

Guilty Plea Discounts

- The coalition government tried to introduce a new 50% maximum reduction in the length of convictions following an early guilty plea (currently the maximum is 33%)
- Hoping this would save money by reducing the number of cases going through court and from shorter custodial sentences
 - Cost of high security jail per inmate is now £219 a night in the UK
- This policy was scrapped due to backlash in public opinion (considered too lenient on offenders)
- Beyond that, the policy did not seem ‘well thought through’
- There is evidence pointing at innocent defendants pleading guilty as a less risky strategy than going to trial
 - Pretty terrible consequences for the concept of *justice*:
 - Everyone has got the right to a fair trial, but that right is somehow eroded when opting for a trial is a much riskier choice
 - Also generous guilt plea discounts might end up consuming more resources:
 - More people sent to custody (more people pleading guilty)
 - More people with criminal records going through the Criminal Justice System in the future (after crime seriousness, the number of previous convictions is the main factor determining the probability of conviction and the length of custodial sentences)
- It is not easy to produce robust evidence on this topic
 - Not easy to know whether the defendant was truly innocent
 - That is the key question and goes beyond a purely research methods issue, it is one of the main concerns - if not the main concern - of the Criminal Justice System
 - Miscarriages of justice can be detected when old cases are reopened following new evidence becoming available, that demonstrates the defendant’s innocence.
 - In the US 18% of known exonerees pleaded guilty to crimes they did not commit (source: Guilty Plea Problem)
- We would normally rely on natural experiments
 - The effect of more generous guilty plea discounts on detected miscarriages of justice when guilty plea legislation was modified in the past
 - When guilty plea legislation has been modified more recently in similar countries
 - Several methodological problems with any of those approaches
- So, in the absence of any robust evidence EKE could be used to inform policy, if changing guilty plea discounts is on the table

- Eliciting this knowledge from defence lawyers,
- who happen to know better than anyone whether their clients are guilty or not.
- Your first task is to estimate the proportion of innocent defendants that would plead guilty under a 50% reduction scheme
- Your second task is to estimate how the overall guilty plea rate (67% of defendants plead guilty in England and Wales in 2017) would change under a 50% reduction scheme
- Only if you have any energy left, your third task is to estimate the economic impact of increasing guilty plea reductions up to 50% in England and Wales
 - For the estimation of the economic cost consider the following
 - About 65,000 people were sent to prison in England and Wales in 2017 (source: Prison Reform Trust)
 - The most frequent custodial sentence length is roughly four years (source Statista)

Figure 1: A description of the main court processes for criminal cases

