



SEXUAL OFFENDING, LANGUAGE AND PROBATION PRACTICE

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The label 'sex(ual) offender', is commonly used to describe those with a sexual offence conviction. Yet, this labelling does much to discourage rehabilitative efforts and undermine the reintegration journey. Increasingly, there is acknowledgement in academia, policy and practice that language matters. Within probation, for example, there has been a move to using more inclusive terminology such as 'person on probation'. This has replaced the often 'offender' laden policy documentation underpinning probation practice and is a seismic change in the right direction. However, parallel to this positive change, discourse surrounding individuals who have a conviction for a sexual crime remains, overall, unchanged. This differential approach contributes to 'othering' and has stigmatising and ostracising qualities which can have detrimental long-term consequences and subsequently impede probation practice. Utilising our experiences as researchers undertaking work which involves understanding the experiences of people with sexual convictions, we (i) make the case for inclusive, and person-centred language for all, and (ii) address the implications of terminology usage.

Why does language matter?

As Harney and colleagues (2022: 99) write in their article advocating for person-centred language within the criminal justice system:

'The words we use have the power to respectfully, and accurately, represent people and ideas; they also have the ability to perpetuate ignorance and bias, leading to stigmatisation, discrimination, and dehumanisation.'



Kirsty Teague
Senior Lecturer in Criminology
University of Derby



Charlotte Oliver
Doctoral Researcher
Sheffield Hallam University

However, the language used to refer to people with a sexual offence conviction, particularly within the media, frequently relies on negative descriptive terms such as 'beast', 'paedophile' or 'pervert' (Harper & Hogue, 2017). Research examining the effect of labels has produced findings consistent with labelling theory, providing insight into how language can prompt more punitive judgements of people with sexual offence convictions (Harris & Socia, 2016; Imhoff, 2015; Lowe & Willis, 2020). Lowe and Willis (2020) also found that with increased exposure to offence-based labels, researchers, criminal justice professionals, and the wider public were more likely to use an offence-related term (e.g., sex offender) rather than a more neutral, person-centred alternative (e.g., person with a sexual offence conviction). The use of stigmatising, or offence-based, language is of concern, particularly for its ability to impact probation practice and the encouragement of desistance. This labelling is likely to negatively influence the process of secondary desistance, which involves the development of a non-offending identity, and tertiary desistance, which involves 'how one sees one's place in society' and how they are received by others (Maruna & Farrall, 2004; McNeill, 2016, p. 201). Whilst the terms used in the context of probation are typically more clinical than emotional, phrases such as 'probationer', 'offender' or 'POP' are still replete with messaging that ties the individual to criminality (Phillips & Bower, 2023).

In context, it matters *who* and *where* labels stem from. Probation practitioners are change facilitators, 'empowering supervised individuals to make lasting changes to their lives through building good and trusting relationships with them' (HM Prison & Probation Service 2021, p.7). Indeed, Lewis (2014) highlights the importance

of acceptance, respect, support, empathy, and belief in enabling a positive relational climate which can in turn have a powerful impact upon the person on probation in relation to their beliefs and behaviour (Lewis, 2014). However, there are tensions within probation practice owing to the politicised nature of the work. Kemshall (2016), for example, links this to the significant role that risk plays in the practice of probation and the bifurcation of working with the police in the management of people convicted of sexual offences. In addition, we, as researchers acknowledge the turbulent recent past of probation set against the backdrop of transforming rehabilitation and subsequent reunification. As such, there is often much change, some of which is unevidenced, unagreeable, or both.

Negotiating harm

Having a conviction for a (sexual) crime, and considered a perpetrator of harm, factually, may be accurate. However, the framing of 'causer of harm' and 'harmed' can be reductionist, and even harmful. Indeed, research on perpetration-induced trauma exposes the fragility of the victim-offender binary, whilst simultaneously supporting the need for a trauma-informed approach (MacNair, 2015). Similarly, in recognition of the false binary between victim-offender, research has found that there is a link between being a victim of child sexual abuse and later sexually abusing children in adolescence or adulthood (Plummer and Cossins, 2018). Given such manifestations of trauma, it must be the work of all, including academics and criminal justice professionals, to call time on the weaponisation of language (Teague & Winder, 2023).

As we know, criminal justice policy and practice can often be politically motivated and ideologically driven (Prescott, McCartan and Uzieblo, 2022), with many policies and practices reflecting societal thinking of the time. Framing language choice as 'woke gone mad', risks greater societal segregation and divide, which may drive crime and other harmful behaviours potentially increasing the volume and complexity of caseloads for probation.

In comparison to some other criminal justice agencies, probation squarely works in the realms of the (un)holy trinity of redemption, rehabilitation, and risk management (Mair & Burke, 2012). As such, probation disproportionately feels the impact and repercussions of societal, and criminal injustice, exacerbated in no small part due to the positioning of probation as a 'cinderella service' (Robinson, 2016).

Final thoughts

Whilst the task for probation is to consider exercising 'professional curiosity' (Phillips et al., 2022) in their use of language and terminology, for academics the task is to embed, and highlight the principles of public criminology - a sub-discipline of criminology chiefly concerned with issues of citizenship, social justice and human rights - to a variety of audiences. Those working in, or who align their work with, criminal justice should seek to engage with the principles and commitments of public criminology, namely: (i) transparency; (ii) being theoretically informed; (iii) evidence-based; (iv) empowerment driven; (v) committed to practical change (vi) committed to social justice and human rights; and (vii) connecting public issues and private troubles (Carrabine, Lee & South, 2000). These principles and commitments have the power to positively inform criminal and social justice if they can

firstly infiltrate and inform public discourses. As change facilitators, probation practitioners/ organisations liaise with a wider range of stakeholders and have the potential to lead from the front in utilising terminology akin to, 'person with a sexual offence conviction', an evidence-based, empowering, socially just action with the power to make a difference.

References

- Carrabine, E., Lee, M., & South, N. (2000) Social wrongs and human rights in late modern Britain: Social exclusion, crime control, and prospects for a public criminology, *Social Justice*, 27(2), 193-211.
- Harney, B. L., Korchinski, M., Young, P., Scow, M., Jack, K., Linsley, P., Bodkin, C., Brothers, T. D., Curtis, M., Higgs, P., Mead, T. S., Hart, A., Kilroy, D., Bonn, M., & Bartlett, S. R. (2022). It is time for us all to embrace person-centred language for people in prison and people who were formerly in prison. *International Journal of Drug Policy*, 99, 103455. <https://doi.org/10.1016/j.drugpo.2021.103455>
- Harper, C. A., & Hogue, T. E. (2017). Press coverage as a heuristic guide for social decision-making about sexual offenders. *Psychology, Crime & Law*, 23(2), 118-134. <https://doi.org/10.1080/1068316X.2016.1227816>
- Harris, A. J., & Socia, K. M. (2016). What's in a name? Evaluating the effects of the "sex offender" label on public opinions and beliefs. *Sexual Abuse*, 28(7), 660-678. <https://doi.org/10.1177/1079063214564391>
- HM Prison and Probation Service (2021). *The target operating model for probation services in England and Wales: Probation reform programme* [online]. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061047/MOJ7350_HMPPS_Probation_Reform_Programme_TOM_Accessible_English_LR.pdf

- Imhoff, R. (2015). Punitive attitudes against pedophiles or persons with sexual interest in children: Does the label matter? *Archives of Sexual Behavior*, 44(1), 35-44. <https://doi.org/10.1007/s10508-014-0439-3>
- Kemshall, H. (2016). The rise of risk in probation work: Historical reflections and future speculations. In: Vanstone, M. and Priestley, P. (Eds.) *Probation and politics*. London: Palgrave Macmillan, pp.195-213.
- Lewis, S. (2014). Learning from success and failure: Deconstructing the working relationship within probation practice and exploring its impact on probationers, using a collaborative approach. *Probation Journal*, 61(2), 161-175. <https://doi.org/10.1177/0264550514523816>
- Lowe, G., & Willis, G. (2020). "Sex offender" versus "person": The influence of labels on willingness to volunteer with people who have sexually abused. *Sexual Abuse*, 32(5), 591-613. <https://doi.org/10.1177/1079063219841904>
- MacNair, R. M. (2015). Causing trauma as a form of trauma. *Peace and Conflict: Journal of Peace Psychology*, 21(3), 313-321. <https://doi.org/10.1037/pac0000116>
- Mair, G. & Burke, L. (2012) *Redemption, rehabilitation and risk management: A history of probation*. Oxon: Routledge.
- Maruna, S., & Farrall, S. (2004). Desistance from crime: A theoretical reformulation. *Kölner Zeitschrift für Soziologie und Sozialpsychologie*, 43(2), 171-194.
- McNeill, F. (2016). Desistance and criminal justice in Scotland. In: Croall, H., Mooney, G., & Munro, M. (Eds.). *Crime, justice and society in Scotland*. Oxon: Routledge, pp.200-216.
- Phillips, J., Ainslie, S., Fowler, A., & Westaby, C. (2022). 'What does professional curiosity mean to you?': An exploration of professional curiosity in probation, *The British Journal of Social Work*, 52(1), 554-572, <https://doi.org/10.1093/bjsw/bcab019>
- Phillips, J., & Bower, R. (2023). The role of language in probation: A creative conversation. *Probation Journal*, 0(0), 1-12. <https://doi.org/10.1177/02645505231166936>
- Plummer, M., & Cossins, A. (2018). The cycle of abuse: When victims become offenders. *Trauma, Violence, & Abuse*, 19(3), 286-304. <https://doi.org/10.1177/1524838016659487>
- Prescott, D.S., McCartan, K. & Uzieblo, K. (2022) *We have so much knowledge. When will we learn?* [Blog] ATSA. 13 October. Available at: <https://blog.atsa.com/2022/10/we-have-so-much-knowledge-when-will-we.html>
- Robinson, G. (2016) The cinderella complex: Punishment, society and community sanctions, *Punishment and Society*, 18(1), 95-112. <https://doi.org/10.1177/1462474515623105>
- Teague, K. & Winder, B. (2023) How does the "war on woke" perpetuate harm towards those with a criminal conviction? [Blog]. The BSC Blog. 5 January. Available at: <https://thebscblog.wordpress.com/2023/01/>