

The Impact of Moral Panic on the Criminal Justice System – Implications and Challenges

Miriam Gur-Arye

This article reveals a relationship between the social phenomenon of moral panic and waves it generates in the legal system. It shows that a moral panic with regard to hit-and-run traffic offenses affected the Israeli criminal justice system during 2002-2013: courts demonized drivers who hit and ran and reacted to the panic with disproportionately harsh punishments.

agree to plead guilty not only to facts they admit truly describe their behavior, but also to facts that they maintain are false and do not truly describe their behavior. Choosing to admit to facts actually denied is a rational and pragmatic approach for defendants when they consider the risks of going to trial and the sentencing discount given to defendants who forego the criminal trial and plead guilty.

False convictions of guilty defendants have not in the past been clearly defined as part of the larger phenomenon of false convictions. Even though false convictions of guilty defendants are frequent, judicial authority continues to assert that defendants should not be allowed to plead guilty to facts that they deny. Prosecutors, defense attorneys and judges nonetheless understand that plea bargains sometimes require that defendants plead guilty to facts they deny, but the judges prefer not to inquire into this matter due to the compelling need to bring cases to resolution without the costly proceedings of a criminal trial.