ABSTRACT

Title of Thesis:	DOES RECEPTIVITY TO IMMIGRANTS CORRELATE WITH SENTENCING DISPARITIES FOR THE LATINE POPULATION?: A STATE-BY-STATE STUDY
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As of 2022 there were 63.6 million Latine individuals from any race living in the United States. When involved with the criminal justice system this community has been found to have a higher likelihood of incarceration and receive a longer sentence when compared to White or Black defendants. The underlying reason for this disparity is currently unknown as this area of focus is extremely under researched. The available research also lacks in exploring factors that may be correlated with these disparities, such as receptivity. This study examined the relationship between sentencing disparities (when comparing Latine and White individuals in each state) and immigrant receptivity (how inclusive or exclusive each state is through their policies). It was found that as immigrant receptivity increases (states are more receptive to immigrants), so do the sentencing disparities between the Latine and White population. Then, this study looked at if the growth of the Latine population impacts this relationship. It was found to not have a significant relationship with sentencing disparities and that sentencing disparities

and immigrant receptivity maintain their significant relationship. These results do not align with the original hypothesis, proposed framework, or past literature. Even though further research is needed because of these inconsistencies, this research contributes to bridging the gap in existing literature when assessing what could be impacting the sentencing disparities between Latine and White individuals in each state.

DOES RECEPTIVITY TO IMMIGRANTS CORRELATE WITH
SENTENCING DISPARITIES FOR THE LATINE POPULATION?:
A STATE-BY-STATE STUDY

by

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Thesis submitted to the Department of Criminology and Criminal Justice at the
University of Maryland, College Park, in partial fulfillment
of the requirements for the degree of
Bachelor of Arts
2024

Advisory Committee:
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Acknowledgements

I would like to start by thanking Dr. Bianca Bersani, my faculty advisor, for guiding me and supporting me throughout these past two years. I am forever grateful to have been a student mentored by you and I could not have done this thesis without your encouragement and help every step of the way. She believed in each one of us in the cohort since the very start and was always there if we needed any help or just wanted to talk. She was excited for each one of our milestones and would challenge us to expand our thinking while also being extremely kind and motivating. I truly admire her. I cannot thank you enough for everything, especially for believing in me and instilling confidence within me about my work.

I would also like to thank Casey Kindall, the graduate teaching assistant for this Criminology and Criminal Justice honors cohort, for her constant support. She was always happy to talk and brainstorm with me about my thesis, and her help was immensely valuable. Thank you so much for answering my many questions and for always being so caring. To my Criminology and Criminal Justice honors cohort, I am so happy that we met. Thank you so much for all the feedback, collaboration, and laughter. I will never forget our fun late night writing sessions at the library!

To all of my friends and family, I thank you for the impact you make on me every day, and you all being there for me throughout the completion of this thesis means everything to me. A mi querida familia que me manda fuerza, apoyo, y aliento desde Perú y Colombia, estoy tan agradecida que su amor transciende toda distancia. Los quiero muchísimo, abuelitos, hermano, tías, tíos, primas, primos, y Hamkis.

To Matias, I thank you endlessly for listening to me talk about my thesis and for helping me stay calm and positive. You know how to cheer me up, and you show me endless kindness and patience. Te quiero infinitamente.

To my mom and my dad, Brasilia and Diego, there are no words to describe my love for both of you. Thank you for supporting me in everything I do and for always being there for me. I am beyond proud of everything you have accomplished, and I am eternally grateful for every opportunity you have been able to give me. I would not be here today if it were not for you. Thank you for teaching me to be proud of being Latina, to take my heritage wherever I go, and to help others in our community. The research done in this thesis hopefully is a step toward a future where everyone receives equal treatment under the law. Son mi inspiración día a día y los amo con todo mi corazón.

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Chapter 1: Introduction

As of July 1st of 2022, there are 63.6 million reported Hispanic individuals from any race that are living in the U.S. (Krogstad et al. 2023). Even though this signifies that the Hispanic population constitutes 19.1% of the total U.S. population ("U.S. Census Bureau QuickFacts."), they were found to be overrepresented at state prisons for more offenses when compared to White and Black individuals (Harris et al. 2009). Even after crime severity and criminal records are controlled for, when compared to non-Hispanic White individuals Hispanic individuals were found to receive the harshest punishment (Doerner and Demuth 2010; Steffensmeier and Demuth 2000; Harris et al. 2009; Bales and Piquero 2012). Even though these disparities could be influenced by multiple factors, current research is limited in assessing the reasoning behind these outcomes. It is important to examine what could be a reason for the sentencing disparities between Latine[1] and White people as this fundamental inequity has the possibility of affecting a great number of individuals. One of said reasons could be the way that the majority national society perceives, whether in a positive or negative light, the immigration of the Latine community to the US.

Immigrant receptivity, the actions and practices in place that welcome immigrants, whether receptively warm or receptively cool, (Rodriguez et al. 2018) as seen through policy, has effects on the immigrant community and the individuals

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[1] For this research specifically, Latine and Hispanic are used interchangeably. For the differences for each group please see Calderon (1992).

already residing in this new community (Almeida et al. 2016; Connor, 2010; McDaniel et al. 2019; Rodriguez et al., 2018). Furthermore, public perception can shape policy and potentially lead to damaging anti-immigration policy that affects all Latine individuals, not just immigrants (Almeida et al. 2016; McDaniel, 2019). This is due to the body of research that highlights the interwovenness between the Latine and immigrant community (Almeida et al. 2016; Rodriguez 2008). While the reasoning as to why these policies come into effect is under-researched, these anti-immigration policies can be attributed to an effort to protect a nation's purity, when feeling threatened by the increasing number of Latine individuals in a community (Blalock 1967).

One is able to understand the concept of anti-immigration policies being enacted by the White non-immigrant majority through Blalock's (1967) group threat theory. This theory can further explain how the majority group enacts these anti-immigration policies to maintain political and social control over a minority group that becomes a threat due to increasing in size (Blumer 1958; Chiricos et al. 2020). This is because the increasing size of a community is perceived to add to the competition over limited resources (Blalock 1967; Blumer 1958; King and Wheelock 2007). As outlined through past research, this desire to maintain control has been associated with punitive actions (King and Wheelock 2007). Anti-immigration policies could be the vehicle for these punitive actions to be enacted. Therefore, the desire for social control and preserving the in-group drives the "defensive reaction" of implementing prejudiced anti-immigration policies from the White non-immigrant majority which can manifest in harsher sentencing for the Latine population in

comparison to their White counterparts. Through this differential treatment, sentencing disparities are created.

Sentencing disparities include longer or harsher sentences for the same crime across varying demographic groups. The concept of racial sentencing disparities in the criminal justice system has been long established and its reflection on likelihood of incarceration and sentencing length as well (Aguilar 2014; Albonetti 1991; Burch 2015; Casey and Wilson 1998; Chiricos and Crawford 1995; Doerner and Demuth, 2010; Light 2014; Mitchell 2005; Mustard 2001; Rehavi and Starr 2014; Spohn 2000; Wu and Delone 2012). While the majority of research focuses on Black-White disparities, research has indicated that Latine individuals also face disparities in the criminal justice system in respect to sentencing harshness and length (Aguilar 2014; Albonetti 1997; Doerner and Demuth 2010). Meaning, that they are more likely than White individuals to be incarcerated and to receive a longer sentence (Doerner and Demuth, 2010; Steffensmeier and Demuth, 2000). However, there is not as much information that examines how this looks through different jurisdictions, its causes, and its implications. Specifically, research has not evaluated whether the social climate, for example how a state feels towards or treats immigrants, is related to these disparities.

This research aims to bridge the existing gap within the literature by providing reasoning as to why sentencing disparities for the Latine population vary by state. The current study focuses on examining whether there is a relationship between a states' receptivity towards immigrants and their respective sentencing disparity when looking at Latine and White individuals. Currently it is unknown what may be the

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driving factors behind the sentencing disparities between Latine and White individuals. It is imperative to explore what could be the factors associated with these disparities, not only to help stop the current injustice that the growing Latine population faces, but also to provide insight on the possible consequences of current policy. Therefore, this research intends to investigate whether a state with lower receptivity towards immigrants, has a greater sentencing disparity between Latine and White individuals than a state that has a high receptivity to immigrants.

To look at this, data was pulled from the Sentencing Project (2021), to examine sentencing disparities by state, and from the Immigration Policy Climate (IPC) index, to assess a state's receptivity to immigrants. Drawing from Blalock's (1967) group-threat theory, this research will control whether the increasing population of Latine individuals in a state may contribute to the relationship between the immigrant receptivity of a state and their sentencing disparities between Latine and White individuals.

Chapter 2: Literature Review

Immigrant Receptivity

Understanding immigrant receptivity is essential for the assessment of a jurisdiction's attitudes towards immigrants. Rodriguez and colleagues (2018:348), inspired by McDaniel (2013), define receptivity as "a broad set of attitudes and procedures involving intertwined structures—cultural, economic, political, social, and spatial—that play a role in how a particular place receives newcomers, for example immigrants." Research has dived into the concept of immigrant receptivity and its effects on the immigrant community as well as the individuals that already reside in this new society (Almeida et al. 2016; Connor 2010; McDaniel et al. 2019; Rodriguez et al. 2018). The receptiveness of immigrants goes hand in hand with an immigrant's ability to integrate and feel included within the new society (Rodriguez et al. 2018; Harden et al. 2015; Lester & Nguyen 2016). The actions that constitute receptivity towards immigrants can be affected by a broad variety of factors such as: linguistic context (Oropesa 2015), religion (Connor 2010), interracial contact (Marrow et al. 2019), and policy (McDaniel 2019). For the purpose of this research the focus will be on the impact that policy can have on the inclusion or exclusion of the immigrant community.

A form in which the government impacts the immigrant community is by either being receptively warm (welcoming and inclusive) or receptively cool (unwelcoming and exclusive) (Rodriguez et al. 2018) and this can be seen in action

through the policies they enact. A receptive[2] policy towards immigrants could be a policy that allows for undocumented kids to pay in-state tuition for state colleges (Samari et al. 2021). On the other hand, a state that within their policy dictates that they will not provide state funded insurance for low-income undocumented families is an example of a non-receptive policy (Samari et al. 2021). There are jurisdictions within the U.S. that have developed, through policy and initiatives, efforts that create "welcoming cities" (McDaniel et al. 2019). These places demonstrate through policy that immigrants are supported in their new place of living (Harden et al., 2015; McDaniel et al. 2019; 2015; Rodriguez et al., 2018).

On the other hand, a type of policy that can negatively impact immigrants are anti-immigration policies. These can be considered to be a reflection of the negative receptivity from policymakers towards immigrants. Anti-immigration policies are a type of structural xenophobic process that can constraint immigrant populations and hinder their integration within the new society (Almeida et al. 2016). These policies are seen to affect particular ethnic groups because of how society assimilates them to immigrants.

The Immigrant and the Latine Communities

Whereas these policies may be immigrant specific they hold consequences for the general Latine community, regardless of immigrant status (Almeida et al. 2016).

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[2] Throughout this thesis the terms receptive, high receptivity, receptively warm, positive receptivity, inclusive, and welcoming are used interchangeably. Similarly, the terms non-receptive, low receptivity, receptively cool, negative receptivity, exclusive, and unwelcoming are used interchangeably. This is due to the language used by different researchers (Fussell 2014; Rodriguez 2008; Samari et al. 2021).

As Rodriguez (2008:248) describes, the "general public's tendency to draw a strong correlation between Latinos and immigrants is inescapable." Past research has noted that for the U.S. "the primary focus of popular anxiety has been migrants arriving from Mexico" (Provine and Doty 2011:262). Additionally, Almeida and colleagues (2016) demonstrate through a study that encapsulates Latinos with varied documentation statuses – non-citizens, citizens, and undocumented individuals – that documentation status was not associated with perceived discrimination. Meaning, that the effects of anti-immigrant state-level policies are not limited to immigrant and documentation status, as their perceived discrimination can be felt through different generations of Latine individuals in the U.S. Therefore, the negative impact that anti-immigration policies can have, at least for Latine individuals, does not only negatively affect the undocumented immigrants, its target, in each state but rather the whole community. Furthermore, the findings of this study additionally show that after controlling for potential independent risk factors for discrimination, "more anti-immigrant policies were associated with higher perceptions of discrimination" (Almeida et al. 2016:702). Therefore, anti-immigration policies create an unwelcoming environment for Latine individuals. Prior research demonstrates the interwovenness between the concept of being an immigrant and identifying as Latin American, (Almeida et al. 2016; Rodriguez et al. 2018) one is able to see the connection on how these anti-immigration policies can negatively impact the Latine community.

Even though the reasoning for the existence of these anti-immigration policies is under-researched, it is at times tied to the fear that the increasing number of

immigrants threatens the "pureness" of one's country.[3] Research has argued that

nationalism–identification with one's nation and support for its interests, especially to

the exclusion or detriment of the interests of other nations–can be associated with

'stricter' immigration policies (Ko and Choi 2022). These anti-immigration policies

can stem from a variety of factors. However, this research will focus on the *public*

perception of immigrants because of its ability to greatly affect public policy (Esses,

Dovidio, and Hodson 2002). For example, research such as Alamillo and colleagues

(2019) demonstrates how President Trump relied on negative frames of immigrants to

push his agenda of implementing more restrictive and punitive approaches to

immigration. This process, developed by Trump and the media, affects public

perception by developing a fear of immigrants that produces a preference by society

for anti-immigration policies (Alamillo et al. 2019). In turn, these anti-immigration

policies create a receptively cool (unwelcoming and exclusive) environment for the

immigrant population which not only hinders their integration within the new society

but also negatively impacts their relationship with the law. Therefore, a reasoning for

the existence of anti-immigration policies can be tied to members of a country feeling

as if their culture is under threat by the growing number of immigrants.

Theoretical Framework

One way to understand what anti-immigration policy, negative receptivity

towards immigrants, does is through the social control enacted by a threat as

explained by Blalock's (1967) group threat theory. Blalock's (1967) theory was based

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[3] Other research has attributed the existence of anti-immigration policies to the misattribution
that immigrants are dangerous (Provine and Doty 2011).

on the argument that threats posed by the minority racial group (economic, political, status term) would in turn cause the majority to act in ways where they would implement social control consequences. These social control consequences are factors implemented to restrict the minority group in the majority group dominated environment, for example, through discriminatory drug laws and mass incarceration (Chiricos et al. 2020). The hypothesis is that the White majority would feel threatened if the size or mobilization of the Black minority increased and would respond to this threat with racial discrimination (Blalock 1967; Chiricos et al. 2020). Specifically, the dominant group is afraid of losing their social hierarchy and power through the economical and political input posed by the minority groups (Blalock 1967). Therefore, challenges caused by minority groups for the majority's access to jobs or other economical sources, are perceived as a threat to the economic success of the majority group. Similarly, minority group involvement in politics can contest the political control held by the majority group (Blalock 1967). Further research has found a relationship between the threat perceived by the majority group and the increase in members within minority groups (Wang 2012). Therefore, in areas where minority populations are greater, the dominant group will instill more informal and formal forms of social control as they see the minority influx increase the competition for limited resources (Blalock 1967; Blumer 1958; King and Wheelock 2007). Furthermore, research outlines that not only is there a threat of limited resources, but the majority group also views members of a minority group as inferior or subordinate, which creates prejudice towards them and causes them to feel as if they are not worthy of the resources (Blumer 1958). Therefore, this theory proposes that the

hostility from the majority group in a population is a defensive reaction to perceived threats from minority groups (Chiricos et al. 2020; Wang 2012).

For this research specifically, the role that group threat theory plays in the treatment from the White non-immigrant majority towards immigrants or the Latine community is examined. There are 63.6 million reported Hispanic individuals from any race, as of July 1st, 2022, that are living in the U.S. Compared to the 9.6 million by April 1st, 1970, the massive population growth of the Hispanic community within the U.S. can be seen (Krogstad et al. 2023). This in turn can cause a threat perceived by the non-immigrant White majority. Then, their "defensive reaction" is enacted through increased sentencing towards Latine individuals, creating sentencing disparities. These sentencing disparities may be facilitated by anti-immigration policies.

Past research has outlined that a perceived threat and demographic composition are correlated, which then manifests itself by the majority group having punitive desires (King and Wheelock 2007). It is argued that punitive actions, such as sentencing, are perceived by the majority dominant group to be a solution in eliminating the competition for resources instilled by the growing minority population (King and Wheelock 2007). Therefore, anti-immigration policies could be an indicator of how threatened the majority dominant group feels because through these policies their desire for social control can be enacted. For example, the implementation of these policies could increase sentencing (a form of social control) for Latine individuals, creating sentencing disparities between the Latine community and the White majority.

The majority group utilizing the criminal justice system to exert social control over a minority group threat can lead to sentencing disparities between different groups of people. Disparities within the criminal justice system include differential processes or variations in outcomes for similar crimes (Hamilton, 2017). An existent and researched disparity within the criminal justice system is sentencing disparities, which refers to the differences in sentences that different individuals receive for similar crimes. Sentencing disparities can be seen by age, gender, socioeconomic status, race, citizenship, etc. (Aguilar 2014; Albonetti 1991; Burch 2015; Casey and Wilson 1998; Chiricos and Crawford 1995; Doerner and Demuth, 2010; Light 2014; Mitchell 2005; Mustard 2001; Rehavi and Starr 2014; Spohn 2000; Wu and Delone 2012). These inconsistencies in sentencing may indicate disproportionate penalty outcomes, abuse of discretion and possible discrimination (Hamilton 2017). One of the most researched areas within sentencing disparities is by race (Aguilar 2014; Albonetti 1991; Burch 2015; Chiricos and Crawford 1995; Light 2014; Mitchell 2005; Mustard 2001; Rehavi and Starr 2014; Spohn 2000). This body of research will further help understand the disparities between ethnic groups, such as Latine and White individuals.

Racial disparities

The concept of racial disparities within the criminal justice system has been persistent within research for decades. Illegitimate or unwarranted racial disparities within the criminal justice system, can be defined as "people who are similarly situated, will receive dissimilar treatment based on race" (Sentencing Project 2006:2).

For decades studies have dived into the curiosity of whether there is an existence of racial disparities within the U.S. criminal justice system (Blumstein 1982; Dorn, 1939; Gardiner, 1960; Greene, 1959). Studies like Bernstein and colleagues, (1977) found that White people are the ones actually at a disadvantage when facing the criminal justice system by receiving longer sentences. However, the researchers depict this to be unexpected and explore the possibility of the statistically significant result to be due to chance. This alternative explanation points to the researchers' belief that Black individuals face a 'harshness' disadvantage in the determination of their sentences; which is consistent with the majority of findings from studies in this area (Aguilar 2014; Albonetti 1991; Burch 2015; Chiricos and Crawford 1995; Light 2014; Mitchell 2005; Mustard 2001; Rehavi and Starr 2014; Spohn 2000). Furthermore, various researchers have attributed this sentencing disparity to judicial discretion and sentencing by race (Albonetti, 1991; Aguilar 2014; Burch 2015; Light 2014; Rehavi and Starr 2014; Yang 2015).

Assuming that race has an impact on sentencing outcomes, different researchers have found support for the extent of its influence or the step in the process where it is influential. One of the first steps through the criminal justice process is the decision of conviction. This is when it is 'established' whether an individual committed a crime. There is evidence which depicts that when it comes to the raw probability of conviction, there is no significant difference between Black and White individuals (Rehavi and Starr 2014). However, findings showcase that the likelihood of incarceration is greater for Black defendants (Burch 2015; Rehavi and Starr 2014). In corroboration, a systematic review of 38 empirical studies portrayed the overall

finding that Black individuals are disadvantaged in decisions of whether they should

or should not be incarcerated (Chiricos and Crawford 1995). Yet, this same study

found that race did not play a disadvantageous role for Black people when it came to

sentence length (Chiricos and Crawford 1995).

On the other hand, other researchers have found that race can impact and

create a disparity on the sentencing length that different individuals receive (Burch

2015; Mustard 2001; Spohn 2000; Yang 2015). It has been found that even when

controlling for legally-relevant factors, such as criminal history and crime type, and

controlling for other factors, such as socio-economic status, there is a significant

relationship that indicates a disparity (Burch, 2015; Spohn 2000; Yang 2015).

Specifically, even after these other factors are controlled it is found that Black-first

time offenders receive a longer sentence than White-first time offenders (Burch,

2015).

Latine Disparities

Though the bulk of empirical attention examines Black-White disparities,

research also finds disparities for other marginalized groups. Findings suggest the

disparities of sentencing for Black people are also present for the Hispanic population

(Aguilar 2014; Albonetti 1997; Doerner and Demuth 2010). However, Hispanic and

Latine individuals are under researched when it comes to their treatment by the law

(Doerner and Demuth, 2010).

Research on the existing sentencing disparities for the Latine population is

particularly important, because researchers, such as Harris and colleagues (2009:197),

have stated that by not accounting Hispanics within White and Black populations, one

is at a particular risk of inflating White proportions while also deflating Black "proportions of arrests, admissions, and prison population estimates." This is particularly harmful because it can lead to a skewed response and portray an inaccurate Black and White racial sentencing disproportionality. Meaning, that the current knowledge that does not account for this ethnic difference, by creating the identifying category of Latine, may not showcase the true levels of disparities between groups. This is because research has found several instances where there may be a disparity between sentencing outcomes for Latine or Hispanics and White individuals (Bales and Piquero 2012; Doerner and Demuth 2010; Harris et al. 2009). Hispanic individuals were found to be "overrepresented in state prison admissions and state prison population for more offenses than White and Black individuals" (Harris et al. 2009:197). Findings depict that after controlling for crime severity and criminal record, Hispanics were found to receive the harshest punishment, when compared to non-Hispanic White individuals (Bales and Piquero 2012; Doerner and Demuth 2010; Harris et al. 2009; Steffensmeier and Demuth, 2000). Researchers have found that Hispanics are given a longer sentence than White individuals (Doerner and Demuth, 2010; Light, 2014; Pasko, 2002; Spohn, 2000; Steffensmeier and Demuth, 2000).

Steffensmeier and Demuth (2000) used federal sentencing court data from 1993 to 1996 which was collected by the U.S. Sentencing Commission to assess the impact of ethnicity when analyzing race sentencing outcomes. The study focused only on U.S. citizen male defendants. Furthermore, drug and non-drug offenses were analyzed separately. The findings demonstrate that once 'offense severity' and 'prior

record' are controlled for non-drug cases, Hispanics are more likely to be incarcerated than both White and Black individuals. Specifically, White-Hispanics are 7 percent more likely to be incarcerated than White defendants, while the likelihood of Black-Hispanic defendants and Black defendants to be incarcerated than White defendants is 6 and 5 percent respectively (Steffensmeier and Demuth, 2000). Moreover, for drug offenses the magnitude of ethnic differences for sentencing outcomes is greater, causing the overall harshness associated with one's race and ethnicity to be more prevalent in drug offenses rather than non-drug offenses. White-Hispanic drug offenders are 16 and Black-Hispanic drug offenders are 20 times more likely to be imprisoned than a White defendant. Even though these findings are useful when putting things in perspective, the researchers state that one cannot overlook that there may be other variables apart from the sole focus on race and ethnicity that can possibly explain the likelihood of incarceration for minorities. For example, Hispanic or Black individuals having higher offense severity scores and having on average a lower education than White individuals (Steffensmeier and Demuth 2000).

Additionally, Steffensmeier and Demuth (2000) found that White individuals on average are given the shortest sentences, next would be White-Hispanics, and then for the groups who receive the longest sentences are Black-Hispanics and Black individuals. When looking specifically at non drug sentencing outcomes, it was found that when compared to White defendants, Black defendants are given sentences which are 1 month longer, White-Hispanic defendants are given sentences around 4 months longer, and the group which has the highest sentence discrepancy, Black-Hispanic defendants, are given sentences around 16 months longer. Therefore, the

results show how there is an immense disparity between the average sentence length a White defendant would receive versus what a Hispanic defendant would receive. Furthermore, when looking at drug sentencing outcomes, defendants who are White-Hispanic receive prison terms that tend to be 19 months longer than White defendants. Moreover, one can see the discrepancy increase for Black-Hispanic defendants, who received a prison term that is 23 months longer than a White defendant would be given (Steffensmeier and Demuth, 2000).

As described previously, research has found that out of all the racial and ethnic identities that exist within the United States, Hispanic defendants are the most likely to be incarcerated after conviction (Doerner and Demuth, 2010; Steffensmeier and Demuth, 2000). Specifically, Doerner and Demuth (2010:8) utilize data from the 2001 Monitoring of Federal Criminal Sentences which was compiled by the United States Sentencing Commission (USSC) to analyze the independent and joint effects of race/ethnicity, gender, and age on the U.S. federal court sentencing decisions. The data encapsulates the cases (59,897) received by the USSC from October 1st 2000 to September 30th 2001. After the exclusion of noncitizens, defendants under the age of 18, defendants who state their race as "other," and cases with missing information that is essential for the analysis are deleted, the sample that was used for this study was 33,505. The researchers found that "the odds of incarceration are about 33% higher for Hispanic defendants than for White defendants" (Doerner and Demuth 2010:14).

Furthermore, other research that focuses on federal offenders has demonstrated that White individuals have been found to have an average sentence of

32.1 months, while Hispanic individuals are given an average sentence of 54.1 months (Mustard 2001). This constitutes a 68.5 percent difference, which depicts the discrepancy between the incarceration term given to White people and Hispanic people. Moreover, after controlling for offense level, criminal history, district, and offense type, Hispanic individuals still received a longer sentence than Whites by 2.3 months. It is worth noting that for specific crimes, such as drug-trafficking and firearm possession or trafficking, Hispanic individuals are given 6.1 and 3.7 additional months respectively in comparison to White individuals (Mustard 2001).

Research findings suggest that another factor which influences Latine sentencing disparities are specific geographical locations within the United States (Feldmeyer and Ulmer 2011; Feldmeyer et al. 2015; Holland and Stringer 2019; Ulmer and Parker 2020). For example, Hispanic and White individuals receive a disproportionate sentence length, depending on whether they are located in a border state or in a non-border state (Holland and Stringer 2019). Research done by Holland and Stringer (2019:149) describe that "anti-immigration attitudes are likely to be exacerbated among border states due to the proximity of these communities to Mexico and have been linked to immigration attitudes." When comparing the sentencing disparities in border states vs non-border states, border states have a decreased sentence length than the rest of the country. Furthermore, other research has pointed towards how there is a variation between districts for the length of sentencing assigned to Hispanic individuals in comparison to White individuals (Feldmeyer and Ulmer 2011). One would see districts in which Hispanic individuals would be sentenced to 5 percent shorter sentences than White individuals, as well as

districts in which they would obtain a 7 percent longer sentence than White individuals (Feldmeyer and Ulmer 2011). These findings add another dimension to the federal level research discussed previously. Additionally, research by Ulmer and Parker (2020) showcase a difference in sentencing disparity between Latine and White individuals, specifically when looking at different areas within the United States. The areas assessed were divided between traditional destinations for Hispanic immigrants and new, emerging, or non-destinations. The traditional destinations have a greater amount of Hispanic individuals, and this is where there was a small Hispanic vs. non-Hispanic sentencing disparity in comparison to non-destinations, which have a less growing number of Hispanic individuals (Ulmer and Parker 2020). The vice-versa was also true, that in new and non-destinations Hispanic citizens and non-citizens both were given longer sentences when compared to what their counterparts received in a traditional destination (Ulmer and Parker 2020). Through the research just outlined one can see how different jurisdictions possess different sentencing disparities towards Latine individuals. Even though literature has focused on different jurisdictions, state-level differences is an under-researched area. As outlined previously, a state's receptivity towards immigrants could be an influence on whether a particular destination creates a more punitive environment for Latine individuals when compared to the White majority. More research is needed at the state level, therefore, this raises the question about why there is a variation between states and their impact on sentencing disparities.

Current Research

The current research helps to fill the gap in the literature as to what may be a reason for the sentencing disparities between Latine and White individuals to vary by state. As of now, research has been very limited in assessing the driving factors for the sentencing disparities between Latine and White individuals. When looking at different states, a varying factor between them is the specific attitudes, showcased through policy, that they have towards immigrants. Given the literature review section, through Blalock (1967) the Latine community can be seen as a threat by the White non-immigrant majority and anti-immigration policies, showcasing low receptivity towards immigrants, may be implemented as a form of social control. Therefore, this research aims to examine whether a state's receptivity towards immigrants predicts the sentencing disparities between Latine and White individuals. Furthermore, the growth of Latine population will be analyzed in order to assess whether minority threat controls the relationship, if any. The current research poses the following hypothesis:

H: A state with lower receptivity towards immigrants will have significantly higher sentencing disparities between Latine and White individuals than a state that has a high receptivity to immigrants.

Chapter 3: Data, Measures, and Analytic Strategy

Data

The current study focuses on examining whether there is a relationship between a states' receptivity towards immigrants and their respective sentencing disparity when looking at Latine and White individuals. For the purpose of this study the research combines two different data sources – The Sentencing Project (2021) and the Immigration Policy Climate (IPC) index (Samari et al. 2021).

To assess the racial disparity in sentencing between Latine and White individuals, this article uses data from The Sentencing Project (2021) as presented in "The Color of Justice: Racial Disparity in State Prisons" conducted by Nellis (2021). The researchers obtained their data from the 2020 Bureau of Justice Statistics (BJS). The BJS is renowned to be the primary source for criminal justice statistics in the United States as well as being the Department of Justice's primary statistical agency.

To assess a state's receptivity to immigrants, this study utilizes the Immigration Policy Climate (IPC) index. Created by Samari and colleagues (2021) this index measures structural xenophobia at a state-level by assessing policies enacted in each state for their inclusivity, neutrality, or exclusivity of immigrants from 2009 to 2019. In this data each state was given a value based on their inclusion or exclusion of immigrants, as a measurement of structural xenophobia. This was done through a review of the policies that can impact individuals based on their immigration or legal status that each state and D.C. has enacted from 2009 - 2019. These were fourteen policies across five domains: "public health and welfare benefits

(five policies), higher education (two policies), labor and employment (two policies), driver's licenses and identification (two policies), and immigration enforcement (three policies)" (Samari et al. 2021). The policies were included based on their respective content and not the specifics on how they were enacted (e.g., legislation, executive order, administrative policy, or court decision). Please see Appendix A for the sources used to obtain information of policies that lead to the creation of the IPC Index.

Measures

Dependent Variables

Sentencing Disparity Rate. The sentencing disparity rate in each state quantifies the "magnitude of the Latinx imprisonment rate relative to the white imprisonment rate" in 2019 (Nellis 2021). The Sentencing Project assigns each state a disparity ratio with a base of 100,000 residents per jurisdiction. For example, "in a jurisdiction where the Latin[e] imprisonment rate is 400 per 100,000 Latin[e] residents and the white imprisonment rate is 200 per 100,000 white residents, the Latin[e]/white disparity ratio would be 2:1" (The Sentencing Project 2021 Original data source Nellis 2021).

This variable was further operationalized by converting the ratio into a single number assigned to each respective state, with the exception of Alabama and the District of Columbia as there was no data associated with them (n=49). For example, Alaska having a disparity ratio of 0.6:1 was assigned a 0.6 for their sentencing disparity value. As shown in Figure 1, Louisiana has the lowest Latine to White ratio disparity with a value of 0. This means that in Louisiana a Latine individual and a

White individual do not have a difference in incarceration rate. On the other hand, the

highest value is Massachusetts with a value of 4. This means that the incarceration

rate for Latine people is 4 times the incarceration rate for White people in

Massachusetts.

Figure 1. Latin[e] : White Ratio vs. State
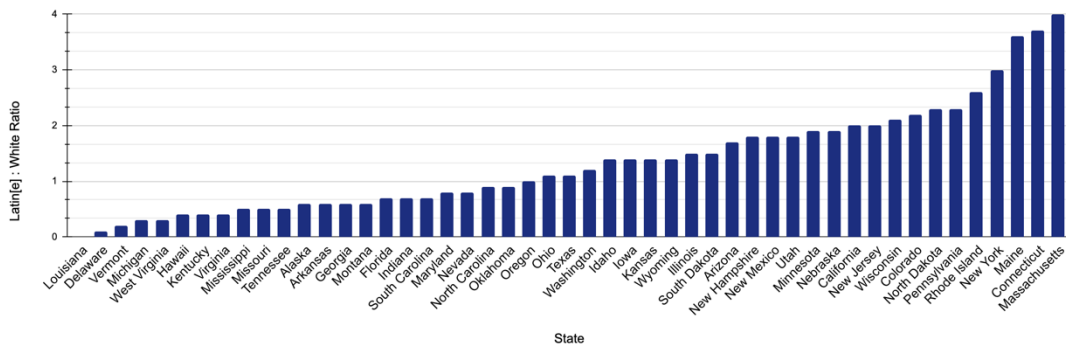
Independent Variables

The main predictor variable is the receptivity of a state towards immigrants.

State's Receptivity to Immigrants. In this study, the concept of immigrant receptivity

is operationalized using the Immigration Policy Climate (IPC) index (Samari et al.

2021). The total U.S. State policies related to structural xenophobia coded was 714.

The data that will be used is from 2009 to 2019. This data ends in the same year as

the sentencing disparity rate data to observe on the buildup policy effect. The

framework of coding for each policy followed Young and Wallace (2019) and

consisted of a three-level coding classifying policies as "-1 = exclusionary," "0 =

neither / neutral," or "1 = inclusionary." Most policy was coded through this three-

level coding, but some policies could not be coded like this because of the nature of

the policy. For example, some policies do not have a neutral stance. Meaning, if they are implemented, they will automatically include or exclude. An example is whether a state provides funding for the education of undocumented students (Samari et al. 2021). If the policy says they do provide funding, then that would mean it is inclusive and if the policy dictates that the state will not provide educational funding for undocumented immigrants then that would mean it is exclusionary. Therefore, through this example one is able to see how the researchers had to code some policy in a binary model: "inclusion and exclusion," "inclusion and neutrality," and "exclusion and neutrality." Whether the policy was coded through the three-level coding or the binary model depended on the individual policy and its implications.

Once all the policies were coded, the index was calculated by summing their values. Therefore, the potential range of the summed IPC index, a continuous measure, is −12 to 12 for all states. Each state was assigned a score – a negative score indicates an exclusionary environment, specifically a high-magnitude negative number (e.g. -12) indicates an even greater exclusionary environment compared to a low magnitude negative number (e.g. -1). On the other hand, if a state has a high-magnitude positive score, then the more inclusive the environment. Hence, in Figure 2 the IPC index mean for each state highlights their structural xenophobia (how inclusive or exclusive a state is towards immigrants), because as previously explained, anti-immigration policies are a type of structural xenophobic process (Almeida et al. 2016). Therefore, Therefore, from this figure alone one is able to see that Georgia is the state with the least receptivity towards immigrants (i.e., coldest or most exclusionary of immigrants), with a value of -9.73. On the other hand,

California is the state with the highest receptivity towards immigrants (i.e., warmest or most inclusive of immigrants), with a value of 8.18.

Figure 2. Average IPC Index per State
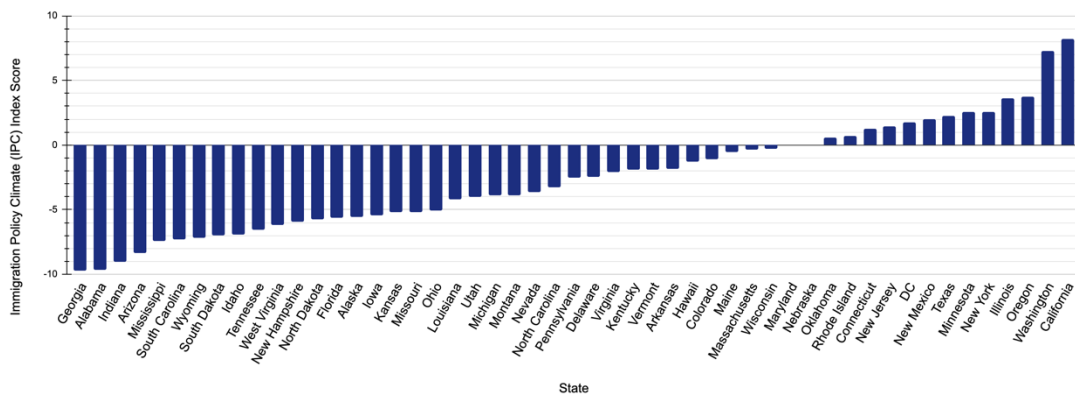
Control Variables

Growth Percentage of the Latine Population. This study assesses whether the relationship between immigrant receptivity and sentencing disparity rate could be controlled by the growth percentage of the Latine population in each state. This increase of the Latine population was used to operationalize the concept of the group threat that each state may feel (Blalock 1967). The specific data section used was obtained from a wide collection of data on the profile of the Latine community in the US from 2000-2020, published by the University of California, Los Angeles (UCLA) (Zong 2022). Furthermore, UCLA obtained the data reported for the percent change in the Latine population by state from the "LPPI analysis of the 2000 Decennial Census 1% sample and 2020 American Community Survey microdata from IPUMS USA, University of Minnesota" (Zong 2022). The range of years included in this data

accounts for the progressive increase of the population before the observed policies of 2009 to 2019 for the immigrant receptivity variable and the sentencing disparities variable observed in 2019.

This data showcases the percent change of the Latine population in each state from the year 2000 to the year 2020. From this one is able to see that every state had an increased amount of the Latine community within their total population through this time period (see Figure 3). For purposes of this study Alabama state and the District of Columbia were not included in the analysis to stay consistent with the total number of states in the dependent and independent variables. The higher the number the more growth of Latine population in that state. Through Figure 3, it is observed that the state with the least amount of percent growth for the Latine population is New York with 31.50262%. On the other hand, the state with the most percent growth for the Latine population is North Dakota with 333.25%.

Figure 3. Percent Change in the Latine Population per State
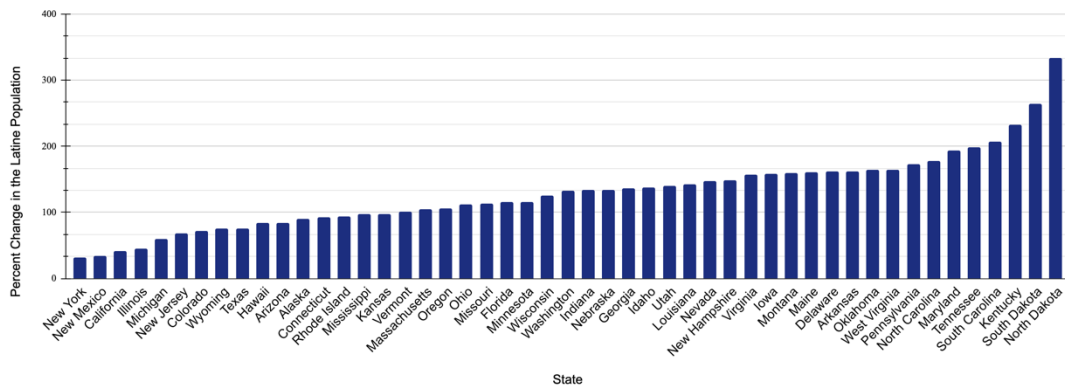
Each variable (sentencing disparity rate, immigrant receptivity, and the percent growth of the Latine population) will be first examined through descriptive statistics. Here the mean and the median will be specifically highlighted and explain what they point towards in the context of the variable. This is to ensure that an understanding of each variable is reached. Afterwards, a Pearson's *r* correlation will be conducted to determine the bivariate relationship between the independent and dependent variables. Here the research question tackling whether there is a relationship between immigrant receptivity and sentencing disparities is explored. Lastly, a multivariate analysis will be conducted to assess whether the significant relationship, if any, between immigrant receptivity and sentencing disparity rate is controlled by the percent growth of the Latine population in each state.

Chapter 4: Results

Descriptive Analysis

As seen through Table 1, the dependent variable, sentencing disparity rate in each state, has a reported mean of 1.331 ($SD = 0.955$). Meaning that when looking at the 49 states analyzed, on average for every one White person that is incarcerated 1.331 Latine individuals are incarcerated. The greater this number, the greater sentencing disparity there is between the Latine and White sentenced community. Furthermore, through a univariate analysis one can see that the median 1.100, signifies that the middle number when ordering the sentencing disparity rate values from each state from lowest to highest also showcases an existing disparity. When looking at the mean and the median, for there not to be a disparity between the Latine and White sentenced groups, one would see the resulting number as a whole 1.

The independent variable, a state's receptivity to immigrants, has a reported mean of -2.497 ($SD = 4.108$) (see Table 1). This means that on average the states (n=49) have a negative receptivity towards immigrants as indicated from the policies they have enacted. Furthermore, the median is -2.550, meaning that the middle number when ordering the receptivity from each state is negative. Even though the potential range of the summed IPC index is -12 to 12, meaning that its exclusion towards immigrants is not that strong, it still signifies that the United States has an exclusionary environment towards immigrants.

As shown in Table 1, the control variable, the percentage growth of the Latine population, has a reported mean of 129.826 ($SD = 58.343$). Meaning that from the 49

states (n=49) observed, on average states have seen an estimated 129.83% growth of the Latine population. Furthermore, the median is 132.574, meaning that when organized in order from the least to most Latine percent growth in each state, the state in the middle is Washington.

Table 1. Descriptive Statistics

	N	Mean	Median	SD	Min	Max
Sentencing Disparity Rate	49	1.331	1.100	0.955	0	3.7
Immigrant Receptivity	49	-2.497	-2.550	4.108	-9.73	8.18
Percent Change of Latine Population	49	129.826	132.574	58.343	31.503	333.25

Bivariate Analysis

Sentencing Disparity Rate and a State's Receptivity to Immigrants

Through a Pearson correlation test, one is able to see that the correlation between the independent and dependent variables has a value of 0.363, at the 0.05 level (2-tailed), meaning it is significant. This means that as immigrant receptivity increases (states are more receptive to immigrants), so do the sentencing disparities between the Latine and White population (see Figure 4). For the correlation coefficients please see Table 2.
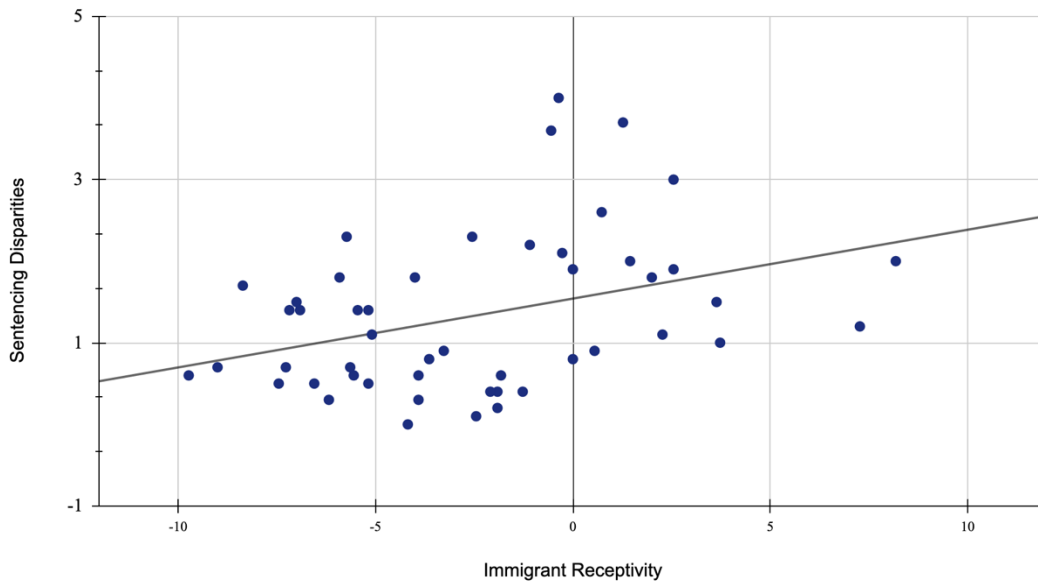
Table 2. Bivariate Correlation between Independent and Dependent Variables

Variable	Sentencing Disparity Rate
Immigrant Receptivity	0.363*

*p<0.05

*Correlation is significant at the 0.05 level (2-tailed).

Figure 4. Relationship between Sentencing Disparities and Immigrant Receptivity

Multivariate Analysis

Sentencing Disparity Rate, a State's Receptivity to Immigrants, and the Growing

Latine Population

In addition to testing the relationship between the variables of sentencing

disparity rate and a state's receptivity to immigrants, the control variable of the

percent change (growth percentage of the Latine population relative to each state) was

included using a linear regression. This was done to account for and operationalize

Blalock's (1967) group threat theory, where it is expressed that the majority dominant

group would enact social controls if felt threatened by a growing minority group.

Therefore, by observing the growth of the Latine population in each state one can

quantify the group threat that each state may feel. The idea was that the Latine

population increasing in a state would be correlated with greater sentencing

disparities, showing that harsher punishment is a social control enacted by the majority group. Even after controlling for the Latine population growth, the relationship between the sentencing disparity rate and immigrant receptivity remained significant ($\beta = 0.081$, $p = 0.024$). The control variable measuring the growth of the Latine population was not significant ($\beta = -0.001$, $p = 0.805$). This means that the growth in the Latine population, specific in each state, does not seem to contribute to the sentencing disparities and immigrant receptivity correlation.

Table 3. Linear Regression Model

	Unstandardized B	Standard Error	Significance
Immigrant Receptivity	0.081*	0.035	0.024
Percent Change of Latine Population	-0.001	0.002	0.805
Constant	1.612*		<0.001

*p<0.05

Chapter 5: Discussion with limitations and implications of research

The hypothesis of this study was that a state with lower receptivity towards immigrants, will have significantly higher sentencing disparities between Latine and White individuals than a state that has a high receptivity to immigrants. This would indicate that if the overall policies implemented by a state in relation to immigrants are welcoming, then that feeling of acceptance towards immigrants would translate when sentencing individuals. This in turn, would make the sentencing of White and Latine individuals more equal, than the counterpart states which have unwelcoming policies. However, the findings of this study demonstrate that as a state is more receptive to immigrants, the state also has an increase in the sentencing disparity rate between the Latine and White populations. Therefore, the findings of the study do not support the original hypothesis due to the differing direction of the relationship between the variables.

The implication that the more receptive a state is, the more sentencing disparities it has, creates an inconsistency with past research (Ulmer and Parker 2020). This inconsistency mainly stems from the fact that research points to the idea that anti-immigration policy and rhetoric impacts sentencing disparities (Alamillo et al. 2019; Esses et al. 2002; Ko and Choi 2022). Currently, looking at state level receptivity towards immigrants and its possible effect on sentencing disparities is an under researched area. However, when comparing sentencing disparities between different areas in the United States it was found that in less welcoming destinations, lower immigrant receptivity, Hispanic individuals regardless of citizenship receive a

longer sentence than in areas which are welcoming to immigrants (Ulmer and Parker 2020). Most research regarding immigrant receptivity and sentencing disparity focuses on the impact at the individual level rather than the impact of the implementation of policy. Therefore, past research showing how immigrant receptivity in the surrounding society could create anti-immigration policy implementation, which in turn can impact sentencing disparities (Alamillo et al. 2019; Ko and Choi 2022) is inconsistent with the findings of this study. For example, in regard to rhetoric, Figueroa-Caballero and Mastro (2019) conducted two studies where they focused on how crime news coverage in relation to the Latino population impacts sentencing disparities. Their findings showcase the exposure to news coverage that intertwines undocumented immigrants and crime results in harsher prison sentences for Latine individuals because there was a created negative feeling towards immigrants. Furthermore, research has highlighted how negative attitudes from society or public figures can have an impact on creating or shaping harsher anti-immigrant policies, which in turn create harsher punishments towards immigrants (Alamillo et al. 2019; Ko and Choi 2022). Therefore, a greater negative receptivity towards immigrants could lead to a greater implementation for sentencing disparities, which is inconsistent with the findings in this study.

One of the possible reasons for this inverse relationship may have to do with the growing Latine population in each state, which would be explained by this study's theoretical framework of group threat theory. To account for this the study implemented a control variable. The control variable of Latine growth in each state was analyzed to explore whether this could explain the unexpected relationship

between immigrant receptivity and sentencing disparities. Blalock's (1967) group threat theory expresses how a majority group may implement forms of formal and informal social control as a response to the threat of a growing minority population (Blumer 1958; King and Wheelock 2007). Research has corroborated that a form of social control from the majority group is hostility towards the minority which can turn into punitive actions (Chiricos et al. 2020; King and Wheelock 2007; Wang 2012). Therefore, it was thought that if a state had a greater change of population where the total Latine population in it has increased then this could translate to a feeling of threat that could account for why they have a greater sentencing disparity rate between Latine and White individuals. However, the findings of this study are inconsistent with the previous research findings mentioned (Chiricos et al. 2020; Blumer 1958; King and Wheelock 2007; Wang 2012). The findings of this study showcase that controlling for the Latine population growth of each state does not change the significance of the relationship between immigrant receptivity and sentencing disparities. Meaning that the Latine population increasing does not signify greater sentencing disparities. Therefore, when applying Blalock's (1967) theory to the findings, this study implies that harsher sentencing is not utilized more towards the minority group, which could mean that there is no true perceived threat felt by the White non-immigrant majority. This is not only inconsistent with the theoretical framework proposed in this study, but it is also inconsistent with past research. For example, research conducted by Holland and Stringer (2019) showcase that being Hispanic will lead to a predicted 3% increase in sentencing length. Importantly, with every unit increased in their immigrant threat scale there is an estimated prediction of

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13.3% increase in the strength of this relationship for being Hispanic and the sentencing length. Therefore, the finding of this study showcased how a state's immigrant threat scale, due to the growing population, is a significant moderator "of the Hispanic ethnicity and sentence length relationship" (Holland and Stringer 2019:152). Therefore, the findings of this study are not consistent with the theoretical framework and the previous literature which corroborates it.

A possible explanation as to why sentencing disparities did not showcase to be affected when accounting for the growth of the Latine population could be the contact hypothesis, proposed by Allport (1954). This hypothesis explains how a community that has contact with a minority group, through their presence, could lead to the majority group experiencing less prejudice and hostility towards them, which in turn creates a system where laws are not applied unjustly between minority and majority groups. There is research that is consistent with the findings of this research because they indicate that immigrant threat does not increase sentencing disparities (Feldmeyer et al. 2015). Even though Feldmeyer and colleagues (2015) only looked at counties in Florida, they found that immigration growth and Latine growth had different effects on the likelihood of Latine individuals being incarcerated in prison or jail. For immigration growth it was found that "an increase in the immigrant population actually decreases a Latino defendant's chances of being sentenced to prison or jail relative to Whites" (Feldmeyer et al. 2015:82). When looking at these Florida counties it was found that there is a sentencing likelihood disparity that negatively impacts Latine individuals in comparison to White individuals. However, when specifically looking at Latine growth "this disparity does not widen in places

with a growing share of Latino residents" (Feldmeyer et al. 2015:82). Furthermore, they actually point to positive effects between a larger Latine population and sentencing disparities, which corroborates the contact hypothesis. Therefore, this hypothesis could explain why the findings of this study indicate that the growth of the Latine population does not predict sentencing disparities, because individuals may feel less prejudice towards them.

Evidence of individuals feeling less prejudice towards the Latine population could be seen through the U.S. states that share a border with Mexico. Per the contact hypothesis, it could be argued that a state having more contact with immigrants signifies that their policies would naturally reflect a more welcoming environment for them as there is less threat of the unknown. This is consistent with the data used for this study on immigrant receptivity, since Texas, California, and New Mexico are border states and part of the 13 states that have a positive immigrant receptivity. However, this line of thought would be inconsistent with Arizona as it is a border state and has one of the highest-magnitude negative immigrant receptivity index. As Holland and Stringer (2019) also conclude, a state being on the border showcased a decreased sentence length, meaning that whatever disparity exists it is less than in the rest of the country.

The nature or explanation for the relationship between immigrant receptivity and sentencing disparities is unclear. Through the theoretical framework it was explained that anti-immigration policies may be enacted as a defense mechanism through social control from the national majority. However, even states that have welcoming policies may have individual actors that enforce harsher punishments

towards individuals as a form of social control to this perceived threat. This manner of discrimination may be an explanation as to why the more receptive to immigrants a state is the more sentencing disparities they also have. This may indicate that the reason for sentencing disparities may not necessarily lie within the policies that a state implements but rather by the individual court or criminal justice actors (Topaz et al. 2023).

Implications

The findings described have real world implications. Specifically, this can be seen through the way that we understand policy impacts and research. In contrast to research that says that places that are more welcoming towards immigrants have lesser sentencing disparities (Ulmer and Parker 2020), this research implies that places that are welcoming towards immigrants, have even more sentencing disparities than places that are unwelcoming towards immigrants. Therefore, this inconsistency points towards the fact that more research is needed in this area before policy is shifted. Solely based on this study, if state's start implementing unwelcoming policies with the intention of decreasing sentencing disparities, it may have unknown negative effects for the immigrant and Latine communities. Therefore, more research needs to be conducted to understand what is driving this differentiation and how policy can be utilized to create an equal environment in the criminal justice system for all parties involved. However, this study is a step in the right direction and can be used to guide future research in this area.

A limitation for this research is that the data for the sentencing disparity rate did not include information for Alabama and the District of Columbia. Therefore, this state level data was not able to reach maximum comprehension by including every state within the United States. With the sentencing disparity rates of Alabama and the District of Columbia, maybe the findings of this study would have looked different by showcasing non-significant results. Future researchers could either collect their own data to make sure that all the variables they desire to analyze are included, or their data information could come from more than one source in order to account for missing data and corroborated the reported disparities.

Even though this research operationalized concepts based on past literature, another limitation is the operationalization of immigrant receptivity. Even though the data used for this measure was extremely comprehensive, it does have a major limitation. This would be that the policies are not weighted. Meaning, all of the policies carry the same weight of either -1 (exclusionary), 0 (neither/neutral), or 1 (inclusionary). However, there may be policies that have a much larger impact on the immigrant community, as well as policies that have a minimal impact on the immigrant community. This could apply both positively and negatively. For example, a state could implement various minimal positive impact policies, which when summed increases their score substantially. However, at the same time they could implement one large negative impact policy, which would receive a singular -1. Therefore, through this example one can see that the proportionality of these policies in impact could affect the accuracy of the measurement when assessing a state's

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immigrant receptivity. Future research should focus on replicating the Immigrant

Policy Climate (IPC) index while assigning weight to each policy. Then, another

correlational study could be done to have more conclusive support towards the idea

that immigrant receptivity and sentencing disparities are correlated, and whether this

is a positive or negative relationship.

Another limitation within this research study is that there were demographics

that possibly have an impact on the results were not controlled for. Examples of these

demographics are gender, citizenship status, and removal proceedings. Each of these

could influence the known sentencing disparity rate between Latine and White

individuals in a similar way that the literature and this study have found geographic

location to do so. For example, research has made it clear that sentencing disparities

between Hispanic and White individuals does not only apply to Hispanic men, as both

Hispanic men and women face a sentence which is 5 percent longer than their

respective counterparts (Doerner and Demuth, 2010). Therefore, future research

should control for these variables in order to assess whether the relationship between

a state's high immigrant receptivity and their high sentencing disparities is still

significant. This would make sure that the findings are more generalizable and

applicable to society because one can see all the differentiations within levels.

Causality is another limitation of this research study. From the statistical

analysis developed the causal order cannot be determined. Therefore, it is currently

unknown whether immigrant receptivity increases sentencing disparities, whether

sentencing disparities increase immigrant receptivity, or whether there is another

factor influencing both variables. With the information gathered from this study, the

relationship is limited to being theorized. Therefore, future research should assess the causal relationship between these two variables in order to learn more about what can be done to decrease the injustices within the criminal justice system.

As noted throughout this research study, there is a lack of research available in this area. Meaning, not only is there a lack of research in the understanding of the sentencing disparities of the Latine community, but an even greater lack of research can be seen when assessing the receptivity and sentencing disparities together. It is hard to corroborate or show contradictions within one's research when there is not a wide array of past literature that touches upon the subject. Therefore, future research should focus on exploring all areas of the sentencing disparities between Latine and White individuals and different ways receptivity can be measured. This will help build the current knowledge in this area and will help increase the complexity in even further research.

Chapter 6: Conclusion

In conclusion, this study dived into the relationship between immigrant receptivity and sentencing disparities and discovered a positive relationship, yet more research is necessary to fully understand what this means. From this one can understand that attitudinal behaviors portrayed through policy can possibly have an effect on sentencing disparities. Additionally, a growing Latine population does not signify that sentencing disparities between Latine and White individuals will also increase. The implications of this study are important because if not contextualized into how the findings are inconsistent with past research it may poorly influence policy. Currently the growing Latine community is being negatively impacted by sentencing disparities and this research takes society a step further into understanding why this may be the case. This research was able to contribute to bridging the gap in literature when looking at what can influence different states to differ in sentencing disparity rates. By better understanding factors associated with sentencing disparities, such as immigrant receptivity, further research can dive into determining the causes of sentencing disparities, to ultimately eliminate this injustice from the criminal justice system.

Appendices

Appendix A: Sources Used to Obtain Information of Policies that Lead to the Creation of the IPC Index

Public Health and Welfare Benefits: The Urban Institute, Center for Health Journalism, Kaiser Family Foundation, Brooks and colleagues (2009), Wherry and colleagues (2017), Pintor and Call (2019), Medicaid.gov, National Immigration Law Center, and the Georgetown University Health Policy Institute.

Higher Education: The Urban Institute, uLEAD, and the National Council of State Legislatures.

Labor and Employment: National Council of State Legislatures, State legislature websites, Findlaw, and Law Logix.

Driver's Licenses and IDs: The Urban Institute, News websites, Homeland Security Today, and the Department of Homeland Security.

Immigration enforcement: Immigration Forum, Immigration and Customs Enforcement, National Council of State Legislatures, and News websites.

Bibliography

Aguilar, Danielle Nicole. 2014. "Oppression, Domination, Prison: The Mass Incarceration of Latino and African American Men." *The Vermont Connection* 35(2):13-19.

Alamillo, Rudy, Chris Haynes, and Raul Madrid Jr. 2019. "Framing and Immigration through the Trump Era." *Sociology Compass* 13(5):e12676. doi: 10.1111/soc4.12676.

Albonetti, Celesta A. 1991. "An Integration of Theories to Explain Judicial Discretion." *Social Problems* 38(2):247–66. doi: 10.2307/800532.

Albonetti, Celesta A. 1997. "Sentencing under the Federal Sentencing Guidelines: Effects of Defendant Characteristics, Guilty Pleas, and Departures on Sentence Outcomes for Drug Offenses, 1991-1992." *Law & Society Review* 31(4):789–822. doi: 10.2307/3053987.

Allport, G. W. 1954. The Nature of Prejudice. Cambridge MA: Addison Wesley. Barkan, Steven E. and Steven F. Cohn. 2005. ''Why Whites Favor Spending More Money to Fight Crime: The Role of Racial Prejudice.'' Social Problems 52:300-14.

Almeida, Joanna, Katie B. Biello, Francisco Pedraza, Suzanne Wintner, and Edna Viruell-Fuentes. 2016. "The Association between Anti-Immigrant Policies and Perceived Discrimination among Latinos in the US: A Multilevel Analysis." SSM - *Population Health* 2:897–903. doi: 10.1016/j.ssmph.2016.11.003.

Anon. n.d. "U.S. Census Bureau QuickFacts: United States." Retrieved December 12, 2023 (https://www.census.gov/quickfacts/fact/table/US/RHI725222#qf-headnote-b).

Arriaga, Felicia. 2016. "Understanding Crimmigration: Implications for Racial and Ethnic Minorities Within the United States." *Sociology Compass* 10(9):805–12. doi: 10.1111/soc4.12401.

Bales, William D., and Alex R. Piquero. 2012. "Racial/Ethnic Differentials in Sentencing to Incarceration." *Justice Quarterly* 29(5):742–73. doi: 10.1080/07418825.2012.659674.

Bernstein, Ilene Nagel, William R. Kelly, and Patricia A. Doyle. 1977. "Societal Reaction to Deviants: The Case of Criminal Defendants." *American Sociological Review* 42(5):743-55. doi: 10.2307/2094863.

Blalock, Hubert M. 1967. *Toward a Theory of Minority-Group Relations*. Wiley.

Blumstein, Alfred. 1982. "On the Racial Disproportionality of United States' Prison Populations." *The Journal of Criminal Law and Criminology (1973-)* 73(3):1259–81. doi: 10.2307/1143193.

Burch, Traci. 2015. "Skin Color and the Criminal Justice System: Beyond Black-White Disparities in Sentencing." *Journal of Empirical Legal Studies* 12(3):395–420. doi: 10.1111/jels.12077.

Calderón, José. 1992. "'Hispanic' and 'Latino': The Viability of Categories for Panethnic Unity." *Latin American Perspectives* 19(4):37–44. doi: 10.1177/0094582X9201900404.

Casey, S. N., and J. C. Wilson. 1998. "Discretion, Disparity or Discrepancy? A Review of Sentencing Consistency." *Psychiatry, Psychology and Law 5*(2):237–47. doi: 10.1080/13218719809524937.

Chiricos, Ted, and Charles Crawford. 1995. "Race and Imprisonment: A Contextual Assessment of the Evidence."

Chiricos, Ted, Justin Pickett, and Peter Lehmann. 2020. "Group Threat and Social Control: A Review of Theory and Research." Pp. 69–92. Vol. 26, *Criminal Justice Theory,* edited by C. Chouhy, J.C. Cochran, and C.L. Jonson. New York.

Demuth, Stephen. 2002. "The Effect of Citizenship Status on Sentencing Outcomes in Drug Cases." *Federal Sentencing Reporter* 14(5):271–75. doi: 10.1525/fsr.2002.14.5.271.

Doerner, Jill K., and Stephen Demuth. 2010. "The Independent and Joint Effects of Race/Ethnicity, Gender, and Age on Sentencing Outcomes in U.S. Federal Courts." *Justice Quarterly* 27(1):1–27. doi: 10.1080/07418820902926197.

Dorn, Russell. 1939. "A Study of the Commitments to the Louisiana State Penitentiary During the Year April 1, 1938 Through March 31, 1939." M.A., Louisiana State University and Agricultural & Mechanical College, United States -- Louisiana.

Esses, Victoria M., John F. Dovidio, and Gordon Hodson. 2002. "Public Attitudes Toward Immigration in the United States and Canada in Response to the September 11, 2001 'Attack on America.'" *Analyses of Social Issues and Public Policy 2*(1):69–85. doi: 10.1111/j.1530-2415.2002.00028.x.

Feldmeyer, Ben, and Jeffery T. Ulmer. 2011. "Racial/Ethnic Threat and Federal Sentencing." *Journal of Research in Crime and Delinquency* 48(2):238–70. doi: 10.1177/0022427810391538.

Feldmeyer, Ben, Patricia Y. Warren, Sonja E. Siennick, and Malisa Neptune. 2015. "Racial, Ethnic, and Immigrant Threat: Is There a New Criminal Threat on State Sentencing?" *Journal of Research in Crime and Delinquency* 52(1):62–92. doi: 10.1177/0022427814548488.

Fussell, Elizabeth. 2014. "Warmth of the Welcome: Attitudes Toward Immigrants and Immigration Policy in the United States." *Annual Review of Sociology* 40(1):479–98. doi: 10.1146/annurev-soc-071913-043325.

Gardiner, Hilliard A. 1960. "Review of Review of Race Relations and American Law, by J. Greenberg." *The American Journal of Comparative Law* 9(4):759–61. https://doi.org/10.2307/838845.

Girvan, Erik J., and Heather Marek. 2023. "The Eye of the Beholder: Increased Likelihood of Prison Sentences for People Perceived to Have Hispanic Ethnicity." *Law and Human Behavior* 47(1):182–200. doi: 10.1037/lhb0000509.supp.

Green, Edward. n.d. "An Analysis of the Sentencing Practices of Criminal Court

    Judges in Philadelphia." Ph.D., University of Pennsylvania, United States --

    Pennsylvania.

Gupta, A., Graber, L, Marquez, N, & Triece, M. (2021, August 16). Justice for all?

    Unfair outcomes for non-citizens in Harris County criminal courts. *Immigrant*

    Legal Resource Center. https://www.ilrc.org/HarrisCountyReport

Harden, Susan B., Paul N. McDaniel, Heather A. Smith, Emily Zimmern, and Katie

    E. Brown. 2015. "Speaking of Change in Charlotte, North Carolina: How

    Museums Can Shape Immigrant Receptivity in a Community Navigating Rapid

    Cultural Change." *Museums & Social Issues 10*(2):117–33. doi:

    10.1179/1559689315Z.00000000039.

Harris, Casey T., Darrell Steffensmeier, Jeffrey T. Ulmer, and Noah Painter-Davis.

    2009. "Are Blacks and Hispanics Disproportionately Incarcerated Relative to

    Their Arrests? Racial and Ethnic Disproportionality Between Arrest and

    Incarceration." *Race and Social Problems* 1(4):187–99. doi: 10.1007/s12552-

    009-9019-x.

Hagan, John, and Alberto Palloni. 1999. "Sociological Criminology and the

    Mythology of Hispanic Immigration and Crime*." *Social Problems* 46(4):617–

    32. doi: 10.2307/3097078.

Hoffmaster, Barry. 1982. "Understanding Judicial Discretion." *Law and Philosophy*

    1(1):21–55. doi: 10.1007/BF00143145.

Holland, Melanie M., and Richard J. Stringer. 2019. "Immigrant Threat and Latino/a Disadvantage: Disentangling the Impact of Immigration Attitudes on Ethnic Sentencing Disparities." *Journal of Crime and Justice* 42(2):140–60. doi: 10.1080/0735648X.2018.1510338.

Kamalu, Ngozi Caleb, Margery Coulson-Clark, and Nkechi Margaret Kamalu. 2010. "Racial Disparities in Sentencing: Implications for the Criminal Justice System and the African American Community." *African Journal of Criminology and Justice Studies : AJCJS* 4(1):1–31.

King, Ryan D., Kecia R. Johnson, and Kelly McGeever. 2010. "Demography of the Legal Profession and Racial Disparities in Sentencing." *Law & Society Review* 44(1):1–32. doi: 10.1111/j.1540-5893.2010.00394.x.

King, Ryan D., and Michael T. Light. 2019. "Have Racial and Ethnic Disparities in Sentencing Declined?" *Crime and Justice* 48:365–437. doi: 10.1086/701505.

Ko, Jiyoung, and Seung-Whan Choi. 2022. "Nationalism and Immigration Control." *Nations and Nationalism* 28(1):12–30. doi: 10.1111/nana.12801.

Krogstad, Jens Manuel, Jeffrey S. Passel, Mohamad Moslimani, and Luis Noe-Bustamante. n.d. "Key Facts about U.S. Latinos for National Hispanic Heritage Month." *Pew Research Center*. Retrieved December 13, 2023 (https://www.pewresearch.org/short-reads/2023/09/22/key-facts-about-us-latinos-for-national-hispanic-heritage-month/).

Lester, T. William, and Mai Thi Nguyen. 2016. "The Economic Integration of

    Immigrants and Regional Resilience." *Journal of Urban Affairs* 38(1):42–60.

    doi: 10.1111/juaf.12205.

Light, Michael. T., Michael Massoglia, and Ryan D. King. 2014. "Citizenship and

    Punishment: The Salience of National Membership in U.S. Criminal Courts."

    American Sociological Review 74(5):825-847. doi: 10.1177/0003122414543659

Light, Michael T. 2014. "The New Face of Legal Inequality: Noncitizens and the

    Long-Term Trends in Sentencing Disparities across U.S. District Courts, 1992–

    2009." *Law & Society Review* 48(2): 447–78. doi: 10.1111/lasr.12073

McDaniel, Paul. 2013. "Receptivity in a New Immigrant Gateway: Immigrant

    Settlement Geography, Public Education, and Immigrant Integration in Charlotte,

    North Carolina." *Faculty and Research Publications.* PhD dissertation,

    Department of Geography and Earth Sciences at the University of North Carolina

    at Charlotte.

Mitchell, Ojmarrh. 2005. "A Meta-Analysis of Race and Sentencing Research:

    Explaining the Inconsistencies." *Journal of Quantitative Criminology* 21(4):439–

    66.

Mustard, David B. 2001. "Racial, Ethnic, and Gender Disparities in Sentencing:

    Evidence from the U.S. Federal Courts." *The Journal of Law and Economics*

    44(1):285–314. doi: 10.1086/320276.

Nellis, Ashley. 2021. *The Color of Justice: Racial Disparity in State Prisons*. The
Sentencing Project.

Pasko, Lisa. 2002. "Villain or Victim: Regional Variation and Ethnic Disparity in
Federal Drug Offense Sentencing." *Criminal Justice Policy Review* 13(4):307–
28. doi: 10.1177/088740302237801.

Rodriguez, Cristina. 2008. "Latinos and Immigrants." New York University School
of Law, Working Paper Series, Working Paper 08-23.

Rodriguez, Darlene Xiomara, Paul N. McDaniel, and Marie-Dominique Ahebee.
2018. "Welcoming America: A Case Study of Municipal Immigrant Integration,
Receptivity, and Community Practice." *Journal of Community Practice*
26(3):348–57. doi: 10.1080/10705422.2018.1477081.

Rehavi, M. Marit, and Sonja B. Starr. 2014. "Racial Disparity in Federal Criminal
Sentences." *Journal of Political Economy* 122(6):1320–54. doi: 10.1086/677255.

Samari, Goleen, Amanda Nagle, and Kate Coleman-Minahan. 2021. "Measuring
Structural Xenophobia: US State Immigration Policy Climates over Ten Years."
SSM - Population Health 16:100938. doi: 10.1016/j.ssmph.2021.100938.

Spohn, Cassia C. 2000. "Thirty Years of Sentencing Reform: The Quest for a
Racially Neutral Sentencing Process." *CRIMINAL JUSTICE*.

Steffensmeier, Darrell, and Stephen Demuth. 2000. "Ethnicity and Sentencing Outcomes in U.S. Federal Courts: Who Is Punished More Harshly?" *American Sociological Review* 65(5):705–29. doi: 10.2307/2657543.

Steffensmeier, Darrell, and Stephen Demuth. 2001. "Ethnicity and Judges' Sentencing Decisions: Hispanic-Black-White Comparisons." *Criminology* 39(1):145–78. doi: 10.1111/j.1745-9125.2001.tb00919.x.

Steffensmeier, Darrell, Jeffery Ulmer, and John Kramer. 1998. "The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male." *Criminology* 36(4):763–98. doi: 10.1111/j.1745-9125.1998.tb01265.x.

Stumpf, Juliet. 2006. The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power." *American University Law Review* 56(2):367-419.

The Sentencing Project. 2006. "Reducing Racial Disparity in the Criminal Justice System." Retrieved December 5, 2023 (https://web.archive.org/web/20060601225204/http://www.sentencingproject.org/pdfs/5079.pdf).

Topaz, Chad M., Shaoyang Ning, Maria-Veronica Ciocanel, and Shawn Bushway. 2023. "Federal Criminal Sentencing: Race-Based Disparate Impact and Differential Treatment in Judicial Districts." *Humanities and Social Sciences Communications* 10(1):1–10. doi: 10.1057/s41599-023-01879-5.

Ulmer, Jeffery T., and Brandy R. Parker. 2020. "Federal Sentencing of Hispanic

    Defendants in Changing Immigrant Destinations." *Justice Quarterly* 37(3):541–

    70. doi: 10.1080/07418825.2019.1621362.

Wang, Xia. 2012. "Undocumented Immigrants as Perceived Criminal Threat: A Test

    of the Minority Threat Perspective*." *Criminology* 50(3):743–76. doi:

    10.1111/j.1745-9125.2012.00278.x.

Wu, Jawjeong, and Jill M. D'Angelo. 2014. "Unwarranted Disparity in Federal

    Sentencing: Noncitizen Crime as a Social/Group Threat." *Criminal Justice*

    Review 39(1):58–80. doi: 10.1177/0734016814522644.

Wu, Jawjeong, and Miriam A. DeLone. 2012. "Revisiting the Normal Crime and

    Liberation Hypotheses: Citizenship Status and Unwarranted Disparity." *Criminal*

    Justice Review 37(2):214–238. https://doi.org/10.1177/0734016811436336.

Yang, Crystal S. 2015. "Free at Last? Judicial Discretion and Racial Disparities in

    Federal Sentencing." *The Journal of Legal Studies* 44(1):75–111. doi:

    10.1086/680989.