

[Press release: Is social media harming our criminal justice system?](#)

The government's [response to its Call for Evidence on the impact of social media on criminal trials](#) (PDF, 114KB, 16 pages) has revealed that social media doesn't currently pose a serious threat.

[The Call](#) asked for examples of trials being affected by social media commentary, and evidence of anonymity orders or reporting restrictions being breached via social media.

Individuals from across the criminal justice system, as well as members of the public, media organisations and academics were consulted and agreed that, although the risk has increased in recent years, social media does not yet pose a serious threat to the criminal justice system.

Commenting on the Call for Evidence, the Solicitor General, Robert Buckland QC MP said:

Every defendant in this country is entitled to a fair trial where a verdict is delivered based on the evidence heard in court.

We launched this Call for Evidence with the goal of discovering whether the legal process was at risk due to social media, and whether people working in the criminal justice system have the tools they need to manage that risk. I am pleased to say that our respondents reported that this risk is relatively minor, and that they are already confident that they can mitigate the risk where it does arise. We need to guard against any future proliferation of the threat, however.

Social media users must think before they post – the rules are the same as those for traditional media, and being found in contempt of court could result in a fine or up to two years in prison.

One area of concern was that some social media users are unaware of reporting restrictions and of what would constitute a breach of an anonymity order or contempt of court. Therefore, social media posts which are in contempt of court or which identify someone subject to an anonymity order are not uncommon. This has the potential to put trials at risk, as it could prejudice parties involved in the case, such as jurors, although cases where this has occurred have so far been rare.

To address these concerns, a new [‘Contempt of Court’ webpage on GOV.UK](#) has been launched to promote the safe use of social media by clearly and accessibly explaining the risks and implications of using social media to undermine the administration of justice.

To further mitigate the risk of juries becoming prejudiced, the Judicial Office has begun work to produce new, comprehensive guidance on contempt for jurors. However, members of the judiciary reported that they are confident that they already have access to the tools necessary to mitigate the effects of prejudicial social media posts, although there was some concern about the delay that these can cause to the trial process.

Notes to editors

1. The Call for Evidence was launched in September 2017, under the previous Attorney General Jeremy Wright QC MP.
2. The Call for Evidence requested examples of active proceedings in which social media had an impact, breaches of reporting restrictions, and other thematic concerns.
3. The Contempt of Court Act 1981 provides the framework for what can be published in order to ensure that legal proceedings are fair and that the rights of those involved in them are properly protected.