

People First: The Use and Impact of Criminal Justice Labels in Media Coverage

JUNE 22, 2021



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National Association of Hispanic Journalists
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Voice of The Experienced
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Executive Summary

Formerly incarcerated people and other advocates have long called on the media to stop using the dehumanizing jargon of the criminal justice system and commit to people first language. Many journalists have stopped using harmful terms such as “convict” or “criminal” as a result, and the broader People First movement has achieved meaningful and long-overdue shifts in how the press talks about marginalized, targeted, and oppressed people in the areas of immigration, and LGBTQ+ and disability rights, among others.

Despite this progress, the vast majority of news outlets continue to use dehumanizing labels such as “inmate,” “offender,” and “felon” in their criminal justice reporting. Even when journalists aim to shine a light on injustice or expose abuses of power, they legitimize the failing criminal justice system when they use these harmful terms to describe the subjects of their stories.

To better understand the impact and scope of these word choices, FWD.us convened an advisory council of the leaders and organizations that for more than two decades have been calling on the press to use people first language. With the support and guidance of the advisory council, FWD.us conducted original quantitative and qualitative research to document trends in how the press describes people directly impacted by the criminal justice system and the effect of their language choices on public opinion.

The findings from our study confirm that while some progress has been made, dehumanizing labels are still widely used by leading newspapers, and the use of these terms biases readers against directly impacted people and criminal justice reform.

Public opinion research conducted by Benenson Strategy Group, in partnership with FWD.us, shows that labels such as “felon,” “offender,” and “inmate” are not neutral descriptors; failing to use people first language perpetuates false and dangerous stereotypes,

artificially inflates support for mass incarceration, and dampens the impact of much-needed critiques.

In fact, respondents to two nationally representative surveys were significantly more likely to describe people in negative terms and make harmful associations – such as a person being “dangerous” – when they were exposed to dehumanizing rather than people first language. Dehumanizing language appears to give respondents permission to judge and taps into harmful cultural tropes and negative stereotypes. On the other hand, using people first language led respondents to question their biases and acknowledge that people are not fixed or defined by their past actions. This not only makes respondents more open to the opportunity for redemption or second chances, it makes them more critical of the criminal justice system and its potential for overreach.

The real-world implications of this research are stark. Respondents were exposed to mock newspaper headlines and ledes that used either dehumanizing or people first language to test the impact of the word choices being made by the media. Seventy-five percent of these mock news stories (6/8) showed significantly lower support for reform or for the people discussed in the story when dehumanizing language was used. Respondents 50 years or older, a group that is more likely to be rural, white, and conservative, were the most likely to shift their views based on the language used.

To determine how pervasive this kind of language is, FWD.us conducted a search of stories published by eight newspapers and wire services, including The New York Times, Los Angeles Times, Chicago Tribune, and the Associated Press (AP), and found more than 10,000 articles published in 2020 that included the terms “felon,” “inmate,” or “offender.” These words were also used far more frequently than people first terms such as “person with a felony conviction” or “person in prison.” For example, the term “inmate” was found

in 6,249 articles—15 times more than “person in jail,” “people in jail,” “person in prison,” or “people in prison.”

Our search shows dehumanizing labels were used on average close to twice every day in 2020 by the five major newspapers in the study compared to only once a week for people first terms. Wire services (AP National and AP State and Local) use dehumanizing terms even more often – 18 times per day in 2020 on average. Overall, the outlets in our study used harmful terms 21 times more than people first language, which only appeared in 4.5% of the stories.

Due to the work of the advisory council and other advocates across the country, FWD.us observed some positive trends as well. Between 2000 and 2020, the use of the terms “convict” or “ex-con” declined by 74% and use of the terms “offender” or “ex-offender” declined by 30%. The Associated Press used the terms “convict” or “ex-con” 78% less in 2020 than 2000, and included the phrase “person with a conviction” in twice as many stories. These data demonstrate that journalists and editors are starting to make more responsible choices but still have a long way to go.

Directly impacted people have long argued for people first language and demonstrated the ways in which dehumanizing labels make it harder for them to successfully live and thrive. This new research also shows that they entrench bias in the public and make it more difficult to advance reforms that would support, empower, and free those impacted by the criminal justice system.

The media have long played an outsized role in shaping public opinion on criminal justice issues. Sensational and racialized coverage of crime in the 1980s and 1990s contributed to the public’s harsh views on punishment and validated the punitive policies that have come to define mass incarceration in America. These new results show that even with improved coverage, journalists are still reinforcing the harmful language of the criminal justice system, even as they criticize it or lift up its failures.

In some ways, the press is even lagging behind the very systems that created these labels and deployed them for so long to strip dignity and rights from people under correctional control. In 2016, President Barack Obama’s Office of Justice Programs (OJP) circulated a memo stating that it would no longer use “offender” or “felon” and later that year the departments of correction in Pennsylvania and Washington State eliminated the use of the word “offender” in their public documents. The OJP language guidance was later revoked by President Donald Trump’s administration, reinforcing the cultural power of these words and the fragility of administrative changes.

But change is on the horizon. Recently, the Marshall Project released a series of first-person accounts from directly impacted people and activists who shared how dehumanizing labels have impacted them personally. These stories, along with input from readers and engagement with others who have experienced the harms of the criminal justice system first-hand, caused the digital news outlet to change its style guide and commit to using people first language.

The importance of these decisions cannot be overstated, and more media outlets need to abolish harmful terms from their style guides and provide clarity on more responsible language for criminal justice reporting. We are long past the point that the public understands the harms caused by the criminal justice system and supports reforms to reduce the number of people in jail or prison. The urgency that the press has shown to highlight these problems should also extend to the language they use to describe directly impacted people, contributing to the stigma that keeps them locked in jails and prisons and locked out of society.



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Foreword

To be convicted, incarcerated, and formerly incarcerated is to live with the flattening and dehumanizing labels of the criminal justice system. Words are nothing and words are everything. This report is a capstone that tops years of organizing and advocacy from so many of my peers and friends who have been pleading through reports, suggested style guides, op-eds, social media campaigns, meetings with reporters, and more for the media to stop reproducing the assumptions, logic, and language of the devastating American criminal justice system.

How the press refers to us in their news pages and nightly news reports matters more than most people realize. In 2006, formerly incarcerated leader Eddie Ellis penned “An Open Letter to Our Friends on the Question of Language,” in which he said, “If we cannot persuade you to refer to us, and think of us, as people, then all our other efforts at reform and change are seriously compromised.” This new research from FWD.us corroborates his case with unequivocal data.

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**Words are nothing
and words are
everything.**

Since Eddie’s letter, so many different individuals and organizations have driven efforts in support of “people first” language to describe those entangled in the criminal justice system: The Advancement Project, Osborne Foundation, Fortune Society, Urban Institute, Vera Institute of Justice, JustLeadershipUSA, and my own organization, Voice of the Experienced. We even succeeded in convincing the Obama Administration to issue an executive order scrubbing many of these words in grant applications and communications. And yet in the pages of my local newspaper, in questions at press conferences, and on TV news, it’s still “felon,” “convict,” “inmate,” and “offender.”

When I engage with reporters to request better language in future reporting, I am often met with arguments about word economy: that there’s no space on the page to spell out “person with a felony conviction,” but of course we know that editors and newsroom leaders find space when they need to. Our brothers and sisters in other movements have already shown that news outlets can make more responsible choices if we join together in calling out the harm they are perpetuating. On issues ranging from immigration, disability and LGBTQ+ rights, and feminism, news outlets have changed their style guides and found space on the page for descriptions of people that respect their individuality and dignity. It’s long past the time to do the same for the words used to describe people impacted by the criminal justice system.

I also sometimes hear that journalists use the jargon of the criminal justice system because this is how many people in prison refer to themselves. But when marginalized people reclaim oppressive terminology as an empowerment strategy it is not a permission structure for the privileged to do the same.

The last argument is the one I hear most often: that these “official” terms are neutral and accurate descriptions of a person’s status in the criminal justice system. We already know that people are much more than their criminal justice system involvement, and this important new research from FWD.us confirms they are not and have never been neutral descriptors. In fact, when audiences read and hear words like “felon” and “inmate” they are more afraid of, less open to, less curious about, and less supportive of people with experiences like mine and the opportunities that would make me most safe and free.

Changing the words we use will not end mass incarceration or bring about much-needed systemic changes alone. But I do believe that more responsible language choices are a part of what helps make the space for the just world we are trying to build. And we can't afford to wait any longer on that.

NORRIS HENDERSON

Founder and Executive Director, Voice of the Experienced and Voters Organized to Educate

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Introduction

There are more than 2.1 million people currently behind bars in America's jails and prisons.¹ Another 113 million adults in America have formerly or currently incarcerated family members and 1 in 3 are living with a criminal record. Extreme disparities by race exist across the system, with Black people, families, and communities absorbing the vast brunt of harm in ways that track and reinforce patterns of historical abuse, neglect, and disappearance that reach back to American slavery.

This sprawling criminal justice system comes with a specialized language all its own: misdemeanor, felon, convict, juvenile delinquent, offender, inmate, and on and on. The labels replace names and other descriptors, like woman, sister, daughter, man, husband, father, child, and person, and they define and flatten those punished through the criminal justice system to their criminal justice system contact alone. The labels are hard to shake and often follow people beyond courtrooms and prison walls. "Felon" becomes "former felon," "convict" becomes "ex-con." Many never leave the prisons and the jails they entered alive and they die as "inmates."

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So much of the logic and language that justifies the vast overreach of the American criminal justice system has been accepted and perpetuated by the media, popular culture, policymakers, and the public: that the so-called criminal justice system is "just" to begin with, that it promotes public safety or victim restoration, that it heals the harmed, is experienced fairly, that guilty pleas always signify guilt, that long prison terms make people safer. After three decades of uninterrupted and explosive growth in incarceration and criminalization, including 359% growth in the prison and jail population, Americans have recently begun the work of questioning and undermining the logic of these premises.

With that reckoning, we have also started to undo some incarceration and criminalization. The number of incarcerated people is falling. The rate of incarceration is down 17% since 2008.² Most states across the country have enacted laws and changed their enforcement practices to result in gradual reductions of their state prison and local jail populations and some have established pathways to clear criminal records. Through a handful of small sentencing reform bills and modest clemency initiatives, the federal government has started to shrink the massive Bureau of Prisons population. Perhaps more significant than these limited expansions of freedom are the much larger proportional shifts in public opinion – shifts that increasingly favor change in the administration of criminal justice over the status quo – fueled by an extraordinary proliferation of storytelling, organizing, reporting, and research bearing witness to mass incarceration and mass criminalization and building the arguments to resist and reverse it.

Media played an outsize role in creating and sustaining the criminal justice system of today, and will play an outsize role in whether and how we define our future without it. That is why incarcerated, formerly incarcerated, and convicted people have called on the media clearly and consistently for decades to abolish harmful criminal justice labels from their lexicon.

There is now more reporting on the harms of mass incarceration and the criminal justice system than ever before: new beats, whole verticals, and even entire outlets dedicated to tracking the criminal justice system. This is welcome and long overdue. But how the media pays attention – what images are used, what questions are asked, what sources relied upon, what data legitimized, and what language used – will help determine what the public sees and understands about this system and the people impacted by it.

The media has been told for years that these criminal justice system labels are harmful, including by many leaders who have been most harmed by them. For the first time, there is now research demonstrating these terms are biasing the public in favor of mass incarceration and its outcomes.



The media has been told for years that these criminal justice system labels are harmful, including by many leaders who have been most harmed by them. For the first time, there is now research demonstrating these terms are biasing the public in favor of mass incarceration and its outcomes.

This report details the long history of the movement urging the media and the public to drop harmful criminal justice labels and contributes two new pieces of important research: a large scan of media across major publications tracking and analyzing the use of these labels, and quantitative and qualitative public opinion research on whether and how these labels influence audiences.

Language choices are only one piece of the puzzle in achieving responsible criminal justice journalism. And, once achieved, good journalism and better language choices will not deliver us from mass incarceration and mass criminalization. That will require a much deeper and more expansive commitment to truth telling and transformation. But that should not be an excuse to perpetuate the harmful language that has helped enable mass incarceration and stall its undoing. This new research serves to equip media outlets, editors, journalists, and also the greater public with evidence that the language we use matters and that we can make space for more stories, better questions, less stigma, more open minds, and eventually advance better policies, if we commit to calling people, people.



The Media and Mass Incarceration

The media and news reporting plays an enormous role in shaping public policy in the United States. In the realm of criminal justice, the media played an outsized role in making crime a hot-button issue and fueling support for harsh punishments in response. Researchers have shown that punitive attitudes in the public drove more and increasingly fear-based media coverage of crime, which in turn deepened and spurred on punitive attitudes in the public throughout the 1980s and 1990s.³ Sensational and racialized coverage of crime contributed to the public's harsh views on punishment and validated the punitive policies that have come to define mass incarceration in America.⁴ These media-driven calls for punitive action pushed policymakers to expand and entrench mass incarceration.

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Over the last twenty years, this cycle has weakened, as broad public recognition of the horrors of mass incarceration has led media outlets and individual journalists to reevaluate their coverage of crime and criminal justice policy. While it's difficult to measure the extent to which sensational coverage of crime has declined as crime rates have fallen, critical coverage of the criminal justice system has expanded, and some media outlets have reflected back on their culpability and those of their peers in driving mass incarceration and the racial disparities that define it. Despite this progress, the media continues to play a role in driving public opinion either for or against criminal justice reform.

The last two decades have also seen broader recognition of the impact of language on individuals and how the media can shape the way people are treated by the public and key institutions such as the government. A new body of research has risen documenting the impact of negative labels on individuals through shame and stigma, across a number of different fields.⁵ This research has been both spurred on by and driving mass movements calling for language change on issues like disability rights, immigration, drug use, LGBTQ rights, and Black Lives Matter.

In response to these calls for language change, media organizations have shifted their style guides and usage. In the last year alone, major news outlets have taken meaningful steps to shift the way they talk about marginalized, targeted, and oppressed people. For example, The New York Times published a series calling into question their historic practice of referring to women with the "Mrs. [Husband's name]" honorific; the 2020 AP style guide committed to "person-first" language as it relates to people living with disabilities or without housing; and many outlets updated their style guides to capitalize the "b" in Black in an effort to reprioritize and center a harmed, neglected, and silenced people. The last decade also saw major wins for immigration and LGBTQ+ advocates in abolishing harmful terms from many mainstream newspaper style guides.

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Unfortunately, despite similar calls for change from people impacted by the criminal justice system (see the movement timeline below), the vast majority of reporters, editors, and news outlets continue to speak and write in the harmful jargon of the criminal justice system. Major media style guides have almost no guidance on appropriate ways to describe people in the criminal justice system, and what they do have simply defines the labels most often used by officials in the system. This would be a serious problem if only because it ignores the voices of those most stigmatized by these terms. But it also continues the harm the media has done and continues to do by reinforcing the structure and legitimacy of the current system of mass incarceration.

Recently, the Marshall Project released a series of first-person accounts from people directly impacted by the criminal justice system who shared how dehumanizing labels have impacted them personally. These stories, along with input from readers and engagement with others who have experienced the harms of the criminal justice system first-hand, caused the digital news outlet to change its style guide and commit to using people first language.

Unfortunately, the growing consensus among those who study and write about the criminal justice system every day has not spilled over to the newspapers and media outlets read each day by millions of Americans. The decision by the Marshall Project to stop using the harmful jargon of the criminal justice system is an important first step, but the movement demands and research presented in this report cry out for deeper changes at the largest publications and media institutions that are shaping public opinion in America.

“**Major media style guides have almost no guidance on appropriate ways to describe people in the criminal justice system.**”



People First Movement Timeline

Led by those directly harmed by the criminal justice system, the movement to abolish harmful criminal justice labels is many years old and has achieved many wins in that time.

2006 ○

"An Open Letter to our Friends on the Question of Language" is penned by **Eddie Ellis of the NuLeadership Policy Group**.

If we cannot persuade you to refer to us, and think of us, as people, then all our other efforts at reform and change are seriously compromised.

2007 ○

"We Are People...just like you" is released by the **NuLeadership Policy Group**.

When we are not called mad dogs, animals, predators, offenders and other derogatory terms, we are referred to as inmates, convicts, prisoners and felons. All terms devoid of humanness which identify us as "things" rather than as people.

2011 ○

Formerly Incarcerated Convicted People and Families Movement is officially founded & named with people first language.

2014 ○

Vera Institute of Justice releases "Remembering Eddie Ellis and the power of language" honoring the life and legacy of Eddie Ellis.

After winning a settlement from the City of New York **Kevin Richardson**, one of the Exonerated 5, says to the press that money can't erase the degradation and dehumanization they experienced.

"You tried to dehumanize us... but we're still here. We're strong. Nobody gave us a chance except the people that believed in us. People called us animals, a wolf pack... It still hurts me emotionally."

2015 ○

The Marshall Project releases a call for feedback on language. "Inmate. Prisoner. Other. Discussed" and a majority of respondents stated preference for people first language when referring to people behind bars.

Victoria Law and Rachel Roth respond to the language used in RH Reality Check's investigative series, "Women, Incarcerated," in a **Rewire News** op-ed, Names Do Hurt: The Case Against Using Derogatory Language to Describe People in Prison.

Building off of NuLeadership's letter, **The Advancement Project** publishes "The Social Justice Phrase Guide."

2016 ○

The Urban Institute announces a public shift in their language use in "People first: Changing the way we talk about those touched by the criminal justice system."

The Department of Justice Office of Justice Programs announced it would no longer use the words "felon" or "convict" in grant solicitations, speeches, or on its website.

The Osborne Association releases a collection of "Resources for Humanizing Language."

The New York Times Editorial Board "Labels Like 'Felon' Are an Unfair Life Sentence."

The Washington Post reports that the "Pennsylvania Dept. of Corrections will discard terms 'offender,' 'felon.'"

The Marshall Project publishes commentary on the word "felon" in "The Other F-word," wrestling with the struggle to be concise yet respectful.

On both sides of the bars, it can be tricky navigating between the obligation to be direct and clear to readers and the desire not to give gratuitous offense ... What I tell my staff is to minimize the use of labels when referring to an individual; individuals have names, and nobody should be defined solely by the worst thing he or she has done.

2017 ○

Fortune Society launches the "Words Matter" campaign, offering words to avoid and respectful words to use.

2018 ○

San Francisco Bay View, a Black publication, publishes an op-ed, "[The right words can help tear down the prison system.](#)"

President Barack Obama calls for humanizing language like "formerly incarcerated individuals" in his Harvard Law Review article, "[The President's Role in Advancing Criminal Justice Reform.](#)" This article comes just a year after meeting with groups like JustLeadershipUSA and All of Us or None.

2019 ○

The Opportunity Agenda releases their "[Criminal Justice Reform Phrase Guide.](#)"

"[Language Matters for Justice Reform](#)" - published in The Hill by **DeAnna Hoskins** calls attention to Trump's Department of Justice backsliding into using stigmatizing words in their criminal justice reform advocacy.

Underground Scholars Initiative at UC Berkeley releases the "[Language Guide for Communicating About Those Involved In The Carceral System.](#)"

Mai Fernandez, Executive Director of the National Center for Victims of Crime, writes a letter to the editor of the **LA Times**, "[How the language of justice is dehumanizing and counterproductive,](#)" since "offender" and "victim" are often false dichotomies.

"[How Dehumanizing Language Fuels Mass Incarceration](#)" is published in Common Dreams by **Erin George**, Civil Rights Campaigns Director of Citizen Action of New York, and **Ravi Mangla**, Political Education Program Manager for Citizen Action of New York.

San Francisco Board of Supervisors [removes terms](#) like "felon" and "offender" from its lexicon.

2020 ○

Los Angeles District Attorney George Gascón releases sweeping new policies to address harms of mass incarcerations and states in his [policy memo](#) that his office "will seek to avoid using dehumanizing language such as "inmate," "prisoner," "criminal," or "offender" when referencing incarcerated people."

2021 ○

Vera Institute of Justice publishes an op-ed called "[Words Matter: Don't Call People Felons, Convicts, or Inmates](#)" by Erica Bryant. The article focuses on an interview with Jerome Wright, upstate New York organizer for #HaltSolitary.

JustLeadershipUSA sends demands to the new administration including the adoption of people first language.

The Marshall Project releases "[Language Matters,](#)" a series of articles making the case for people first language and, importantly, announced they are changing their style guide to adopt people first terms.

New Research

The Media Frequently Uses Dehumanizing Terms to Describe People Impacted by the Criminal Justice System

Reporting on the criminal justice system has changed dramatically over the past twenty years. While it is still not difficult to find examples of sensationalized coverage of crime in the news today,⁶ more and more media outlets are drawing attention to the historical and present-day harm caused by America's deeply racist and costly experiment with mass incarceration.

Today there is widespread recognition of the incarceration crisis and the need for sweeping policy changes to reduce the number of people who are in jail or prison. There is still a long way to go, but press coverage of criminal justice reform is increasingly positive and most respected outlets have eschewed the fear-mongering rhetoric that defined coverage of crime and incarceration in the 1980s and 1990s.

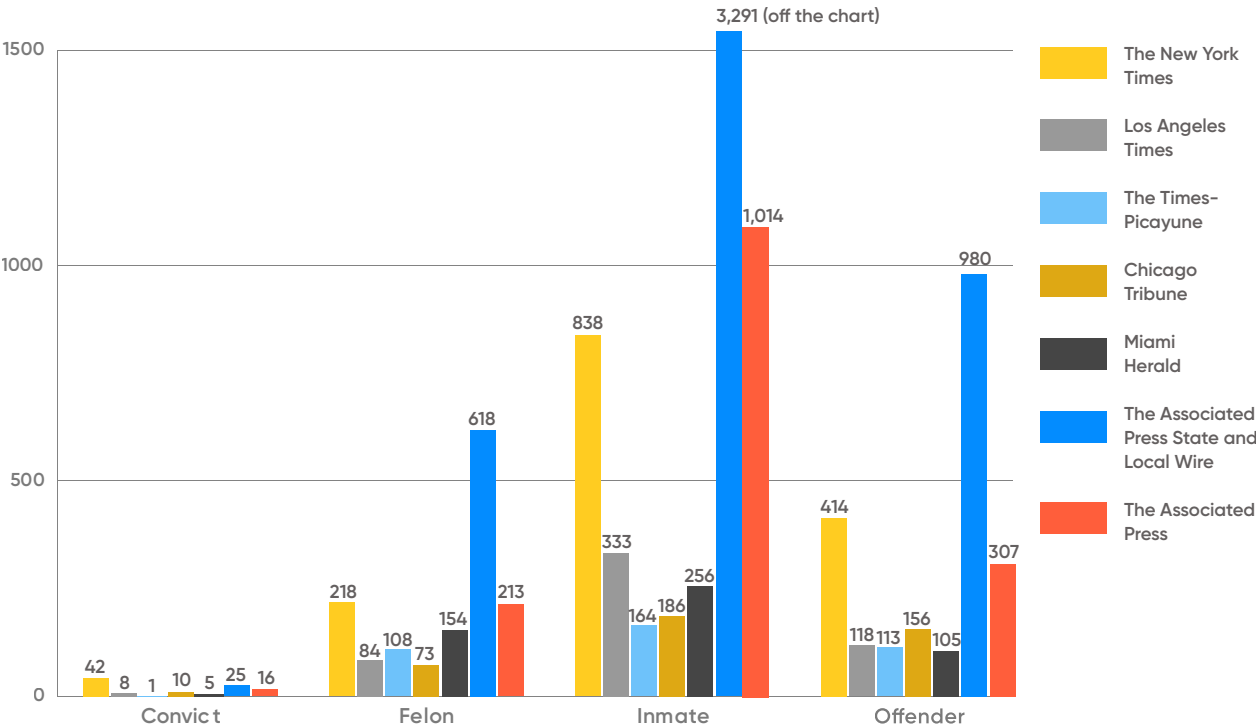
Despite this progress, every leading newspaper continues to legitimize the criminal justice system by using its dehumanizing jargon. To determine how frequently dehumanizing terms are still being

used, and how that has changed over time, FWD.us conducted a media search of stories published in the years 2000 and 2020. This search included stories published by six newspapers across the country (The New York Times, Los Angeles Times, Chicago Tribune, Miami Herald, The New Orleans Times-Picayune, and New York Post) as well as the local, state, and national Associated Press (AP) wire services. Using Lexis-Nexis, FWD.us researchers searched for commonly used terms such as "convict," "offender," "inmate," and "felon," as well as people first language such as "person in jail," "person in prison," and "person with a felony conviction." See the Methodology section for more details on the search terms and filters used.

Our analysis found more than 10,000 articles published in 2020 that include the terms "felon," "inmate," or "offender." These terms were used twice per day on average in the five major newspapers alone. The AP wire services used these dehumanizing terms even more often — 18 times per day on average in 2020.

FIGURE 1: MAJOR NEWSPAPERS AND WIRES FREQUENTLY USE CRIMINAL JUSTICE LABELS

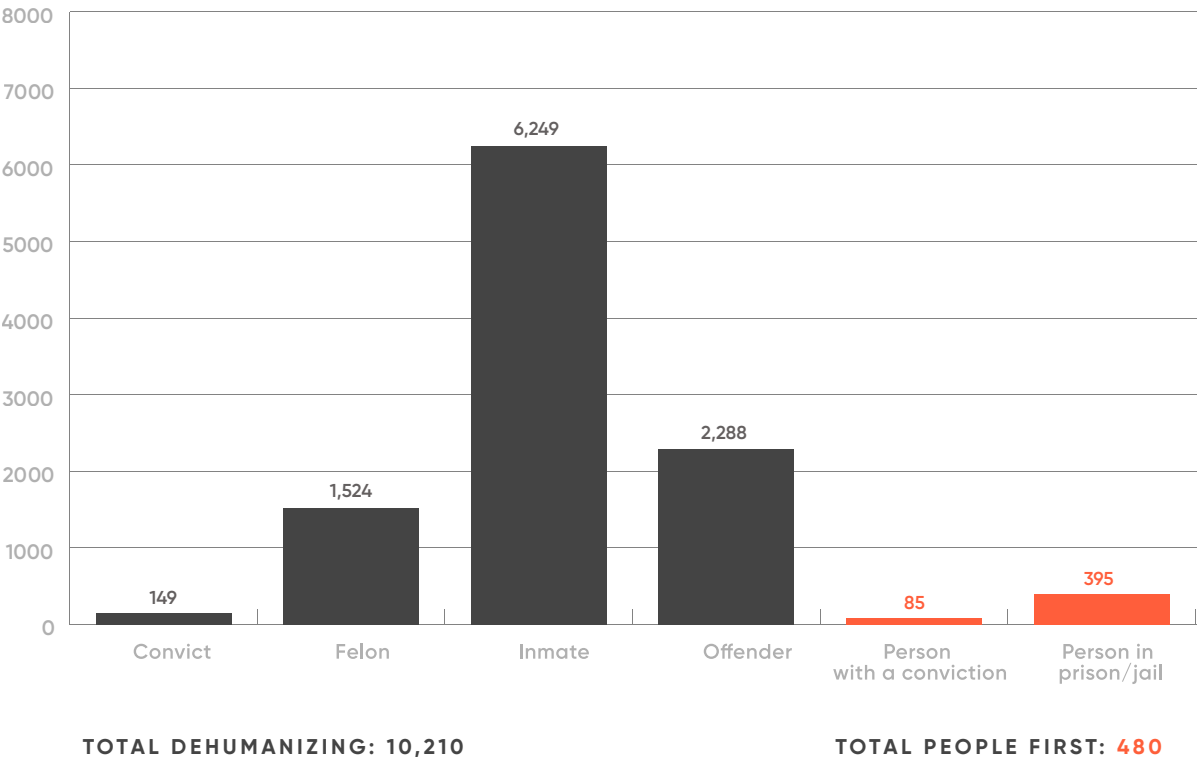
Use of Criminal Justice Labels by Outlet, 2020



By contrast, there were only 480 articles using people first language to describe the subjects of the story published in 2020, about one per week in the major newspapers. For example, the term “inmate” was found in 6,249 articles – 15 times more than “person in jail,” “people in jail,” “person in prison,” or “people in prison.” Overall, the outlets in the study used dehumanizing labels 21 times more often than people first alternatives, which were only used 4.5% of the time.

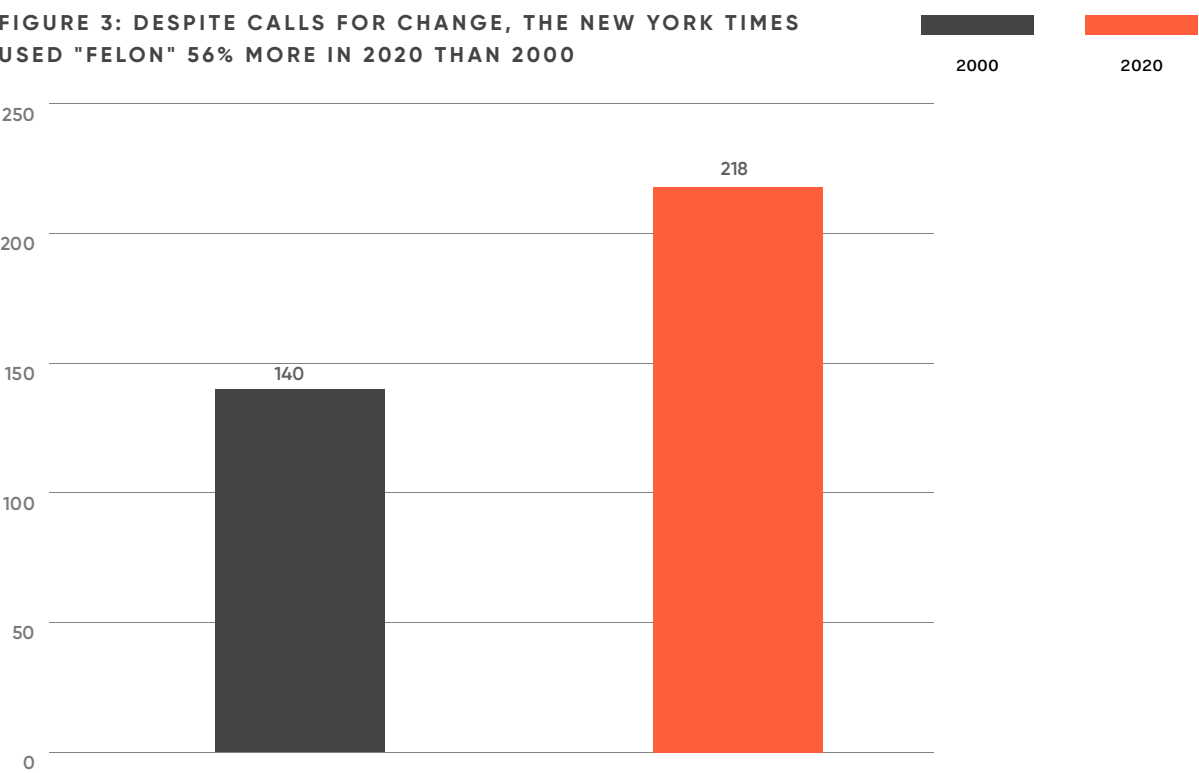
FIGURE 2: CRIMINAL JUSTICE LABELS USED FAR MORE OFTEN THAN PEOPLE FIRST LANGUAGE

Total Use in Newspapers and Wires, 2020



For every story using **people first language**,
there are 21 using the terms "inmate" "offender"
"felon" and "convict."

This disproportionate use of dehumanizing language persists even when outlets identify the harm caused by criminal justice jargon and profess a desire to make more responsible language choices. In 2016, The New York Times published an editorial likening labels such as “felon” to a life sentence that permanently “define people by the worst moment of their lives.” Despite this powerful sentiment, FWD.us found 218 examples of the newspaper using the term in 2020, an increase of 56% from 2000.



Many of the criminal justice stories published in 2020 focused on the impact of the COVID-19 pandemic in jails and prisons, and the deadly consequences for incarcerated people and their families. People trapped in prisons during the pandemic have been subjected to cruel and inhumane conditions defined by social isolation, gross indifference to public health measures that could have slowed the spread of the virus, and unconstitutionally poor medical care. As a result, people in prison have been 3.7 times as likely as people in the community to contract COVID-19 and twice as likely to die from the virus.⁷

The newspapers we studied often highlighted the profoundly inadequate response from policymakers and corrections officials and told heart wrenching stories of families devastated by fear and grief, yet they almost uniformly used the dehumanizing jargon of the criminal justice system to describe the people who were suffering. FWD.us reviewed almost 1,000 articles written in 2020 that covered the COVID-19 pandemic using dehumanizing criminal justice jargon in our key newspapers. Of these, one out of three contained sympathetic coverage of people suffering and trapped in the system. Interestingly, 15% of the articles reviewed used both dehumanizing and people first language in the same article, showing that people first language is already being used by journalists.

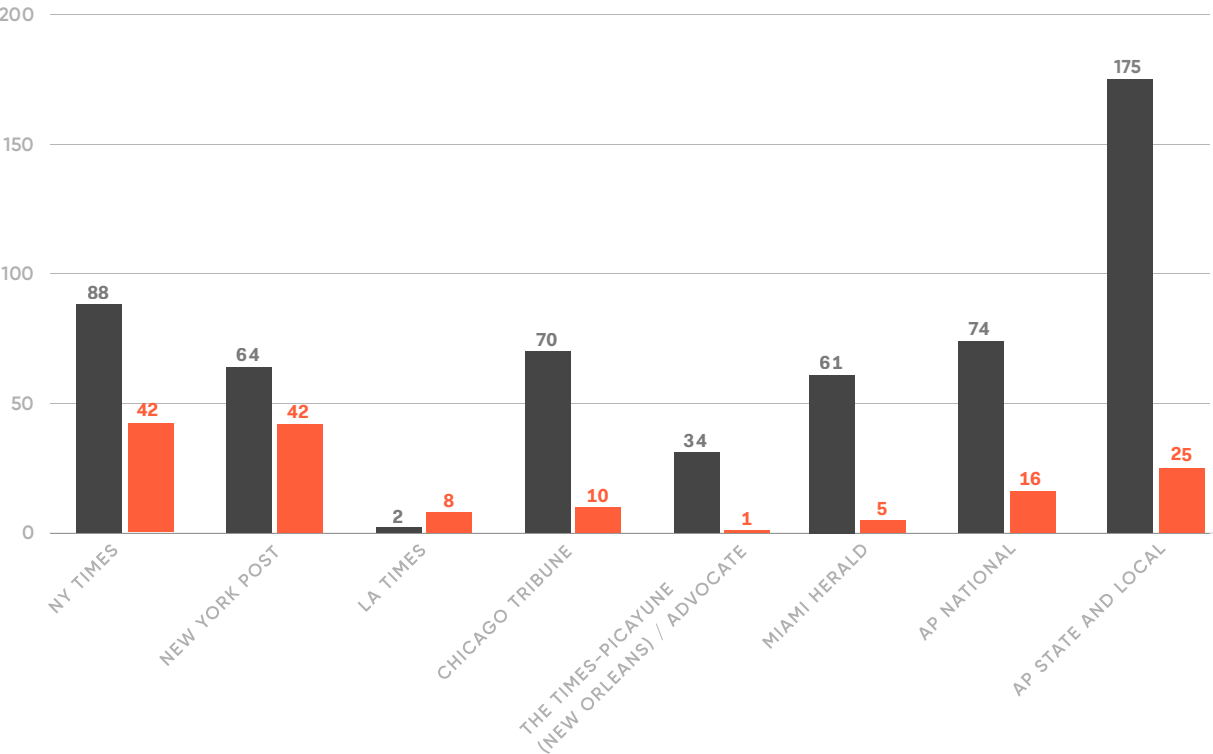
In fact, our analysis also demonstrates that reporting has evolved and more responsible choices are being made in some contexts. Between 2000 and 2020, the use of the terms “convict,” “ex-convict,” or “ex-con”

declined by 74% and the use of the terms “offender” or “ex-offender” declined by 30%. The AP was a leader in this regard, using the “convict” terms 78% less in 2020 than 2000. The AP also included some version of the phrase “person with a conviction” in twice as many stories in 2020 as in 2000. These positive steps appear to be the result of individual reporter decisions, since “convict” (noun) is not included in the AP Style Guide and there is no guidance on whether or not it should be used.

And there is still a long way to go. The New York Times used the term “convict” significantly more than other major papers; more than four times as frequently as the next closest major newspaper. To put this in perspective, we also examined the use of this dehumanizing term by the New York Post, a paper known for its sensational coverage of crime and punitive views on criminal justice policy, and found that they used the term exactly the same number of times as The New York Times in 2020.

FIGURE 4: USE OF "CONVICT" HAS DECLINED BUT NOT DISAPPEARED

Use of “Convict” or “Ex-Con” by Outlet, 2000 vs 2020



Language is constantly evolving, and our data show that media outlets are still far from discarding the dehumanizing jargon of the criminal justice system and committing to people first language – including in their descriptions of the people who have become entangled with the system due to deep, systemic racism and historical targeting of their communities. The next section of the report demonstrates that this is more than semantics, and shows how these choices are biasing readers against directly impacted people and criminal justice reform.



A dark, grayscale background image showing a hand holding a thick stack of papers or documents. The hand is positioned on the right side, with fingers visible, gripping the edges of the papers. The papers are stacked and slightly fanned out, showing multiple layers. The overall tone is somber and professional.

New Research

Criminal Justice Labels Bias Public Opinion Against People and Policy Change

Language is one of the human activities most naturally susceptible to constant transformation — our choices to use specific words evolve over time as we learn, as we change our thinking, and as we respond to an expanded understanding of the world around us. This is true both for the use of everyday language, as well as more formal applications of word choice and terminology — such as the language that news organizations use in their coverage of any particular issue. In the absence of guidance on criminal justice terminology in major style guides, many reporters do their best to use objective, neutral language to describe people impacted by the criminal justice system. They may see terms such as “felon,” “juvenile delinquent,” “inmate,” and “habitual offender” as stark, legal descriptions of a person’s history or status.

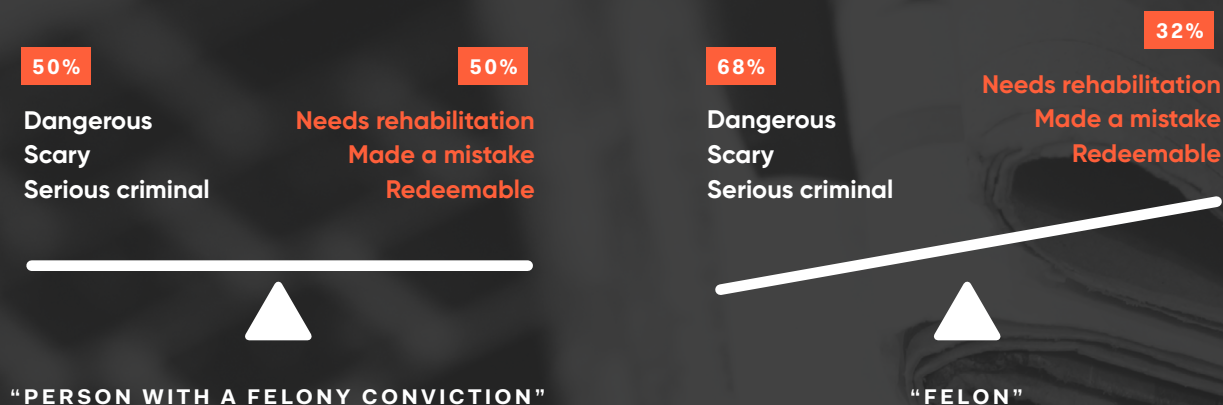
We set out to test whether that assumption is correct, using public opinion polling to understand how, if at all, these words affect Americans’ views of people caught up in the criminal justice system, and support or lack of support for changing that system. Our research shows that labels such as “felon,” “offender,” and “inmate” are not neutral descriptors; failing to use people first language in media coverage perpetuates false and dangerous stereotypes and artificially inflates support for mass incarceration.

In partnership with Benenson Strategy Group (BSG), FWD.us conducted qualitative and quantitative research to measure how the media’s use of dehumanizing criminal justice jargon influences the public’s views on directly impacted people and affects their support for criminal justice reform. BSG conducted two nationally representative surveys, both of which had samples with a control group, which received all questions using dehumanizing labels such as “felon(s)” “criminal(s)” “inmate(s)” or “offender(s),” and an experiment group, which received the same questions using people first language such as “person with a felony conviction” or “people in prison.”

Throughout these tests, respondents experienced people first language as significantly more neutral than the labels commonly used by the criminal justice system. For example, respondents’ associations with the term “person with a felony conviction” were evenly split 50-50 between neutral/positive terms (“Needs rehabilitation” “Made a mistake” “Redeemable”) and negative terms (“Dangerous” “Scary” “Serious criminal”). “Felon” on the other hand elicited a strongly negative response, with 68% of respondents choosing one of the negative terms, versus only 32% choosing a neutral or positive term.

Survey Respondents Experienced People First Language as **Significantly More Neutral** Than the Labels Commonly Used by the Criminal Justice System

WHICH OF THE FOLLOWING DO YOU MOST ASSOCIATE WITH THE TERM FELON / PERSON WITH A FELONY CONVICTION?



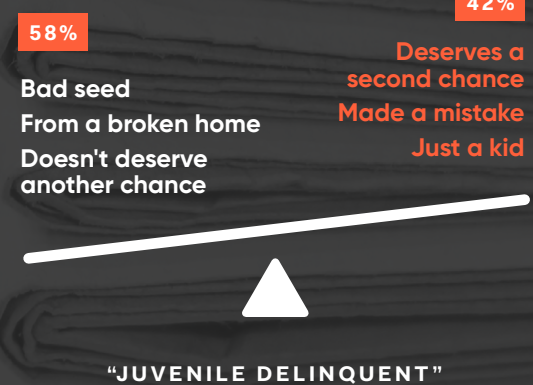
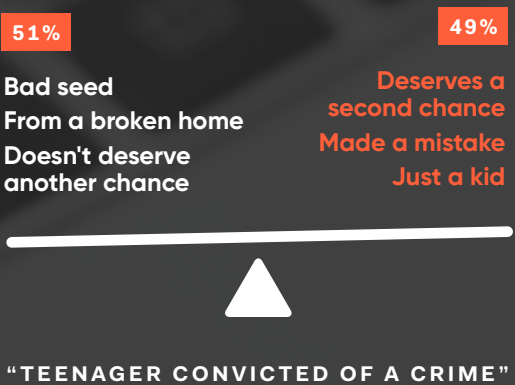
WHICH OF THE FOLLOWING DO YOU MOST ASSOCIATE WITH THE TERM HABITUAL OFFENDER / PERSON WITH PRIOR CONVICTIONS?



WHICH OF THE FOLLOWING DO YOU MOST ASSOCIATE WITH THE TERM CRIMINAL / PERSON CONVICTED OF A CRIME?



WHICH OF THE FOLLOWING DO YOU MOST ASSOCIATE WITH THE TERM JUVENILE DELINQUENT / TEENAGER CONVICTED OF A CRIME?



Even in instances where respondents still had overall negative associations with the people first version of the term, the criminal justice label drove much more negative responses. Seventy-seven percent of respondents associated "habitual offender" with negative terms ("repeat criminal" "doesn't deserve another chance" "dangerous") compared to only 23% who associated the phrase with positive or neutral words ("not necessarily a bad person" "needs rehabilitation" "redeemable"), a gap of 54 points. Using people first language narrowed this gap by 40 points, with 57% of people associating "person with a prior conviction" with negative words and 43% associating the term with neutral or positive words, a spread of 14 points.

The phrase "juvenile delinquent" was less biasing than the above examples, but still led to a 16 point negative lean in responses, with 58% of respondents associating it with a negative term ("from a broken home" "bad seed" "doesn't deserve another chance") versus 42% choosing a neutral or positive term ("deserves a second chance" "made a mistake" "just a kid"). Still, people first language, in this case "teenager convicted of a crime," swung respondents 14 points to only a 2 point gap between negative and neutral/positive responses.

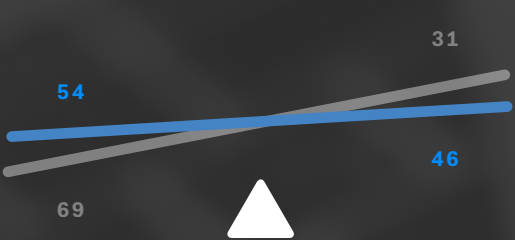
Respondents 50 years old or older were the most likely to be biased by these terms, with even more extremely negative associations with words like "felon" and "criminal," which swung back to neutral or evenly split when people first language was used. For instance, 79% of respondents 50+ associated a negative word with "felon" (compared to 68% of all respondents), but when people first language was used those negative associations fell to 54% for respondents 50+ and 50% overall.

Bias is Stronger Among People 50 and Older

WHICH OF THE FOLLOWING DO YOU MOST ASSOCIATE WITH THE TERM CRIMINAL / PERSON CONVICTED OF A CRIME?

Dangerous
Scary
Serious criminal

Made a mistake
Deserves a second chance
Need rehabilitation



AMONG TOTAL

Dangerous
Scary
Serious criminal

Made a mistake
Deserves a second chance
Need rehabilitation



AMONG 50+

■ "PERSON CONVICTED OF A CRIME"

■ "CRIMINAL"

WHICH OF THE FOLLOWING DO YOU MOST ASSOCIATE WITH THE TERM FELON / PERSON WITH A FELONY CONVICTION?

Dangerous
Scary
Serious criminal

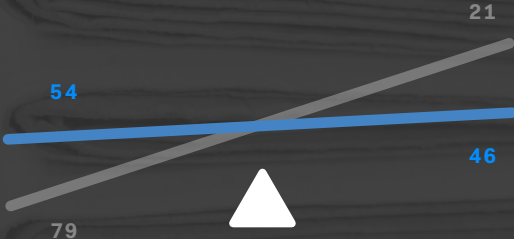
Needs rehabilitation
Made a mistake
Redeemable



AMONG TOTAL

Dangerous
Scary
Serious criminal

Made a mistake
Deserves a second chance
Need rehabilitation



AMONG 50+

■ "PERSON WITH A FELONY CONVICTION"

■ "FELON"

These same patterns were observed when respondents were asked broad, open-ended questions such as “When you hear the word ‘felon’ what comes to mind? What images, words, phrases or ideas would you use to describe that person? Please choose a few and explain why you chose those words.” These tests showed that criminal justice labels, even those that might be viewed by some as simply descriptive, evoke strong negative bias in the public.

Comparing these open-ended responses to the same question asked about people first terms such as “person with a felony conviction” elicited starkly different responses. In these responses, which were analyzed by BSG, dehumanizing language appeared to give respondents permission to judge, tapped into pre-existing biases and assumptions about people, and led respondents to view individuals as fixed or defined by their past actions. People first language instead led respondents to question their biases, focus on the possibility of redemption and second chances, and acknowledge that the past does not determine the future.

TABLE 1: FINDINGS FROM OPEN ENDS

USING TERMS LIKE “FELON,” “HABITUAL OFFENDER,” “EX-CON” ...	USING PEOPLE FIRST LANGUAGE...
Gives people permission to judge	Gives people space to question their biases
Leads to assumptions about inherent flaws in the character of the individual	Leads to focus on the values of redemption and second chances
Assumes people don’t change	Assumes that past behavior doesn’t determine a person’s future
Considers a person permanently defined by their past acts	Considers the person as more than just their past acts
Implies person should not be trusted and approached with caution	Implies person may be trying to make amends for their mistakes

When asked about the word “felon” for instance, people talked about the expectation that they had committed a very serious crime: “Pedophilia. Robbery. Violence. Car Jacking. Murder. Violation.” “A person who has committed a heinous crime.” “... someone who committed a violent crime or repeated crimes...word with murderers, gang members or organized crime...” Respondents also brought up unrelated ideas, like that a “felon” would be “a liar” or “not trustworthy.” “Person with a felony conviction” on the other hand led to many fewer conclusions, and many more questions, about what that person would be like and what they might have done: “That label doesn’t let you know the individual circumstances of that person.” “Depends on what the crime was, each is different.” “I would say that person has made some egregious mistakes but is redeemable.”

These themes echoed throughout the responses, with people first language allowing respondents to look beyond stereotypes or biases to ask more questions, whereas labels typically used by the criminal justice system and the news media triggered strong and set ideas about people. The real world implications of these negative associations have significant consequences for directly impacted people. One of the only prior studies to test the impact of criminal justice jargon against people first language found that dehumanizing labels increased perceived recidivism risks and support for denying job opportunities to people convicted of a violent crime.⁸

Open-ended Responses Were Starkly Different to Criminal Justice Labels vs People First Language

Felon

- The word felon initially **conjures up a hardened criminal**, someone who committed a violent crime or repeated crimes...word with murderers, gang members or organized crime, or those who do not learn from their mistakes and repeat them or make other mistakes.
- **Pedophilia. Robbery. Violence. Car Jacking. Murder. Violation.**
- I choose them because all are serious actions against the law.
- A person who has committed a **heinous crime**.
- I would be afraid of this person. **Liar**. Will not tell the truth.
- A really bad person that did a really bad thing

Person with a felony conviction

- I think of someone who has made a serious mistake. **That label doesn't let you know the individual circumstances of that person**. It does not have a good connotation but **felonies vary in the severity** and if the person could be a repeat offender etc.
- I would say that person has made some egregious mistakes but is **redeemable**. I think **it's important to try and make all citizen productive members of society**.
- You wondered what the person has done and if they have repented for their actions that they committed. **Everyone deserves a second chance in life; if they are willing to show that have changed**.

Ex-con

- I think of a bad person, someone who is selfish and has no respect for the law or law-abiding citizens. I think of someone who has no integrity, **someone who shouldn't be trusted.**
- Someone that committed a **violent crime** and has been released either early or has served the entire sentence.
- Ex-con tells me the person has committed a crime but has served his sentence. The person should be given **limited opportunities with caution** until it is clear they are no longer a threat to society.

Habitual offender

- To me it means someone who committed a **very serious crime** more than once.
- **Horrible, bad, dirty, depraved,** because they threaten the physical, emotional and mental health of the person they hurt.
- **Obviously will never learn** their lesson & will continue to do wrong.
- They are **disgusting.**

Juvenile delinquent

- **A bad person that [doesn't] care about themselves or anyone else** and they deserve the punishment they're getting.
- What come to my mind is a child with very little supervision. **Because of a single parent home or a dysfunctional home.**
- Someone under 18 who has broken the law more than once. **Someone who has a habit of breaking laws** and shows no signs of changing for the better.

Formerly incarcerated person

- Most of time it lends to a negative connotation, **but this is not fair as often people are either wrongly convicted, given too harsh of sentence, and not given proper legal representation.** So we cannot judge in that word alone without knowing the facts.
- A person that has been in jail or prison, **that did something wrong, hopefully rehabilitate and trying to do better.**
- They made a mistake and paid for it. **Everyone does.**

Person with prior convictions

- I think of **someone who may not have had adequate support after a first conviction and was not able to change** their life.
- **I try to understand their motivation.**
- I think of the word '**hope**' because I believe in a higher power and anyone who does believe that should be willing to acknowledge that **society may have failed them**, but the higher power will not fail them.
- Mistakes, remorseful, people are inherently good. I believe that **people have the ability to change or shift.**

Teenager convicted of a crime

- A misguided kid who is **trying to learn from their mistakes.**
- I think about his condition, his education and his surroundings. **Teenage crime is one of the mistakes of adolescence.** When I hear about them their teenage face comes into my mind. We should **help them.**

When Tested in a Real-World Media Context, Criminal Justice Labels Biased Respondents Against Reform

The bias identified when asking about criminal justice labels directly persists when terms like “offenders” “criminals” “inmates” and “felons” are used in news headlines and stories.

We tested eight mock news stories with topics ranging from voting rights for people with felony convictions, to shortening sentences for people with prior convictions, to early prison releases due to the COVID-19 pandemic. These stories were selected and amalgamated from real stories that ran in news media in the recent past. For each story, we created two versions: one using the more common dehumanizing labels that showed bias in our direct tests, and a second using people first language.

Seventy-five percent of the mock news stories (6/8) we tested showed significantly lower public support for reform or individuals impacted by the system when dehumanizing terms were used. In other words, these words not only bring to mind negative stereotypes and judgments when people hear them, but those stereotypes affect readers of real news stories and their opinions on the types of criminal justice reforms and subjects described in those stories.

One mock news story, from an online newspaper in Alabama, reported on a bill to shorten sentences for either “habitual offenders” or “people with prior convictions.” When people first language was used to describe this policy, reactions were relatively neutral: 54% of respondents had a negative reaction, and 46% had a positive reaction, an eight point difference. When the language was changed to “habitual offender” however, the gap between negative and positive reactions grew to 18 points, a 10 point swing in

opinion based only on the difference in language used to describe people impacted by this policy change. A follow-up question on whether long sentences were effective or not for this population led to an even larger swing in opinion based on the language used, from a 10 point lean toward the more punitive attitude to a 28 point lean, or an overall 18 point swing in public opinion toward punitiveness if people are described as “habitual offenders” instead of “people with prior convictions.”

Similar changes were observed in a story about sealing the records of “violent offenders” or “people with violent convictions,” a story related to treatment for “drug offenders” or “people convicted of drug crimes,” a story about releasing “inmates” or “people in prison” early in response to the COVID-19 crisis, a story about “felons” or “people with felony convictions” being allowed to vote, and a story about “sex offenders” or “people convicted of sex offenses” receiving help from shelters and service providers. In all these cases using criminal justice labels made audiences respond more harshly to the story or take a more punitive attitude towards the group in a follow-up question.

Survey Responses to Mock News Stories Show Effect of Language Bias

VIOLENT OFFENDERS VS. PEOPLE CONVICTED OF VIOLENT OFFENSES



ABC News @ABC · 6h

Court Rules Some Violent Offenders Can Now Apply to Have Their Records Sealed
abcn.ws/3fSa2lg



ABC News @ABC · 6h

Court Rules Some People Convicted of Violent Offenses Can Now Apply to Have Their Records Sealed
abcn.ws/3fSa2lg

IS YOUR REACTION TO THIS RULING ALLOWING SOME VIOLENT OFFENDERS / PEOPLE TO HAVE THEIR RECORDS SEALED GENERALLY POSITIVE OR NEGATIVE?

12 PT TOTAL SWING



VIOLENT OFFENDERS



PEOPLE CONVICTED OF VIOLENT OFFENSES

POSITIVE
NEGATIVE

HABITUAL OFFENDERS VS. PEOPLE WHO HAVE PRIOR CONVICTIONS



AL.com @aldotcom · Mar 25

Bill could lead to shorter sentences for some habitual offenders
trib.al/GAgwzGQ



AL.com @aldotcom · Mar 25

Bill could lead to shorter sentences for some people with prior convictions
trib.al/GAgwzGQ



IS YOUR INITIAL REACTION TO THIS POLICY OF SHORTER SENTENCES FOR HABITUAL OFFENDERS / PEOPLE WHO HAVE PRIOR CONVICTIONS GENERALLY POSITIVE OR NEGATIVE?

10 PT TOTAL SWING



HABITUAL OFFENDERS



PEOPLE WITH PRIOR CONVICTIONS

POSITIVE
NEGATIVE

DRUG OFFENDERS VS. PEOPLE CONVICTED OF LOW-LEVEL DRUG OFFENSES



NATIONAL

New Recovery Court program offers drug offenders treatment instead of jail

MARCH 31, 2021, 12:57 PM



NATIONAL

New Recovery Court program offers people convicted of low-level drug offenses treatment instead of jail

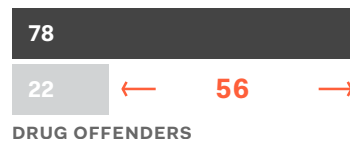
MARCH 31, 2021, 12:57 PM

WHICH OF THE FOLLOWING COMES CLOSER TO YOUR VIEW?

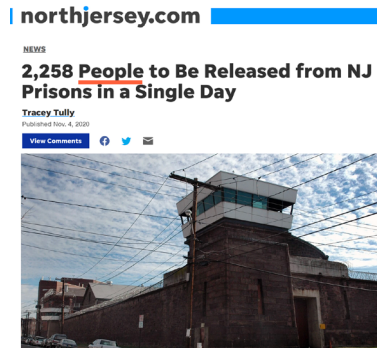
POSITIVE: We send too many drug offenders/people to prison for low-level drug offenses when what the offenders/they really need is access to treatment for addiction issues.

NEGATIVE: Drug offenders/People who have committed even low-level drug offenses cause great harm to the community, especially to young people, and they need to be locked up.

10 PT TOTAL SWING

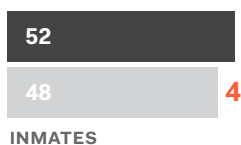


INMATES VS. PEOPLE⁹



USING A SCALE FROM 1 TO 7, WHERE 1 MEANS VERY NEGATIVE AND 7 MEANS VERY POSITIVE, WHAT IS YOUR INITIAL REACTION TO THIS STORY?

8 PT TOTAL SWING

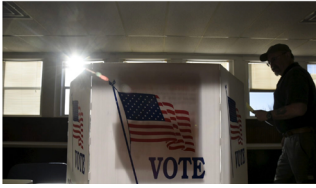


FELONS VS. PEOPLE WITH FELONY CONVICTIONS¹⁰

Minnesota's convicted felons allowed to vote from prison for 1st time next year

Convicted felons in Minnesota will be eligible to vote for the first time under a new law passed by the state legislature.

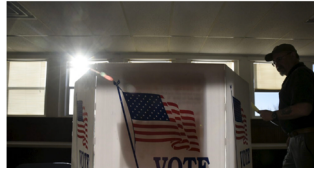
By Jan Haworth
April 6, 2021, 7:29 AM - 8 min read



People with felony convictions in Minnesota allowed to vote from prison for 1st time next year

People with felony convictions in Minnesota will be eligible to vote for the first time under a new law passed by the state legislature.

By Jan Haworth
April 6, 2021, 7:29 AM - 8 min read



WHICH OF THE FOLLOWING COMES CLOSER TO YOUR VIEW?

POSITIVE: Every citizen of America should be guaranteed the right to vote, even convicted felons/people with felony convictions.

NEGATIVE: Convicted felons/People with felony convictions have to pay a price for their crimes and part of that is losing the right to vote.

8 PT TOTAL SWING

51

49

2

FELONS

55

45

←10→

PEOPLE WITH FELONY CONVICTIONS

■ POSITIVE

■ NEGATIVE

SEX OFFENDERS VS. PEOPLE WITH SEX OFFENSE CONVICTIONS¹¹

NEWS

Sex offenders living at a popular Huntsville homeless camp find it difficult to relocate



NEWS

People with sex offense convictions living at a popular Huntsville homeless camp find it difficult to relocate



WHICH OF THE FOLLOWING COMES CLOSER TO YOUR VIEW?

POSITIVE: Sex offenders/People convicted of a sex offense should be allowed to move into a community with some restrictions and create a second chance for themselves without the added stigma of their past behavior.

NEGATIVE: Sex offenders/People convicted of a sex offense do not deserve any benefit of the doubt as they reenter society. We should implement the strictest guidelines enforceable so that they don't harm their community again.

8 PT TOTAL SWING

43

← 14 →

57

SEX OFFENDERS

47

6

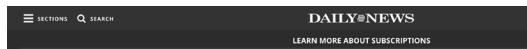
53

PEOPLE WITH SEX OFFENSE CONVICTIONS

■ POSITIVE

■ NEGATIVE

DEFENDANTS VS. PEOPLE CHARGED WITH CRIMES

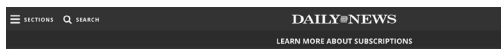


New York eliminates cash bail for most defendants

By SHANT SHARRIGAN
NEW YORK DAILY NEWS | APR 06, 2021 AT 9:00 AM

If you're charged with a crime in New York state next year, your odds of spending a night in jail just went down. New York becomes the third state to stop using cash bail to get defendants to return to court.

Advocates say that we should not let poor defendants languish in jail because they are unable to pay bail, but New York District Attorneys oppose the reforms saying that bail is needed to ensure people show up to their court dates.



New York eliminates cash bail for most people accused of a crime

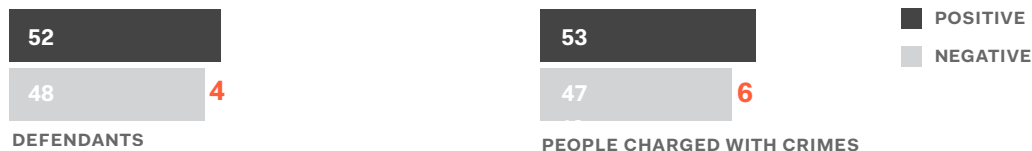
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Advocates say that we should not let poor people languish in jail because they are unable to pay bail, but New York District Attorneys oppose the reforms saying that bail is needed to ensure people show up to their court dates.

IS YOUR INITIAL REACTION TO THIS POLICY OF ELIMINATING CASH BAIL FOR SOME DEFENDANTS / PEOPLE CHARGED WITH CRIMES GENERALLY POSITIVE OR NEGATIVE?

2 PT TOTAL SWING*



*NOT STATISTICALLY SIGNIFICANT

INMATES VS. PEOPLE IN PRISON ¹²

Nebraska to Declare State of Emergency Over the Number of Inmates In Its Prisons

by Sydnie Holzfaster, KPTM | Tuesday, June 30th 2020



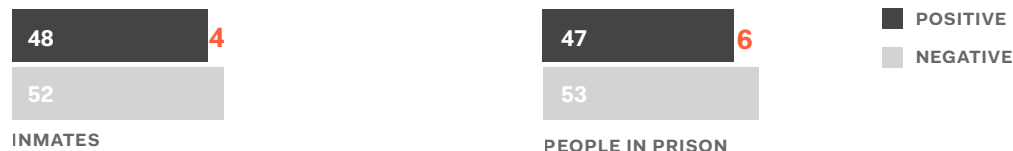
Nebraska to Declare State of Emergency Over the Number of People In Its Prisons

by Sydnie Holzfaster, KPTM | Tuesday, June 30th 2020



DO YOU THINK THE INMATES / PEOPLE IN PRISON BEING DISCUSSED IN THIS STORY WOULD GENERALLY HAVE A POSITIVE OR NEGATIVE IMPACT ON THEIR COMMUNITIES?

-2 PT TOTAL SWING*

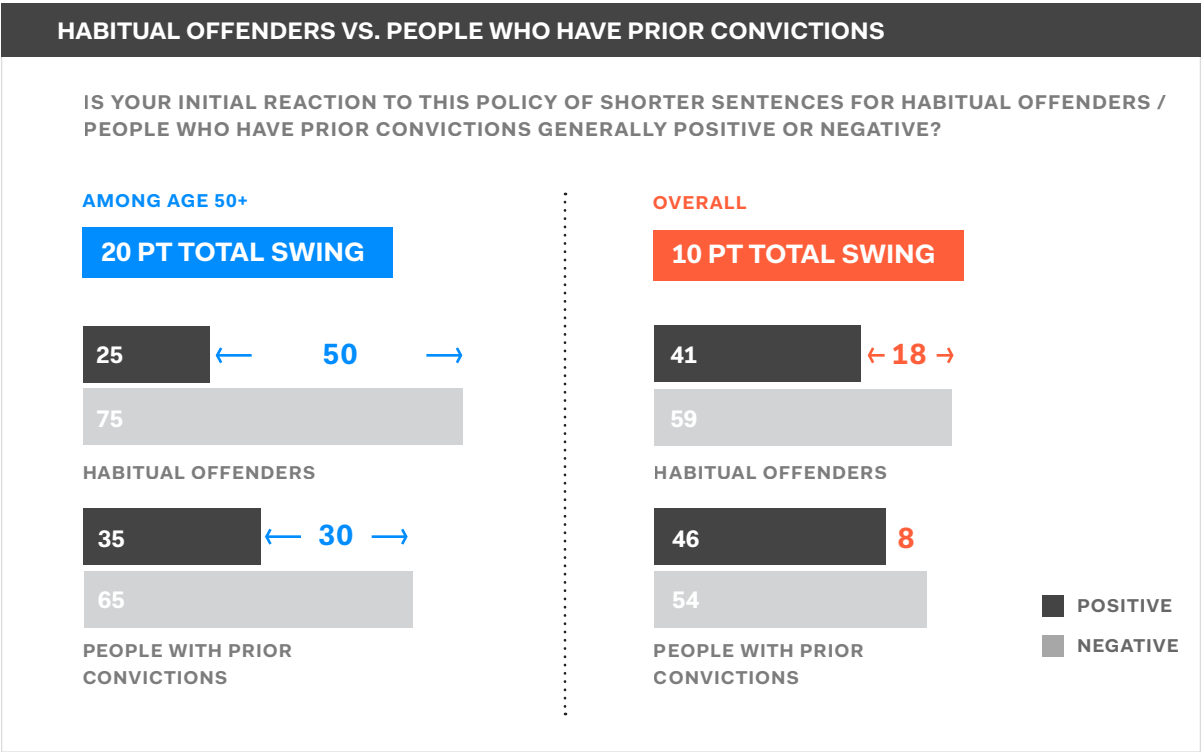


*NOT STATISTICALLY SIGNIFICANT

Much like in the direct testing of the words, people 50 and over were more strongly biased by criminal justice labels in mock news stories than respondents overall. For instance, in the story related to shortening sentences for people with prior convictions, using the term “habitual offenders” increased the gap between positive and negative responses to the policy in Alabama by 20 points for people 50 and older (compared to 10 points for the general audience). The effect of dehumanizing labels was also double the effect in the general population for the story about allowing people with felony convictions to vote, and the need for treatment for people convicted of drug offenses.

People 50 and older were also significantly biased against reform in the two cases where there was no statistically significant difference between the control and experiment groups overall. The response to a story about New York eliminating cash bail for most people was almost evenly split among people 50 and over when people first language was used, 52% negative and 48% positive (a 4 point gap). When the word “defendants” replaced “people accused of a crime” in the headline this group’s reaction shifted by 12 points, to a 16 point negative lean (58% negative to 42% positive). Similarly, people 50 and older were less likely to believe that people in a story about overcrowding in prisons could have a positive impact on their communities when released if they were described as “inmates” rather than “people in prison.”

People 50 and Older More Strongly Biased by Criminal Justice Labels



DRUG OFFENDERS VS. PEOPLE CONVICTED OF LOW-LEVEL DRUG OFFENSES

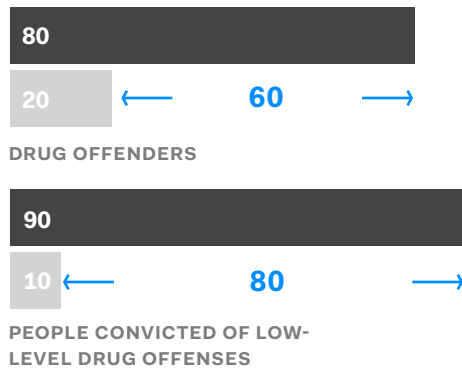
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POSITIVE: We send too many drug offenders/people to prison for low-level drug offenses when what the offenders/they really need is access to treatment for addiction issues.

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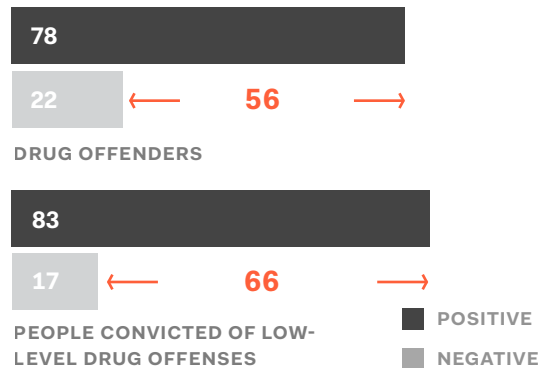
AMONG AGE 50+

20 PT TOTAL SWING



OVERALL

10 PT TOTAL SWING



FELONS VS. PEOPLE WITH FELONY CONVICTIONS

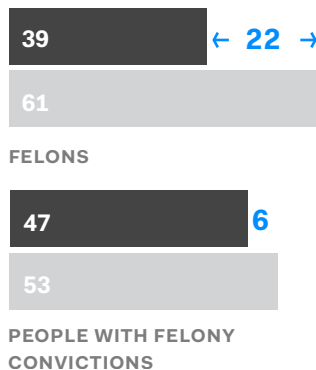
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POSITIVE: Every citizen of America should be guaranteed the right to vote, even convicted felons/people with felony convictions.

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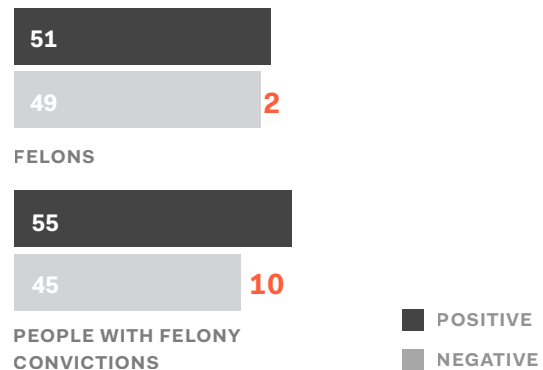
AMONG AGE 50+

16 PT TOTAL SWING



OVERALL

8 PT TOTAL SWING



DEFENDANTS VS. PEOPLE CHARGED WITH CRIMES

IS YOUR INITIAL REACTION TO THIS POLICY OF ELIMINATING CASH BAIL FOR SOME DEFENDANTS / PEOPLE CHARGED WITH CRIMES GENERALLY POSITIVE OR NEGATIVE?

AMONG AGE 50+

12 PT TOTAL SWING



DEFENDANTS



PEOPLE CHARGED WITH CRIMES

OVERALL

2 PT TOTAL SWING*



DEFENDANTS



PEOPLE CHARGED WITH CRIMES

■ POSITIVE
■ NEGATIVE

*NOT STATISTICALLY SIGNIFICANT

INMATES VS. PEOPLE IN PRISON

DO YOU THINK THE INMATES / PEOPLE IN PRISON BEING DISCUSSED IN THIS STORY WOULD GENERALLY HAVE A POSITIVE OR NEGATIVE IMPACT ON THEIR COMMUNITIES?

AMONG AGE 50+

8 PT TOTAL SWING



INMATE



PEOPLE IN PRISON

OVERALL

-2 PT TOTAL SWING*



INMATE



PEOPLE IN PRISON

■ POSITIVE
■ NEGATIVE

*NOT STATISTICALLY SIGNIFICANT

Why Does It Matter That People Over 50 Are Most Influenced by the Language Used?

Throughout the two surveys conducted by BSG, respondents who were 50 years or older were consistently the most likely to be influenced by the dehumanizing jargon of the criminal justice system.

As shown above, older respondents hold more punitive views overall toward people who have been directly impacted. These views are likely driven by the experience of living through the “tough on crime” era in America when rising crime rates and the commercialization of the media led to sensationalized coverage of crime and the harsh views on punishment that have fueled the mass incarceration crisis. Put another way, the media’s use of dehumanizing terms is biasing older Americans more than any other age or racial demographic.

In our first survey, we asked respondents if they believed that words like “felons” “inmates” and “criminals” made them think any differently about people who have had experience in the criminal justice system. Older respondents were the least likely to believe they are influenced by that language, even though our data shows the largest swings in responses within this age demographic. In other words, this is a group who is not fully aware of how language is changing their perceptions.

Unfortunately, the impact of the bias perpetuated by the media also has more far-reaching consequences

among older Americans. People in the 50+ age demographic consume the most news,¹³ and the media’s use of dehumanizing criminal justice jargon has ripple effects beyond how it skews individual views on crime and punishment.

People over the age of 50 make up 36% of the United States (U.S.) population, but 74% of members of the U.S. Congress, and 82% of state governors. The average age at which federal judges are appointed to the bench is 50 years old.¹⁴ Older Americans are also in key positions of power at major companies and small businesses, wielding disproportionate power over hiring decisions that have a huge impact on the 1 in 3 people with a criminal record in the United States.

All told, decision-makers in the 50+ age demographic hold enormous power over criminal justice policy and the lives of directly impacted people.

Conclusion

The legacy of slavery and oppression of Black, Brown, and Indigenous people is ever present in the criminal justice system, including in the dehumanizing labels that are permanently attached to people who have been ensnared in the machinery of mass criminalization and incarceration. The jargon of the criminal justice system – terms such as “felon,” “inmate,” “convict,” and “offender” – was designed to brutalize people inside the system and banish them from life outside of it.

That is why people impacted by the criminal justice system have long criticized the use of these terms and demonstrated the ways in which they limit millions of people from living and thriving in America. Sparked and sustained by their efforts, a powerful movement has grown to replace the harmful jargon of the criminal justice system with people first language that centers the dignity and multi-faceted nature of each individual.

FWD.us sought to support this movement through research to determine how often the media still uses the jargon of the criminal justice system, and what impact that has on the views of their audience. The results are clear: criminal justice jargon remains extremely common in media coverage, and creates a strong bias against directly impacted people and criminal justice reform.

While the people first movement has led to important changes in how the press covers criminal justice issues and refers to directly impacted people, the jargon of the criminal justice system remains the default language used in most stories – we found more than 10,000 articles published in 2020 alone that included the terms “felon,” “inmate,” or “offender.” People first language was used in only 480 articles in the same period.

The consequences of these choices are profound. Responses to two nationally representative surveys commissioned by FWD.us and conducted in collaboration with Benenson Strategy Group show that criminal justice terms are not neutral descriptors and, instead, tap into pre-existing biases and fears. Respondents were split into two samples, and the group exposed to the jargon of the criminal justice system was considerably more

likely to express negative views about directly impacted people and less likely to support policy changes aimed at reducing incarceration or increasing opportunities.

While people first language alone will not solve the incarceration crisis, the media’s continued use of criminal justice jargon is artificially deflating support for much-needed reforms. We saw significant swings in support for stories focused on restoring voting rights, providing treatment in lieu of incarceration, and releasing people from prison to prevent the spread of COVID-19, based solely on the language that was used. The media helped usher in the incarceration crisis with its sensational coverage of crime, proliferation of “tough on crime” rhetoric, and support for the harsh policies of the 1980s and 1990s; they perpetuate the crisis today by continuing to use the harmful terminology of mass incarceration.

To be sure, reporting on the criminal justice system is increasingly positive and in favor of reform. Change is on the horizon. Still, reporters and journalists who aim to shine a light on injustice or expose abuses of power minimize the impact of their critiques when they describe the subjects of their stories using the same harmful language as the system that is oppressing them. Their language choices are in effect reinforcing false and dangerous stereotypes, and validating the very system that seeks to strip away freedom and humanity.

To report on criminal justice issues accurately and with framing that more respectfully describes individuals who have come into contact with the criminal justice system – including many of whom have done so due to deep, systemic racism and historically disproportionate targeting of their communities – an evolution in language is necessary, and long overdue. News outlets should immediately eliminate these outdated terms from their style guides, and provide guidance on more responsible and neutral language.

The movement for people first language is gaining steam, and the data in this report show that the media cannot wait any longer to refer to people as anything other than people.



Methodology

MEDIA SEARCH

FWD.us conducted its media search and analysis in February through April of 2021 using LexisNexis News service. Each search term returned the number of articles using the word or phrase, not the total number of uses. For instance an article that uses the phrase “felons” in the headline and in the body of the text appeared as one use. However if that article also used the word “inmates” that use would be counted separately. Searches were limited in geography to articles published in the United States between the dates of January 1, 2000 to December 31, 2000 and January 1, 2020 to December 31, 2020.

Search terms were constructed to try to find as many possible use cases of each word or term while excluding irrelevant or unrelated uses. For instance searches for “convict” could also turn up uses of the verb “to convict.” Thus our query used articles before the word as appropriate to try to exclude uses of the verb.

SEARCH QUERIES

TERM	QUERY
Convict/ex-convict	"A convict" or Ex-convict or Ex-con or "The convicts" or "Some convicts" or "were convicts"
Felon/ex-felon	Felon or ex-felon
Inmate	Inmate
Offender	"offender" or "offenders" and ("Criminal" or "Crime" or "sex" or "sexual" or "juvenile" or "youthful" or "violent" or "arrest" or "conviction" or "convicted" or "prison" or "jail" or "convict" or "felon" or "felony") and not "offender law" and not "offender registry"
Person with a felony conviction	"person with a felony" or "people with a felony" or "people with felony" or "person with felony" or "person with felonies" or "people with felonies" or "man with felony" or "man with a felony" or "man with felonies" or "men with felony" or "men with felonies" or "men with a felony" or "woman with felony" or "woman with a felony" or "woman with felonies" or "women with felony" or "women with a felony" or "women with felonies" or "with a felony conviction" or "has a felony conviction" or "has a conviction"
Person in prison or jail	"Person in prison" or "people in prison" or "people in prisons" or "man in prison" or "woman in prison" or "men in prisons" or "women in prison" or "incarcerated people" or "incarcerated person" or "person in jail" or "people in jail" or "people in jails"

We searched the following publications:

- The Associated Press National
- The Associated Press Local
- Chicago Tribune
- Los Angeles Times (print only)
- Miami Herald (online only)
- New York Post
- The New York Times
- The New Orleans Times-Picayune

These publications were chosen based on availability within LexisNexis (for instance the Washington Post would have been included but was not available in the database) as well as geographic diversity.

For COVID-19 related articles, FWD.us entered the search term ("convict" "felon" "inmate" or "offender") listed above in addition to COVID-19-related keywords for the dates of March 15, 2020 through April 25th, 2021 using LexisNexis News service. For instance, an article that used "felons" and "Covid-19" within the context of the U.S. criminal justice system would be included. A total of 819 articles were coded.

Each article was coded based on date, story topic, whether the searched term was used to refer to an individual, groups of people, or both, whether the searched term was featured in the article headline, and whether the term was used in a negative, positive, or neutral context in reference to its subject. Stories were also marked if people first-friendly language was also used in the same article in which the search term appears. (For example, if "people incarcerated" was used in the same article that used "inmates.") Additionally, the prefix of both "felon" and "offenders," were documented, such as "violent felon" or "sex offender."

PUBLIC OPINION POLLING

Benenson Strategy Group, in consultation with FWD.us, conducted two nationally representative surveys January 27-February 3 and April 9-15 of 2021. Each survey had a sample size of 1,400 adults across the United States, with samples weighted to ensure they were an accurate representation of the population.

These surveys were split into two cohorts: a control group, which received all questions using dehumanizing labels such as "felon(s)" "criminal(s)" "inmate(s)" or "offender(s)," and an experiment group, which received the same questions using people first language such as "person with a felony conviction" or "people in prison." The margin of error overall was +/- 2.6% with a margin of +/- 3.7% for the control vs experiment group. The control and experiment groups were matched on basic criminal justice attitude statements to control for underlying differences in their approach to the issues being tested.

Both surveys tested mock news stories taken from real world examples with minor details changed. In addition, both surveys asked smaller groups of respondents open-ended questions meant to elicit differences in the frames, stereotypes, and judgments which arose from hearing the tested terms. The second survey also used responses from the first survey open ends to drive quantitative testing of positive, negative, or neutral word associations with different terms that were being tested. This allowed us to put numbers to some of the results we saw in the open ended questions on the first survey, as well as test whether the differences noted in open-ended responses held true with a larger sample and across sub-groups.

Endnotes

1. Bureau of Justice Statistics, Correctional Populations in the United States, 2017-2018, <https://bjs.ojp.gov/content/pub/pdf/cpus1718.pdf>. Note that this number, though published in August 2020, is out of date and does not reflect any recent declines driven by the COVID-19 pandemic.
2. Bureau of Justice Statistics, "Correctional Populations in the United States 2017-2018." Accessed at: <https://www.bjs.gov/content/pub/pdf/cpus1718.pdf>
3. Justin T. Pickett, "Public Opinion and Criminal Justice Policy: Theory and Research," Annual Review of Criminology 2019 2:1, 405-428; Peter Enns, Incarceration Nation: How the United States Became the Most Punitive Democracy in the World, Cambridge University Press: New York, NY, 2016.
4. Sara Sun Beale, "The News Media's Influence on Criminal Justice Policy: How Market-Driven News Promotes Punitiveness," William and Mary Law Review 2006 2:48, 397-481.
5. See: recent studies or summaries: substance abuse: Broyles et al 2014; Mental illness: Granello & Gibbs, 2016; MH and SA: Kelly & Westerhoff 2010; sex offense: Lowe & Willis, 2019; intellectual disability: Werner & Abergel 2018
6. <https://www.fwd.us/news/new-report-shows-media-negligence-in-coverage-of-new-york-bail-reform-led-to-rollback/>
7. <https://covid19.counciloncj.org/2020/12/06/impact-report-covid-19-and-prisons/>
8. Megan Denver, Pickett, J.T. and Bushway, S.D., "The Language of Stigmatization and The Mark of Violence: Experimental Evidence on the Social Construction and Use of Criminal Record Stigma," Criminology, 2019 55: 664-690. <https://doi.org/10.1111/1745-9125.12145>
9. Headline was followed by a lede reading: "In a sweeping acknowledgment of the risks of the coronavirus in cramped prisons, New Jersey will release more than 2,000 inmates/people from its prisons on Wednesday in one of the largest-ever single-day reductions of convicts in a state's prison system."
10. Headline was followed by a lede reading: "Under the new law, convicted felons/people with felony convictions in the state are eligible to vote even while incarcerated. Minnesota joins two other states – Vermont and Maine – along with the District of Columbia where convicted felons/people convicted of a felony do not lose the right to vote while serving their sentence."
11. Respondents were given more background on the story after reading the headline: "Here is a little more background on this story. Please read the text and then answer the question below.

HUNTSVILLE, Ala. – One week ago, Huntsville City and non-profit leaders announced that people living in a large homeless camp known as "tent city" would have to move.

Reporters were told everyone has moved, but when it comes to sex offenders/people convicted of sex offenses, several of them say they didn't have many options.

Several non-profits offered the residents of tent city shelter and help, including food, showers, and places to sleep. However, those non-profits can't offer shelter to sex offenders/people convicted of sex offenses, because of safety rules and laws."
12. Headline was followed by a lede reading: "Overcrowding in Nebraska prisons could soon be considered a state-wide emergency. Nebraska is housing approximately 2,000 more inmates/people inside state correctional facilities than the system was designed to handle.

In 2015, the legislature passed a law that required the governor to declare an overcrowding emergency if the prison population remained over 140 percent capacity. Today there are more inmates/people in Nebraska's prisons and the system is operating at 151 operating capacity."
13. <https://money.usnews.com/money/blogs/planning-to-retire/2010/09/20/older-americans-consume-the-most-news>
14. <https://www.fjc.gov/history/exhibits/graphs-and-maps/age-and-experience-judges>

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