

## Media, Justice, and Trial by Exposure: Risk, Reputation, and the Erosion of Innocence



In recent years, the relationship between justice and media has become increasingly strained. High-profile allegations involving public figures, professional athletes, and media personalities now unfold within an accelerated information environment where reputational damage often occurs long before any legal determination is made. While public scrutiny plays a legitimate role in accountability, the foundational principle of innocent until proven guilty has been significantly weakened by the dynamics of contemporary media exposure. This erosion is not primarily the result of individual journalists or public malice. It reflects deeper structural changes in how risk is framed, how information circulates, and how institutions respond under pressure. Understanding these dynamics is essential for individuals, families, and organisations navigating high-stakes legal and reputational risk.

## **Trial by Media and the Changing Nature of Power**

Modern justice systems do not operate in isolation from public discourse. As Garland (1996) observed, late-modern crime control is shaped as much by political vulnerability and public perception as by legal principle. Media coverage increasingly functions as an informal arena of judgement, where narratives solidify long before evidence is tested in court. From a Foucauldian perspective, this reflects a broader transformation in how power operates. Foucault (1976; 1982) demonstrated that contemporary power is exercised not only through law and punishment, but through visibility, classification, and discourse. Media exposure becomes a governing mechanism: reputations are shaped, futures constrained, and identities fixed through repetition rather than adjudication. In this context, allegation itself can acquire punitive force. Careers are paused or terminated, contracts withdrawn, relationships fractured, and identities publicly rewritten — often before charge, trial, or verdict.

## **Delay, Exposure, and the Reality of Legal Timelines**

One of the most misunderstood features of the justice process is time. Public discourse frequently assumes that allegations will be resolved swiftly. In reality, serious contested cases often involve prolonged delays. Official criminal court statistics show that in England and Wales the median time from charge to completion in the Crown Court is approximately 179 days, or around six months (Ministry of Justice, 2025a). However, this headline figure masks substantial variation. Where a not-guilty plea is entered — the category into which most defended trials fall — the median duration rises to approximately 44.7 weeks, or just over ten months (Ministry of Justice, 2025a). These figures sit within a wider structural context. As of mid-2025, the Crown Court backlog exceeds 78,000 outstanding cases, with many trials listed more than a year into the future (Institute for Government, 2025). For individuals subject to intense media scrutiny, this means living for extended periods under public suspicion without legal resolution. The gap between media immediacy and legal timescales creates a dangerous asymmetry: reputational judgement is instant, while justice is slow.

## **Risk, Reputation, and Institutional Response**

Institutions exposed to reputational risk — football clubs, broadcasters, sponsors, employers — often respond defensively. Decisions are taken rapidly to signal responsibility, distance, or moral positioning. While frequently framed as precautionary, such responses can unintentionally reinforce assumptions of guilt. Annison's (2015) analysis of penal politics and risk is instructive here. Under conditions of political and reputational vulnerability, institutions prioritise symbolic action over careful judgement. Responsibility shifts from principled decision-making to reputational containment. This is not simply a media failure; it is a governance problem. Risk management becomes performative, and procedural fairness is displaced by the optics of decisiveness.



## **Social Harm Beyond Conviction**

The social harm perspective associated with Hillyard and Tombs (2007) provides a critical lens through which to understand what is often excluded from public debate. Zemiology directs attention to harms produced by lawful, socially sanctioned practices — including prolonged exposure to suspicion, reputational collapse, and institutional abandonment.

For individuals accused but not convicted, these harms can include:

- long-term psychological distress
- loss of livelihood and professional identity
- family breakdown and intergenerational impact
- permanent digital association with allegation

These consequences occur regardless of legal outcome. Retractions, acquittals, or dropped charges rarely receive equivalent attention to initial allegations, leaving lasting damage intact.

## **Lived Experience, Depth, and Indeterminacy**

Crewe's work on the depth of punishment is highly relevant here (Crewe, 2025). Although focused on imprisonment, his analysis of indeterminacy, uncertainty, and the internalisation of power applies equally to media-driven exposure. Individuals subjected to prolonged public suspicion often describe living in a state of limbo — neither cleared nor convicted, yet unable to move forward. Inspection reports on indeterminate sentencing describe similar psychological effects: anxiety, hopelessness, and the erosion of trust in justice (Grimshaw, 2022; HM Inspectorate of Prisons, 2023). In both contexts, uncertainty itself becomes punitive. These experiences are rarely captured by legal metrics, yet they shape lives profoundly.

## **Media Platforms and Discourse Amplification**

Recent research on platform governance highlights how digital infrastructures intensify these dynamics. Studies examining changes to moderation and amplification on social media platforms show how outrage, speculation, and polarisation are structurally rewarded (Arun et al., 2024). Evidence also indicates a decline in academic and expert participation following moderation changes on X/Twitter, further narrowing the quality of public discourse (Bisbee and Munger, 2024). In such environments, nuance is disadvantaged. Assertions of innocence struggle to gain traction, while allegations circulate widely and persist indefinitely.

## **Reasserting Innocence Until Proven Guilty**

*At Exemplar Justice Advisory, the principle of innocent until proven guilty is non-negotiable.* This is not a denial of harm experienced by complainants, nor a defence of wrongdoing. It is a commitment to the foundations of justice itself.

### **Due process protects:**

- complainants, by ensuring allegations are tested rigorously
- defendants, by preventing irreversible harm without proof
- institutions, by anchoring decisions in legitimacy rather than panic
- public trust, by preserving confidence in justice systems
- When accusation becomes punishment, justice ceases to function.

## Closing Reflection

Media scrutiny plays a vital role in democratic accountability. But when exposure substitutes for adjudication, the legitimacy of justice is undermined. Risk, responsibility, and reputation must be managed with care, clarity, and ethical restraint. Upholding the presumption of innocence is not an outdated ideal. It is the condition that allows justice to remain justice — particularly in an age where visibility can punish more swiftly than any court.



## **Justice Timelines: The Reality**

### **Median time from charge to completion (Crown Court):**

~179 days ( $\approx$  6 months)

(Ministry of Justice, 2025a)

### **Median time where a not-guilty plea is entered:**

~44.7 weeks ( $\approx$  10–11 months)

(Ministry of Justice, 2025a)

### **Crown Court backlog:**

78,000+ outstanding cases

(Institute for Government, 2025)

**Public exposure is immediate.**

**Legal resolution is not.**

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