

# History Of Plea Bargaining

## HISTORY OF PLEA-BARGAINING

- Plea-bargaining emerged and has gained acceptance in the legal community only in recent decades.
- One of the earliest indications of plea-bargaining was a 1485 English statute, which authorized prosecutions for unlawful hunting before the justice of the peace. The statute provided that if a defendant confessed his crime then he was convicted of a summary offence, but if the defendant denied his guilt, he was prosecuted as a felon. However, many of the courts disapproved of the practice of plea-bargaining because of its infringement on the defendant's rights.
- The dominance of plea-bargaining was not actually realized until the 1920s, when a number of states and cities conducted surveys of their criminal justice system. Following the 1920s, the issue of plea-bargaining did not re-emerge until the 1960s. The re-emergence of plea-bargaining was due to the 'crime wave' of the 1960s produced by the World War II and the increase in drug usage and other cases of victimless crime.

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The history of plea bargaining is a fascinating journey that reflects the evolution of the American legal system and its approach to criminal justice. Originating from the need for efficiency and practicality within the often-overburdened court systems, plea bargaining has transformed from a rudimentary practice into a complex and sometimes controversial component of modern jurisprudence. This article explores the historical context, development, and implications of plea bargaining in the United States, shedding light on its significance in contemporary legal practices.

## Early Beginnings of Plea Bargaining

Plea bargaining has its roots in the early days of the American legal system. While the specific term "plea bargaining" did not exist, the concept of negotiating the terms of a plea was present in colonial America and can be traced back to English legal traditions. In these early years, several factors contributed to the informal practice of plea negotiations:

- Overcrowded Courts: The legal system was often overwhelmed with cases. Judges and attorneys sought ways to expedite proceedings, leading to informal negotiations between defense and prosecution.
- Limited Resources: Public defenders and legal aid were not widely available, leaving many defendants to negotiate their own pleas in hopes of receiving lighter sentences.

- Community Relationships: In smaller communities, personal relationships between attorneys and judges often influenced case outcomes, allowing for negotiated resolutions.

As these practices evolved, plea bargaining began to take on a more structured form.

## **The Formalization of Plea Bargaining**

By the late 19th and early 20th centuries, plea bargaining began to formalize within the American legal framework. Several factors contributed to this trend:

### **Judicial Efficiency**

- Case Backlogs: The increasing number of criminal cases led to significant backlogs in court systems, prompting calls for procedural reforms.
- Judicial Economy: Courts recognized that plea bargaining could serve as a mechanism to resolve cases efficiently, allowing judges to allocate time and resources more effectively.

### **Legal Precedents**

The establishment of legal precedents further legitimized plea bargaining. Landmark cases in the early 20th century began to define the boundaries and acceptability of plea negotiations:

- Brady v. United States (1970): This case upheld the constitutionality of plea bargaining, asserting that voluntary pleas do not violate the Fifth Amendment rights against self-incrimination.
- Santobello v. New York (1971): The Supreme Court ruled that prosecutors must uphold plea agreements, reinforcing the binding nature of negotiated pleas.

# **The Rise of Plea Bargaining in the Late 20th Century**

By the mid-20th century, plea bargaining became an integral part of the criminal justice system. Its prevalence grew due to various social and political factors:

## **War on Drugs and Mandatory Sentencing**

- The War on Drugs in the 1980s led to a significant increase in drug-related offenses, which, combined with mandatory sentencing laws, created a climate where plea bargaining became necessary for defendants facing harsh penalties.
- Defendants often chose to negotiate pleas to avoid the risk of longer sentences that could result from trials.

## **Judicial Culture and Prosecutorial Discretion**

- The culture within the legal system increasingly favored plea deals as a normative practice. Prosecutors began to rely on plea agreements as a way to manage caseloads and secure convictions without the need for lengthy trials.
- The discretion held by prosecutors became a focal point in the plea bargaining process, where they often offered reduced charges or sentences in exchange for guilty pleas.

## **Statistics Reflecting the Growth of Plea Bargaining**

- By the late 1990s, it was reported that over 90% of criminal cases were resolved through plea deals, illustrating the dominance of this practice in the legal landscape.

# Controversies and Criticisms of Plea Bargaining

Despite its widespread acceptance, plea bargaining has faced considerable criticism over the years.

Some of the primary concerns include:

## Coercion and Injustice

- Critics argue that plea bargaining can lead to coercive practices where defendants, especially those from marginalized communities, may feel pressured to accept unfavorable deals due to fear of harsher sentences if they go to trial.
- Innocent individuals may plead guilty to crimes they did not commit simply to avoid the risks associated with trial.

## Impact on Justice and Public Perception

- Some contend that the reliance on plea bargaining undermines the integrity of the judicial system, as it bypasses the adversarial process that is fundamental to justice.
- The perception that justice is negotiable can lead to public disillusionment with the legal system.

## Disparities in Plea Bargaining

- There are concerns about racial and socioeconomic disparities in the plea bargaining process, where individuals from disadvantaged backgrounds may not have the same access to favorable deals as their more affluent counterparts.

# Recent Developments and Future Trends

As the legal landscape continues to evolve, so too does the practice of plea bargaining. Recent developments indicate a potential shift in how plea deals are viewed and implemented:

## Reform Movements

- Advocacy groups and reformers are increasingly calling for changes to the plea bargaining system, aiming to address issues of coercion, inequity, and transparency.
- Some jurisdictions are exploring alternatives to traditional plea bargaining, such as restorative justice programs that emphasize rehabilitation over punishment.

## Technological Influence

- Technology is playing a role in how plea negotiations are conducted, with some courts implementing digital platforms to streamline the process and improve access to information for defendants.
- Data analytics are being used to assess plea trends and outcomes, potentially leading to more informed practices in the future.

## Conclusion

The history of plea bargaining is a testament to the complexities of the American criminal justice system. From its early informal roots to its current status as a dominant practice, plea bargaining has influenced countless lives and shaped the landscape of legal proceedings. While it offers practical benefits in terms of efficiency and resolution, the challenges and criticisms it faces cannot be overlooked. As society continues to grapple with issues of equity and justice, the future of plea

bargaining will undoubtedly remain a topic of significant discourse and potential reform. Understanding its history is crucial in navigating the ongoing debates surrounding its role in the pursuit of justice.

## **Frequently Asked Questions**

### **What is plea bargaining?**

Plea bargaining is a legal practice where the defendant agrees to plead guilty to a lesser charge or receive a lighter sentence in exchange for a concession from the prosecution.

### **When did plea bargaining first emerge in the United States?**

Plea bargaining began to emerge in the United States in the late 19th century, gaining prominence in the early 20th century as a way to manage the increasing caseloads in courts.

### **What are the main types of plea bargaining?**

The main types of plea bargaining are charge bargaining, where the defendant pleads guilty to a lesser charge, and sentence bargaining, where the defendant pleads guilty in exchange for a lighter sentence.

### **How has plea bargaining evolved over time?**

Plea bargaining has evolved from a largely informal process to a more structured component of the criminal justice system, with specific rules and guidelines established to govern its use.

### **What are some criticisms of plea bargaining?**

Critics argue that plea bargaining can lead to coercion, undermine the right to a fair trial, and result in unequal justice, as defendants may feel pressured to accept deals regardless of their actual guilt.

## How does plea bargaining impact the legal system?

Plea bargaining significantly impacts the legal system by reducing court congestion, allowing for quicker resolutions of cases, but it can also lead to ethical concerns about justice and fairness.

## What role does plea bargaining play in wrongful convictions?

Plea bargaining can contribute to wrongful convictions when innocent defendants accept plea deals to avoid the risk of harsher penalties if they go to trial and lose, thereby potentially compromising justice.

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