Speaker 1:

The Missouri State Journal, a weekly program, keeping you in touch with Missouri State University.

Emily Yeap:

People in the U.S. have a constitutional right to a jury trial. Yet, more than 95% of criminal convictions result from guilty pleas rather than jury verdicts.

The bulk of these guilty pleas come from plea bargaining. This occurs when prosecutors offer reduced sentences to defendants. In return, they waive their right to a trial. I’m Emily Yeap.

How did the COVID-19 pandemic affect plea deals? A team of researchers that included Missouri State University’s [Dr. David Zimmerman](https://search.missouristate.edu/people/dzimmerman) worked to find out through an experimental study.

Zimmerman, an associate professor of [psychology](https://psychology.missouristate.edu/), joins me today to discuss the research.

Dr. David Zimmerman:

I was at a conference in March of 2020, like before COVID hit. So, I'm having a conversation with Miko Wilford, who is the first author on this study, about her new paradigm for experimentally studying plea decision making. And we just kind of got to talking and decided we’d collaborate in some form or fashion. Cut to the summer, and I had had a conversation with one of my friends that’s a prosecutor here about how COVID had been impacting proceedings in the criminal context and that was interesting to me.

I got the bright idea of doing an experimental study on this particular topic, and so I shot her an email and that got the ball rolling because she thought it was a good idea. We talked to Shi and her grad student Kelly Sutherland and put the study together very quickly. So, ran the study, did the analysis and wrote it up and got it in the special issue of Journal of Experimental Applied.

Emily Yeap:

The title of the article is [Innocence in the Shadow of COVID-19: Plea Decision Making During a Pandemic](https://news.missouristate.edu/wp-content/uploads/2021/09/Innocence-in-the-Shadow-of-COVID-19_2021.pdf).

Using a computer simulation, the researchers surveyed more than 700 adults through an online platform called Prolific Academic. Wilford, from the University of Massachusetts Lowell, developed the program with funding from the National Science Foundation.

Dr. David Zimmerman:

It’s an online delivery system and the participants would create this avatar, and then are explained how their character has been accused of theft in this particular case. And the scenario that they are presented was, “You’re stuck in jail right now. Because of a previous conviction, you can’t immediately get out,” which was a pretty typical scenario.

And then, we manipulated a couple variables. The first of which was, “Are they innocent or guilty of committing the crime?” So, some of them were innocent, some of them were guilty and that was explained in the scenario. And then the other variable was that COVID information manipulation: “There’s a COVID outbreak in the prison right now and I had clients get sick.” Basically, the sort of situation that a lot of defendants, which we uncovered in research, and this has been anecdotally going around since the beginning of the paradigm, have faced. Other people didn’t get that information, and then we looked to see whether those variables impacted the guilty plea.

Emily Yeap:

What did the study reveal?

Dr. David Zimmerman:

Indeed, which is pretty typical, guilty people were more likely to plead guilty, but the COVID information, that sort of heavy handed manipulation regarding the pandemic also had an effect, and it seems like with these other variables that we were looking at, self-reports of your decision process and so forth, ranking of factors that impacted decisions that the innocent people were a little more impacted by the COVID threat than were the guilty defendants, which was what we had hypothesized … that that kind of other stuff tertiary to the commission of the crime is going to impact the innocent people a little more than the guilty people.

It really highlights existing issues in the system, that COVID has exacerbated, in particular, pre-trial detention as this factor that can sort of coerce people, guilty or innocent, of pleading guilty because you can wait around if you can’t afford to get out, or for whatever reason you can’t get out, for trial, or with a lot of these offers you can get out immediately if you just plead guilty, and that’s going to be to any rational actor guilty or innocent, a pretty compelling offer. Add COVID to that, and the fear of getting sick, not getting proper treatment while you’re in jail waiting to go to trial, might further exacerbate this already existing problem.

Emily Yeap:

That was Dr. David Zimmerman, associate professor of psychology at Missouri State. Tune in next Tuesday for the second in a two-part series about plea bargaining.

I’m Emily Yeap for the Missouri State Journal.

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For more information, contact the Office of Strategic Communication at 417-836-6397. The Missouri State Journal is available online at ksmu.org.