

Claremont Colleges

Scholarship @ Claremont

Scripps Senior Theses

Scripps Student Scholarship

2024

Racial Disparities in Plea Bargaining: An Examination of Coercive Dynamics in the Negotiation Process

Naszya Iman Heidi Bradshaw
Scripps College

Follow this and additional works at: https://scholarship.claremont.edu/scripps_theses



Part of the [Civil Law Commons](#), [Civil Rights and Discrimination Commons](#), [Criminal Law Commons](#), [Criminal Procedure Commons](#), [Law and Race Commons](#), and the [Other Psychiatry and Psychology Commons](#)

Recommended Citation

Bradshaw, Naszya Iman Heidi, "Racial Disparities in Plea Bargaining: An Examination of Coercive Dynamics in the Negotiation Process" (2024). *Scripps Senior Theses*. 2409.
https://scholarship.claremont.edu/scripps_theses/2409

This Open Access Senior Thesis is brought to you for free and open access by the Scripps Student Scholarship at Scholarship @ Claremont. It has been accepted for inclusion in Scripps Senior Theses by an authorized administrator of Scholarship @ Claremont. For more information, please contact scholarship@claremont.edu.

**RACIAL DISPARITIES IN PLEA BARGAINING: AN EXAMINATION OF COERCIVE
DYNAMICS IN THE NEGOTIATION PROCESS**

by

NASZYA IMAN HEIDI BRADSHAW

**SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT
OF THE DEGREE OF BACHELOR OF ARTS**

PROFESSOR GROSCUP

PROFESSOR JANOWIAK

8 DECEMBER 2023

Abstract

Widespread concerns persist regarding the ethical and legal complexities surrounding coercion in plea bargaining within the U.S. criminal justice system, particularly concerning its intersection with racial disparities. Despite existing research emphasizing the urgent need to address these disparities, a notable gap remains in understanding the nuanced dynamics of coercion, specifically its differential impact on Black and Latin individuals. This study seeks to fill this void by employing Cumulative Disadvantage Theory and Dual Processing Theory to investigate whether individuals from Black and Latin communities are more susceptible to coercion during plea bargaining than their white counterparts. Examining variables such as criminal charge severity, quality of legal representation, and pretrial detention lengths, this research employs an ideal negotiation vignette, a worst-case scenario vignette, and randomized, statistically accurate vignettes based on racial identities. Involving 333 participants, the study aims to provide a comprehensive understanding of coercion's dynamics in the plea-bargaining process. The hypotheses argue that plea bargaining is inherently coercive for Black and Latin individuals, with charge severity and pretrial detention actively influencing the likelihood of accepting plea bargains. Anticipating that coercive techniques will lead to a greater acceptance of plea deals within these groups, the research expects heightened levels of coercive tactics and acceptance among Black and Latin participants. The study's significance lies in its potential to illuminate the underlying dynamics of coercion in the criminal justice system, offering insights into racial disparities in plea bargaining negotiations. Furthermore, the findings may contribute valuable perspectives to policy discussions, with implications for fostering a more equitable justice system, all while acknowledging and addressing the racist influence of the prison industrial complex and advocating for necessary reforms to promote fairness and justice for all.

Introduction

The United States criminal justice system, in its quest for expediency and efficiency, heavily relies on the process of plea-bargaining. This fundamental procedure, which often occurs in the shadows of trials, allows prosecutors to negotiate with defendants, resulting in the acceptance of a guilty plea in exchange for reduced sentencing or other concessions. While plea bargaining serves as a cornerstone of case resolution, a growing body of research has highlighted the presence of coercive elements innate to this process, exposing the prevalence of racial disparities that pervade plea negotiations and raising significant issues about the implications for people of color, Black and Latin individuals especially.

Literature Review

The Plea Negotiation Process

The role of plea bargaining, a central component in resolving cases within the American criminal justice system, has grown substantially in relevance over the years. Remarkably, 98% of criminal cases in U.S. federal courts are concluded through plea bargains annually (American Bar Association, 2023). This prevalent practice has risen to prominence primarily as a strategy to enhance efficiency and address the overwhelming caseloads burdening the criminal justice system. The consequence of this trend is a notable decline in the occurrence of trials within the federal system. Trials have nearly disappeared from most U.S. legal proceedings, with some states such as Pennsylvania, Texas, and New York experiencing trial rates plummeting to less than 3% (Johnson, 2023). This shift towards the prevalence of plea bargains fundamentally transforms the nature of the justice system.

Cumulative Disadvantage Framework

The Cumulative Disadvantage Framework, extensively explored in social science disciplines (DiPrete & Eirich, 2006), is notably underexplored within the criminal justice system. This theory likens cumulative disadvantage to a snowball effect – if individuals face challenges or advantages early in life, these accumulate over time, shaping their long-term experiences. Early difficulties can amass, making life progressively challenging and contributing to divergent life trajectories. To digest and fully understand Cumulative Disadvantage Framework, there are two approaches. The first approach, presented in Merton's cumulative advantage literature (1968), focuses on the time-related amplification of existing disparities, akin to interest compounding on credit card debt, emphasizing how initial disadvantages play a pivotal role in shaping future inequalities. The second approach perceives cumulative disadvantage as an ongoing, additive process marked by lasting direct and indirect effects of various status variables throughout an individual's life (Blank et al., 2004; Pager & Shepherd, 2008). Variables like race and ethnicity directly impact life opportunities, indirectly influencing wealth, health, education, neighborhood conditions, and countless other variables. Berdejó (2018) analogizes this with debt accumulation across multiple credit cards, heightening overall financial pressure. Here, interest rates depend on external factors such as credit scores (Blau & Duncan, 1967). Plea deals exert immense pressure, especially on those prone to cumulative disadvantage, like Black and Latin individuals. This coercive element becomes particularly pronounced when innocent individuals with compelling evidence of their innocence are pressured into accepting guilty plea deals. These deals promise reduced sentences or immediate release for time served, contingent on the defendant pleading guilty, even in the presence of strong evidence of innocence. The alternative is a threatening, prolonged period of incarceration while navigating the complex and often sluggish court system.

The power imbalance between defendant and attorney in the plea-bargaining process dates to the War on Drugs in the 1970s. Prosecutors were granted increasingly punitive tools to pressure defendants into accepting unfavorable deals, including pretrial detention and forcibly separating defendants from their families, jobs, and communities (Trivedi, 2023). Mandatory minimum sentences and trial-enhancing penalties amplify this pressure in addition to relaxed discovery rules that allow prosecutors to hide evidence that had the potential to further prove innocence during negotiations, exacerbating the power imbalance (Trivedi, 2023). The lack of transparency requirements in this process deprives defendants, defense lawyers, and the public of the ability to analyze the negotiation process. Even in court, judges often approve these deals, asking defendants if they felt coerced—a question that can be likened to asking a hostage if their kidnapper was fair while the threat of serious consequences hangs over them. This practice of plea bargaining has transformed our criminal justice system into a behind-closed-doors shakedown, sidelining due process, and relying on power dynamics to determine the outcomes of cases and leverage rather than facts and the law. This departure from the principles the Founding Fathers intended, involving judge and jury, is a stark reminder of how inherently coercive and unjust the contemporary plea-bargaining system is.

Dual Processing Theory

The concept of the Dual Processing Theory, as explained by Stanovich and West (2000), distinguishes two cognitive systems: System 1 and System 2. System 1 operates automatically, facilitating rapid thinking with minimal effort and lacking voluntary control, while System 2 engages in more effortful tasks, including complex calculation and conscious choice. Although we often identify with System 2 in daily life, System 1 plays a more pervasive role than commonly acknowledged, generating impressions and feelings that inform explicit beliefs and

deliberate choices (Kahneman, 2011). In coercive environments like plea bargaining, individuals are often forced to make quick, automatic decisions under pressure, primarily relying on System 1 processing. Defendants may feel coerced into pleading guilty due to the substantial disparity between potential plea deal sentences and expected trial outcomes, especially when facing an imbalanced power dynamic with prosecutors. This coerced decision-making is exacerbated by the circumstances that frequently surround individuals in plea-bargain negotiations, such as fatigue and sleep deprivation, and cognitive and emotional overload, all known to contribute to a switch to System 1 rather than System 2 processing (Tversky & Kahneman, 1974).

Conversely, in non-coercive environments, individuals can engage in more deliberate and analytical decision-making. System 2 involves critical thinking and problem-solving, employed when individuals encounter complex or novel situations. In this context, individuals can make decisions with conscious effort, ensuring their choices are well-considered and not solely based on automatic, heuristic judgments when negotiating a plea deal.

This interplay between the two systems is crucial for understanding how coercive environments restrict the role of System 2 processing, making it challenging for individuals to maintain autonomy and rational decision-making. In inherently coercive situations like plea bargaining processes, individuals' voluntary response is significantly compromised as prosecutorial powers and external pressures hinder the full engagement of their conscious, deliberate self, creating an innately coercive environment for defendants (Kahneman, 2011).

Coercive Law Enforcement Tactics

The criminal justice system is riddled with racial and systemic issues that begin with the intricate dynamics of false confessions and flawed interrogation techniques. These issues shape the path that ultimately converges on plea bargaining, a journey marked by the persuasive but

fallible nature of confessions, highlighted by the continued instances of wrongful convictions (Munsterberg, 1908). It is important to note that historically, the belief in the infallibility of confessions has been shattered by cases of wrongful convictions, a significant portion of which involves false confessions (Munsterberg, 1908). The staggering revelation from the Innocence Project shows that nearly 30% of wrongful convictions were based on false confessions, emphasizing the pervasive nature of false confessions within and beyond the United States (Kassin et al., 2010; Hamada, 2007).

Types of False Confessions. False confessions, a concerning phenomenon within the criminal justice system, can arise through various mechanisms, leading to serious implications for the individuals involved. According to Kassin and Wrightsman (1985), false confessions are categorized into three types. The voluntary confession occurs without external pressure, while the coerced-compliant confession involves individuals admitting guilt to alleviate a stressful situation. The coerced-internalized confession occurs when a person becomes temporarily convinced of their guilt. Gudjonsson (1992) adds that individual differences, such as self-esteem and susceptibility to guilt, interact with contextual and interpersonal factors, potentially contributing to false confessions. Ofshe (1989) provides a detailed framework, shedding light on interrogation processes that elevate the risk of false confessions. From a case study, Ofshe highlights how false confessors are persuaded to accept two crucial elements. Initially, they may believe they committed the crime despite lacking memory of the act. Ofshe notes the use of seemingly incontrovertible scientific evidence, sometimes manipulated or nonexistent, to support this claim. Second, individuals may be convinced that there is a valid reason for their lack of memory regarding the alleged crime. This manipulation involves attributing memory loss to psychological mechanisms, such as "blocking out" memories, creating a narrative that justifies

the absence of recollection (Ofshe, 1989). The susceptibility of individuals to such tactics, coupled with the use of misleading evidence and psychological manipulation during interrogations, underscores the complexity and potential injustice associated with false confessions in the criminal justice system.

Racial Intersection. Moreover, the critical intersection between racial identity, experiences of discrimination, and encounters with law enforcement highlights the flawed entryway into the criminal justice system that leads individuals toward plea bargaining and the racial disparities attached to the process of negotiation (Dottolo & Stewart, 2008). The narratives of Black participants in a study concretely reveal the connection between racial identity and experiences of discrimination with law enforcement, which is significantly absent in the narratives of many White participants, showing that the psychological significance of discrimination emerges as a crucial element in the construction of minority racial identities, challenging the traditional separation between racial identity and experiences of discrimination within psychology (Dottolo & Stewart, 2008).

Use of Minimization and Maximization in the Reid Technique. The flawed interrogation techniques, such as the Reid technique, used by law enforcement officers further underscore the systemic issues in the criminal justice system (Kassin & Fong, 1999). The research challenges the efficacy of the Reid technique, particularly during the pre-interrogation interview phase, as the reliance on behavioral cues to detect truth and deception has been shown to lack diagnostic value (Kassin & Fong, 1999).

In addition to these discoveries, studies reveal the limited efficacy of the maximization and minimization tactics employed during the nine-step interrogation in reliably distinguishing between truth and deception (Vrij et al., 2006). Maximization and minimization are recognized

psychological interrogation techniques employed during investigative interviews, each with the shared goal of eliciting information from suspects. Maximization has an assertive approach emphasizing the gravity of the alleged offense to intimidate suspects (Kelly et al., 2013). This technique utilizes manipulative strategies, such as direct accusations, confrontation with incriminating facts, and portraying the crime as morally reprehensible. The overarching goal of maximization is to heighten pressure on suspects, compelling them to divulge more information or confess by emphasizing the severity of the situation (Gudjonsson, 2003; Kelly et al., 2013).

On the other hand, minimization adopts an empathetic, soft approach to the interrogation process (Kelly et al., 2019; Luke & Alceste, 2020). This technique involves portraying criminal behavior as normal, suggesting morally acceptable reasons for the suspect's actions, or shifting responsibility to others, including the victim. The objective of minimization is to diminish the perceived severity of the crime, offering moral excuses to ease the suspect's burden (Gudjonsson, 2003; Inbau et al., 2013; Luke & Alceste, 2020).

The observation of the widespread use of Reid-like approaches by detectives, as highlighted in live and videotaped interrogations, further underscores the commonality of these flawed techniques (Kassin & Fong, 1999). These systemic issues in interrogation techniques have broader implications for the criminal justice system. The reliance on maximization and minimization, in tandem with the prevalence of Reid-like approaches, may contribute to the risk of false confessions, wrongful convictions, and the violation of suspects' rights. The need for ethical considerations in the interrogation process becomes apparent, emphasizing the importance of adopting evidence-based and ethical approaches to ensure the reliability and fairness of investigative practices.

Attorney Influence: The Prosecutorial Role

Prosecutors in Plea Bargaining. Plea bargaining represents a pivotal junction where legal nuance and human motivation converges. Exploring the intricacies of the plea-bargaining process, ideally, it is expected that prosecutors base their decisions on the probability of conviction and the pursuit of justice rather than a singular emphasis on securing more convictions. However, the actual dynamics are considerably more intricate. The pivotal involvement of prosecutors in the plea-bargaining process becomes apparent, primarily because they tend to prefer negotiations over going to trial (Alschuler, 1968). There are several reasons behind prosecutors leaning toward plea bargains. Negotiations are favored for being cost and time-efficient, helping to quickly clear backlogs and allowing for more efficient use of resources (Alschuler, 1968). This approach ensures a speedier resolution to cases compared to the often lengthy nature of trials. The choice to negotiate is also influenced by the desire for certainty of outcomes and the avoidance of unintended consequences, making plea bargaining a practical option (Alschuler, 1968). It provides prosecutors with a level of control, mitigating the uncertainties associated with the trial process. Considerations for victims also play a role in the decision to negotiate. The plea-bargaining process offers a more compassionate approach, sparing victims from the potential emotional toll of testifying in a trial setting.

Interestingly, even though prosecutors don't have direct financial incentives tied to case outcomes, given their salaried compensation, personal motivations come into play (Bibas, 2004; Alschuler, 1968). These motivations include a desire to manage caseloads efficiently, secure convictions, and maintain a favorable win-loss record, contributing to their inclination for negotiated resolutions over trials.

The Shadow of the Trial. The "shadow-of-the-trial" theory argues that the decision to accept or reject pleas originates from the perceived outcome of a trial (Bibas, 2004), implying that evidence strength should drive plea decisions, considering how strong evidentiary cases lead to trial convictions and anticipate that trials, ideally, involve weaker cases. According to the theory, prosecutors, driven by self-interest, tend to focus on pursuing the strongest cases, where the likelihood of securing a conviction is higher. In doing so, they often engage in plea negotiations, seeking guilty pleas from defendants before the trial stage (Hare, 1967). This decision-making is influenced by the desire to avoid the uncertainties and potential risks associated with a trial. As a result, the "shadow-of-trial" theory suggests that weaker cases, which might have weaker evidence or a lower chance of success at trial, are more likely to proceed to the trial stage. The paradox lies in contrasting the theoretical expectation that trials involve weaker cases and the practical reality where stronger cases often result in negotiated guilty pleas (Bibas, 2004; Gross, 1996). An unintended consequence of the shadow of the trial is the potential for hiding challenging cases from public view. Prosecutors, in an effort to quickly resolve cases, may choose to negotiate and settle cases involving dubious confessions or credible claims of innocence, effectively avoiding scrutiny of police interrogation tactics and investigative shortcomings (Bibas, 2004). In this manner, the simplest cases are resolved easily, turning jury trials into mere formalities.

Disparities and Favoritism in Plea Bargaining. Disparities manifest within the plea-bargaining process, often hidden from public view (Alshuler, 1986). Factors such as geographic region, demographic characteristics, and different practices in prosecutors' offices significantly impact evaluations of defendants' cooperation, leading to an unequal application of substantial assistance discounts, better known as, a granted reduction in a defendant's sentence in exchange

for the defendant providing valuable assistance to law enforcement or the prosecution. Substantial assistance discounts are often used in plea bargaining to encourage defendants to cooperate and strike a balance between incentivizing cooperation and ensuring a fair and just result for the defendant (Maxfield, 1998). However, the secretive nature of plea bargaining makes it particularly challenging for inexperienced lawyers to navigate, as unwritten norms guide the process (Alschuler, 2003). The absence of strict legal rules leaves room for favoritism, favor-seeking, and influence to operate within this arena. Unlike public trials, where concerns for reputation and avoiding acquittals check prosecutors' desire to minimize effort, plea bargaining provides more leeway to cut corners (Bibas, 2004).

Attorney Influence: The Defensive Role

Complexities and Funding Disparities. The realm of defense representation within the criminal justice system presents its own complexities, notably influenced by funding disparities. For instance, public defenders are often tasked with representing several appointed clients under fixed salaries, and private, appointed lawyers may receive predetermined fees or low hourly rates subject to caps. While financial motives may not dictate every lawyer's actions, they do exert varying degrees of influence (Alschuler, 2003). Private lawyers have generous hourly rates, an incentive to bill for more hours of work, therefore preparing a stronger defense and increasing the likelihood of going to trial. Conversely, appointed lawyers may encourage their clients to plead guilty, as it takes less time and effort and is therefore more lucrative. This aligns with Blumberg's description of law as a confidence game (Bibas, 2004; Blumberg, 1967).

Imbalance in Legal Representation. Defense attorneys' working relationships and collaboration with prosecutors and judges are significant factors in plea bargaining outcomes. Public defenders, who frequently handle extensive caseloads, might be more inclined to secure

plea agreements due to time constraints, making trials less viable as a threat (Hermann et al., 1977; Alschuler, 2003). However, this can inhibit their ability to explore all possible defenses, limiting their bargaining leverage (Harlow (*see Table 17*), 2000). Attorneys well-versed in the criminal justice system develop an intuitive sense of case values, enabling them to assess the going rate for specific crimes and defendants (Alschuler, 1974). Additionally, public defenders can gather and share information about judges and prosecutors due to their institutional advantage.

Former prosecutors who become retained counsel also possess close relationships with the legal professionals they interact with. In contrast, inexperienced lawyers, including civil lawyers taking court appointments and new defense counsel, face a disadvantage in plea bargaining, lacking the intuitive grasp of a case's value (Heumann, 1978). They may be unaware of opportunities within sentencing guidelines that seasoned lawyers are privy to. These funding constraints and relationships significantly impact outcomes. For instance, public defenders may often press their clients to plead guilty, creating coercive pressure (Hermann et al., 1977; Alschuler, 2003). On the other hand, retained counsel tends to invest more time, leading to later guilty pleas, allowing them to investigate cases and improve plea bargaining positions.

Government Cooperation. In addition to these imbalances comes cooperating with the government, which has become an effective tactic to circumvent sentencing guidelines and mandatory minimum sentences. The speed and manner of cooperation often depends on defense attorneys' advice (Etienne, 2003a; Etienne, 2003b), as experienced attorneys understand the benefits and may have established relationships with prosecutors facilitating negotiations. While cooperation can be an effective tactic in navigating sentencing guidelines, various considerations such as ethical concerns, potential damage to professional reputation, and skepticism about the

benefits may deter some defense attorneys from actively promoting or facilitating such a collaboration.

Pretrial Detention

Many individuals in local jails await the resolution of their criminal cases and are held in pretrial detention. Despite being legally considered innocent, their detention is often tied to an inability to meet bail requirements (Kang-Brown & Subramanian, 2017). Research supports concerns about the adverse effects of pretrial detention on case outcomes, revealing a significant association between pretrial detention and the increased likelihood of conviction, prolonged periods of incarceration, and protracted involvement in the criminal justice system (Digard & Swavola, 2019). The coercive environment of incarceration often propels individuals to hasten the acceptance of guilty pleas, resulting in elevated conviction rates among those in detention. Recent research exposes this trend: In New Jersey, detainees expedited case resolutions by opting for guilty pleas to secure their release (Sacks & Ackerman, 2012).

Similarly, in Delaware, pretrial detention increased the likelihood of guilty pleas by 46%, as revealed in a study analyzing 76,000 arrests and considering racial disparities (Donnolley & MacDonald, 2018). Philadelphia witnessed a 4.7% surge in guilty pleas attributed to detention out of 331,971 criminal cases (Stevenson, 2018). New York City also experienced a notable impact, with detained individuals facing a 10% increase in guilty pleas for felony cases and over 7% for misdemeanor cases (Leslie & Pope, 2017). These effects were particularly pronounced for individuals with limited criminal histories and those charged with lower-level offenses (Subramanian, 2020). Detainees, especially those incarcerated for the first time, often seek swift case resolutions to escape confinement, achieve certainty, or avoid potentially harsh trial outcomes. This inclination arises from the perception that plea deals offer a less burdensome

option in the short term, facilitating release from pretrial detention (Subramanian, 2020).

Additionally, it provides a sense of certainty in a legal process that can be protracted and unpredictable, while also helping individuals steer clear of the potential consequences of going to trial and receiving more severe punishments (Subramanian, 2020).

Racial Disparities in Criminal Justice

Research reveals significant disparities within the criminal justice system faced by Black and Latin individuals specifically, demonstrating a cumulative disadvantage pattern (Sutton, 2013). Racial minority communities are at a higher risk of being placed in pretrial detention prior to their trials in comparison to white individuals. Pretrial detention substantially impacts the likelihood of these individuals accepting a guilty plea, which raises serious concerns regarding fairness during the pretrial phase of proceedings. Sutton (2013) also highlights the profound effect of pretrial detention and guilty pleas on sentence outcomes, contributing to cumulative disadvantages for Black and Latin individuals. Sutton's analysis calculates conditional probabilities of sentence outcomes based on detention status and plea decisions, revealing substantial cumulative disadvantages for these groups once prior events and decisions are considered. Limited research addresses disparities in the pre-conviction stages of the criminal justice system, affecting a defendant's journey and sentencing outcomes. White defendants have a 25% higher likelihood of initial charge reductions than Black individuals, leading to fewer felony convictions for white defendants charged initially with felonies and a greater chance of non-incarcerable convictions or acquittals for white defendants facing misdemeanors (Berdejó, 2018). These disparities are most pronounced in cases involving misdemeanors and low-level felonies but less prominent for severe felonies. Strikingly, in cases centered around severe felonies, Black and white defendants attain similar outcomes (Berdejó, 2018).

Criminal histories of defendants further contribute to disparities, with white defendants lacking prior convictions often receiving more leniency than Black counterparts with similar records. These observed patterns suggest that race might serve as a proxy for prosecutors assessing latent criminal tendencies and reoffending risk. Notably, white defendants experience charge reductions 5.99% more frequently than their Black counterparts—a statistically significant difference with substantial implications. This difference translates into reduced maximum sentences and potential downgrading of felony charges to misdemeanors. Examining the data on the percentage of defendants witnessing their felony charges dropped, dismissed, or downgraded to misdemeanors reinforces these findings, indicating that white defendants experience such outcomes 14.56% more often than Black defendants (Berdejó, 2018).

Severity of Charge

Misdemeanors. Misdemeanors, while deemed less severe than felonies, wield substantial influence in the criminal justice system. They act as the initial point of entry for many individuals, shaping their interactions with the legal system. It is vital to acknowledge that despite misdemeanor offenses' seemingly less severe nature, a conviction can carry profound consequences. This includes the potential for incarceration, a consequence of particular significance for Black defendants, who face higher likelihoods of misdemeanor convictions and subsequent punitive measures. Data shows that white defendants are 45.1% more likely than Black defendants to have their top misdemeanor charges dropped or amended to lesser charges (Berdejó, 2018). This implies that white defendants have a higher likelihood of avoiding misdemeanor convictions or the associated risk of incarceration. Though less severe, misdemeanor convictions have lasting consequences beyond the initial sentencing, including a criminal record affecting bail and sentencing decisions, and collateral impacts like losing

eligibility for student loans or public housing. These consequences highlight the significance of analyzing disparities in misdemeanor convictions and sentencing to address the racial disparities in the criminal justice system. These disparities continue to support and reinforce the systemic labeling of Black individuals as criminals, which has life-long consequences contributing to cumulative disadvantage.

Felonies. Felonies span a broad spectrum of crimes, ranging from those with relatively short prison sentences to others carrying the potential for life-long imprisonment. This spectrum includes various offenses, each with its corresponding penalties, prompting the question of whether the severity of a felony offense contributes to racial disparities in charge reductions. Data analysis unveils disparities in cases involving less severe felony offenses. White defendants, in such instances, received charge reductions 49.83% of the time, whereas Black defendants experienced charge reductions in only 39.87% of cases (Berdejó, 2018). This 9.96% difference is statistically significant, constituting nearly a quarter of all charge reductions for Black defendants. This highlights the importance of charge reductions in less severe felony cases, as they can lead to lighter sentences or even reductions to misdemeanor charges. In contrast, cases involving more serious felony charges demonstrated a lack of statistically significant disparities in charge reductions between white and Black defendants. This lack of disparity in severe felony cases suggests that these cases exhibit a higher degree of consistency in charge reductions, with no significant relation to the defendant's race.

The plea-bargaining process can interfere with defendants' independent decision-making, particularly when external pressures compel individuals to plead guilty despite initially preferring a not-guilty plea. This shift is often driven by a significant difference between the potential sentences offered in a plea deal and the expected outcomes of a trial (Newman, 2023).

The concern arises when individuals, influenced by plea-bargaining incentives, transition from a preference for a not-guilty plea to pleading guilty, prompting questions about the voluntary nature of their decisions. The existing power imbalance between prosecutors and defendants exacerbates this issue, as defendants can become reliant on the plea offer, hindering their ability to make fully independent choices. Inappropriate threats that can be instilled in a defendant, such as the fear of receiving a severe sentence or the desire to avoid a protracted trial, not only further disrupt the decision-making process but catalyzes the need for an analysis scrutinizing the voluntary and autonomous nature of their choice to plead guilty (Newman, 2023).

Racial Disparities

Studies have exposed the pronounced racial disparities within the criminal justice system, particularly affecting Black and Latino individuals (Kutateladze, 2014). This inequity manifests in a sequence of disadvantages, including a higher likelihood of Black and Latino defendants experiencing pretrial detention, receiving custodial plea offers, and ultimately facing incarceration. This racial cumulative disadvantage accentuates the considerable obstacles that Black and Latin communities encounter while navigating the complexities of the criminal justice system.

Racial disparities in the criminal justice system are more pronounced for person offenses, with a distinct impact on Black defendants, particularly in misdemeanors. Black individuals face elevated rates of detention, custodial plea offers, and jail sentences for misdemeanor person offenses. In contrast, Latinos experience fewer disadvantages in person offenses, especially in custodial pleas and incarceration, revealing intricate dynamics within the criminal justice system (Kutateladze, 2014).

A parallel pattern emerges in property offenses, where Black defendants, for both misdemeanor and felony cases, are more likely to encounter pretrial detention, incarceration, and dismissals. Latinos, on the other hand, exhibit fewer disparities in detention for misdemeanor property offenses, with notably smaller custodial plea discrepancies. In drug offenses, Black defendants confront greater disadvantages, particularly in felony cases, facing higher rates of detention, incarceration, and marked custodial plea offer disparities. Latinos are more likely to experience incarceration without pretrial detention. Persistent disparities in custodial plea offers for both groups in drug cases underscore the challenges they confront (Kutateladze, 2014). Collectively, these findings emphasize deeply entrenched racial inequalities in the criminal justice system, disproportionately affecting Black and Latin individuals across various offenses and legal proceedings.

The plea-bargaining process reveals structural and procedural elements that result in more severe sentences for Black and Latin defendants when compared to their white counterparts (Greenberg, 2021). This racial disparity is deeply ingrained at various junctures within the criminal justice process. The structural and procedural components that determine these disparities encompass a racialized presumption of guilt, impacting various aspects such as how law enforcement profiles criminal suspects, interacts with suspects and witnesses, conducts interrogations, determines charges against defendants, conducts plea negotiations, and, ultimately, imposes sentences (Greenberg, 2021). This racialized presumption of guilt has historical roots in the U.S., with its foundation in a legacy of racial discrimination stemming from slavery (Hannah-Jones, 2019).

Implicit racial bias plays a significant role in plea bargaining. Legal actors, including both prosecutors and defense attorneys, may carry implicit biases regarding Black defendants,

which can significantly influence their decision-making processes in plea negotiations (Greenberg, 2021). The lack of self-awareness regarding these biases among legal professionals contributes to this disparity (Chambers Goodman, 2018). The criminal justice system's strong emphasis on efficiency and resolution leads the process toward heavy reliance on plea bargaining. This focus on efficiency cannot properly consider the unique circumstances of each case and the potential influence of implicit biases (Brown, 2014).

Cumulative Disadvantage Framework Applied to Racial Disparities. Cumulative disadvantage, as outlined by Merton (1973), should be applied to understand the dynamics within the criminal justice system and the impact of racial disadvantage on court decisions. Cumulative disadvantage refers to a process in which an “initial unfavorable social position can lead to further losses over time” (Sutton, 2013). In the context of the criminal justice system, it's crucial to explore how this process affects marginalized communities, particularly Black and Latino individuals (Merton, 1973). When examining the cumulative disadvantages individuals face within the criminal justice system, it becomes clear that this disadvantage operates across different stages of the court process, often leading to accelerating bias. Specifically, the average Black or Latino defendant has a 19% chance of being incarcerated compared to the rate for the average White defendant, that being 15% (Sutton, 2013). These issues are not only legal or systemic but also have psychological implications, affecting individuals' perceptions of justice and their experiences within the criminal justice system. These disparities begin with law enforcement where discoveries by Dottolo and Stewart (2008) intricately reveal the institutionalized nature of racism within law enforcement, shedding light on how these practices actively contribute to the perpetuation of cumulative disadvantage for Black and Latin individuals. The discovery of the link established between racial identity and coping mechanisms

further strengthens the assertion that the psychological consequences of discrimination are central to understanding the disparities in plea negotiating. This study serves not only as a robust support for this study's argument but also creates incentive to critically examine the systemic issues at play within law enforcement, urging for reform to address the overarching racial disparities in plea negotiating (Dottolo & Stewart, 2008).

These disparities are pervasive, coming from various areas within the criminal justice process, with one key factor being the influence of pretrial detention. Pretrial detention significantly contributes to the cumulative disadvantage experienced by minority defendants, as they are overrepresented in this phase by 2.5 compared to white defendants (Merton, 1973). While the disparities are smaller on the detention-plea path, they are more pronounced, with Black detainees being about 32% more likely to be incarcerated than white defendants, with Latinos facing a 42% predicted disparity (Merton, 1973). For Latinos, outcomes partially balance earlier disparities originating from detention and guilty pleas. The cumulative impact of disadvantages at various stages of the criminal justice process remains a significant issue for minority communities (Merton, 1973). The discussion on how cumulative disadvantage operates across different stages of the court process emphasizes the psychological impact on marginalized communities, specifically Black and Latino individuals. The psychological consequences of facing multiple disadvantages within the criminal justice system are profound, influencing individuals' mental well-being and overall life trajectories (Merton, 1973).

Study Aims and Rationale

Research Aims

This study seeks to delve into the pervasive issue of coercion within the plea-bargaining process, placing a particular focus on themes such as racial disparities, the gravity of charges,

and quality of legal representation. Through the lenses of the Cumulative Disadvantage Framework, symbolized by the quality of legal representation and racial disparities, and the Dual Processing Theory, influenced by coercive tactics, the study aims to scrutinize the intricate dynamics at play.

The core research problem arises from growing concerns that the plea-bargaining process places undue pressure on defendants, compelling them to make decisions under circumstances that may compromise their autonomy. This is especially pertinent for Black and Latin individuals, given the racially disproportionate impact of coercive elements in the plea-bargaining process. The primary objective of this research is to illuminate the dynamics of coercion within these contexts, with the goal of contributing to the creation of a more equitable criminal justice system.

Rationale for the Study

The plea negotiation process, as illuminated by present-day literature, emerges as a complex interplay of legal, ethical, and systemic factors. Notably, the Cumulative Disadvantage Framework exposes the compounding impact of systemic disadvantages, particularly on Black and Latin individuals, revealing a pervasive layer of inequality within plea deals. Dual Processing Theory further accentuates the coercive nature of plea bargaining, emphasizing the limitations on autonomous decision-making, a critical dimension often overlooked in discussions surrounding this common practice.

The examination of prosecutorial and defense attorney roles unveils the intricate motivations that drive plea bargaining decisions, such as caseload management, win-loss records, funding disparities, and the quality of legal representation. Furthermore, previous literature highlights the coercive influence of pretrial detention, raising questions about the fairness of

outcomes and the expediency of guilty pleas. The racial disparities in the criminal justice system, whether in misdemeanor or felony charges, highlight the systemic biases that perpetuate inequities in legal consequences. Despite the depth of these past studies and articles, several gaps persist. One notable void lies in understanding the nuanced ways in which systemic disadvantages, as revealed by the Cumulative Disadvantage Framework, manifest, and perpetuate throughout the plea negotiation process. Additionally, the complex interplay between prosecutorial decisions, defense strategies, and the quality of legal representation calls for a thorough exploration.

This study is grounded in the rationale that the presence of coercion within plea bargaining poses significant ethical and legal concerns, especially concerning the critical issue of racial disparities, with a vastly disproportionate number of Black and Latin individuals, that pervade plea negotiations, as disparities have far-reaching implications for the fair treatment of individuals within the criminal justice system.

Research Hypotheses

To uncover the nuances of coercion within the plea-bargaining process, four research hypotheses have been formulated:

Hypothesis I: Black and Latin individuals will be more likely to accept plea bargains than white individuals, indicating the presence of the cumulative disadvantage framework and racial disparities in the plea-bargaining process.

Hypothesis II: The type of charge (misdemeanor vs. felony) will influence the acceptance of plea bargains, with felony charges leading to a higher likelihood of acceptance.

Hypothesis III: Pretrial detention will increase the likelihood of accepting a plea deal due to the pressure of prolonged incarceration.

Hypothesis IV: Individuals subjected to coercive tactics during the presentation of a plea deal will be more likely to accept the plea deal without thoroughly considering its implications (System 1 processing) than those presented with the same plea deal without coercive tactics (System 2 processing).

This study will leverage the theoretical foundations laid by Dual Processing Theory, Cumulative Disadvantage Framework, and the examination of coercive elements, particularly in the context of racial disparities within the plea-bargaining process, to provide a foundation to address any existing methodological gaps and contribute to a more nuanced understanding of the complex interactions shaping such disparate outcomes in the criminal justice system.

Method

Participants

White, Black, and Latin participants aged 18 years or older will be recruited through the Amazon Mechanical Turk (MTurk) platform. An a priori power analysis using G*Power was conducted to determine the necessary sample size. For binary regression and chi-square analyses with a significance level (α) set at 0.05 and a power of 0.80, a minimum sample size of $N = 325$ is required. To ensure strong statistical power, the participant pool will be expanded to 333. This allocation ensures that at least 111 participants from each racial group will experience a vignette tailored to their respective racial backgrounds, allowing for a comprehensive exploration of this study's objectives.

To ensure an equal number of participants is recruited for each racial group, screening questions will be incorporated at the beginning of the survey to gather demographic information, including participants' self-reported race, that participants can select from categories representing the relevant racial groups under investigation. Continuous monitoring of participant responses

and demographics will be undertaken throughout the survey completion process. In the event of underrepresentation of certain racial groups, adjustments to survey availability may be implemented based on received responses. For instance, availability might be limited for certain racial groups and largely available for other racial groups. This approach aims to ensure a well-balanced and representative sample across diverse racial backgrounds, contributing to the generalizability of this study's findings.

Materials

Stimulus Materials

Ideal Scenario Vignette. In the ideal scenario vignette, an individual within the criminal justice system experiences a plea-bargaining process characterized by fairness and optimal conditions. Several key elements define this hypothetical situation, reflecting an ideal and just context for negotiations. Firstly, the individual faces a misdemeanor charge, indicating a less severe offense compared to felonies. This choice of charge severity aims to ensure a more proportionate response to the alleged misconduct, reducing the likelihood of excessively punitive measures. Legal representation in the ideal scenario is of the highest quality, with the individual having access to a private attorney. This choice ensures that the defendant benefits from the expertise, resources, and dedication associated with private legal representation, fostering a fair and robust defense. Coercive tactics by prosecutors and defense attorneys are notably absent in the ideal scenario. The negotiation process is characterized by transparency, fairness, and an absence of undue pressure on the defendant. This absence of coercion allows the individual to make decisions based on careful consideration and informed judgment.

Time constraints are managed in a way that does not unduly rush the decision-making process. The individual has ample time to evaluate the plea deal and make a decision, aligning

with a more deliberate, System 2 processing approach. This ensures that the defendant can make informed choices without feeling rushed or compelled. The ideal scenario vignette, therefore, envisions a plea-bargaining process that is characterized by fairness, proportionality, quality legal representation, and an absence of coercion. This hypothetical situation represents a standard of justice where the core principles of equity, due process, and individual rights are truly upheld.

Worst-Case Scenario Vignette. In the worst-case scenario vignette, the individual participant undergoes a plea-bargaining process marked by systemic flaws and unfavorable conditions. Several key elements define this hypothetical situation, reflecting a challenging and unjust context for negotiations.

Firstly, the participant faces a felony charge with pretrial detention, indicating a highly severe offense and an extended period of pretrial confinement. This choice of charge severity and detention introduces heightened challenges and potential disadvantages for the defendant. Legal representation in the worst-case scenario is subpar, with the individual having a public defender. This choice may indicate limited resources, potentially leading to a less robust defense and contributing to an uneven playing field in the plea-bargaining process.

Coercive tactics by prosecutors and defense attorneys are prevalent in the worst-case scenario. The negotiation process is characterized by opacity, unfairness, and the application of undue pressure on the defendant. This coercion limits the individual's ability to make decisions based on careful consideration, potentially resulting in swift and compelled choices (System 1 Processing). Time constraints are strict, rushing the decision-making process in the worst-case scenario. The individual has limited time to evaluate the plea deal, potentially leading to hasty decisions and hindering the opportunity for more deliberate, informed choices (System 2 Processing).

The worst-case scenario vignette, therefore, envisions a plea-bargaining process that is characterized by systemic flaws, disproportionate severity of charges, subpar legal representation, coercion, and constrained decision-making time. This hypothetical situation represents the departure from the principles of fairness, equity, and individual rights, emphasizing the negative impact of systemic shortcomings based on the experiences of marginalized individuals within the criminal justice system.

Randomized Vignettes. The presented vignette scenarios will be closely tailored to real-life, averaged statistics of Black, Latin, and white communities to identify key factors that influence the plea-bargaining process within the criminal justice system. These factors include the severity of charges (misdemeanor, felony without pretrial, felony with pretrial), the quality of legal representation (public defender vs. private attorney), and the impact of race (Black, Latin, and white), creating a 2x3x3 between-groups factorial design.

To ensure impartial assignment of defendants to different representation qualities, pretrial detention durations, and charge severity, a randomization tool within the survey platform will randomize these factors according to percentage of possible occurrence. This approach minimizes selection bias, attributing differences in plea outcomes to experimental manipulations rather than pre-existing defendant characteristics. The computer-generated randomization process will remain concealed from researchers and participants, ensuring objectivity.

Vignettes for each racial group will be designed to closely resemble each other in all aspects, maintaining uniformity across variables except for statistical probabilities. The timing for decision-making will be controlled through chance events determined by the survey randomization, ensuring conditions remain consistent. This methodology is intended to provide a fair and impartial depiction of the plea-bargaining process while systematically exploring the

influence of race and cumulative disadvantage. This personalized approach seeks to elevate participant engagement by linking their racial identity to the genuine dynamics of the criminal justice system, aiming to elicit responses that closely mirror real-world experiences.

The process of negotiating plea deals may encompass coercive tactics employed by prosecutors or defense attorneys, introducing fluctuations in the pressure and urgency faced by defendants, often constrained by time limits. This study is designed to explore the impact of coercion on dual processing, generating a sense of pressure through time constraints. In this context, certain defendants may find themselves making rapid, compelled decisions (System 1 Processing), while others may have the opportunity for more contemplative, informed choices (System 2 Processing). These distinctions are influenced by the randomized racial statistic probabilities integrated into the survey platform, aiming to simulate realistic decision-making scenarios within the criminal justice system.

Measures

Perceived Coercion, Self-Efficacy, Certainty in Conflict, and Resilience Scale. The PCSCR (Perceived Coercion, Self-Efficacy, Certainty in Conflict, and Resilience) Scale is a comprehensive measure of participants' psychological responses during the plea-bargaining process. Each subscale has eight items. Respondents will rate each item on a Likert scale from 1 (*strongly disagree*) to 7 (*strongly agree*), providing a holistic view of their experiences. This scale has been created for the purposes of this study; therefore, the psychometric properties of this measure will be validated with a pilot study. See Appendix A for the full set of survey items; sample items are found below.

Perceived Coercion (PC): This subscale delves into participants' perceptions of coercion, examining elements such as pressure, time for consultation, control, alternatives, comfort with decisions, belief in the plea deal's benefits, and understanding of potential consequences.

- I. *I felt pressured during the plea-bargaining process.*
- II. *I had a sense of control over the decisions I made.*
- III. *I had a clear understanding of the potential consequences of my decisions.*

Self-Efficacy (SE): Focusing on participants' self-evaluated abilities, the SE subscale explores confidence levels in understanding legal terms, making informed decisions, engaging in discussions with legal representatives, advocating for personal interests, participating in the plea-bargaining process, navigating its aftermath, and overcoming adversity.

- I. *I was capable of making informed decisions about my case.*
- II. *I was able to advocate for my personal interests effectively.*
- III. *I actively participated in the plea-bargaining process.*

Certainty in Conflict (CC): The CC subscale gauges participants' feelings of conflict or uncertainty during decision-making. It encompasses aspects such as uncertainty, balancing desires with concerns, confidence in predicting future impacts, clarity of decisions, confusion, certainty about potential consequences, conflict in decision-making, and the impact of uncertainty on overall satisfaction.

- I. *I felt confused at times during decision-making.*
- II. *Uncertainty had an impact on my overall satisfaction with the process.*
- III. *I was certain about the potential consequences of my decisions.*

Resilience (R): Assessing participants' coping mechanisms, the Resilience (R) subscale explores beliefs in personal resilience, the strengthening of resilience through the plea-bargaining

process, confidence in navigating post-process challenges, belief in finding solutions, reliance on self-belief to overcome difficulties, viewing challenges as opportunities for growth, adaptability to setbacks, and possessing the resilience required to cope with stress and coercive tactics.

Inspired by the *Resilience Scale for Adults (RSA)* created by Friborg et al. in 2003.

- I. *I am confident in navigating challenges after the plea-bargaining process.*
- II. *I possess the resilience required to cope with stressful events.*
- III. *I believe in finding solutions to challenges that may arise.*

Manipulation Check. The manipulation check in this study is rooted in Dual Processing Theory (Kahneman, 2011), which posits that individuals may tend to make quick, automatic decisions (System 1 processing) under the influence of coercive tactics. This aligns with previous research on sentencing outcomes (Greenberg, 2021), which suggests that mandatory minimum sentences can create a coercive environment that induces System 1 processing. To validate the effectiveness of the coercive tactics proposed in Hypothesis IV, a manipulation check will be conducted. This check will analyze participants' responses and behavioral indicators to confirm whether the coercive tactics lead to pressured and rushed responses, as predicted by Dual Processing Theory (Kahneman, 2011).

Throughout the study, participants will navigate various aspects of the plea-bargaining process, including the lack of transparency, power imbalances, and the coercive nature of plea bargaining. To assess the impact of coercion and potential System 1 responses, the Perceived Coercion (PC) subscale within the measurement materials will be used. This subscale includes items related to perceived pressure, decision control, time constraints, and understanding consequences. Additionally, participants' awareness of the coercive elements will be evaluated through occasional probing questions related to the manipulated factors, seamlessly embedded

within the PC subscale. This integrated approach will ensure that the manipulation check is an integral part of the study, providing a nuanced understanding of how participants respond to the introduced coercive tactics and whether they align with the anticipated System 1 processing outcomes.

Justice Perception Scale (JPS). The Justice Perception Scale (JPS) will measure participants' perceptions of fairness, transparency, respect, and access to resources, in addition to attitudes and perceptions specifically related to legal players and the fairness of the plea-bargaining process, during their involvement in the plea-bargaining simulation. This scale has been created for the purposes of this study; therefore, the psychometric properties of this measure will be validated with a pilot study. To see the full set of the items in this survey, see Appendix B.

Justice Attitudes Subscale (JA): The Justice Attitudes Subscale (JA) within the Justice Perception Scale (JPS) is designed to gauge participants' attitudes and perceptions regarding legal players and the overall fairness of the plea-bargaining process. This subscale includes eight items. Utilizing a Likert scale ranging from 1 (*strongly disagree*) to 7 (*strongly agree*), participants provide nuanced insights into their attitudes.

- I. *I trust the fairness of legal players involved in the process.*
- II. *Legal players were considerate of my perspective.*
- III. *Legal players involved in the process treated me fairly.*

Criminal Justice Experience Subscale (CJSP): The Criminal Justice Experience Subscale (CJSP) focuses on participants' overall experiences with the plea-bargaining process. This subscale includes eight items. Participants use a Likert scale ranging from 1 (*strongly disagree*)

to 7 (*strongly agree*) to express their perceptions of fairness, transparency, respect, and access to resources.

- I. *The overall fairness of the process positively influenced my satisfaction.*
- II. *Legal players demonstrated transparency in their decision-making.*
- III. *I felt respected during the plea-bargaining process.*

Procedure

This study will utilize the Qualtrics platform for online data collection, where participants will engage in remote study activities on their personal devices. They will receive a comprehensive yet straightforward introduction to the study's procedures, emphasizing voluntary participation, the option to withdraw at any time without consequences, and a clear explanation of potential risks and benefits. Data collection will maintain complete anonymity, and participant inquiries can be directed to provided contact information for clarity.

Upon consenting, participants will provide demographic information, including race, to ensure equitable distribution of scenario vignettes. These vignettes will depict various legal proceedings scenarios based on racial statistics, reflecting potential outcomes in legal situations. Participants will then complete the PCSCR scale to assess their perceived ability to navigate the described plea-bargaining process and their perception of coercion, followed by the JPS to record their perceived fairness and justice regarding their case.

Post-study, participants will receive a debriefing form explaining the study's context, objectives, vignette content, and data usage while ensuring privacy and anonymity. Contact details for the researcher will be provided for any further inquiries or concerns.

Data analysis will be conducted using SPSS, employing binary regression analyses, chi-square tests, and logistic regression to explore relationships among variables such as race, pretrial

detention length, coercive tactics, charge severity, dual processing, and the cumulative disadvantage framework. Additionally, ANOVA will assess differences in outcome variables like perceived fairness, self-efficacy, and perceived coercion among the racial groups.

Ethics

This study can benefit participants by contributing to a better understanding of the plea-bargaining process and its implications, becoming aware of the racial disparities seen in the criminal justice system, and uncovering the coercive tactics deployed by prosecutors, defense attorneys, or other institutional players. In addition, this study can help individuals understand their rights and how to protect them. This research can also benefit the academic literature on plea bargaining, coercion, and discrete institutional racism perpetuated by the prison industrial complex (PIC) by providing empirical evidence on factors influencing plea bargain acceptance, which can inform legal and criminal justice research. In addition, this will add to the literature regarding Dual Process theory, bringing a legal perspective into the research regarding System 1 and System 2 processing. In society at large, this study can help shed light on the racial disparities in the criminal justice system empirically, expose the innate coerciveness of the plea-bargaining process, and contribute to the conversation on racialized violence in the U.S. prison industrial complex. Concerning this study and its participants, the level of risk is minimal. Reading and responding to hypothetical vignettes and questionnaires will not be physically or emotionally harmful to participants. Put explicitly, participants will not be exposed to any direct harm or danger. This study is designed to ensure participants' comfort by using hypothetical scenarios, and the topics discussed are not likely to cause distress.

Though the risks are minimal, this study has the potential to involve participants from vulnerable populations, such as individuals involved in the criminal justice system or those who

are sensitive to the subject of prison and incarceration. I will be using MTurk and Prolific to administer vignettes and questionnaires where anyone has the potential to participate. As a precaution, in line with the IRB, this study will begin by obtaining informed consent, ensuring anonymity and answer confidentiality, and affirming that this study is voluntary, and participants may stop at any time. After the study, each participant will be debriefed on the purpose of the study and offered resources in case of any distress.

Participants will not be asked to provide sensitive information; they will merely be asked demographic questions. However, participants will be required to consider sensitive issues related to the criminal justice system, racism, coercive techniques, and their personal experiences, which could be uncomfortable for some. These elements are necessary to understand the nuances of plea bargaining. This study will also provide resources and support for those who may experience distress and ensure confidentiality to protect participants. In addition, this study does not involve deception. Participants will be informed about the research and the purpose of the study at the end. There will be no deception regarding the study's objectives or procedures. With these potential sensitivities, participation in this study is entirely voluntary. Participants are required to provide informed consent to continue with the study, and they may withdraw at any time without issue. In addition, this study will take place online, where participants may exit out of the study at their leisure. Participant data will be collected and kept confidential, with all participant identifiers removed and the data anonymized. All that will be used are demographic characteristics (i.e., race, gender, age). Only researchers involved in the study (thesis readers, advisors, and the head researcher) will have access to the study's data. Transparency will be prioritized in every aspect of this research, from data collection and analysis to reporting results to publicizing or sharing them. This study is committed to ensuring

that the process is easily understood by readers while protecting the anonymity and privacy of participants.

With this, the benefits of this study, which include contributing to a better understanding of the criminal justice system and racial disparities concerning the coercive nature of plea-bargaining processes, outweigh the minimal risks to participants. This study is designed to be as non-intrusive and non-harmful as possible, while also being online for participants' comfort and leisure.

Data Analysis Strategy

The data analysis strategy for this study is designed to adopt a comprehensive and multifaceted approach to thoroughly investigate the influence of three critical factors on plea bargaining outcomes. These factors are legal representation, charge severity, and race, and they will be categorized into two levels for legal representation (public and private), three levels for charge severity (misdemeanor, felony without pretrial detention, felony with pretrial detention), and three levels for race (Black, Latin, and white), resulting in a 2x3x3 between-groups factorial design.

The analysis will unfold through a series of sequential steps, beginning with descriptive statistics to present a comprehensive overview of the distribution of legal representation, charge severity, and race within the dataset. Following this, multivariate analyses, including logistic regression, will be conducted to simultaneously assess the impact of legal representation, charge severity, and race on plea bargaining outcomes. This approach allows for an examination of each factor's unique contribution while controlling for the influence of others. Potential interaction effects between legal representation, charge severity, and race will also be investigated, utilizing

interaction terms introduced in regression models to assess whether the impact of one variable varies based on the levels of another.

In addition, stratified analyses will be performed to explore how relationships between variables differ within subgroups. Stratification by race, for instance, will provide insights into whether associations between legal representation and plea-bargaining outcomes vary across racial groups. Chi-square tests will also be utilized to assess the independence of categorical variables, particularly when examining associations between race and other categorical variables like legal representation and charge severity. Furthermore, ANOVA will be applied to assess differences in means across groups, providing insights into variations in continuous outcome variables, such as perceived fairness or self-efficacy, based on different levels of legal representation, charge severity, and race. If ANOVA reveals significant differences, post-hoc tests will be employed to identify specific group differences.

Specific subgroups will be explored as well to gain a nuanced understanding of disparities within and across subgroups. For example, comparing plea bargaining outcomes within each racial category based on legal representation and charge severity. By adopting these systematic data analysis strategies, this study aims to unveil nuanced relationships and disparities in plea bargaining negotiations based on legal representation, charge severity, and race. The comprehensive approach is designed to provide a robust understanding of the complex interplay between these key factors in the criminal justice system.

Anticipated Results

Hypothesis I: Black and Latin individuals are more likely to accept harsher plea bargains.

The data by Sutton (2013) reveals that Black and Latin individuals are at a higher risk of enduring pretrial detention, leading to a heightened probability of accepting a guilty plea. Sutton

calculated condition probabilities of sentence outcomes based on detention status and plea decisions, highlighting the substantial cumulative disadvantages for Black and Latin individuals once prior events are considered. The anticipated results would likely show a correlation between race/ethnicity and plea-bargaining outcomes. If the data analysis supports this hypothesis, it will imply that individuals from Black and Latin backgrounds face cumulative disadvantages, starting from pretrial detention, that increases the likelihood of accepting guilty pleas. For the purposes of Hypothesis I, the PCSCR and JPS will be administered to participants. If the PC subscale from the PCSCR indicates higher perceived coercion among Black and Latin individuals, it supports the notion that cumulative disadvantages contribute to the likelihood of accepting harsher pleas, while results from the JA subscale from the JPS scale may reveal biases in the perceptions of fairness and transparency, which may further support the hypothesis. A deep-seated belief in the cumulative disadvantage framework, as discussed by Kurlychek and Johnson (2019) and Kutateladze et al. (2014), forms the basis for this hypothesis, suggesting that Black and Latin individuals face systemic disadvantages that may lead to a greater likelihood of accepting plea bargains due to the pressures of the criminal justice system.

Hypothesis II: Misdemeanor charges increase the likelihood of accepting plea bargains.

This hypothesis suggests that the severity of charges, particularly misdemeanor charges, influences the likelihood of accepting plea bargains. The anticipated results would likely show that individuals facing misdemeanor charges, especially white defendants, are more likely to have their charges dropped or amended, leading to a higher likelihood of accepting less harsh plea deals. Berdejó's (2018) research findings show a 45.1% greater likelihood of white defendants having their top misdemeanor charges dropped or amended. This statistical difference will support the hypothesis and indicate that the severity of charges plays a role in shaping plea-

bargaining outcomes. For the purposes of Hypothesis II, the PCSCR will be administered to participants. If the PCSCR's CJSP subscale data indicates that individuals facing misdemeanor charges perceive the process less favorably, the notion that the severity of charges plays a role in shaping plea-bargaining outcomes is supported. Alschuler (2003) and Greenberg (2021) have emphasized the central role of charges in plea bargaining providing substantial evidence for the formulation of this hypothesis, predicting that the severity of charges plays a pivotal role in influencing the acceptance of plea deals.

Hypothesis III: Pretrial detention raises the likelihood of accepting a plea deal.

The hypothesis suggests that being subjected to pretrial detention significantly increases the likelihood of accepting a plea deal. The anticipated results would likely reveal a correlation between pretrial detention and a higher prevalence of guilty pleas. Various studies from different locations, as cited, would contribute to a comprehensive understanding of the impact of pretrial detention on plea bargaining outcomes. The anticipated results could involve presenting statistics from the mentioned studies, such as the 46% increase in guilty pleas attributed to pretrial detentions in Delaware (Donnolley & MacDonald, 2018). The collective data would support the hypothesis by demonstrating a consistent pattern across different jurisdictions, emphasizing the role of pretrial detention in influencing defendants to accept plea bargains. For the purposes of Hypothesis III, PCSCR will also be utilized. If the PC subscale data reveals a strong correlation between pretrial detention and higher perceptions of coercion, the hypothesis would be supported. As highlighted by Sutton (2013), extensive literature provides insights into the consequences of pretrial detention. Moreover, the Innocence Project (Coerced Pleas, n.d.) raises concerns about the potential use of pretrial detention as a threat. This hypothesis builds on the

acknowledged notion that prolonged pretrial detention may exert increased pressure on defendants, potentially influencing their decisions.

Hypothesis IV: Coercive tactics lead to greater acceptance of plea deals through System 1 processing.

The coercive nature of plea bargaining is evident in past literature, supported by numerous sources. There is emphasis on the fact that individuals in the criminal justice system, especially those with strong evidence of innocence, may be compelled to accept guilty plea deals under coercive conditions. Prosecutors have been granted such punitive tools, including pretrial detention and separation from family, which dates to the 1970s, as highlighted in various studies (Sutton, 2013; Kang-Brown & Subramanian, 2017). In addition, the lack of transparency during the plea-bargaining process, as discussed by Subramanian et al. (2020), allows prosecutors to hide evidence that could provide innocence or, at the very least, aid the defendant's claims of innocence, contributing to coercive dynamics during the plea-bargaining process. The PCSCR will be administered to the participants. If the PC subscale shows significant correlations between coercive tactics and higher perceptions of coercion, the hypothesis will be supported, alongside the CC subscale, providing additional insights into the emotional and cognitive aspects of decision-making under coercive vs. non-coercive conditions. The psychological dimensions of coercion and decision-making, as discussed by Luna (2022) and Helm (2018), form the foundation for this hypothesis. Luna's work explicitly explores coercion within negotiation contexts, while Helm delves into the cognitive theories related to plea bargaining. This hypothesis suggests that individuals subjected to coercive tactics, which trigger System 1 processing as described by Kahneman (2011), may be more likely to accept plea deals without thoroughly considering the consequences.

Scholarly Merit

This study holds significant scholarly merit as it addresses critical gaps in the current understanding of plea-bargaining outcomes within the criminal justice system. By categorizing legal representation into public and private levels, charge severity into misdemeanor, felony without pretrial detention, and felony with pretrial detention, and race into White, Black, and Latin, this research offers a nuanced exploration of the interplay among these critical factors. Systematically examining the impact of legal representation, charge severity, and race on plea bargaining outcomes through a combination of descriptive and multivariate analyses, including logistic regression and interaction effects, allows for the comprehensive investigation necessary for the subject.

What sets this study apart is its contribution to the scholarly landscape by unveiling nuanced relationships and disparities, particularly regarding the influence of legal representation, charge severity, and race on plea bargaining negotiations. Existing literature often lacks a detailed examination of these factors in conjunction, with studies frequently focusing on isolated aspects. By employing a multifaceted approach, this study aims to fill these gaps and provide a more holistic understanding of the dynamics influencing plea bargaining outcomes. To continue further, the categorization of race into three distinct levels, including Latin individuals, further expands the inclusivity of the research. This addresses the common limitation in both psychological and legal literature where Latin individuals are sometimes placed into broader racial categories, providing an opportunity to examine disparities and unique relationships within this group.

This research is particularly timely given the prevailing reliance on plea bargains and the potential ramifications on individuals' rights and the overall integrity of the justice system

(Johnson, 2023). The investment of time in this research is undoubtedly justified, considering the importance of the questions being addressed. The insights gained into coercive practices during plea bargaining have implications for the lives of individuals within the criminal justice system, especially with certain communities being targeted. By contributing to the academic understanding of these issues, this study can influence policy discussions, legal reforms, and advocacy efforts to foster a fairer and more equitable criminal justice system.

Broader Impacts

This study has the potential to provide comprehensive insights into the complex dynamics surrounding plea-bargaining negotiations in the criminal justice system. The findings of this study can inform legal practitioners, policymakers, and forensic psychologists at a local level about the coercive tactics present in plea-bargaining. Specifically, the study's multifaceted approach to investigating the influence of legal representation, charge severity, and race on plea bargaining outcomes can aid local communities in engaging in discussions surrounding criminal justice issues and potentially lead to local policy and practice changes.

Nationally, this research can contribute to the ongoing conversation about systemic issues within the criminal justice system, particularly regarding the prison industrial complex. The study's findings have the potential to influence policy discussions on a national level, leading to changes in plea-bargaining practices that enhance fairness and legitimacy in the criminal justice system. Moreover, the study's comprehensive approach can contribute significantly to the global discussion on human rights and legal standards. The findings of this study can provide insights into the coercive elements of legal systems, particularly the coercive nature of plea-bargaining, and their impact on plea-bargaining outcomes. Comparative analyses with international practices can provide a robust understanding of how different jurisdictions handle plea bargaining and

coercive tactics, or if other practices are employed, compare the effectiveness of certain global practices to US practices.

Furthermore, this study's potential implications extend beyond the legal profession. The study's findings can contribute to the global conversation on the intersection of psychology and law. Forensic psychologists and other professionals involved in the intersection of psychology and law can use the findings of this study as a reference point to inform their work. The study's comprehensive approach can inspire more analyses on this under-studied topic, providing a foundation for further research, policy recommendations, and advocacy initiatives.

This research is crucial to shed light on the often-overlooked coercive elements of plea bargaining, addressing a significant gap in the legal and psychological literature regarding plea-bargaining and racial disparities within the criminal justice system in general. Understanding coercive tactics and their impact on decision-making is crucial for promoting transparency and fairness within the criminal justice system. By uncovering these dynamics, this work contributes to the broader goal of ensuring that legal processes align with principles of justice, autonomy, and due process for all racial groups by exposing these racial disparities.

Appendix A

The Perceived Coercion, Self-Efficacy, Certainty in Conflict, and Resilience (PCSCR) Scale

Instructions: Respondents will rate each item on a Likert scale from 1 (strongly disagree) to 7 (strongly agree), providing a holistic view of their experiences.

i. Perceived Coercion (PC) Subscale:

This subscale delves into participants' perceptions of coercion, examining elements such as pressure, time for consultation, control, alternatives, comfort with decisions, belief in the plea

deal's benefits, and understanding of potential consequences. This subscale will be reverse scored, from 1 (strongly agree) to 7 (strongly disagree).

1. I felt pressured during the plea-bargaining process.
2. Sufficient time was given for me to consult with legal representatives.
3. I had a sense of control over the decisions I made.
4. Adequate alternatives were presented during the plea-bargaining process.
5. I felt comfortable with the decisions I made.
6. I believed in the benefits of the plea deal presented to me.
7. I had a clear understanding of the potential consequences of my decisions.

ii. Self-Efficacy (SE) Subscale:

Focusing on participants' self-evaluated abilities, the SE subscale explores confidence levels in understanding legal terms, making informed decisions, engaging in discussions with legal representatives, advocating for personal interests, participating in the plea-bargaining process, navigating its aftermath, and overcoming adversity.

8. I felt confident in understanding legal terms presented during the process.
9. I was capable of making informed decisions about my case.
10. I felt comfortable engaging in discussions with legal representatives.
11. I was able to advocate for my personal interests effectively.
12. I actively participated in the plea-bargaining process.
13. I felt capable of navigating the aftermath of the plea-bargaining process.

14. I believed in my ability to overcome adversity.

iii. Certainty in Conflict (CC) Subscale:

The CC subscale gauges participants' feelings of conflict or uncertainty during decision-making.

15. I experienced uncertainty during the plea-bargaining process.

16. I found it challenging to balance my desires with concerns.

17. I had confidence in predicting the future impacts of my decisions.

18. My decisions were clear during the plea-bargaining process.

19. I felt confused at times during decision-making.

20. I was certain about the potential consequences of my decisions.

21. Conflict influenced my decision-making process.

22. Uncertainty had an impact on my overall satisfaction with the process.

iv. Resilience (R) Subscale:

Assessing participants' coping mechanisms, the Resilience (R) subscale explores beliefs in personal resilience, the strengthening of resilience through the plea-bargaining process, confidence in navigating post-process challenges, belief in finding solutions, reliance on self-belief to overcome difficulties, viewing challenges as opportunities for growth, adaptability to setbacks, and possessing the resilience required to cope with stress and coercive tactics.

23. I believe in my personal resilience.

24. The plea-bargaining process strengthened my resilience.

25. I am confident in navigating challenges after the plea-bargaining process.
26. I believe in finding solutions to challenges that may arise.
27. I rely on my self-belief to overcome difficulties.
28. I view challenges as opportunities for personal growth.
29. I am adaptable to setbacks.
30. I possess the resilience required to cope with stress and coercive tactics.

Appendix B

Justice Perception Scale (JPS)

Instructions: Respondents will rate each item on a Likert scale from 1 (strongly disagree) to 7 (strongly agree), providing insights into their perceptions of fairness, transparency, respect, and access to resources during their involvement in the plea-bargaining simulation.

i. Justice Attitudes (JA) Subscale:

This subscale is designed to gauge participants' attitudes and perceptions regarding legal players and the overall fairness of the plea-bargaining process.

1. Legal players involved in the process treated me fairly.

2. I believe the plea-bargaining process was conducted fairly.
3. Legal representatives demonstrated transparency in their actions.
4. I feel respected by legal players during the plea-bargaining process.
5. The overall fairness of the plea-bargaining process is evident.
6. Legal players were considerate of my perspective.
7. I trust the fairness of legal players involved in the process.
8. The plea-bargaining process provided equal opportunities for all parties involved.

ii. Criminal Justice Experience (CJSP) Subscale:

This subscale focuses on participants' overall experiences with the plea-bargaining process.

9. The plea-bargaining process was fair.
10. Transparency was maintained throughout the process.
11. I felt respected during the plea-bargaining process.
12. Access to resources was adequate during the process.
13. Legal players considered my viewpoint in decision-making.
14. The overall fairness of the process influenced my satisfaction.
15. Resources were accessible to all parties involved.
16. Legal players demonstrated transparency in their decision-making.

References

- American Bar Association. (2023). 2023 Plea Bargain Task Force Report urges fairer, more transparent justice system. <https://www.americanbar.org/news/abanews/aba-news-archives/2023/02/plea-bargain-task-force/>
- Alschuler, A. W. (1968). The Prosecutor's Role in Plea Bargaining. *University of Chicago Law Review*, 36, 50–112.
- Alschuler, A. (1986). Personal Failure, Institutional Failure, and the Sixth Amendment. *New York University Review of Law and Social Change*.
https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2002&context=journal_articles
- Alschuler, A. W. (2003). The Defense Attorney's Role in Plea Bargaining. *University of Chicago Law Review*, 70(3), 1-74.
- Berdejó, C. (2018). Racial Disparities in Plea Bargaining. *Journal of Legal Studies*, 47(1), 1-37.
- Bibas, S. (2004). Plea Bargaining Outside the Shadow of Trial. *Harvard Law Review*, 117(4), 2463-2547.
- Blank, R. M., Dabady, M., Citro, C. F., & National Research Council (U.S.). Panel On Methods For Assessing Discrimination. (2004). Measuring racial discrimination. National Academies Press.
- Blau, P. M., & Duncan, O. D. (1967). *The American Occupational Structure*. New York: John Wiley and Sons.
- Blumberg, A. S. (1967). The Practice of Law as Confidence Game: Organizational Cooptation of a Profession. *Law & Society Review*, 1(2), 15. <https://doi.org/10.2307/3052933>
- Brown, D. (2014). The Perverse Effects of Efficiency in Criminal Process. *Virginia Law Review*,

100(183). https://www.virginialawreview.org/wp-content/uploads/2020/12/Brown_Book.pdf

Chambers Goodman, C. (2018). Shadowing the Bar: Attorneys' Own Implicit Bias. *Berkeley La Raza Law Journal*, 28(18).

<https://deliverypdf.ssrn.com/delivery.php?ID=515027005118071084103083126017094006004012017087001025006118126010071101078070116028123027038060024046098070113067124004114102010016003015051079019123083111097119055093079012089091103087068078108016119071080064095066112079093123087097091067029015100&EXT=pdf&INDEX=TRUE>

Coerced Pleas. (n.d.). *Innocence Project*. <https://innocenceproject.org/coerced-pleas/>

DiPrete, T. A., & Eirich, G. M. (2006). Cumulative Advantage as a Mechanism for Inequality: A Review of Theoretical and Empirical Developments. *Annual Review of Sociology*, 32(1), 271–297. <https://doi.org/10.1146/annurev.soc.32.061604.123127>

Digard, L., & Swavola, E. (2019). Justice Denied: The Harmful and Lasting Effects of Pretrial Detention. *Vera Institute of Justice*. <https://perma.cc/N42X-TMLK>

Donnolley, E., & MacDonald, J. (2018). The Downstream Effects of Bail and Pretrial Detention on Racial Disparities in Incarceration. *Journal of Criminal Law and Criminology*, 108(4). <https://perma.cc/M3MF-RTKV>

Dottolo, A.L., Stewart, A.J. (2008). “Don’t Ever Forget Now, You’re a Black Man in America”: Intersections of Race, Class and Gender In Encounters with the Police. *Sex Roles*, 59, 350–364. <https://doi.org/10.1007/s11199-007-9387-x>

Etienne, M. (2003a). Remorse, Responsibility and Regulating Advocacy: Making Defendants

Pays for the Sins of Their Lawyers. *University of Illinois College of Law*.

<https://deliverypdf.ssrn.com/delivery.php?ID=980119000072118068127089081073017098086002064083044031109125064111104065121007111120052004061099079120013025100021034014045037082103087113080066123092098027005013023095030006000087119103087112001005028094107022003113114095125106092031005011004&EXT=pdf&INDEX=TRUE>

Etienne, M. (2003b). The Declining Utility of the Right to Counsel in Federal Criminal Courts: An Empirical Study on the Role of Defense Attorney Advocacy Under the Sentencing Guidelines. *University of Illinois College of Law*.

<https://deliverypdf.ssrn.com/delivery.php?ID=542020096000009101124082064071066102058044031032057003066127099003012124023121023035019034021114003086080099122039061078080014116011113115122103070097105123025065076012006104020088018069120116089074026005124006124067014084089096074066031083031&EXT=pdf&INDEX=TRUE>

Friborg, O., Hjemdal, O., Rosenvinge, J. H., & Martinussen, M. (2003). A new rating scale for adult resilience: what are the central protective resources behind healthy adjustment? *International journal of methods in psychiatric research*, 12(2), 65–76.

<https://doi.org/10.1002/mpr.143>

Greenberg, E. E. (2021). Unshackling Plea Bargaining from Racial Bias. *The Journal of Criminal Law and Criminology (1973-)*, 111(1), 93–144.

<https://www.jstor.org/stable/48614102>

Gross, S., & Syverud, K. (1996). Don't Try: Civil Jury Verdicts in a System Geared to

Settlement. *UCLA L. Rev*, 44(1), 1–64.

<https://repository.law.umich.edu/cgi/viewcontent.cgi?article=2614&context=articles&httpsredir=1&referer=>

Gudjonsson, G. H. (1992). *The psychology of interrogations, confessions and testimony*. John Wiley & Sons.

Gudjonsson, G. H. (2003). *The psychology of interrogations and confessions: A handbook*. John Wiley & Sons Ltd.

Hamada, S. (2007). The psychology of false confessions and its scope. *The Japanese Journal of Cognitive Psychology*, 4(2), 133–139. <https://doi-org.ccl.idm.oclc.org/10.5265/jcogpsy.4.133>

Hannah-Jones, N. (2019, August 14). *The 1619 Project*. *The New York Times*.

<https://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html>

Hare, A. P., Kalven, H., & Zeisel, H. (1967). *The American Jury*. *American Sociological Review*, 32(4), 666. <https://doi.org/10.2307/2091057>

Harlow, C. (2000). *Defense Counsel in Criminal Cases*. Bureau of Justice Statistics; U.S. Department of Justice Office of Justice Programs.

<https://bjs.ojp.gov/content/pub/pdf/dccc.pdf>

Hermann, R., Single, E., & Boston, J. (1977). *Counsel for the Poor*.

Helm, R. K. (2018). Cognitive Theory and Plea-Bargaining. *Policy Insights from the Behavioral and Brain Sciences*, 5(2), 195–201. <https://doi.org/10.1177/2372732218786974>

Heumann, M. (1978). *Plea Bargaining: The Experiences of Prosecutors, Judges, and Defense Attorneys*. The University of Chicago Press.

<https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=2231&context=klj>

- Johnson, C. (2023, February 22). The vast majority of criminal cases end in plea bargains, a new report finds. *NPR*. <https://www.npr.org/2023/02/22/1158356619/plea-bargains-criminal-cases-justice#:~:text=In any given year%2C 98>
- Kahneman, D. (2011). *Thinking, Fast and Slow*. Farrar, Straus, and Giroux.
- Kang-Brown, J., & Subramanian, R. (2017, June). *Out of Sight: The Growth of Jails in Rural America*. Vera Institute of Justice. <https://perma.cc/34ME-RRRT>
- Kassin, S. M., & Fong, C. T. (1999). "I'm innocent!": Effects of training on judgments of truth and deception in the interrogation room. *Law and Human Behavior*, 23(5), 499–516. <https://doi.org/10.1023/A:1022330011811>
- Kelly, C. E., Miller, J. C., Redlich, A. D., & Kleinman, S. M. (2013). A taxonomy of interrogation methods. *Psychology, Public Policy, and Law*, 19(2), 165–178. <https://doi.org/10.1037/a0030310>
- Kelly, C. E., Russano, M. B., Miller, J. C., & Redlich, A. D. (2019). On the Road (to Admission): Engaging Suspects With Minimization. *Psychology, Public Policy, and Law*. Advance online publication. <http://dx.doi.org/10.1037/law0000199>
- Kurlychek, M. C., & Johnson, B. D. (2019). Cumulative Disadvantage in the American Criminal Justice System. *Annual Review of Criminology*, 2(1), 291–319. <https://doi.org/10.1146/annurev-criminol-011518-024815>
- Kutateladze, B. L., Andiloro, N. R., Johnson, B. D., & Spohn, C. C. (2014). Cumulative disadvantage: Examining racial and ethnic disparity in prosecution and sentencing. *Criminology: An Interdisciplinary Journal*, 52(3), 514–551. <https://doi.org/10.1111/1745-9125.12047>
- Leslie, E., & Pope, N. G. (2017). The Unintended Impact of Pretrial Detention on Case

- Outcomes: Evidence from New York City Arraignments. *The Journal of Law and Economics*, 60(3), 529–557. <https://doi.org/10.1086/695285>
- Luke, T. J., & Alceste, F. (2020). The mechanisms of minimization: How interrogation tactics suggest lenient sentencing through pragmatic implication. *Law and Human Behavior*, 44(4), 266–285. <https://doi.org/10.1037/lhb0000410>
- Luna, S. (2022). Defining coercion: An application in interrogation and plea negotiation contexts. *Psychology, Public Policy, and Law*, 28(2), 240–254. <https://doi.org/10.1037/law0000345>
- Maxfield, L. D., & Kramer, J. H. (1998). Substantial Assistance: An Empirical Yardstick Gauging Equity in Current Federal Policy and Practice. *U.S. Department of Justice Office of Justice Programs*. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/substantial-assistance-empirical-yardstick-gauging-equity-current>
- Merton, R. K. (1968). The Matthew effect in science. *Science*, 159(3810), 56–63.
- Merton, R. K. (1973). The Matthew effect in science. In: Storer, N.W. (Ed.), *The Sociology of Science: Theoretical and Empirical Investigations*. University of Chicago Press, Chicago, pp. 439–459.
- Newman, Benjamin. (2023). Plea Bargaining with Wrong Reasons: Coercive Plea Offers and Responding to the Wrong Kind of Reason. *Criminal Law, Philosophy*. <https://doi.org/10.1007/s11572-023-09680-w>
- Ofshe, R. (1989). Coerced confessions: The logic of seemingly irrational action. *Cultic Studies Journal*, 6(1), 1–15.
- Pager, D., & Shepherd, H. (2008). The Sociology of Discrimination: Racial Discrimination in

- Employment, Housing, Credit, and Consumer Markets. *Annual Review of Sociology*, 34(1), 181–209. <https://doi.org/10.1146/annurev.soc.33.040406.131740>
- Sacks, M., & Ackerman, A. R. (2012). Pretrial detention and guilty pleas: if they cannot afford bail they must be guilty. *Criminal Justice Studies*, 25(3), 265–278. <https://doi.org/10.1080/1478601x.2012.705536>
- Stanovich, K. E., & West, R. F. (2000). Individual differences in reasoning: implications for the rationality debate?. *The Behavioral and Brain Sciences*, 23(5), 645–726. <https://doi.org/10.1017/s0140525x00003435>
- Stevenson, M. (2018). Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes. *Journal of Law, Economics & Organization*. Retrieved from <https://deliverypdf.ssrn.com/delivery.php?ID=613115082115015000102028115023079004105010020053060007069095000069004121002097119030098123043125040056029117109012127118090087048016013022088016116096113124117090051048056016124080069010027074120102126112023006077107121015125076086126000121121097082&EXT=pdf&INDEX=TRUE>
- Subramanian, R., Digard, L., Washington II, M., & Sorage, S. (2020). *In the Shadows: A Review of the Research on Plea Bargaining*. New York: Vera Institute of Justice.
- Sutton, J. R. (2013). Structural bias in the sentencing of felony defendants. *Social Science Research*, 42(5), 1207–1221. <https://doi.org/10.1016/j.ssresearch.2013.04.003>
- Trivedi, S. (2020, January 13). Coercive Plea Bargaining Has Poisoned the Criminal Justice System. It's Time to Suck the Venom Out. *News & Commentary*. American Civil Liberties Union. Retrieved from <https://www.aclu.org/news/criminal-law->

reform/coercive-plea-bargaining-has-poisoned-the-criminal-justice-system-its-time-to-suck-the-venom-out

Vrij, A. (2006). Challenging interviewees during interviews: The potential effects on lie detection. *Psychology, Crime, & Law*, 12, 193–206.

<https://doi.org/10.1080/10683160512331331319>