The Prevalence of Guilty Pleas

The most common disposition of a felony arrest not rejected or dismissed is a plea of guilty. The Constitution guarantees the right to trial by jury and protects against self-incrimination, but for at least 60 years defendant pleas of guilty, not tried by jury, have been the more common means of criminal case conclusion. Although defendants have a right to a trial to determine guilt or innocence, many waivers, for whatever reasons, plead guilty to the original or reduced charges. Bureau of Justice Statistics data obtained from prosecutors in a number of urban jurisdictions show that in 1979 forty-five of every 100 felony arrests ended in guilty pleas, while only 10 ended in trials (4 guilty verdicts and 6 acquittals). The remaining dispositions (50 of every 100) were rejections and dismissals.

Consistent with prior studies, guilty pleas were found to outnumber trials by about ten to one.

Recognition of this fact—that the majority of convictions are the result of a guilty plea rather than a verdict of guilt or innocence, many liberties, for whatever reasons, plead guilty to the original or reduced charges. Bureau of Justice Statistics data obtained from prosecutors in a number of urban jurisdictions show that in 1979 forty-five of every 100 felony arrests ended in guilty pleas, while only 10 ended in trials (4 guilty verdicts and 6 acquittals). The remaining dispositions (50 of every 100) were rejections and dismissals.

Consistent with prior studies, guilty pleas were found to outnumber trials by about ten to one.

The plea process

Many pleas to reduced charges are not the result of negotiations between the prosecutor and defense counsel, but rather reflect a decision on the part of the prosecutor that the appropriate conviction charge should be a less serious crime than the initial arrest or court charges. Often such decisions are made at screening or in the early pre­conviction stages of felony case pro­cessing, before the prosecutor has any opportunity to talk with defense counsel. The reduction of a felony charge to a misdemeanor, for example, is often the prosecutor's decision not to carry certain types of cases forward to the felony court rather than the result of a negotiated plea.

Rather than viewing the plea process from a total system perspective, most studies have focused on the guilty plea process only in the felony court. But even after cases have been bound over to the felony court, the nature of the plea process is more varied than the stasis of a prosecutor and defense attorney negotiating charge reductions indicates.

Some view the idea of inducements by prosecutors to encourage guilty pleas as a violation of both the Fifth
obtained by the Justice Statistics project on the sentence given upon conviction in a case. The data are from the Bureau of Prosecution of Felony Arrests for 1980, as

"Michael L. Rubenstein, Stevens H. Clarke, and

removes them from the criminal justice system. Victims often see plea bargaining as a way to achieve justice for their losses. However, plea bargaining is not unique to the eight jurisdictions in the study. The problems that arise in plea bargaining are common to many jurisdictions and are often the result of a lack of resources to process each case.

One reason why plea bargaining is necessary is that it allows the prosecutor to control the defendant's behavior by offering to reduce the charges or sentence in exchange for a plea of guilty. This strategy is used by prosecutors to encourage defendants to plead guilty and avoid the high costs and uncertainties associated with trial. However, plea bargaining can also lead to problems such as the possibility of plea negotiations being made on an unequal basis, where the defendant is not fully informed about the consequences of pleading guilty.

Another way to address the issue of plea bargaining is to limit the number of cases that can be brought to trial. This can be done by setting a limit on the number of cases that can be filed in a given period of time, or by requiring that cases with certain characteristics be brought to trial. This can help to reduce the number of cases that are pleaded guilty, and thereby reduce the costs and uncertainties associated with plea bargaining.

Plea bargaining is an important issue in the criminal justice system, and it is important to develop strategies to address the problems associated with it. By limiting the number of cases that can be brought to trial, and by requiring that cases with certain characteristics be brought to trial, we can help to reduce the costs and uncertainties associated with plea bargaining.
may be more certain in high plea jurisdictions and more severe in high trial jurisdictions.

Pleas and time in the system

Another factor that is understood to be related to pleas of guilty is the length of time that cases are in the court. One reason given for pleas being more common is that it enables the prosecutor to expedite the flow of convicted cases through the court.

The data show clearly that guilty pleas are disposed more quickly than trials. The time from arrest to disposition is longer for cases that go to trial than for cases in which defendants plead guilty in all jurisdictions shown in Table 6. The amount of additional time required for trials varies considerably, however, among jurisdictions: in New Orleans, Portland, and St. Louis, trials take an additional month to 6 weeks to process, while in Manhattan and Washington, D.C., trials take approximately 5 to 8 months longer to dispose than pleas.

It is also noteworthy that speedy dispositions overall do not appear to be related to whether the jurisdiction has a high plea rate. The jurisdictions with the shortest time intervals from arrest to disposition, Portland and New Orleans, are high trial jurisdictions. The average time from arrest to disposition is even less for the high trial jurisdictions when arrests rejected at screening are included, since arrest rejections tend to be more prevalent in those jurisdictions.

Summary and implications

Most convictions do not follow a trial. Prior studies report plea-to-trial ratios of about 19 to 1; among the jurisdictions sampled here, pleas outnumber trials by 11 to 1. Jurisdictions vary greatly, especially in the rate at which they dispose of cases through trial. In some jurisdictions, there are more than 20 pleas for every trial; in others, 1 in 4 or 5 cases goes to trial.

These results, when combined with earlier ones on the plea-to-trial ratio in jurisdictions that do not engage in plea negotiation, suggest that the plea-to-trial ratio is not likely to fall much below 4 to 1 even in jurisdictions where prosecutors do not negotiate with defendants. The jurisdictions with higher ratios may engage more often in negotiation, as suggested by the generally lower percentages of pleas to the top charge in the high plea jurisdictions.

The data from these jurisdictions also suggest, contrary to a common belief, that the majority of felony pleas are to the top charge. While sentence concessions and the dropping of lesser charges may accompany many of these pleas, in the aggregate of the jurisdictions studied here, most pleas were to the top charge.

The data presented here suggest that high trial jurisdictions differ from those with a high proportion of pleas in several important respects:

- They tend to be more selective in screening arrests, rejecting cases at higher rates than the high plea rate jurisdictions.
- They appear to be less likely to reduce the top charge when accepting pleas of guilt than are the high plea rate jurisdictions.
- They may produce fewer long-term consequences, as the plea in the jurisdiction studied here, most pleas were to the top charge.
- They may produce fewer long-term consequences, as the high plea rate jurisdictions tend to have one of somewhat more certain sanctions.

As more data become available, it will be possible to validate these findings further. More detailed data, and data from other jurisdictions and later periods, can be used also to address several related issues:

- By jurisdiction and offense, to what extent do concessions result from negotiation, and to what extent do they result from the plea process?
- By jurisdiction, to what extent do sanctions result from plea agreements?
- By jurisdiction, to what extent do sanctions result from plea agreements?
- By jurisdiction and offense, to what extent do sanctions result from the plea process?
- By jurisdiction, to what extent do sanctions result from the plea process?
- By jurisdiction, to what extent do sanctions result from the plea process?
- By jurisdiction, to what extent do sanctions result from the plea process?
simply the findings obtained from a
objectives: to present more clearly and
partitioning of jurisdictions used in
all pleas in the high plea jurisdictions

difference
into three roughly equal-size groups
more sophisticated analysis and to
results because the simple grouping into
percentage point difference under this
appreciably: 63 percent of all pleas

the top charge, while only 31

jurisdictions to have higher trial
screening more cases out and taking
principally by
administrates their production,
Marbrook, publications unit chief,
December 1984, Rockville, MD

rates and more overall incarcerations.
Disaggregating sentence differentials
sentiments and others to have higher plea


3. Because each jurisdiction maintains
data from 153 sources (433 tables,
courts reports-State court caseload surveys, model annual
data, from 153 sources (433 tables,
courts reports-State court caseload surveys, model annual

during 1978 and 1979,

and security of criminal history
expenditure and employment

Privacy and security: a guide to research and
employment and the BJS Sentencing Project (in 13 States),
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
USER SERVICES DEPT 2
Rockville, MD 20850

To be added to any Bureau of Justice Statistics mailing list,
ill in this form and mail it to
National Criminal Justice Reference Service
User Services Dept 2
Rockville, MD 20850

Name: Organization:
Street or box: City, State, Zip:
Telephone: ( )

Interest in criminal justice:


To put me on the mailing list(s) for:

All BJS reports—30 to 40 reports a year, including bulletins and special reports
BJS Bulletins and Special Reports—timely reports of the most current justice data
Courts reports—State court caseload surveys, model annual State reports, State court organization surveys
Corrections reports—results of sample surveys and censuses of jails, prisons, parole, probation, and other corrections data
National Crime Survey reports—the Nation's only regular national survey of crime victims
Sourcebook of Criminal Justice Statistics (annual)—broad-based data from 153 sources (413 tables, 183 figures, index)

Bureau of Justice Statistics
Special Report

Bureau of Justice Statistics reports
(revised December 1984)

Call toll-free 800-732-3277 (local 291-9500) to order BJS reports, to be added to any of the BJS mailing lists, or to speak to a reference specialist in statistics at the National Criminal Justice Reference Service.

BJS bulletins:

Criminal victimization 1983, NCJ-93589, 6/84
Households touched by crime, 1983, NCJ-93559, 5/84
Victimization and fear of crime, NCJ-93523, 12/84
Victimization and crime: World report, 1984, NCJ-93535, 12/84
Victimization of the elderly, NCJ-81012, 12/84
Measuring crime in America, 1982, NCJ-81578, 1985
Crime against the elderly, 1983, NCJ-96581, 6/84
Victim labor market impact issues in the measurement of crime, NCJ-96590, 10/84
Criminal victimization of California residents, 1983, NCJ-95937, 10/84
Reclassification of victims of personal and household crimes, 1982, NCJ-95960, 1985
Victimization surveys, 1972-77, NCJ-84961, 1984
The cost of violent and property crimes, NCJ-85871, 10/84
Rape victimization in six American cities, NCJ-85968, 7/85
Rape victimization in urban schools, NCJ-85969, 7/85

U.S. Department of Justice
Bureau of Justice Statistics

Corrections
BJS bulletin and special reports:
Sentencing practices in 13 States, NCJ-95030, 10/84
Prison admissions and releases 1981, NCJ-95043, 9/84
Capital punishment 1963, NCJ-93905, 7/84
Time served in prison, NCJ-93964, 6/84
Prisoners in 1983, NCJ-93991, 10/84
Capital punishment 1982 (first), NCJ-94013, 5/85
Capital punishment 1981 (first), NCJ-94046, 5/85
1979 survey of estimates of State corrections facilities and 1979 census of State correctional facilities
BJS special reports:
Career patterns in crime, NCJ-86872, 6/84
BJS bulletin:


Privacy and security: a guide to research and
employment and the BJS Sentencing Project (in 13 States),
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
USER SERVICES DEPT 2
Rockville, MD 20850

To be added to any Bureau of Justice Statistics mailing list,
ill in this form and mail it to
National Criminal Justice Reference Service
User Services Dept 2
Rockville, MD 20850

Name: Organization:
Street or box: City, State, Zip:
Telephone: ( )

Interest in criminal justice:


To put me on the mailing list(s) for:

All BJS reports—30 to 40 reports a year, including bulletins and special reports
BJS Bulletins and Special Reports—timely reports of the most current justice data
Courts reports—State court caseload surveys, model annual State reports, State court organization surveys
Corrections reports—results of sample surveys and censuses of jails, prisons, parole, probation, and other corrections data
National Crime Survey reports—the Nation's only regular national survey of crime victims
Sourcebook of Criminal Justice Statistics (annual)—broad-based data from 153 sources (413 tables, 183 figures, index)

Bureau of Justice Statistics
Special Report

Bureau of Justice Statistics reports
(revised December 1984)

Call toll-free 800-732-3277 (local 291-9500) to order BJS reports, to be added to any of the BJS mailing lists, or to speak to a reference specialist in statistics at the National Criminal Justice Reference Service.

BJS bulletins:

Criminal victimization 1983, NCJ-93589, 6/84
Households touched by crime, 1983, NCJ-93559, 5/84
Victimization and fear of crime, NCJ-93523, 12/84
Victimization and crime: World report, 1984, NCJ-93535, 12/84
Victimization of the elderly, NCJ-81012, 12/84
Measuring crime in America, 1982, NCJ-81578, 1985
Crime against the elderly, 1983, NCJ-96581, 6/84
Victim labor market impact issues in the measurement of crime, NCJ-96590, 10/84
Criminal victimization of California residents, 1983, NCJ-95937, 10/84
Reclassification of victims of personal and household crimes, 1982, NCJ-95960, 1985
Victimization surveys, 1972-77, NCJ-84961, 1984
The cost of violent and property crimes, NCJ-85871, 10/84
Rape victimization in six American cities, NCJ-85968, 7/85
Rape victimization in urban schools, NCJ-85969, 7/85

U.S. Department of Justice
Bureau of Justice Statistics

Corrections
BJS bulletin and special reports:
Sentencing practices in 13 States, NCJ-95030, 10/84
Prison admissions and releases 1981, NCJ-95043, 9/84
Capital punishment 1963, NCJ-93905, 7/84
Time served in prison, NCJ-93964, 6/84
Prisoners in 1983, NCJ-93991, 10/84
Capital punishment 1982 (first), NCJ-94013, 5/85
Capital punishment 1981 (first), NCJ-94046, 5/85
1979 survey of estimates of State corrections facilities and 1979 census of State correctional facilities
BJS special reports:
Career patterns in crime, NCJ-86872, 6/84
BJS bulletin:


Privacy and security: a guide to research and
employment and the BJS Sentencing Project (in 13 States),
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
USER SERVICES DEPT 2
Rockville, MD 20850

To be added to any Bureau of Justice Statistics mailing list,
ill in this form and mail it to
National Criminal Justice Reference Service
User Services Dept 2
Rockville, MD 20850

Name: Organization:
Street or box: City, State, Zip:
Telephone: ( )

Interest in criminal justice:


To put me on the mailing list(s) for:

All BJS reports—30 to 40 reports a year, including bulletins and special reports
BJS Bulletins and Special Reports—timely reports of the most current justice data
Courts reports—State court caseload surveys, model annual State reports, State court organization surveys
Corrections reports—results of sample surveys and censuses of jails, prisons, parole, probation, and other corrections data
National Crime Survey reports—the Nation's only regular national survey of crime victims
Sourcebook of Criminal Justice Statistics (annual)—broad-based data from 153 sources (413 tables, 183 figures, index)