

# Exploring the Dilemma of Innocent Defendants in the Plea Bargaining System

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## Introduction

Today, plea agreements solve around 95%-96% of cases before they ever reach trial (Gazal-Ayal & Tor, 2012; Dervan & Edkins, 2013). It is a unique and necessary tool that allows the presumption of innocence to remain intact (Dervan & Edkins, 2013). Yet, this presumption of innocence has been undermined through the narrative of false pleas. Plea deals become much more rational to innocent defendants, where innocence may no longer be pertinent when the stakes rise so high (Dervan & Edkins, 2013). It creates a need for individuals to minimize their social disruption and maintain regular routines (Bowers, 2008). Most recidivist defendants are unable to make bail, in turn defendants are compelled to sign plea agreements due to this and prosecutors overcharging them, causing financial and mental stress (Fisher, 2002; Bowers, 2008). Bibas (2004) found that men are more likely to have higher levels of overconfidence and biases that cause men to be more willing to take the risk of trial.

## Hypotheses

1. Defendants faced with a plea that includes jail will decline the agreement compared to an agreement without.
2. Regardless of how they pled, individuals will say it is rational to sign the guilty plea given the consequences.
3. Defendants with a lower SES are more likely to plead guilty.
4. Innocent women are more likely to plead guilty than innocent men.

## Results

### Hypothesis 1 Results:

Probation Condition ( $n = 52$ )	Jail Condition ( $n = 52$ )
Guilty: 29	Guilty: 22
Not Guilty: 23	Not Guilty: 30

Chi Square: *Not Significant* --  $X^2(1, N = 52) = 1.23, p = .27$

### Hypothesis 2 Results:

Chi Square Analysis for Rationality – *Not Significant*

Group Condition	Rational		Irrational		$x$	$p$
	$n$	%	$n$	%		
Not Guilty	10	47%	11	53%	.04	.82
Guilty/Not Guilty	5	45%	6	55%	.09	.76
Guilty	18	90%	2	10%	12.80	<.001

One-Way Between Subjects ANOVA: *Not Significant*  
 $F(2, 49) = 5.75, p = .006, \eta^2 = .19$

### Hypothesis 3 Results:

Chi Square Analysis – *Not Significant*  
 $\chi^2(1, N = 52) = 10.49, p = .06$

### Hypothesis 4 Results:

Chi Square Analysis – *Not Significant*  
 $\chi^2(1, N = 52) = 1.01, p = .31$

## Discussion

### Implications

Jail made no significant difference. Socioeconomic status, with a larger sample, may provide stronger results and gender was not a significant indicator of signed pleas. Those who signed guilty believed it was a rational decision for an innocent defendant.

### Limitations

1. Sample Size: 52 Participants. This was due to a variety of factors and a higher time commitment and in person portion of experiment.
2. Demographics were another large contributing factor preventing generalizable and conclusive results.  
**Race:** 45/52 Caucasian  
**SES:** 46.5% have families making \$100,000 +
3. High differences in how plea bargaining is researched.

### Directions for Future Research

Finding more reliable and valid measures to assess rationality, overconfidence, etc. to get a larger scope of factors that influence false plea outcomes (Bibas, 2004). Next, a quasi-experimental design of defendants being offered plea agreements for the first time would prove beneficial to studies due to prior research coming from statistics and student measure that did not involve actual pleas (Wilford et al., 2020; Dervan & Edkins, 2013). Lastly, having a researcher act as an attorney since they are influential in decision making (Anderson & Heaton, 2012).

## Method

### Materials

1. **Police Report:** Scenario document; how the individual was charged with “Possession of a Controlled Substance”.
2. **Criminal Complaint:** Formal charging document
3. **Cost Efficacy:** Attorney fees, court fees, etc.
4. **Demographics Survey:** A short questionnaire asks for background information.
5. **Plea Agreements:** Consequences of serious misdemeanor or aggravated misdemeanor
6. **Arraignment of Not Guilty:** Consequences of aggravated misdemeanor or class D felony.

### Procedure

Half of the participants received a folder with the jail condition first and the other half with the probation condition first to control for chronological bias. Given brief instructions to read in order of how documents are presented and do not move past the instruction page until both decisions have been made. Once decisions were made, individuals completed the demographic survey and recorded their responses to the plea agreements,

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