamics in human trafficking and sentencing. The establishment of human trafficking and sentencing from an empirical viewpoint will help to ascertain a better understanding of the complexities of human trafficking in sentencing to help stakeholders grasp a firmer understanding of what works best in sentencing. Currently, there is no baseline understanding of how human traffickers' sentences are imposed and whether it is adequately addressing its intended aspects. It would be prudent of future research to further develop research in human trafficking and sentencing to understand the sentencing dynamics better. This will offer insight into whether the elements of paternalism/chivalry and the diffusion of responsibility are justifiable in human trafficking sentencing practices. It is the duty of

the courts to follow due process and uphold the integrity of equitable sentencing practices. The development of further research can become part of this process by serving as the guiding hand to inform sentencing policies and practices better.

Conclusion

This study produces an incremental piece of research in a nascent field of quantitative research on human trafficking and sentencing. Despite its limitations, the study does provide insightful results into how paternalism/chivalry and the diffusion of responsibility influence human trafficking sentencing lengths. Even though the study could only find support for two out of the five research questions and corresponding alternative hypotheses, the results did provide significant findings. It is important to note that seeing results that are purported to be significant but are not, is arguably just as worthy as seeing results that are statistically significant, especially in seminal research. Reflecting on this point, the results of this study are suggestive that human trafficking is a dynamic crime that manifests itself differently and requires original approaches to understand its nature. This study exemplified this by not finding statistically significant support for political biases influencing sentencing lengths for human trafficking offenders, when the overwhelming majority of prior research, albeit conducting using sentencing data for various offenses other than human trafficking, found evidence of political biases as a factor that predicts sentencing outcomes.

In conclusion, the study's findings are mixed when it comes to aligning with prior research conducted on these sentencing concepts. Consequently, this should signal a pressing need to investigate further the nuances of how the sentencing practices of human

trafficking offenders' manifests in the federal court system. Coupled with the steady uptick in the yearly count of federal prosecutions for human trafficking offenses, it further signals that human trafficking and sentencing are increasingly growing phenomena (Motivans & Snyder, 2018). Therefore, researchers, scholars, and stakeholders should begin to focus their efforts to understand further the nuances that manifest in the sentencing practices of human trafficking offenders to create a baseline understanding of what factors influence sentencing. This will help to ensure that the basic tenets of justice are being upheld.

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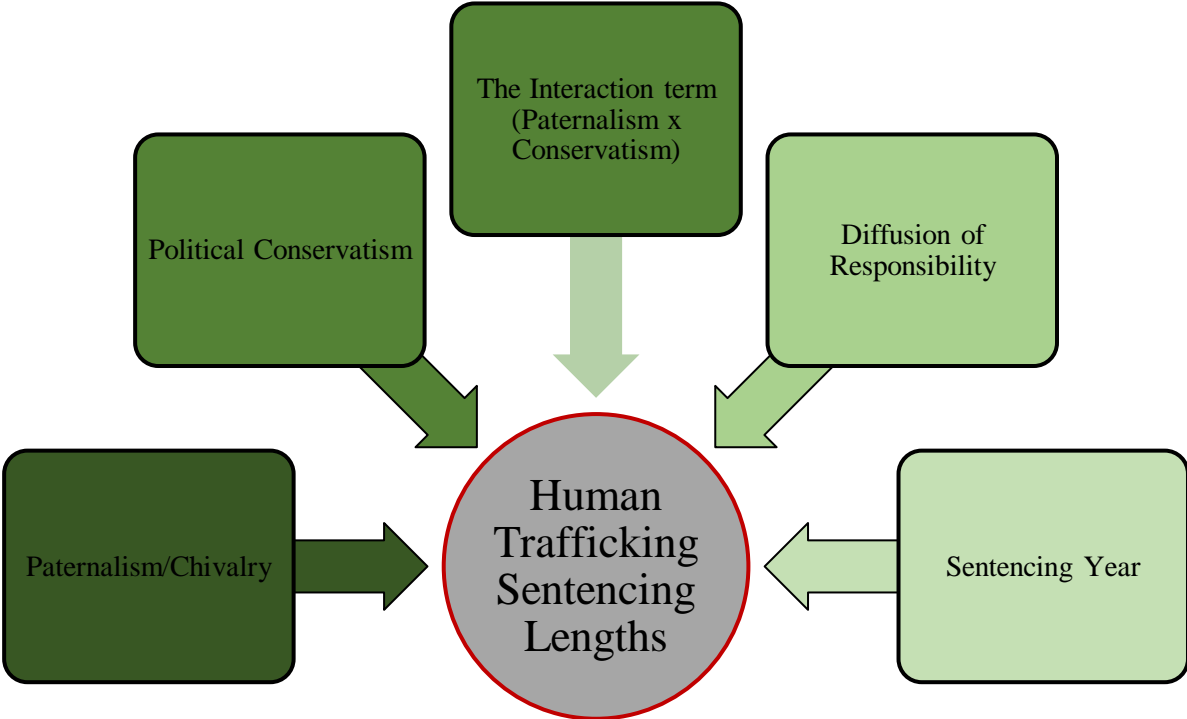
Appendix A: TVPA

Figure 1. *TVPA Reauthorizations and Modifications*

Year	Modifications
2000	Established legislation to combat trafficking in persons and violence towards women (Public Law 106-386 [H.R. 3244]).
2003	Expanded international reach for the dissemination of materials, allowed victims to sue traffickers, and requirement of annual reports from the Attorney General (Public Law 108-193 [H.R. 2620]).
2005	Expanded protection of U.S. survivors of human trafficking through various victim services (Public Law 109-164 [H.R. 972]).
2008	Enacted more legislation to develop programs to better deter, prosecute, and protect victims of human trafficking (Public Law 110-457 [H.R. 7311]).
2013	Strengthened programs to prohibit the purchase of goods made by human trafficking victims and to prevent child marriages. Additionally, it enacted emergency provisions to respond to disaster areas where people are susceptible to being trafficked and strengthen collaboration with local law enforcement to prosecute traffickers (Public Law 113-4 [H.R. 898]).
2017	Modified the standard to evaluate foreign countries' progress towards eliminating human trafficking and the actions to take against those countries that are failing to meet the standard (Public Law 115-393 [H.R. 2200]).

Appendix B: Conceptual Framework

Figure 2. *Human Trafficking and Sentencing Conceptual Framework*



Appendix C: Literature Review

Review of Literature - Paternalism/Chivalry in Sentencing

Review of Literature - Paternalism/Chivalry in Sentencing

Author(s) last name, first initial	Date	Method	Sample Size	Target	Analysis	Findings
Albonetti	1991	Probit	2,158	Federal	Old data circa 1974, unique research site Washington D.C.	Not Supported
Boritch	1992	Logistic	2,262	County (Canada)	Old data circa 1871	Not Supported
Butcher, Park, & Piehl	2017	Linear	119,081	State (KS)	Large sample, No controls for grouping/co- offending	Supported
Chesney-Lind	1977	~	~	State (PA, NY, CT)	Focused on female juvenile status offenses	Not Supported
Crew	1991	Linear	336	State (KY)	Small sample size, data circa 1980, issues with sample selection	Not Supported
Doerner & Demuth	2014	Linear & Logistic	109,181	Federal	Large sample, no controls for grouping/co- offending	Supported
Doerner & Demuth	2010	Linear & Logistic	59,897	Federal	Large Sample, no controls for grouping/co- offending	Supported

Embry & Lyons	2012	T-test, ANOVA	5,243	State (38)/Federal	Robust statistical methods are lacking	Supported
Farrell, Ward, & Rousseau	2010	HGLM, HLM	89,269	Federal	Robust statistical methods (Gold Standard)	Supported
Freiburger	2011	Logistic	426	State (PA)	Small sample size, issues with sample selection	Mixed
Griffin & Wooldredge	2006	HLM	5,472	State (OH)	Robust statistical methods (Gold Standard)	Mixed
Hassett-Walker, Lateano, & Di Benedetto	2014	Correlations, time trends	~	State (-)	Robust statistical methods are lacking	Supported
Koons-Witt	2002	Logistic	3,015	State (MN)	Large sample, no controls for grouping/co-offending	Mixed
Nowacki	2018	MLM	~	Federal	Robust statistical methods (Gold Standard)	Supported
Nowacki	2017	Linear	~	Federal	Large sample, no controls for grouping/co-offending	Supported
Rodriguez, Curry, & Lee	2006	Linear & Logistic	7,729	State (TX)	Large sample, controlled for grouping/co-offending	Supported

Spohn	2000	Logistic	7,070	Municipal (Chicago, Miami, & Kansas City)	Large sample	Supported
Spohn	1999	Logistic	1,554	County (Cook County, IL)	No controls for grouping/co-offending	Mixed
Steffensmeier & Demuth	2006	Linear & Logistic	24,254	Municipal (-)	Large sample, controlled for grouping/co-offending	Supported
Steffensmeier, Kramer, & Streifel	1993	Linear & Logistic	61,294	State (PA)	Large sample, no controls for grouping/co-offending (hazard rate)	Mixed
Vandiver & Teske	2006	Logistic	183	State (TX)	Small sample, focus on juvenile offenders	Supported

Review of Literature - Political Conservatism in Sentencing

Review of Literature - Political Conservatism in Sentencing

Author(s) last name, first initial	Date	Method	Sample Size	Target	Analysis	Findings
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Baumer & Martin	2013	MLM	2,508	Municipal (27)	Gold standard data analysis, sample selection bias, misspecification bias, parameter overestimation	Not Supported
Bowers & Waltman	1993	ANOVA	~	State (32)	Inferior data analysis (ANOVA and aggregated mean units for states)	Supported
Farrell, Ward, & Rousseau	2010	HGLM, HLM	89,269	Federal	Robust statistical methods (Gold Standard), large sample	Supported
Fearn	2005	MLM	6,980	Municipal (39)	Gold standard data analysis, sample selection bias, misspecification bias, parameter overestimation	Not Supported
Helms	2009	Tobit & Probit	5,019	State (7)	Gold standard data analysis	Supported
Heumann	1977	Qualitative	~	Municipal (Minneapolis & Pittsburgh)	~	Supported

Huang et al.	1996	Linear & Correlation	3,479	State (GA)	Lacks external validity	Supported
Jacobs & Helms	1996	Time-Series & GLS	41	State/Federal (All)	Aggregated data based on years (unit of analysis), robust analysis techniques	Supported
Jacobs and Carmichael	2001	Time-Series	150	State (50)	Aggregated data based on states (unit of analysis) for 3 time periods, robust analysis techniques	Supported
Johnson, Ulmer, & Kramer	2008	HGLM & HLM	169,561	Federal	Gold standard data analysis, large sample	Supported
McCann	2009	HLR	~	State	Aggregated data based on states (unit of analysis)	Supported
Nowacki	2018	MLM	~	Federal	Robust statistical methods (Gold Standard)	Supported

Review of Literature – Diffusion of Responsibility in Criminal Justice/Sentencing

Review of Literature - Diffusion of Responsibility in Criminal Justice/Sentencing

Author(s) last name, first initial	Date	Method	Sample Size	Target	Analysis	Findings
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Behnk, Hao, & Reuben	2017	Experimental Design	197	~	Antisocial behaviors are used as a proxy for crime. Diffusion of Responsibility causes more antisocial behaviors (Crime)	Supported
Crew	1991	Linear	336	State (KY)	Small sample size, data circa 1980, issues with sample selection (Sentencing)	Supported
Feldman & Rosen	1978	T-test	140	Municipal (Richmond, VA)	Small sample size, data circa 1973, inferior statistical methods (Sentencing)	Supported
Hagan, Nagel, & Albonetti	1980	Linear	6,562	Federal	Large sample, data circa 1974 (Sentencing)	Supported

Lantz	2018	Logistic	1,022,350	NIBRS	Large sample - problematic (Crime)	Supported
McGloin & Piquero	2009	Logistic	5,600	Municipal (Philadelphia)	Small sample data circa 1987 - juvenile crime (Crime)	Supported
McGloin & Thomas	2016	Linear & Logistic	659	College (UMD & UMSL)	Surveys were used to measure perceptions of antisocial behaviors (Crime)	Supported

Appendix D: Data Collection

Figure 3: *USAO Press Releases Data Extraction Methods*

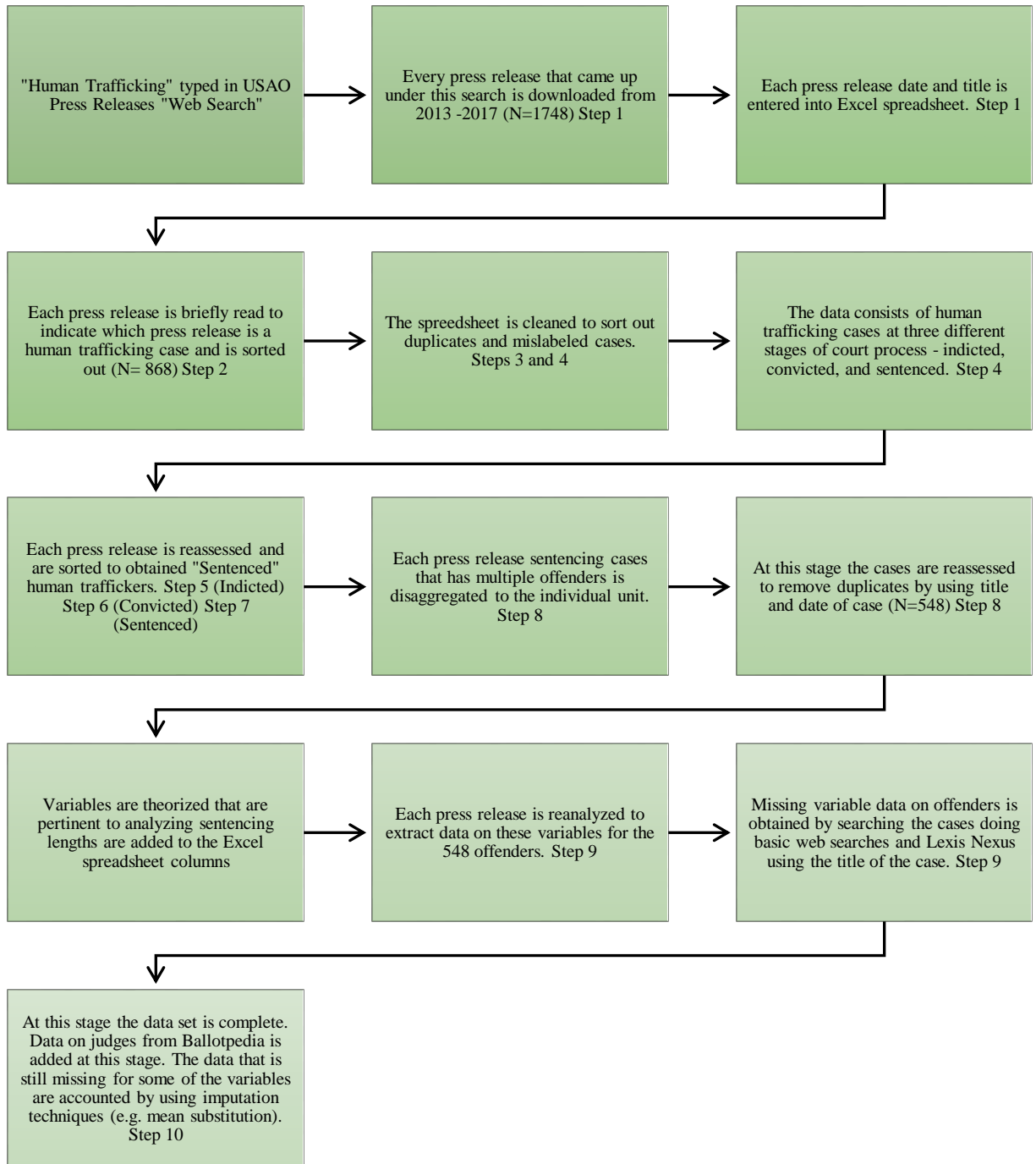
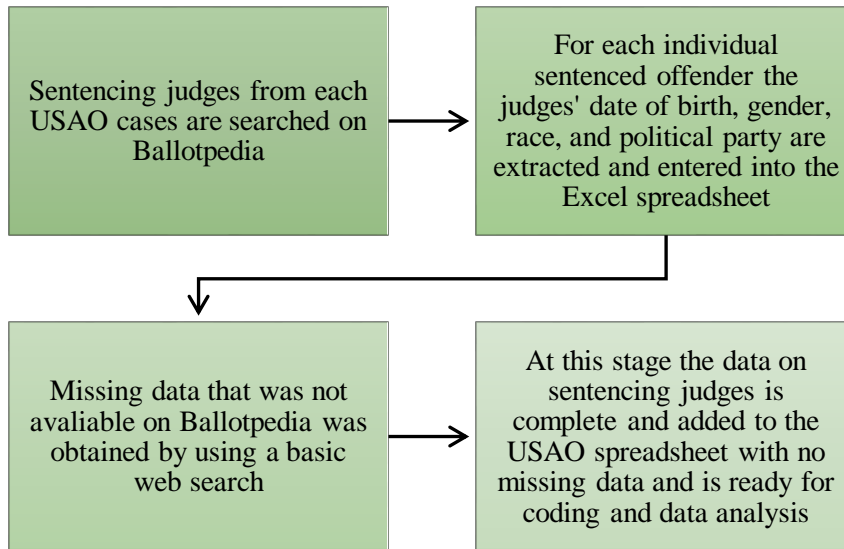
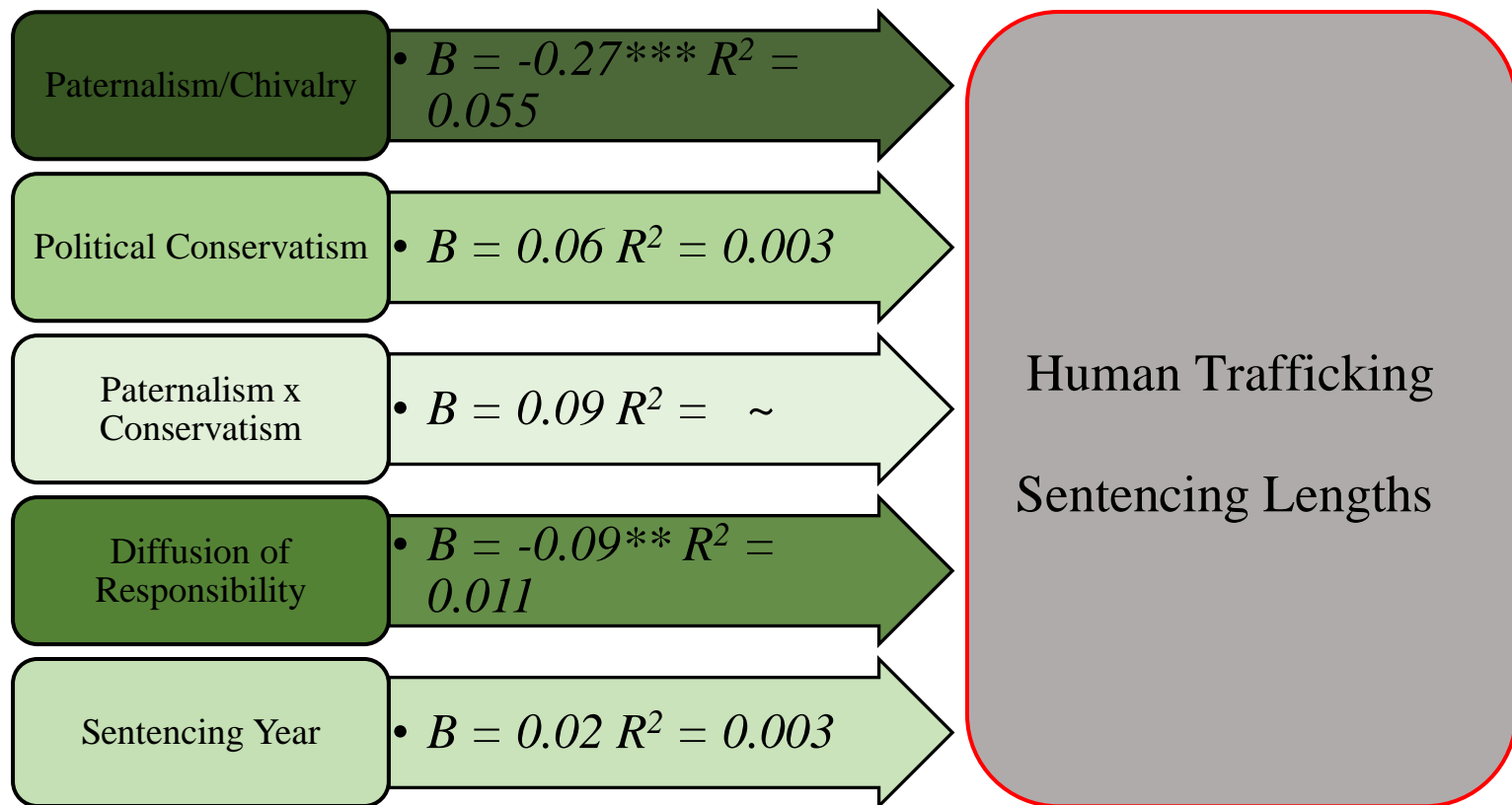


Figure 4: *Ballotpedia Judicial Data Extraction Methods (Step 10)*



Appendix E: Results/Findings

OLS Results with Heteroskedastic Consistent (HC) Standard Errors Estimates



Note: The dependent variable is log transformed sentence length. * $p < .05$. ** $p < .01$. *** $p < .001$.

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PUBLICATIONS AND PRESENTATIONS

Kakar, S., Dressler, W., & Blakeman, B. (2019). The hospitality industry and sex trafficking: The mutual relationship between hotels and motels and sex trafficking. *Broadening the Scope of Human Trafficking Research*.

Dressler, W. & Blakeman, B. (2019). Human trafficking in rural areas and extreme behaviors. *Sexual Harassment and Misconduct: An Encyclopedia*.

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