

Plea and Charge Bargaining

Criminal Justice

Why most systems resolve most cases by plea, and what that costs.

The efficiency case

- Most cases resolve without a trial
- Saves court time and witness burden
- Earlier certainty for victims
- Sentence discount rewards an early plea
- No system could try every case

The innocence problem

- Discounts put pressure on the innocent
- Remand increases pressure to plead
- Charge stacking widens the gap
- Little judicial scrutiny of the bargain
- Documented in exoneration case files

THE DIFFERENCE THAT MATTERS

Plea resolution is both structurally necessary and structurally risky; the size of the discount is the lever in each direction.

Educational reference. Plea rates and discount rules vary widely; some systems restrict or prohibit charge bargaining.