

Plea Bargains in the Criminal Justice system

BY: NOAH ADAMS



1

What is a Plea Bargain?

A plea bargain is an agreement in criminal law proceedings where the prosecutor provides a deal to the defendant in return for a plea of guilt. There is not a set date of when plea bargains were established, but we can trace them back as early as 1692 during the Salem Witch Trials where “witches” were told that they would live if they confessed but would be executed if they chose not to confess. The concept of a plea bargain was not introduced in America until the early 60's.



2

Advantages of a Plea Bargain

- ❑ It creates certainty for a conviction.
- ❑ It is used as an effective negotiating tool.
- ❑ Plea Bargains free up resources for local communities.
- ❑ They reduce population levels in jails.



3

Disadvantages of a Plea Bargain

- ❑ It removes the right to have a trial by jury.
- ❑ It creates a guilty record for the innocent.
- ❑ It can lead to poor investigatory procedures.
- ❑ Possibly provides a soft justice for the guilty.



4

Ethics/Moral

□ Four main approaches looking at ethics within this mechanism

1. Deontological perspective
2. Ethics of care approach
3. Egoism
4. Situational ethics



5

Conclusion

- Plea bargains are not a right but rather an entitlement. Just as anything else in life, you will find pros and cons. Some of the advantages of plea bargaining make it an essential component of our CJ system. Some disadvantages you could argue the benefits do not outweigh them, but for the majority of the time that doesn't happen. Ethics play just as much of a factor as anything else in this process. The Plea Bargaining process functions to benefit all social groups involved in the CJ system.



6