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Using Person-Centered Language to Humanize Those Impacted by the Legal System

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Brief Statement

Advocates across the United States are beginning to explore how the use of person-centered language can foster an ethos of human dignity, respect, and empathy towards individuals who have been impacted by the legal system. The purpose of this white paper is to discuss the possible harms of using dehumanizing language and provide humanizing alternatives to use instead. The use of humanizing or empathy aligned alternatives helps respect people for who they are—people first.

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The Importance of Humanizing Language

Advocates across the United States are beginning to explore how the use of people-first and identity-first language can foster an ethos of human dignity, respect, and empathy towards individuals who have been impacted by the legal system. Person-centered language focuses on the individual whereas crime-focused labels place emphasis on the deficits associated with a criminal history. In April 2016, the U.S. Department of Justice announced a policy change regarding the language used to describe persons with criminal records. Instead of crime-first language, such as “(ex-)offender,” “criminal,” or “felon,” the Department of Justice promotes the use of person-first language, such as “person with a felony conviction.”¹ Recently, officials in San Francisco (Board of Supervisors) proposed the replacement of words like “felon,” “offender,” “convict,” and “parolee” to be swapped for person-centered language instead.²

While this debate on the use of language within the legal domain is still unfolding, we examined content from multiple disciplines to illuminate the importance of using person-centered language. We also drew upon first-hand qualitative experiences of individuals who were formerly incarcerated. We asked both system-impacted individuals and advocates for their views and insights on terminology to use or avoid.

The purpose of this white paper is to discuss the possible harms of using dehumanizing language and provide humanizing alternatives to use instead. We suggest the use of humanizing language will help to close the empathy gap between persons directly impacted and the public at-large. The empathy gap refers to the cognitive bias that makes it difficult for people to understand the perspectives of those directly impacted by the legal system. Ultimately, the use of humanizing or empathy aligned alternatives helps respect people for who they are—people first.

1. Denver, M., Pickett, J. T., & Bushway, S. D. (2017). The language of stigmatization and the mark of violence: Experimental evidence on the social construction and use of criminal record stigma. *Criminology*, 55(3), 664-690.

2. <https://www.latimes.com/california/story/2019-08-22/words-like-convict-and-felon-would-be-out-in-new-san-francisco-criminal-justice-language-proposal>



Harms of Labeling and Stigma

The terms “prison” and “crime” all bring about mental images and connotations that delineate “bad people” from those who are “good.” The automatic thought process is largely framed and reinforced by many sources of unchallenged information, especially those reported by mass media. Images and language found in Internet stories, print news, and television if used in a derogatory manner, all tend to reinforce and influence public opinion. These constructed negative images of misconstrued social facts can result in lifelong punishments - thereby widening the empathy gap.

Classifying persons who have been incarcerated through crime-focused labels is common practice. However, using labels can be harmful and dehumanizing. Crime-related labels in particular carry negative connotations. There are stigmas associated with criminal labels, particularly those that are sexual or violent. Such language cues imagery related to stereotypes and prejudices common in the media. Also, reducing a person to a criminal label neglects their holistic identity. Our loved ones are more than their incarceration experiences - they are our sons, daughters, fathers, mothers, partners, siblings, and friends.

Labeling theory³ suggests individuals internalize and attach self-identity to the words, terms, and stereotypes used by others to define them. Based on the ideas of self-fulfilling prophecy, people may come to believe that they are less-than others and even begin to identify with terms such as “felons,” “criminals,” and “ex-cons.” While a person may have been to jail or prison, we argue their entire identity should not be defined by a lifelong penalty of carrying a negative label and stereotype.

The harms of labeling are well-documented in criminological, psychological, and sociological literature.⁴ The stigma associated with criminal labels may become internalized and further reinforced.⁵ Scholars suggest that formal labeling of persons who have engaged in law-breaking behavior increases risk for future delinquency or crime.⁶ Specifically, such labels can impact one’s self-perception,

3. Tannenbaum, F. (1938). *Crime and the community*. Boston, MA: Ginn and Company.

4. Broyles, L. M., Binswanger, I. A., Jenkins, J. A., Finnell, D. S., Faseru, B., Cavaola, A., Pugatch, M., & Gordon, A. J. (2014). Confronting inadvertent stigma and pejorative language in addiction scholarship: a recognition and response. *Substance Abuse*, 35(3), 217-21.

5. Coyle, M. J. (2013). *Talking criminal justice: Language and the just society*. New York: Routledge.

6. Bernburg, J. G., Krohn, M. D., & Rivera, C. J. (2006). Official labeling, criminal embeddedness, and subsequent delinquency: A longitudinal test of labeling theory. *Journal of Research in Crime and Delinquency*, 43(1), 67-88.



opportunities, and association with peers.⁷ For example, a person who thinks that they are a “felon,” unworthy of second chances, a living wage job, and good public standing may not seek out opportunities of personal advancement or may give up trying to participate in mainstream society.

Willis (2018) discusses the implications of using dehumanizing language in treatment and correctional settings.⁸ By using such terms, we are “[calling them] by what we don’t want them to be.” Focusing on one’s past behavior does little to support or promote change in future behaviors. Also, labels foster an “us versus them” culture between staff and clients. If rehabilitation is the goal of correctional systems, we must use language that supports desistance. Research suggests supportive relationships built upon trust, non-judgement, and empathy is what promotes desistance.⁹ The use of person-centered supports a strengths-based approach rather than focusing on past behaviors or deficits.

Given the harms of dehumanizing crime-focused labels, we provide humanizing alternatives in the following section, including the use of person-centered language. Such alternatives can help support desistance and reduce the stigma associated with law-breaking acts. Next, we discuss common problematic legacy terms and present more humanizing empathy aligned alternatives.

7. Lemert, E. M. (1967). *Human deviance, social problems, and social control*. Englewood Cliffs, NJ, Prentice-Hall.
- Sherman, L. W. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of Research in Crime and Delinquency*, 30, 445-473.
8. Willis, G. M. (2018). Why call someone by what we don't want them to be? The ethics of labeling in forensic/correctional psychology. *Psychology, Crime & Law*, 24, 727-743.
9. Morash, M., Kashy, D. A., Smith, S. W., & Cobbina, J. E. (2015). The effects of probation or parole agent relationship style and women offenders’ criminogenic needs on offenders’ responses to supervision interactions. *Criminal Justice and Behavior*, 42, 412-434.



A Comparison of Legacy Terms and Humanizing Alternatives

Legacy Terms

Prisoner/Inmate

Terms like “prisoner” or “inmate” carry a sense of permanency. Incarceration is an experience or an event, not a defining identity. Indeed, 95% of people who are incarcerated are eventually released.¹⁰ Even for those serving life or lengthy sentences, their experience of incarceration is not their sole identity. Also, the term “inmate” carries a negative connotation due to its association with confinement in mental health institutions.

Offender

The term “offender” perpetuates the harms associated with labeling.¹¹ As the term “offender” has a negative and fearful connotation,¹² it can be damaging to a person’s self-image and esteem. The label “sexual offender” has especially stigmatizing impacts on persons who have sexually abused others. By using such labels, one’s acts are then associated with a person’s entire identity. Bryan Stevenson, executive director of the Equal Justice Initiative, gave a TED Talk titled “We Need to Talk About an Injustice” emphasizing the importance of moving away from all-encompassing crime-focused labels:

“I’ve come to understand and to believe that each of us is more than the worst thing we’ve ever done. I believe that for every person on the planet. I think if somebody tells a lie, they’re not just a liar. I think if somebody takes something that doesn’t belong to them, they’re not just a thief. I think even if you kill someone, you’re not just a killer. And because of that there’s this basic human dignity that must be respected by law.”

10. Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry*. The Urban Institute.

11. Willis, G. M. (2018). Why call someone by what we don’t want them to be? The ethics of labeling in forensic/correctional psychology. *Psychology, Crime & Law*, 24, 727-743.

12. Lowe, G., & Willis, G. M. (2019). “Sex offender” versus “person”: The influence of labels on willingness to volunteer with people who have sexually abused. *Sexual Abuse*, Accepted 04/08/2019.

Returning Citizen

Recently, the term “returning citizen” has gained popularity as a way to describe those who are reentering society following incarceration. However, formerly incarcerated individuals have mixed responses to this terminology. First, it implies that all persons involved in the legal system were citizens to begin with. One person who was formerly incarcerated we spoke with stated, “How can I reenter a society I was never truly apart of?” As some criminological theories suggest, persons who enter the criminal justice system may do so in response to societal norms and expectations that they are unable to achieve.¹³

Second, the term “returning citizen” assumes all rights are restored after incarceration, which is certainly not the case. Those reentering their communities from prison face limitations on housing, employment, and many forms of public assistance. Further, not everyone automatically has their voting rights restored. For example, as of 2018, individuals with a felony conviction lose their rights to vote until they are released in 14 states and the District of Columbia.¹⁴ In 22 other states, there are variations of voting rights restoration ranging from paying fees and restitution before restoration to requiring a governor’s pardon. Only two states (Maine and Vermont) never impose a voting restriction.¹⁵

Justice-Involved

Some formerly incarcerated individuals prefer the term “system-involved” or “system-impacted” instead of “justice-involved.” Involvement in the legal system often stems from larger systems prior to formal sanctions. Also, some may perceive the criminal justice system as a system of “injustice” due to the distinct biases and challenges in place. This terminology was developed through dialogues facilitated in workshops at the FreeHer 2018 Conference in Tulsa, Oklahoma.¹⁶

13. Merton, R.K. (1957). *Social Theory and Social Structure*. New York: Free Press.

14. <http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>

15. <https://www.themarshallproject.org/2019/06/11/in-just-two-states-all-prisoners-can-vote-here-s-why-few-do>

16. Salisbury, E. J., Moore, J., & Bain, T. (2018). “Building bridges: Formerly justice-involved women and feminist scholars working together toward solutions.” Workshop presented at the FreeHer 2018 Conference. Tulsa, OK. Sergejev, A., & Mati, J. (2018). “Spreads for self-determination.” Workshop presented at the FreeHer 2018 Conference. Tulsa, OK.

Humanizing Alternatives

Avoid Labels Altogether

Ultimately, if we want to foster a person's desistance, and movement away from their former self, we must change the way we react and refer to them entirely. We should focus on who they are as a person, not whether they were incarcerated. Thus, it is important to avoid labels altogether when possible.

Ensure Terms are Person-Centered

When writing or discussing issues related to corrections or mass incarceration, it may be impossible for reporters, researchers, and others to avoid labels altogether. In such instances, we recommend using person-centered language. Legacy terms and empathy aligned alternatives are provided below in Table 1. If we seek to humanize our loved ones inside and returning to the community, we must use person-centered language. For example, instead of "prisoners" we can say "persons incarcerated." Instead of using terms like "violent offender," we can say "a person convicted of a violent crime." This removes the judgement and automatic association of one's crime with who they are as a person. Therefore, person-first language also serves to aid in effective rehabilitation practices.

Include Family and Children

It is important to consider the impact labels and stereotypes have upon families those incarcerated. Families are affected by the collateral consequences of losing a family member by involuntary separation. Compounding this social problem are the ways of which these families are viewed and treated. Many experience the crisis of their loved one's arrest and endure the trauma of their families separated by incarceration. The hurdles that they must overcome to maintain contact is also difficult and at times humiliating. These circumstances, coupled with addressing these families as "the convict's family," "offender's family," "prisoner's children," and other deficit-based language should be replaced by empathy aligned terms such as "families with incarcerated loved ones," "children with incarcerated parents," or "families of incarcerated persons."

Empower through Choice

We should value and utilize the perspectives of those directly impacted when considering language. It is important to ask persons directly impacted what terminology they prefer (if any). Each individual will likely have different preferences and input.



Many persons who have been involved in the criminal justice system view their experiences as important and defining life events. Persons may refer to themselves as “prison/incarceration survivors.” This terminology is acceptable if adopted by directly impacted persons themselves. Incarceration can indeed be traumatic and should be recognized as such.

Some current or formerly incarcerated persons may also refer to themselves as “convicts” or “ex-felons.” Our duty is not to abruptly correct language used by those who have been involved in the system first-hand. We, as allies and advocates, must ensure we model person-centered language to avoid perpetuating the harms of dehumanization broadly. We also can provide information underlying the rationale of using person-centered language to help educate others.

Conclusion

When possible, labels should be avoided and individuals with lived experience should be asked for their preferred terminology. Otherwise, we recommend the use of person-centered language to refer to anyone impacted by the legal system. As language evolves and shifts over time, so must our approaches and responses. Beginning to use shift our language will require deep convictions and commitment. The benefits of implementing such changes include closing the empathy gap and increasing respect for those directly impacted.

Table 1. Legacy Terms vs. Empathy-Aligned Terms¹⁷

Table 1 provides examples of ways in which legacy terms can be replaced by empathy aligned terms to promote humanization.

Legacy Terms	Empathy Aligned Terms
Felons or Ex-Felons	People convicted of a felony
Convicts or Ex-Cons	People convicted of a crime
Prisoners or Inmates	People who are incarcerated
Offenders or Ex-Offenders	People who have committed an offense or broke the law
Sexual or Violent Offenders	People convicted of sexual or violent offenses
Probationers or Parolees	People on probation or parole
Juveniles or At-Risk Youth	Youth who are system-impacted or at risk for ____ (fill in)
Addicts	People with a substance abuse disorder
Mentally ill	People diagnosed with a mental health disorder
Disenfranchised People	People without access to ____ (fill in)
Returning Citizens	People returning to the community after incarceration
Prisoners' Children/Family	Children with incarcerated parents; people with loved ones in prison

17. Adapted from “The Opportunity Agenda” Criminal Justice Reform Phrase Guide. <https://www.opportunityagenda.org/explore/resources-publications/criminal-justice-reform-phrase-guide>

Resources

Bryan Stevenson Ted Talk

https://www.ted.com/talks/bryan_stevenson_we_need_to_talk_about_an_injustice?language=en#t-64

The Marshall Project Article on “What to Call Incarcerated People”

<https://www.themarshallproject.org/2015/04/03/inmate-prisoner-other-discussed>

The Osborne Association Resources for Humanizing Language

<http://www.osborneny.org/resources/resources-for-humanizing-language/>

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