BIAS IN THE FEDERAL JUDICIAL SYSTEM: DO SENTENCING DISPARITIES EXIST IN THE SOUTHWEST BORDER REGION OF THE UNITED STATES?

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By

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ABSTRACT

Despite falling crime rates in recent years, political arguments have been made that illegal immigrants entering the country are contributing to increased crime along the Southwest Border region of the United States. Given existing literature that demonstrates bias in the judicial system, particularly regarding sentencing disparities based upon demographic characteristics, I intend to examine the potential effects of such policies, practices, and rhetoric in creating sentencing disparities in the Southwest Border. Specifically, I test the hypothesis that Hispanics and/or illegal immigrants receive longer sentences than other ethnic groups and U.S. citizens for similar crimes committed in the Southwest Border. Additionally, I test whether these disparities are greater in the Southwest Border than in the rest of the country. Using sentencing data provided by the United States Sentencing Commission for the years 2000 through 2008, I study the effects of ethnicity and citizenship while controlling for crime type and geographic region, and include control variables for additional demographic characteristics, prior criminal history, and other "legalistic" attributes. My hypothesis is inconsistently supported; certain crimes exhibited sentencing bias for Hispanics and/or illegal immigrants, while others did not. Moreover, no strong pattern emerged to identify which crimes would produce bias. The inconsistent and often suspect results suggest the absence of important data, likely attributable to

a “deportation effect” which is not fully documented and therefore is not available for inclusion in tests regarding sentencing disparities for illegal immigrants and/or Hispanics.

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I. INTRODUCTION

Despite falling crime rates in the United States in recent years, there has been increasing dialogue regarding illegal immigration and its impact in the United States (FBI, 2010). In particular, arguments have been made that illegal immigrants entering the country are related to crime rates along the Southwest Border and that prosecution and incarceration efforts should reflect this fact. One of the primary responses to this concern has been to increase the federal law enforcement presence in the Southwest Border region and to prioritize prosecutorial efforts to combat related crime. Therefore, this study tests the hypothesis that Hispanics and/or illegal immigrants in the Southwest Border receive longer sentences than U.S. citizens and other ethnic groups that commit similar crimes. Furthermore, I hypothesize that these disparities are greater in the Southwest Border than in the rest of the country.

While many continue to decry the role of illegal immigrants in the region as it relates to crime, crime rates in the Southwest Border have in fact fallen in recent years. According to the Federal Bureau of Investigation's 2009 Uniform Crime Report, Southwest Border counties are among the safest in the nation, as crime rates for counties along the Southwest Border have dropped by over 30 percent since the 1990s and cities such as Phoenix, San Diego, El Paso, and Austin have among the lowest crime rates in the country (Center for American Progress, 2010).

However, despite this fact, discussion regarding the Southwest Border still emphasizes the effects of illegal immigration, both positive and negative. Those calling for tougher enforcement against illegal immigration often reference perceived economic and security consequences of immigration. For example, in order to argue the economic detriments of immigration to the United States Government, York (2007) cites a Heritage Foundation study

that “in 2004. . . . low-skill households received an average of $32,138 per household –the great majority in the form of means-tested aid and direct benefits” and argues that “nearly two-thirds of illegal immigrants fall in [this] category.” However, Kane and Johnson (2006), also from the Heritage Foundation, argued that illegal immigrants positively contribute economically to the United States, but that the security threat that they pose is too serious to ignore. Specifically, they argue that “[w]hen three out of every 100 people in America are undocumented. . . . there is a profound security threat, the presence of millions of undocumented migrants distorts the law, distracts resources, and effectively creates a cover for terrorists and criminals.”

In contrast, many in the immigration debate extol the positive impacts of immigration. As noted above, supporters and critics alike have argued the positive economic impacts of immigration. In testimony before the Senate Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, former Federal Reserve Chairman Alan Greenspan stated, “there is little doubt that unauthorized, that is, illegal, immigration has made a significant contribution to the growth of our economy. Between 2000 and 2007, for example, it accounted for more than a sixth of the increase in our total civilian labor force. . . .Unauthorized immigrants serve as a flexible component of our workforce, often a safety valve when demand is pressing and among the first to be discharged when the economy falters.” Additionally, Butcher and Piehl (1998) determined that foreign-born residents are associated with decreasing crime rates and, of particular import to this study, Wadsworth (2010) found that increasing new immigrant populations in cities also contributed to a corresponding decrease in violent crime and robbery rates during the 1990-2000 time period.

The pervasiveness of this issue in the media and political discourse poses the risk of creating bias and discrimination towards illegal immigrants, particularly in a society such as ours that allows trial through a jury of peers. As Alexander (2010) argued at 103-104 in regard to bias against African Americans in the "war on drugs":

> "Decades of cognitive bias research demonstrates that both unconscious and conscious biases lead to discriminatory actions, even when an individual does not want to discriminate. The quotation commonly attributed to Nietzsche, that "there is no immaculate perception," perfectly captures how cognitive schemas – thought structures – influence what we notice and how things we notice get interpreted. Studies have shown that racial schemas operate not only as part of conscious, rational deliberations, but also automatically – without conscious awareness or intent . . . .Most striking, perhaps, is the overwhelming evidence that implicit bias measures are disassociated from explicit bias measures. In other words, the fact that you may honestly believe that you are not biased against African Americans, and that you may even have black friends or relatives, does not mean that you are free from unconscious bias. . . . Unfortunately, a fairly consistent finding is that punitiveness and hostility almost always increase when people are primed – even subliminally – with images or verbal cues associated with African Americans."

While studies have been conducted to assess causal relationships between immigration and crime rates, economic issues, or security threats, I examine the effect of policy shifts and pronouncements focused on those illegally entering the country and whether similar bias against illegal immigrants and/or Hispanics has been created by comparing sentence lengths between citizens and illegal immigrants and Hispanics and non-Hispanics for similar crimes. Furthermore, I also assess potential discrimination in the Southwest Border region in particular by comparing sentence lengths for illegal immigrants and Hispanics in the rest of the country.

Determining whether bias exists in the imposition of sentences has important policy implications. First, basic fairness in sentencing should dictate that similar punishments are imposed for similar crimes, regardless of demographic data. Second, given studies that point towards the harmful effects of imprisonment, imprisoning illegal immigrants for longer periods

of time may be reinforcing any potential correlation between this population and crime. Lerman's (2009) study on the effects of incarceration on criminal psychology found that "placement in a higher-security prison increases psychological criminality among those inmates with minimal criminal history" and that "these effects are driven largely by changes in psychological dimensions related to anger and violence." Finally, incarcerating individuals has significant budgetary impacts that would be even more burdensome if individuals were unnecessarily incarcerated for extended periods of time. According to the Bureau of Prisons, in 2009 it cost the United States Government $24,751 annually to incarcerate a federal prisoner, on average.

This paper proceeds as follows. The next section reviews related literature. Section III contains the Theoretical Framework outlining the general mathematical framework I propose to assess the relationship between sentence length, citizenship, and ethnicity. Section IV contains the Empirical Model detailing the model I use to examine this study's hypothesis. Section V contains Data and Descriptive Statistics. Section VI describes my Findings and Analysis. Section VII discusses limitations of this study. Finally, Section VIII contains the Conclusion and Policy Implications for the findings of this study.

II. LITERATURE REVIEW

The existing body of literature regarding bias in criminal sentencing is robust. Particularly since the 1970s, scholars have conducted studies assessing whether disparities exist in the legal system and, if so, the causes of such disparities.

A. VIEWS OF SENTENCING

To frame the discussion of incarceration, Hagan (1974) discussed two prevalent views of sentencing: the "sociological" view and the "legalistic" view. The sociological view "emphasiz[es] the "extra-legal attributes" of the offender in the determination of judicial dispositions. The independent variables given prominence by this approach include the race, sex, age, and socio-economic status of the defendant." Alternatively, the "legalistic" viewpoint investigates independent variables that include the "defendant's prior conviction record and number of the charges presently brought against him."

In evaluating twenty studies that had been conducted at the time of publication, Hagan argued that many previous findings were incorrectly interpreted for two primary reasons. First, over-reliance on significance tests allowed statisticians to prove a statistically significant relationship without addressing the strength of the relationship. Second, proving a statistically significant relationship does not necessarily address the causality of the relationship. Hagan therefore reanalyzed many of the studies to account for these weaknesses and found that "there is generally a small relationship between extra-legal attributes of the offender and sentencing decisions."

B. ASSESSING BIAS AGAINST AFRICAN AMERICANS: DISCRIMINATION VERSUS INVOLVEMENT

Blumstein's (1982) study on the racial disproportionality of the United States' prison population acknowledged concerns regarding attribution of variation in incarceration rates. Specifically, he argued at 1261:

> "If the racial disproportionality in prisons is directly attributable to criminal justice officials' discrimination on the basis of race, a massive legal and political effort should be mobilized to redress that evil. If, however, the disproportionality results predominantly from some legally relevant difference between the races, such as a corresponding differential involvement in crime, then the charge of "racism" would not be justified. Indeed, it could be more harmful than helpful."

His study found that "eighty percent of the actual racial disproportionality in incarceration rates is accounted for by the differential involvement in arrest." However, the remaining twenty percent must be attributed to other factors, which could include race. Furthermore, he found that the seriousness of the crime had a significant impact and that as crime seriousness decreases the rates of disproportionality between blacks and whites increases, likely given judicial discretion in sentencing.

Hindelang (1978) also studied the distinction between disproportionate involvement in crime versus selection bias (racial discrimination) in the criminal justice system. While Hindelang concluded that "criminal justice system selection bias may be greatest for aggravated and simple assault and may be negligible for rape and robbery," his findings were consistent with Blumstein's that "these data indicate that such biases account for much less of the racial disproportionality for these crimes than does differential involvement. These results do not support the heavy theoretical emphasis on differential selection manifested in the theories at the lower end of the continuum." A later study by Langan (1985) that combined aspects of Blumstein and Hindelang's models also "much more strongly supported differential involvement than racial discrimination."

However, Bridges and Crutchfield's (1988) study contradicted the findings of Blumstein, Hindelang, and Langan. Notably, Bridges and Crutchfield found that when analyzing

incarceration rates at the state level, "arrest rates contribute substantially less to imprisonment disparity and in different ways than suggested by Blumstein and Langan" and "in the present case, disparities are directly associated with the degree of urban concentration of blacks and to a lesser extent, black/white economic inequality." Furthermore, in a later study Crutchfield, Bridges, and Pitchford (1994) found that Blumfield and Langan's method of aggregating state data to the national level likely masks variation across states.

C. Disparities Faced by Hispanics

While extensive literature exists on disparities between blacks and whites, there are far fewer studies on potential disparities for other groups. A review of current studies conducted by Garland, Spohn, and Wodahl (2008) discussed the impact of "get tough" policies of the wars on crime and drugs, noting that between 1980 and 1996 the state and federal incarceration rate tripled and that "blacks and Latinos have accounted for the vast majority of the drug war prison growth." Demuth and Steffensmeier (2004) also found that "Hispanics especially are more likely than blacks and whites to be charged with drug offenses." Furthermore, they found that "Hispanic male defendants, followed by black male defendants, receive the least favorable pretrial release decisions and they are least likely to be released prior to trial." Additionally, female defendants across racial-ethnic comparison groups received relatively consistent preferential treatment. These findings were supported by Schlesinger (2005), who broke out pre-trial decisions and outcomes into stages and found that "racial disparity is most notable during the decision to deny bail and for defendants charged with violent crimes; ethnic disparity is most notable during the decision to grant a non-financial release and for defendants charged

with drug crimes; and when there is a disparity in the treatment of Black and Latino defendants with similar legal characteristics, Latinos always receive the less beneficial decisions."

A study by Hagan and Palloni (1999), however, explored the involvement of Hispanic immigrants in crime and concluded that when age and gender are taken into account, "Mexican immigrants, the most numerous Hispanic immigrants to the United States, are in state prisons at an adjusted rate that is not strikingly different from U.S. citizens."

D. POLICIES AND POLITICS: THE DISPROPORTIONATE EFFECTS FOR MINORITIES

In a review of these studies, Sampson and Lauritsen (1997) conclude "moral panics" play a significant role in sentencing disparities and one that had not been previously addressed. They argue that "the extent to which crime wars are waged disproportionately against minorities needs to be examined from a contextual, social constructionist perspective. . . . As conflict theorists argue, the study of race discrimination in sentencing, controlling for crime type, is irrelevant insofar as "moral panics," legislation, and enforcement activities are designed to target the kinds of lifestyles or areas associated with racial minorities." An example of this is the "war on drugs" which, Miller (2002) argues, is currently being disproportionately waged against illegal immigrants on the U.S. border. Miller contends that "[b]y adopting a "zero tolerance" policy toward non-U.S. citizens with criminal records, Congress harnessed the broader plenary power of the immigration system in meeting law enforcement objectives – apprehending, detaining, and deporting individuals thought to pose a risk to society by virtue of their past criminal conduct." The role of social agendas, "moral panics," and media was further argued by Alexander (2010) in regard to the "war on drugs," stating, "[t]he media bonanza inspired by the administration's

campaign solidified in the public imagination the image of the black drug criminal. Although explicitly racial political appeals remained rare, the calls for "war" at a time when the media was saturated with images of black drug crime left little doubt about who the enemy was in the War on Drugs and exactly what he looked like."

Helms and Jacobs (2002) expanded previous studies by examining whether political effects explain discrepancies in sentencing by creating interaction terms for percent of Republican voters with black and male offenders. Their model demonstrated that African Americans are sentenced to longer terms in areas where the vote for a "law-and-order" Republican presidential candidate is highest. Smith (2004), however, studied the election cycle effects on incarceration for years in which gubernatorial and presidential elections were held and found that "executive electoral cycles matter, but at the state rather than the national level." Furthermore, in testing various political frameworks applied to incarceration rates, Smith found that the increase in incarceration rates has been due to "partisan control of state government, gubernatorial election cycles, selected policy decisions, and race," leading to the conclusion that "the explosive increase in prison populations since the mid-1970s is largely a product of the most basic elements of the political environment."

E. Original Contribution to Existing Literature

Over the course of several decades, a variety of hypotheses regarding biased treatment and sentencing disparities in the judicial system have been tested. A large proportion of these studies have been concerned with the imposition of disproportionate sentence length for or bias towards black individuals. A smaller proportion have examined potential disparities based on

ethnicity, gender, and political and policy choices, among other issues. This study builds upon existing literature by determining whether regional sentencing disparities exist towards illegal immigrants and/or Hispanics, categories, particularly when combined, which are largely unexplored beyond potential causal roles regarding crime rates. Rather than looking at illegal immigrants' and Hispanics' roles in crimes committed, I seek to determine whether bias exists once individuals are already convicted of crimes by analyzing the imposition of sentences for similar crimes across demographic groups.

Furthermore, while many previous studies have been interested in bias at large, this study builds upon studies regarding social agendas and "moral panics" by focusing on illegal immigrants and Hispanics in the Southwest Border with specific interest in the role that rhetoric and policy choices and practices may play in creating bias. This may be particularly true in observing the role of any such bias over time, as increasing focus has been placed upon the issue of illegal immigration over the span of the last decade.

III. THEORETICAL FRAMEWORK

The following two theoretical frameworks explain the hypotheses that I research in this study:

$$S = f(D, C, Y) \quad (1)$$

$$S = f(I, D, C, Y) \quad (2)$$

Where S is sentence length; D is demographic characteristics including citizenship status, Hispanic origin, age, gender, and education level; C is criminal history attributes, including the presence of a criminal history, criminal history category, number of counts of conviction, subtotal of criminal history points, and sentenced through trial or plea; Y is year of sentencing;

and I is an interaction term for Hispanics who are also illegal immigrants. Both frameworks will be tested in the Southwest Border region of the United States, as well as in the remainder of the country (excluding the Southwest Border).

This general framework is intended to assess the relationship between sentence length, citizenship, and ethnicity, and to test whether disparities exist in sentencing based upon whether a defendant is a U.S. citizen and/or an Hispanic and, additionally, whether these effects vary by region. The hypothesis of this study is that illegal immigrants and Hispanics are sentenced to lengthier terms of incarceration than U.S. citizens and other ethnicities that commit similar crimes, and that illegal immigrants and Hispanics in the Southwest Border face greater disparities than illegal immigrants and Hispanics in the rest of the country.

Previous studies have tested the effect of such characteristics as race, gender, and prior criminal history during various stages of the judicial process. While studies have not been conclusive, a large body of evidence suggests that disparities do exist, and that non-white males consistently receive less favorable treatment in most stages of criminal processing. Furthermore, select studies have found that age, education, and legalistic characteristics can also be factors; younger and less educated individuals are also more prone to receive harsher treatment, likely given concerns such as lack of accountability, fewer ties to the community, increased risks of recidivism over a greater period of time, and limited options for gainful employment, among others.

This study assumes that research that has proven disparities is valid, but builds upon these previous models by testing for the effects of citizenship status, ethnicity, and region of the country. Given that previous studies regarding the judicial system assert that preconceptions of

defendants based on fixed characteristics account for discrepancies in treatment, it stands to reason that these same biases would apply to illegal immigrants and Hispanics given the increased political and media focus on the perceived impacts of illegal immigration. Much of the focus of this debate has been centered in the Southwest Border region and, therefore, it is also likely that there would be a greater predisposition against illegal immigrants and Hispanics in this region.

IV. Empirical Model Specification

To test the aforementioned theoretical models, I will use two sets of regressions to determine the effect, if any, of citizenship, ethnicity, and region on sentence length. The first set of regressions will include separate variables for citizenship and ethnicity. These regressions will utilize two variables to identify ethnicity and citizenship, and will restrict the sample first to include observations located within Southwest Border judicial districts and, second, to those districts in the remainder of the country. Furthermore, I will also control for primary offense category for each regression in order to examine sentence length for similar crimes committed.

I will run a second set of regressions which will test the same hypothesis, with the same assumptions and restrictions. However, in this set of regressions, citizenship and Hispanic will not be included as separate independent variables; rather, an interaction variable will be included which tests the effects of being an Hispanic who is also an illegal immigrant against the effects of not being an Hispanic who is an illegal immigrant. Again, these regressions will be run on observations both within the Southwest Border and in the remainder of the country.

Crimes for which individuals are incarcerated are limited to primary offense categories as identified by the Bureau of Justice Statistics, which include: violent crime, property offenses, drug offenses, public order offenses, weapons offenses, and immigration offenses. Additionally, this study is limited to an examination of federal prisoners in order to facilitate comparisons across regions given uniform statutes and regulations for minimum/maximum mandatory sentencing.

Since the dependent variable, sentence length, is a relatively evenly dispersed continuous variable, I use the following Linear Probability Model (LPM) in the first set of regressions:

$$\begin{aligned} SENTENCE = {} & \beta 0 + \beta_1 AGE + \beta_2 MALE + \beta_3 HSGED + \beta_4 SOMEPOSTHS + \\ & \beta_5 POSTHSDEGREE + \beta_6 HISPANIC + \beta_7 USCITIZEN + \beta_8 CRIMINAL + \\ & \beta_9 CATEGORY2 + \beta_{10} CATEGORY3 + \beta_{11} CATEGORY4 + \\ & \beta_{12} CATEGORY5 + \beta_{13} CATEGORY6 + \beta_{14} NOCOUNTS + \beta_{15} POINTS + \\ & \beta_{16} TRIAL + \beta_{17} YR2001 + \beta_{18} YR2002 + \beta_{19} YR2003 + \beta_{20} YR2004 + \\ & \beta_{21} YR2005 + \beta_{22} YR2006 + \beta_{23} YR2007 + \beta_{24} YR2008 + \mu \end{aligned} \quad (3)$$

In this model, the dependent variable, SENTENCE, represents sentence length (in months) for individuals sentenced to prison.

The first primary independent variable of interest, HISPANIC, is an indicator variable that equals 1 if the incarcerated individual is Hispanic and zero otherwise. The second primary independent variable of interest, USCITIZEN, is an indicator variable that equals 1 if the incarcerated individual is a U.S. citizen and zero otherwise. Given the hypothesis that Hispanics and illegal immigrants are likely to receive lengthier sentences than other ethnicities and U.S. citizens convicted of similar crimes, the anticipated sign on HISPANIC is positive, which would indicate a longer prison term at time of sentencing, and the anticipated sign on USCITIZEN is

negative, which would indicate a shorter sentence for U.S. citizens and a longer sentence for non-citizens.

I intend to use control variables to account for other factors that might impact the relationship between sentence length, ethnicity, and citizenship. I include several demographic control variables, the first of which is AGE, a continuous variable for which I expect a positive sign, particularly as it is considered with criminal history. MALE is an indicator variable; I anticipate a positive sign for MALE given previous studies which conclude that males typically serve longer sentences than females. I created indicator variables for education, including HSGED, SOMEPOSTHS, POSTHSDEGREE, and MILITARY, to account for education level attained; the reference category for these variables is LSTHANHS, representing an individual who has not attained at least a High School degree or G.E.D. I expect a negative sign for each of these variables given previous literature which indicates that less educated individuals receive harsher treatment and may not be viewed as having the same incentives not to recidivate as those with higher education levels. However, the magnitude of the coefficient is likely to decrease as education levels increase given the assumption that more education provides greater opportunities outside of criminal behavior.

Furthermore, I include several "legalistic" control variables to account for an offender's prior criminal history and current criminal proceedings. On each of the following "legalistic" variables, I anticipate a positive sign given the expectation that offenders with more robust criminal histories or more conviction counts would receive a longer sentence. CRIMINAL is a dummy variable that equals 1 if the defendant had a prior criminal history. NOCOUNTS and POINTS are continuous variables indicating the number of counts of conviction and the subtotal

of criminal points[1], respectively. The CATEGORY variables are indicator variables that equal 1 for the category in which an offender is placed; each category, one through six, is determined by the number of criminal history points that an offender has accrued over his/her lifetime, and increasing categories correspond with higher levels of criminal points. Additionally, an indicator variable, TRIAL, equals 1 if the offender was convicted through a trial and zero if the offender pled guilty and, again, a positive sign is expected since pleas usually involve reducing an offender's sentence.

YEAR accounts for the year in which a defendant was sentenced in order to observe changing effects over time, and the anticipated sign is positive given the increased attention and scrutiny being paid to illegal immigration, particularly in the Southwest Border region.

I will test this model by controlling for two factors: geography and crime type. Therefore, this model will be run for observations within the Southwest Border region of the country, as well as the remainder of the country excluding the Southwest Border and, within those geographic categories, separate regressions will be run which control for primary offense categories, including: violent, property, drug, public order, weapons, and immigration.

The second set of LPM regressions will assess the effects of an interaction term, HISPILL, which will test the effects of being an Hispanic who is also an illegal immigrant on sentence length. This model, in which I will also control for geography and crime type, is specified as:

[1] Criminal points are assigned to offenders based upon the length of previous sentences and whether an offense was committed while under a current criminal justice sentence, such as parole. These points are used to determine the criminal history category in which an offender is placed, and the criminal history category is then used to guide sentencing.

$$SENTENCE = \beta 0 + \beta_1 AGE + \beta_2 MALE + \beta_3 HSGED + \beta_4 SOMEPOSTHS + \beta_5 POSTHSDEGREE + \beta_6 HISPILL + \beta_7 CRIMINAL + \beta_8 CATEGORY2 + \beta_9 CATEGORY3 + \beta_{10} CATEGORY4 + \beta_{11} CATEGORY5 + \beta_{12} CATEGORY6 + \beta_{13} NOCOUNTS + \beta_{14} POINTS + \beta_{15} TRIAL + \beta_{16} YR2001 + \beta_{17} YR2002 + \beta_{18} YR2003 + \beta_{19} YR2004 + \beta_{20} YR2005 + \beta_{21} YR2006 + \beta_{22} YR2007 + \beta_{23} YR2008 + \mu \quad (4)$$

For the independent variable of interest in this model, HISPILL, I expect a positive sign given the hypothesis that Hispanics who are also illegal immigrants are sentenced to longer sentences; moreover, it is possible that this effect will be heightened when included as an interaction term. The other control variables remain the same and I expect signs on the estimated coefficients to remain consistent with the first set of regressions.

V. Data and Descriptive Statistics

In order to estimate these models, my research utilizes panel data made available by the Department of Justice's Bureau of Justice Statistics (BJS). Specifically, the study will utilize sentencing data provided to BJS by the U.S. Sentencing Commission for the years 2000 through 2008.

The dependent variable derived from the BJS dataset, *SENTTOT*, is a continuous variable that provides the sentence length in months for each offender sentenced, excluding probation. For the purposes of this study, this variable was recoded as SENTENCE and life sentences, which were originally coded as 470, were recoded to apply average life expectancies by race (as provided by the Social Science Research Council).

The two primary independent variables of interest derived from the BJS dataset are the citizenship status (*CITIZEN)* and ethnicity (*HISPORIG)* of offenders. *CITIZEN*, which accounts

for the legal status of an offender in the BJS dataset, is recoded for this study as USCITIZEN, and isolates a citizen of the United States (USCITIZEN = 1) from the rest of the population (other = 0). Similarly, the variable HISPANIC was created from *HISPORIG* and isolates those who are Hispanic (HISPANIC = 1) from those who are not (other = 0). Using these two BJS variables, *CITIZEN* and *HISPORIG*, an interaction variable was created, HISPILL to test the second set of regressions regarding the effects of being an Hispanic who is also an illegal immigrant on sentence length. HISPILL includes offenders whose citizenship was originally coded as "illegal" (*CITIZEN* = 3) and those who were identified as Hispanic (*HISPORIG* = 2).

AGE is a continuous control variable, indicating the age of an offender at sentencing, which was not recoded. MALE is an indicator variable that equals 1 if the offender is male; it was recoded from the BJS dataset variable *MONGEN*, which equals 0 of the offender is male. Additionally, the BJS datasets for the years 2000 through 2006 coded *MONGEN* as a string variable and, therefore, MALE was recoded for these years.

Education control variables were also recoded for the purpose of this study. Originally coded as *EDUCATN* in the BJS dataset, these variables were recoded to condense categories. LSTHANHS, the reference category, includes all offenders who received less than a High School Diploma or G.E.D. (*EDUCATN* = 0-11, 31, 32, 37); HSGED includes offenders who received a High School Diploma or G.E.D. (*EDUCATN* = 12, 21); SOMEPOSTHS accounts for those individuals who attended some post-High School educational institution (*EDUCATN* = 13-15, 33-34); POSTHSDEGREE includes those offenders who received a certificate or degree for post-High School educational attainment (*EDUCATN* = 16, 22-24, 35); and MILITARY includes offenders who received military training (*EDUCATN* = 36) although this variable was not

included in the regressions given the small sample size and frequent collinearity with other educational categories.

CRIMINAL is derived from the variable *CRIMHIST*, both of which equal 1 if the offender has a criminal history. CATEGORY variables, originally coded as *XCRHISSR* in the BJS dataset, are indicator variables that are recoded to correspond with the original BJS categories, and indicate an offender's criminal history category (1-6). NOCOUNTS has been left unchanged as a continuous variable indicating the number of counts of conviction for an offender, POINTS was originally named *CRIMPTS*, but remained unchanged as a continuous variable indicating the number of criminal history points an offender has accrued. TRIAL is derived from the variable *NEWCNVTN*, both of which equal 1 if the offender went to trial and zero if the offender pled guilty.

YEAR is an indicator variable that was created during the coding of this study's dataset; it equals 1 for the fiscal year in which the offender was sentenced.

As noted in the theoretical and empirical model specifications, regressions were run which were limited by geography and primary offense type. Therefore, an indicator variable was created, SWB, which equals 1 if the observations in the BJS dataset were observed in the judicial districts directly along the U.S.-Mexico Border (*DISTRICT* = 41, 42, 84, 70, 74). The BJS variable, *TTIGRON*, was renamed OFFENSE, and utilizes the same numeric coding for major offense categories, which include: 101 = Violent; 102 = Property; 103 = Drug; 104 = Public Order; 105 = Weapons; and 106 = Immigration. Additionally, the 2000 BJS dataset primary offense variable was labeled *TIGRON*, which was recoded as *TTIGRON* when the datasets were initially merged to preserve those observations.

Descriptive statistics for each of these variables are included in Table 1 below.

TABLE 1: DESCRIPTIVE STATISTICS

VARIABLE	NUMBER OF OBSERVATIONS	PERENT OF POPULATION OR MEAN	MINIMUM	MAXIMUM	STANDARD DEVIATION
SENTENCE (months)	525,509	56.782	0.03	11520	75.745
DISTRICT					
SWB	184,881	29.88			
REMAINDER OF COUNTRY	433,944	70.12			
AGE (years)	603635	34.519	16	103[2]	10.740
GENDER					
MALE	522,994	86.38			
FEMALE	82,437	13.62			
EDUCATION					
LSTHANHS	264,021	47.48			
HSGED	165,132	29.70			
SOMEPOSTHS	84,377	15.17			
POSTHSDEGREE	42,403	7.63			
MILITARY	96	.02			
HISPANIC ORIGIN					
HISPANIC	247,965	40.07			
OTHER	370,860	59.93			
USCITIZENSHIP					
USCITIZEN	376,207	60.79			
NOT USCITIZEN	242, 618	39.21			
HISPANIC & ILLEGAL IMMIGRANT					
HISPANIC & ILLEGAL IMMIGRANT	141,385	22.85			
OTHER	477,440	77.15			
CRIMINAL HISTORY					
CRIMINAL	434,616	70.23			
NOTCRIMINAL	184,209	29.77			
CRIMINAL HISTORY CATEGORY					
CATEGORY1	289,274	48.54			
CATEGORY2	68,331	11.47			
CATEGORY3	90,349	15.16			
CATEGORY4	54,749	9.19			
CATEGORY5	33,047	5.55			
CATEGORY6	60,140	10.09			
NOCOUNTS	616,935	1.460	0	495	2.646
POINTS					
CRIMINAL POINTS PRESENT	347,142	59.91			
CRIMINAL POINTS NOT PRESENT	232,330	40.09			

[2] This observation was recorded as a male sentenced for an immigration offense in 2004.

TABLE 1: DESCRIPTIVE STATISTICS CONTINUED

VARIABLE	NUMBER OF OBSERVATIONS	PERENT OF POPULATION OR MEAN	MINIMUM	MAXIMUM	STANDARD DEVIATION
TRIAL					
PLEA	591,376	95.90			
TRIAL	25,312	4.10			
YEAR					
YR2000	59,846	9.67			
YR2001	59,897	9.68			
YR2002	64,366	10.40			
YR2003	70,258	11.35			
YR2004	70,068	11.32			
YR2005	72,462	11.71			
YR2006	72,585	11.73			
YR2007	72,865	11.77			
YR2008	76,478	12.36			
PRIMARY OFFENSE CATEGORY					
VIOLENT	21,593	3.49			
PROPERTY	117,274	18.95			
DRUG	232,010	37.49			
PUBLIC ORDER	53,895	8.71			
WEAPONS	62,147	10.04			
IMMIGRATION	129,976	21.00			

Source: Bureau of Justice Statistics

VI. FINDINGS AND ANALYSIS

Two empirical models were tested: one in which the effects of being Hispanic and a U.S. citizen were considered as separate independent variables, and one in which the interaction term of being an Hispanic who is also an illegal immigrant was considered. Again, these models were tested while controlling for geographic area as well as crime type. Significant results for these independent variables of interest are illustrated in Tables 2 and 3.

TABLE 2: SIGNIFICANT EFFECTS FOR HISPANICS AND U.S. CITIZENS BY GEOGRAPHY AND PRIMARY OFFENSE CATEGORIES

	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
	HISPANIC	USCITIZEN	HISPANIC	USCITIZEN
VIOLENT		20.401***	9.570**	
PROPERTY		3.061***		2.165***
DRUG	2.233***	3.782***	6.457***	-3.088***
PUBLIC ORDER		7.094***	5.491***	5.585***
WEAPON		9.753***		
IMMIGRATION	3.544***	-1.439***		

**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

The findings in Table 2 demonstrate several unexpected effects. First, Table 2 illustrates that in a majority of offense categories, both within the Southwest Border as well as in the remainder of the United States, U.S. citizens are sentenced to longer sentences than non-U.S. citizens. Additionally, as hypothesized, Hispanics serve longer sentences than non-Hispanics across all regions of the country, but it appears from the limited number of significant results that the sentencing differential for Hispanics versus non-Hispanics is actually less in the Southwest Border than it is in the rest of the U.S.

Immigration offenses yield significant and expected sentencing effects for Hispanics and U.S. citizens when sentenced within the Southwest Border, but not when considered outside the Southwest Border region. Within the Southwest Border, being Hispanic has a positive relationship with sentence length, while being a U.S. citizen has a negative relationship with sentence length. This result agrees with my hypothesis that Hispanics and non-U.S. citizens receive greater sentence lengths than their counterparts for similar crimes. However, it should be noted that this is the only offense category for which this is the case in the Southwest Border, as illustrated in Table 2. Moreover, the other offense category for which significant results were obtained in the Southwest Border, drug offenses, yielded longer sentences for Hispanics as well

as for U.S. citizens, which is unexpected. Interestingly, however, drug crimes are the one offense category outside the Southwest Border region that yielded expected results: Hispanics serve longer sentences, and U.S. citizens are sentenced to shorter terms.

It is unclear why these results differ; however, there may be a few considerations that account for these effects. The unexpected citizenship effects in most of the regressions might be a result of deportation laws or practices for illegal aliens in the United States. If this were the case, significant portions of illegal immigrants who are arrested are likely not prosecuted and immediately deported, are prosecuted less stringently in order to facilitate faster deportation, or are prosecuted but subsequently deported. Indeed, a Department of Homeland Security news release touted the significant number of illegal immigrants being deported annually, noting that "in fiscal year (FY) 2010, U.S. Immigration and Customs Enforcement (ICE) removed more illegal aliens than in any other period in the history of our nation. ICE removed more than 392,000 illegal aliens – half of them, more than 195,000 – were convicted of crimes, including murder, sex offenses, and drug violations."

Given that data regarding deportations was not available for inclusion in this study's models, it is highly likely that these results exhibit omitted variable bias. Omitted variable bias is present when a model is incorrectly specified by excluding independent variables which should be included in the model; in this case, number of deported individuals, for example. As a result, the parameter estimates in the existing model will either be under or over estimated, as is demonstrated by the unexpected and inconsistent results for this study's regressions.

The results for immigration offenses in the Southwest Border and drug offenses in the rest of the country, both of which involve longer sentences for Hispanics and shorter sentences

for U.S. citizens, might also result from inherent bias which exists in those areas for crimes which could be viewed as the most prevalent or troubling. Immigration receives a great deal of attention in the Southwest Border region and drugs are viewed as a growing problem in much of the country. It might be that crimes which are of the greatest concern elicit inherent bias or bias created from "moral panics."

Finally, the fact that the sentencing differential for Hispanics versus non-Hispanics is smaller in the Southwest Border may not be all that surprising given the demographic concentration of Hispanics in the Southwest Border. While Hispanics still receive longer sentences on average that non-Hispanics in the region, the fact that there is a smaller differential in the Southwest Border is likely attributable to changing attitudes over time, and a growing familiarity with, and acceptance of, Hispanics in that region.

TABLE 3: SIGNIFICANT EFFECTS FOR HISPANICS WHO ARE ILLEGAL IMMIGRANTS BY GEOGRAPHY AND PRIMARY OFFENSE CATEGORIES

	SOUTHWEST BORDER	NON-SOUTHWEST BORDER
VIOLENT	-28.033***	
PROPERTY	-3.561***	-4.432***
DRUG	-1.919***	11.660***
PUBLIC ORDER	-4.389*	
WEAPON	-9.747***	-9.173***
IMMIGRATION	3.143***	

* Statistically Significant at the 10% Level
**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

The findings in Table 3 provide an unclear understanding of the effects of being an Hispanic who is an illegal immigrant in the non-Southwest Border portion of the United States. For those offenses that produced significant results, Hispanics who are illegal immigrants serve longer sentences for drug offenses, but shorter sentences for property and weapons offenses. Again, this might be a result of the "deportation effect" discussed previously, and the

inconsistent or lack of prosecution of Hispanics who are also illegal immigrants in favor of immediate or expedited deportation.

Within the Southwest Border, however, a clear trend emerges – Hispanics who are also illegal immigrants serve shorter sentences than other racial/ethnic groups for every type of crime except immigration offenses. As discussed previously and as hypothesized, there may be heightened scrutiny of immigration offenses in the Southwest Border. If this were the case, those immigration offenses that do get prosecuted may result in longer sentences for Hispanics who are illegal immigrants, possibly given inflammatory rhetoric and resulting inherent bias in sentencing those offenders. However, these results once again strongly suggest a "deportation effect" in which illegal immigrants are immediately deported or quickly detained and deported.

From each set of tests, two representative regressions that demonstrated expected results have been chosen to exhibit the effect of the independent variables of interest in conjunction with the remaining control variables. Table 4 highlights the effects of ethnicity and citizenship, when considered separately, on sentence length, and limits the observations to primary immigration offenses.

TABLE 4: LINEAR PROBABILITY MODEL ON THE EFFECTS OF ETHNICITY AND U.S. CITIZENSHIP ON SENTENCE LENGTH FOR IMMIGRATION OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	.214***	.007	.285***	.013
MALE	.283***	.186	4.730***	.395
HSGED	2.511***	.201	2.508***	.305
SOMEPOSTHS	1.395***	.310	.613	.522
POSTHSDEGREE	.758	.544	-2.460***	.689
HISPANIC	3.544***	.169	.028	.308
USCITIZEN	-1.439***	.175	-.133	.764
CRIMINAL	-.339	.207	2.849***	.404
CATEGORY2	6.493***	.194	9.183***	.401
CATEGORY3	11.214***	.187	15.882***	.385
CATEGORY4	18.404***	.210	23.898***	.414
CATEGORY5	26.604***	.277	30.655***	.495
CATEGORY6	32.375***	.303	34.873***	.525
NOCOUNTS	4.755***	.752	1.326***	.240
POINTS	-1.782***	.229	-.067	.469
TRIAL	18.824***	1.148	21.109***	1.525
YR2001	.006	.347	-.02	.622
YR2002	-3.094***	.305	-3.630***	.578
YR2003	-3.935***	.285	-3.102***	.556
YR2004	-2.555***	.286	-3.371***	.569
YR2005	-2.884***	.277	-4.508***	.536
YR2006	-2.905***	.276	-3.469***	.547
YR2007	-3.827***	.278	-4.698***	.542
YR2008	-5.657***	.277	-5.587***	.523
N	78,695		33,079	
R^2	.3406		.3508	

* Statistically Significant at the 10% Level
**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

As shown in Table 4, in the Southwest Border HISPANIC has a positive and highly statistically significant relationship with sentence length and USCITIZEN has a negative and highly statistically significant relationship when observing sentences imposed for immigration offenses. This is the relationship that was hypothesized. Thus, holding all else constant, an Hispanic convicted of an immigration offense in the Southwest Border receives a sentence that is

3.544 months longer than a non-Hispanic, on average. Moreover, holding all else constant, a U.S. citizen convicted of an immigration offense in the Southwest Border receives a sentence that is 1.439 months shorter than a non-U.S. citizen, on average.

A factor that should be considered is that of magnitude. In the Southwest Border, the average sentence length for immigration felonies is 22.45 months with a standard deviation of 19.12. Given this average sentence length, a difference of 3.544 months for Hispanics could be considered a significant difference, whereas a difference of 1.439 for non-U.S. citizens does not seem considerable. However, the high standard deviation also underscores the fact that sentence lengths vary drastically and also likely supports the notion of a "deportation effect" in terms of this high variation.

The remaining independent variables demonstrate both expected and unexpected effects on sentence length in the Southwest Border. As expected, sentence length increases as age increases, as offenders are placed in higher criminal categories, and as the number of counts against an offender increases. Furthermore, males serve longer sentences than females and individuals sentenced to prison following a trial serve longer sentences than those who plead out. These effects are also consistent for all statistically significant results for every other offense category in the Southwest Border region. Several unexpected effects however, were observed in the independent variables YEAR, CRIMINAL, POINTS, and those pertaining to educational attainment. For education variables, sentence lengths decrease as educational attainment increases as expected, but the reference category of LSTHANHS experienced shorter sentences than all other education categories (and this is adjusted for age). Regarding the year variables, sentences were statistically shorter in every year compared with 2000 (except for an insignificant

result for YR2001) although it is unclear why this is the case. Moreover, the statistically significant results in most other offense categories demonstrated longer sentences for years after 2000. The regression results also demonstrate that shorter sentences are given to those with criminal histories, although the effects of CRIMINAL were not statistically significant. This result clearly contradicts a majority of existing literature and previous studies, and is unique to immigration offenses in the Southwest Border region, as all other offense categories experience longer sentences for offenders with a criminal past. Also contradicting previous studies is the fact that shorter sentences are expected for those with more criminal points, a finding that also remained consistent for statistically significant results across every other offense category. Furthermore, these unanticipated effects point towards potential omitted variable bias in the overall regressions. Again, it is highly likely that the ability to account for deportation would affect these results.

These effects were the same when observed in the non-Southwest Border region of the country with two exceptions. The coefficient on POSTHSDEGREE in the non-Southwest Border region was negative, indicating that those with a degree higher than a diploma or G.E.D. received a shorter sentence than those without a diploma. The positive relationship between CRIMINAL and SENTENCE in the non-Southwest Border region of the country differed from the Southwest Border results, but demonstrated the expected relationship, that those with criminal histories receive longer sentences. It should be noted that the effects of CRIMINAL and SENTENCE in the Southwest Border, however, were both statistically insignificant.

Table 5 demonstrates the effects of being an Hispanic who is also an illegal immigrant on sentence length for drug offenses in the Southwest Border and the rest of the United States. As

previously discussed, these regressions produce interesting results, namely that Hispanics who are illegal immigrants serve shorter sentences for drug crimes in the Southwest Border, but significantly longer sentences in the rest of the country. Specifically, holding all else constant, an Hispanic who is also an illegal immigrant in the Southwest Border is sentenced to 1.919 fewer months on average for drug crimes than an individual who is not an Hispanic who is also an illegal immigrant, but is sentenced to 11.66 months longer in the rest of the country.

Magnitude in this instance is again an important consideration. The average sentence length for primary drug offenses in the Southwest Border is 42.8 months with a standard deviation of 48.77; average sentence length in the remainder of the country is 91.91 months with a standard deviation of 82.37. While 11.66 months is a considerable difference given an average sentence length of 91.91 months, a difference of 1.919 is not great given an average sentence of 42.8 months in the Southwest Border. Also, as discussed in regard to sentencing differentials for immigration offenses, the high standard deviations demonstrate great variation in sentencing for drug offenses. Furthermore, these results are also likely affected by the findings in Miller's (2002) study on the war on drugs, which argues that Congress adopted a "zero tolerance" policy toward non-U.S. citizens with criminal records and, as a result, increasingly deported these individuals.

TABLE 5: LINEAR PROBABILITY MODEL ON THE EFFECTS OF BEING AN HISPANIC WHO IS AN ILLEGAL IMMIGRANT ON SENTENCE LENGTH FOR DRUG OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	.344***	.018	-.008	.018
MALE	10.382***	.397	22.315***	.446
HSGED	4.636***	.480	-2.343***	.402
SOMEPOSTHS	3.540***	.649	-4.638***	.532
POSTHSDEGREE	3.177***	1.133	-11.566***	.800
HISPILL	-1.919***	.374	11.660***	.519
CRIMINAL	6.460***	.519	4.004***	.491
CATEGORY2	10.540***	.839	18.757***	.653
CATEGORY3	15.064***	.860	30.699***	.644
CATEGORY4	25.226***	1.229	44.474***	.853
CATEGORY5	37.031***	1.819	53.480***	1.117
CATEGORY6	61.577***	1.678	95.837***	.815
NOCOUNTS	5.193**	2.702	3.877***	.975
POINTS	1.274*	.737	.064	.588
TRIAL	74.400***	3.780	119.976***	2.053
YR2001	.280	.703	.588	.761
YR2002	.234	.681	3.315***	.765
YR2003	3.795***	.710	3.351***	.747
YR2004	6.194***	.735	5.800***	.771
YR2005	8.636***	.793	.333	.756
YR2006	8.853***	.743	3.854***	.754
YR2007	7.438 ***	.721	5.091***	.743
YR2008	7.692***	.750	2.650***	.759
N	58,401		153,276	
R^2	.2372		.3088	

* Statistically Significant at the 10% Level
**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

The remaining independent variables in the Southwest Border generally demonstrate expected effects. Sentence lengths increase with age, decrease with greater educational attainment (although, like immigration, the base category of LSTHANHS still experienced shorter sentences than the remaining educational variables (which might indicate that juveniles and first time offenders are shown leniency)), increase with higher placement in criminal categories, increase with more counts applied against the offender, and increase with higher

applications of criminal points. Additionally, males serve longer sentences than females, offenders with criminal histories serve longer sentences than those without a criminal past, and those that are sentenced following a trial are sentenced to longer terms than those who plead guilty. Most of these results were also consistent for statistically significant results in every other offense category with two exceptions. First, higher criminal points warranted shorter sentences for every other offense category, although the reason is unclear. Second, and of import to this study, offenders with criminal histories served longer sentences for every other offense category except immigration offenses, where shorter sentences were applied. Furthermore, drug offenses warranted longer sentences in every year compared with the base year of 2000, which again stands in contrast to immigration offenses, which were given shorter sentences. Similar to immigration offenses, however, it is uncertain why this effect occurred.

There were several differences in effects between the Southwest Border and the remainder of the country. The relationship between age and sentence length in the remainder of the country was negative, but statistically insignificant. Also, as hypothesized, in the remainder of the country higher educational attainment led to shorter sentences and longer sentences were applied to those without a high school degree or G.E.D.

It should also be noted that, when controlling for race as an additional independent variable in regard to drug offenses, the results for HISPILL do not significantly change, but the relationship for race variables are consistent with existing literature. Namely, African Americans in the Southwest Border received sentences that were 18.725 months longer than whites for drug

offenses, and 10.568 months longer than whites in the non-Southwest Border region of the country[3].

Given the concern over missing data, I conducted two tests to determine whether omitted variable bias is present in the models. First, I conducted a model specification link test for every regression. Nearly all regressions demonstrated highly statistically significant model misspecification, at the 1% level. Six regressions either demonstrated model misspecification at lower significance levels, or did not demonstrate statistically significant model misspecification. Table 6 below demonstrates the results of the model specification link test.

TABLE 6: MODEL SPECIFICATION LINK TEST RESULTS FOR EACH SET OF REGRESSIONS

	HISPANIC & USCITIZEN		HISPILL	
OFFENSE	*SOUTHWEST BORDER*	*NON-SOUTHWEST BORDER*	*SOUTHWEST BORDER*	*NON-SOUTHWEST BORDER*
VIOLENT	Misspecified***	Misspecified***	Misspecified***	Misspecified***
PROPERTY	Misspecified***	Misspecified***	Misspecified***	Misspecified***
DRUG	Misspecified***	Misspecified***	Misspecified***	Misspecified***
PUBLIC-ORDER	Misspecified*	Misspecified*	Misspecified*	Misspecified**
WEAPONS	Misspecified***	Misspecified***	Misspecified***	Misspecified***
IMMIGRATION	Correctly specified	Misspecified***	Correctly specified	Misspecified***

* Statistically Significant at the 10% Level
**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

To confirm the conclusions of the model specification link test and to ascertain whether the immigration regressions in the Southwest Border were in fact correctly specified, I subsequently ran a regression specification error (RESET) test for each regression. In every case, the results of the RESET test were highly statistically significant (at the 1% level) and demonstrated omitted variable bias.

[3] When controlling for race for immigration offenses, there were no observations in the Southwest Border and results in the remainder of the country were insignificant.

VII. LIMITATIONS

There are potential difficulties in utilizing this data, however. First, there is potential for omitted variable bias given the limitations of the individual identifiers collected by the U.S. Sentencing Commission. As indicated above in the discussion of data coding, while several potentially significant indicators are provided, missing indicators that could cause bias might include income, marital status, and type of defense counsel, among others. Furthermore, the lack of proxies for these data limits the ability to substitute indicator variables for missing data.

Given this study's focus on illegal aliens in the United States, there are also significant limitations in regard to the available data on the number and demographics of illegal aliens. This is further complicated by the lack of data available on deportation rates and the number of crimes that are not prosecuted for this reason. The unavailability of these data very likely contributed to the suspicious results in many of this study's regressions.

VIII. CONCLUSION & POLICY IMPLICATIONS

The purpose of this study was to determine whether sentencing disparities exist for Hispanics and/or illegal immigrants in the Southwest Border of the United States. Given previous literature that largely supports the argument that disparities based upon race, ethnicity, and other demographic characteristics do exist across the United States, I hypothesized that disparities would exist for Hispanics and/or illegal immigrants across the country, and that such disparities would be greater in the Southwest Border region.

My hypothesis regarding sentencing bias towards Hispanics and/or illegal immigrants was based upon the fact that rhetoric and political arguments targeting illegal immigration had

increased in the last several years, and that the effect of such rhetoric would be to create bias in the general population. Furthermore, I also hypothesized that these biases would be greater in the Southwest Border given that most Hispanics enter the country illegally in this region as well as the fact that much of the immigration enforcement efforts have been focused in this region of the country.

I used panel data provided by the Bureau of Justice Statistics to test this hypothesis. Specifically, I ran two sets of regressions, the first of which included indicator variables for Hispanic and illegal immigrant, as well as additional control variables, and limited the observations by geographic location and by offense type. The second set of regressions included an interaction term for Hispanic and illegal immigrant, rather than including these variables separately, as well as additional control variables. Again, this set of regressions controlled for geographic region and offense type.

My hypothesis proved inconclusive, as the results of these regressions failed to yield consistent results for my variables of interest. In the first set of regressions, the regressions which proved to be statistically significant and yield the expected effects were those which were run for immigration offenses in the Southwest Border and drug offenses in the rest of the country. In both of these cases, Hispanics served longer sentences and U.S. citizens served shorter sentences for the specified crime category. In the remainder of the regressions, however, the results were either unexpected or insignificant.

In the second set of regressions, again I found inconclusive results. Within the Southwest Border, Hispanics who are illegal immigrants served shorter sentences than other racial/ethnic groups for every type of crime committed except immigration offenses, in which case their

sentences were longer. In the non-Southwest Border region of the country, Hispanics who are illegal immigrants served longer sentences for drug offenses, but shorter sentences for property and weapons offenses.

These unexpected results lead to two significant policy implications. First, it appears likely that the data, and therefore the regressions, are missing key elements as they pertain to bias towards Hispanics and/or illegal immigrants and thus may be misleading. Second, there are important political, policy, and fairness implications regarding the treatment of Hispanics and illegal immigrants in law enforcement processing, prosecution, and sentencing.

Given the extensive literature that exists demonstrating sentencing biases towards racial and ethnic minorities in the United States, it seems highly unlikely that Hispanics and/or illegal immigrants are regularly being sentenced to shorter sentences than other racial or ethnic groups, particularly whites and U.S. citizens. These unexpected and inconsistent regression results therefore underscore the concern, demonstrated by the omitted variable tests, that consequential data is missing. Without such data, it is difficult if not impossible to ascertain whether all individuals are receiving equal due process, or whether a "shadow justice system" exists for certain individuals or demographic groups. In a country that is based in large part on the premise of equal treatment under the law, it is crucial that complete and accurate data be made available to the public regarding processing and sentencing, especially for a branch of the government with such autonomy as the judiciary.

Data provides the public the opportunity to act as a "check" on the actions of the judiciary, as well as the government overall. Given the individualistic processing and sentencing

of most offenders, unfair treatment of offenders might all too easily go unnoticed without the ability to detect patterns and informal practices and, consequently, incite reform.

As noted when discussing significant regression results, the absence of data regarding those subjected to immediate or expedited deportation likely accounts for the skewed result of this study. Given the exclusion of this cohort from the data, the analysis regarding treatment and sentencing disparities for illegal immigrants and/or Hispanics is likely demonstrating this "deportation effect."

Again, there are also significant political, policy, and fairness implications to this study in addition to the consequences of missing data. First, on a basic level, policy decisions and formal and informal practices have consequences. Thus, the practice of deporting illegal immigrants (or even possibly those just suspected of illegally immigrating) has effects; however, those consequences cannot be accurately assessed without the ability to track these cohorts in the system. This has far-reaching implications, both in regard to fair and equal treatment as well as budgetary considerations.

The inability to track significant cohorts in the Southwest Border raises questions regarding the treatment of these individuals, not just in sentencing but potentially throughout the entire process. It is clear that those illegal immigrants who are being immediately or quickly deported are either largely or entirely absent from this analysis and, therefore, it is not possible to assess their treatment. Since this missing information likely skewed the results for the models in which Hispanics and illegal immigrants were evaluated as separate effects, there are likely complications in any analysis of bias towards Hispanics as an ethnic group overall as well.

Furthermore, the deportation policy currently employed by DHS/ICE essentially creates two systems of justice – one for U.S. citizens, and one for illegal immigrants. Citizens arrested and convicted of crimes will serve their sentence to completion in federal U.S. penitentiaries. Hispanics, however, are frequently biometrically screened upon detention, not conviction, and are flagged for potential ICE deportation. Not only does this inherently create an imbalance in treatment between U.S. citizens and illegal immigrants, as well as Hispanics and non-Hispanics, but a comparison of sentence lengths for similar crimes among these groups will also undoubtedly yield unreliable results.

The policy of immediate or expedited deportation also has significant justice implications for those illegally crossing the border. Under ICE's Criminal Alien Program, an incarcerated illegal immigrant who was not screened prior to incarceration is referred to ICE for review while serving his/her sentence, at which time a determination is made whether to deport the individual within 48 hours of completion of his/her sentence. This well-known policy might incentivize illegal immigrants who were not screened to plead to lesser crimes in the interest of serving a shorter sentence before believed inevitable deportation.

Furthermore, the fact that many of these illegal immigrants are referred to ICE prior to being convicted of any crime deprives these individuals of the ability to present their case to a judge or jury, which should be a right afforded to anyone accused of a crime in the United States, regardless of whether deportation voids potential criminal proceedings. This concern is particularly troubling in those instances when individuals are wrongly convicted and have little recourse.

The budgetary implications of the results of this study are unclear. While I hypothesized that longer sentences for Hispanics and/or illegal immigrants would result in an inefficient and unnecessary use of government resources, the results of this study do not provide strong or consistent evidence for this conclusion given the differing results for sentence length. In fact, in most instances it appears that Hispanics and/or illegal immigrants receive shorter sentences, thereby resulting in fewer incarceration costs in federal prisons. If this is the case, however, the potential trade off between cost savings and justice must be considered. Financial savings do not warrant an improper administration of justice.

Again, however, the financial cost of current policies and practices are not altogether clear. While the costs of federal incarceration can be determined fairly easily, it is far more difficult to ascertain the costs of detention and deportation, given variation in the periods of detention and the lack of data regarding detained and deported individuals. Moreover, it has been argued that deported individuals pose high risks of recidivism, in which case there would clearly be added long-term costs of future processing and additional detention and deportation proceedings.

These policy implications, coupled with the concerns over unreported or underreported data, present significant challenges for this and any future study into bias in the judicial system towards Hispanics and/or illegal immigrants. However, these implications also present opportunities for reporting agencies to improve their reporting and accountability and for agencies to reconsider current policies and practices.

In order to capitalize on these opportunities, it is imperative to implement a more thorough and transparent documentation process for individuals being processed through the

judicial system, particularly those facing deportation or those who have been deported. By providing such documentation, agencies can be held accountable for their actions and the true consequences of policy decisions and political rhetoric can be evaluated.

APPENDIX

TABLE 7: LINEAR PROBABILITY MODEL ON THE EFFECTS OF ETHNICITY AND U.S. CITIZENSHIP ON SENTENCE LENGTH FOR VIOLENT OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	-.496***	.134	-.012	.107
MALE	16.689***	5.392	31.341***	2.489
HSGED	-5.954*	3.566	-1.536	2.517
SOMEPOSTHS	-13.063***	4.820	-2.938	2.834
POSTHSDEGREE	-15.406**	7.192	4.057	5.445
HISPANIC	-4.648	4.156	9.570**	3.881
USCITIZEN	20.401***	5.683	3.735	4.897
CRIMINAL	5.196	5.227	28.765***	6.579
CATEGORY2	8.393	5.791	7.506*	4.277
CATEGORY3	14.846***	5.720	10.524**	4.124
CATEGORY4	23.188***	6.997	17.171***	4.102
CATEGORY5	25.031***	7.055	35.427***	5.527
CATEGORY6	67.106***	7.022	63.475***	3.900
NOCOUNTS	13.053***	2.153	7.370***	2.551
POINTS	-9.335*	4.981	-27.293***	7.242
TRIAL	119.923***	12.958	111.157***	7.823
YR2001	.621	6.390	2.232	2.799
YR2002	4.830	6.189	.472	3.077
YR2003	7.956	5.984	10.796***	3.911
YR2004	11.901*	6.855	5.458*	3.027
YR2005	6.828	6.094	8.937***	3.322
YR2006	9.962*	6.033	18.269***	4.018
YR2007	16.860**	7.038	20.282***	3.790
YR2008	16.516**	6.650	29.796***	7.303
N	3,059		16,400	
R^2	.2665		.1174	

* Statistically Significant at the 10% Level

**Statistically Significant at the 5% Level

***Statistically Significant at the 1% Level

TABLE 8: LINEAR PROBABILITY MODEL ON THE EFFECTS OF ETHNICITY AND U.S. CITIZENSHIP ON SENTENCE LENGTH FOR PROPERTY OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	.087**	.036	.172***	.013
MALE	5.482***	.713	6.879***	.224
HSGED	1.080	.921	1.312***	.348
SOMEPOSTHS	4.245***	1.120	2.579***	.433
POSTHSDEGREE	6.227***	1.305	3.000***	.450
HISPANIC	-1.191	.812	.024	.550
USCITIZEN	3.061***	.882	2/165***	.428
CRIMINAL	.987	1.245	3.104***	.527
CATEGORY2	2.302*	1.264	2.011***	.571
CATEGORY3	5.276***	1.410	4.528***	.538
CATEGORY4	9.027***	1.335	7.987***	.592
CATEGORY5	11.279***	1.401	15.424***	1.180
CATEGORY6	15.476***	1.644	19.853***	.676
NOCOUNTS	1.767***	.338	1.167***	.180
POINTS	-2.546*	1.353	-1.368**	.621
TRIAL	25.416***	4.934	29.217***	1.861
YR2001	-2.709*	1.528	1.086**	.501
YR2002	1.337	1.773	1.930***	.525
YR2003	.089	1.730	2.864***	.689
YR2004	.433	1.588	3.048***	.504
YR2005	-1.158	1.556	1.554***	.490
YR2006	.742	1.766	4.831***	.611
YR2007	-1.000	1.467	5.347***	.515
YR2008	.259	1.515	7.096***	.518
N	5,880		61,729	
R^2	.1688		.1275	

* Statistically Significant at the 10% Level
**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

TABLE 9: LINEAR PROBABILITY MODEL ON THE EFFECTS OF ETHNICITY AND U.S. CITIZENSHIP ON SENTENCE LENGTH FOR DRUG OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	.363***	.018	-.018	.018
MALE	10.642***	.402	22.004***	.452
HSGED	4.297***	.492	-1.918***	.407
SOMEPOSTHS	3.484***	.655	-4.176***	.534
POSTHSDEGREE	3.247***	1.134	-10.979***	.803
HISPANIC	2.233***	.521	6.457***	.439
USCITIZEN	3.782***	.441	-3.088***	.472
CRIMINAL	5.919***	.534	4.692***	.502
CATEGORY2	10.496***	.840	18.935***	.653
CATEGORY3	14.913***	.860	31.137***	.645
CATEGORY4	25.062***	1.230	45.181***	.856
CATEGORY5	36.858***	1.822	54.334***	1.120
CATEGORY6	61.418***	1.685	96.709***	.820
NOCOUNTS	5.179*	2.697	3.889***	.976
POINTS	1.091	.738	.361	.589
TRIAL	74.550***	3.778	119.886***	2.054
YR2001	.249	.702	.541	.760
YR2002	.132	.682	3.357***	.764
YR2003	3.557***	.710	3.468***	.746
YR2004	5.952***	.735	5.973***	.771
YR2005	8.410***	.793	.651	.756
YR2006	8.623***	.741	4.196***	.754
YR2007	7.262***	.720	5.349***	.743
YR2008	7.634***	.749	3.060***	.758
N	58,401		153,276	
R^2	.2380		.3089	

* Statistically Significant at the 10% Level
**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

TABLE 10: LINEAR PROBABILITY MODEL ON THE EFFECTS OF ETHNICITY AND U.S. CITIZENSHIP ON SENTENCE LENGTH FOR PUBLIC ORDER OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	.123*	.065	-.347***	.033
MALE	14.635***	1.429	24.274***	.959
HSGED	4.489*	2.329	-1.859	1.252
SOMEPOSTHS	5.914***	2.251	-3.209***	1.239
POSTHSDEGREE	.147	2.599	-4.821***	1.322
HISPANIC	-.825	1.991	5.491***	1.315
USCITIZEN	7.094***	1.930	5.585***	1.299
CRIMINAL	4.890**	2.212	10.244***	.996
CATEGORY2	.307	3.133	7.855***	1.940
CATEGORY3	-.893	3.397	12.865***	2.189
CATEGORY4	-.388	4.637	15.847***	2.865
CATEGORY5	.350	4.591	24.466***	3.862
CATEGORY6	37.099***	47.991	31.239***	2.656
NOCOUNTS	2.229***	.482	1.636***	.166
POINTS	-3.911	3.113	-4.219**	1.735
TRIAL	40.584***	8.630	48.714***	2.943
YR2001	-1.232	3.070	1.734	1.783
YR2002	.732	3.014	2.160	1.854
YR2003	.264	3.244	5.173***	1.838
YR2004	9.398**	4.077	4.517**	1.768
YR2005	4.767	3.188	15.023***	1.840
YR2006	12.162***	3.670	21.290***	1.847
YR2007	13.793***	3.485	23.344***	1.720
YR2008	20.602***	4.102	28.827***	1.728
N	3,940		28,092	
R^2	.1310		.1242	

* Statistically Significant at the 10% Level
**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

TABLE 11: LINEAR PROBABILITY MODEL ON THE EFFECTS OF ETHNICITY AND U.S. CITIZENSHIP ON SENTENCE LENGTH FOR WEAPONS OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	-.147*	.078	-.072*	.041
MALE	7.973**	3.542	16.324***	2.149
HSGED	.299	1.587	-.462	.811
SOMEPOSTHS	2.294	3.150	-.326	1.412
POSTHSDEGREE	-.173	5.881	-8.632***	2.951
HISPANIC	-1.610	1.653	.516	1.809
USCITIZEN	9.753***	2.221	.765	2.158
CRIMINAL	1.155	3.111	2.195	2.779
CATEGORY2	4.143	3.866	2.615	1.886
CATEGORY3	5.766*	3.148	5.994***	1.690
CATEGORY4	13.254***	3.161	24.165***	1.774
CATEGORY5	27.503***	3.536	35.256***	2.018
CATEGORY6	55.502***	3.706	75.851***	1.762
NOCOUNTS	30.728***	2.995	22.737***	2.800
POINTS	.523	3.576	-1.267	2.155
TRIAL	48.479***	6.272	88.751***	3.229
YR2001	5.808	4.281	.355	1.952
YR2002	5.882	4.139	-.646	1.965
YR2003	3.866	3.935	-.513	1.889
YR2004	4.511	4.138	.590	1.902
YR2005	3.959	3.746	-2.918*	1.775
YR2006	4.586	3.943	-1.636	1.692
YR2007	6.091	3.846	2.214	1.754
YR2008	4.700	3.899	4.719**	2.088
N	5,280		51,509	
R^2	.3661		.3189	

* Statistically Significant at the 10% Level
**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

TABLE 12: LINEAR PROBABILITY MODEL ON THE EFFECTS OF BEING AN HISPANIC WHO IS AN ILLEGAL IMMIGRANT ON SENTENCE LENGTH FOR VIOLENT OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	-.509***	.134	-.023	.107
MALE	17.835***	5.437	31.514***	2.466
HSGED	-5.436	3.588	-1.863	2.562
SOMEPOSTHS	-12.454***	4.809	-3.326	2.797
POSTHSDEGREE	-15.528**	7.249	3.613	5.443
HISPILL	-28.033***	5.834	.663	7.668
CRIMINAL	5.903	5.122	28.595***	6.672
CATEGORY2	8.671	5.790	7.456	4.286
CATEGORY3	14.548**	5.721	10.550**	4.128
CATEGORY4	22.880***	6.975	17.159***	4.103
CATEGORY5	24.828***	7.053	35.454***	5.529
CATEGORY6	66.401***	6.939	63.557***	3.897
NOCOUNTS	13.117***	2.165	7.367***	2.553
POINTS	-9.269*	4.963	-27.291***	7.220
TRIAL	118.922***	12.977	111.171***	7.831
YR2001	1.134	6.381	2.338	2.789
YR2002	5.471	6.191	.520	3.056
YR2003	8.243	6.004	10.938**	3.910
YR2004	12.219*	6.841	5.462*	3.012
YR2005	7.057	6.115	8.914***	3.313
YR2006	10.662*	6.057	18.409***	4.019
YR2007	17.271**	7.007	20.439***	3.791
YR2008	16.407**	6.651	30.043***	7.321
N	3,059		16,400	
R^2	.2665		.1172	

* Statistically Significant at the 10% Level
**Statistically Significant at the 5% Level
***Statistically Significant at the 1% Level

TABLE 13: LINEAR PROBABILITY MODEL ON THE EFFECTS OF BEING AN HISPANIC WHO IS AN ILLEGAL IMMIGRANT ON SENTENCE LENGTH FOR PROPERTY OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	.092***	.036	.173***	.013
MALE	5.257***	.703	6.828***	.224
HSGED	1.551*	.896	1.185***	.349
SOMEPOSTHS	4.789***	1.095	2.419***	.407
POSTHSDEGREE	6.797***	1.293	2.770***	.447
HISPILL	-3.561***	.727	-4.432***	.352
CRIMINAL	1.179	1.249	3.126***	.524
CATEGORY2	2.404*	1.267	2.035***	.570
CATEGORY3	5.432***	1.418	4.550***	.537
CATEGORY4	9.196***	1.341	8.076***	.590
CATEGORY5	11.517***	1.405	15.532***	1.169
CATEGORY6	15.829***	1.658	19.987***	.670
NOCOUNTS	1.784***	.338	1.168***	.180
POINTS	-2.449*	1.351	-1.327**	.623
TRIAL	25.274***	4.917	29.122***	1.858
YR2001	-2.764*	1.533	1.094**	.500
YR2002	1.347	1.780	1.900***	.525
YR2003	.175	1.713	2.869***	.693
YR2004	.386	1.585	3.033***	.504
YR2005	-1.172	1.537	1.550***	.490
YR2006	.851	1.744	4.857***	.610
YR2007	-1.050	1.466	5.412***	.515
YR2008	-.031	1.540	7.194***	.519
N	5,880		61,729	
R^2	.1680		.1278	

* Statistically Significant at the 10% Level

**Statistically Significant at the 5% Level

***Statistically Significant at the 1% Level

TABLE 14: LINEAR PROBABILITY MODEL ON THE EFFECTS OF BEING AN HISPANIC WHO IS AN ILLEGAL IMMIGRANT ON SENTENCE LENGTH FOR PUBLIC ORDER OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	.121*	.065	-.345***	.033
MALE	14.386***	1.424	24.046***	.953
HSGED	6.127***	2.243	-1.357	1.241
SOMEPOSTHS	7.959***	2.183	-2.695**	1.222
POSTHSDEGREE	2.107	2.498	-4.396***	1.304
HISPILL	-4.389*	2.413	3.895	2.853
CRIMINAL	5.552**	2.225	10.563***	.995
CATEGORY2	.117	3.133	7.784***	1.941
CATEGORY3	-.357	3.388	12.967***	2.189
CATEGORY4	.880	4.649	16.206***	2.851
CATEGORY5	1.492	4.593	24.767***	3.862
CATEGORY6	38.277***	7.952	31.526***	2.642
NOCOUNTS	2.279***	.481	1.632***	.166
POINTS	-3.591	3.120	-4.124**	1.736
TRIAL	40.991***	8.632	48.663***	2.943
YR2001	-1.494	3.102	1.859	1.784
YR2002	.378	3.051	2.418	1.854
YR2003	.179	3.273	5.457***	1.838
YR2004	9.689**	4.099	4.671***	1.768
YR2005	4.905	3.204	15.248***	1.827
YR2006	12.357***	3.700	21.425***	1.849
YR2007	14.068***	3.518	23.508***	1.718
YR2008	21.022***	4.086	28.965***	1.725
N	3,940		28,092	
R^2	.1283		.1235	

* Statistically Significant at the 10% Level

**Statistically Significant at the 5% Level

***Statistically Significant at the 1% Level

TABLE 15: LINEAR PROBABILITY MODEL ON THE EFFECTS OF BEING AN HISPANIC WHO IS AN ILLEGAL IMMIGRANT ON SENTENCE LENGTH FOR WEAPONS OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	-.150*	.078	-.078**	.041
MALE	7.906**	3.548	16.783***	2.149
HSGED	.740	1.599	-.880	.814
SOMEPOSTHS	2.716	3.182	-.845	1.417
POSTHSDEGREE	.360	5.880	-9.297***	2.964
HISPILL	-9.747***	2.057	-9.173***	1.652
CRIMINAL	1.616	3.151	1.631	2.772
CATEGORY2	4.256	3.902	2.426	1.884
CATEGORY3	6.155*	3.171	5.571***	1.695
CATEGORY4	13.900***	3.179	23.618***	1.784
CATEGORY5	28.238***	3.551	34.680***	2.031
CATEGORY6	56.249***	3.729	75.275***	1.771
NOCOUNTS	30.612***	3.016	22.714***	2.799
POINTS	.871	3.571	-1.621	2.154
TRIAL	48.665***	6.297	88.644***	3.225
YR2001	5.952	4.284	.399	1.951
YR2002	6.022	4.147	-.610	1.965
YR2003	3.982	3.950	-.444	1.890
YR2004	4.506	4.151	.712	1.904
YR2005	3.907	3.762	-2.792	1.777
YR2006	4.762	3.956	-1.442	1.695
YR2007	6.057	3.857	2.446	1.758
YR2008	4.584	3.914	4.968**	2.105
N	5,280		51,509	
R^2	.3653		.3192	

* Statistically Significant at the 10% Level

**Statistically Significant at the 5% Level

***Statistically Significant at the 1% Level

TABLE 16: LINEAR PROBABILITY MODEL ON THE EFFECTS OF BEING AN HISPANIC WHO IS AN ILLEGAL IMMIGRANT ON SENTENCE LENGTH FOR IMMIGRATION OFFENSES ON THE SOUTHWEST BORDER COMPARED WITH THE REMAINDER OF THE COUNTRY

VARIABLE	SOUTHWEST BORDER		NON-SOUTHWEST BORDER	
SENTENCE	*COEFF.*	*S.E.*	*COEFF.*	*S.E.*
AGE	.215***	.007	.283***	.013
MALE	2.608***	.187	4.819***	.390
HSGED	2.529***	.195	2.466***	.307
SOMEPOSTHS	1.226***	.306	.532	.527
POSTHSDEGREE	.668	.542	-2.597***	.687
HISPILL	3.143***	.140	-.294	.276
CRIMINAL	-.428**	.207	2.884***	.405
CATEGORY2	6.455***	.194	9.206***	.400
CATEGORY3	11.145***	.188	15.913***	.384
CATEGORY4	18.313***	.212	23.935***	.413
CATEGORY5	26.503***	.278	30.703***	.494
CATEGORY6	32.244***	.305	34.940***	.524
NOCOUNTS	4.800***	.751	1.320***	.240
POINTS	-1.912***	.230	-.050	.470
TRIAL	18.976***	1.146	21.069***	1.523
YR2001	.028	.347	-.027	.622
YR2002	-3.090***	.305	-3.644***	.578
YR2003	-3.988***	.285	-3.110***	.555
YR2004	-2.587***	.285	-3.373***	.570
YR2005	-2.937***	.277	-4.501***	.536
YR2006	-2.965***	.276	-3.462***	.547
YR2007	-3.891***	.277	-4.682***	.542
YR2008	-5.843***	.274	-5.578***	.523
N	78,695		33,079	
R^2	.3403		.3508	

* Statistically Significant at the 10% Level

**Statistically Significant at the 5% Level

***Statistically Significant at the 1% Level

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