



# Youth Adjudicated for Sexual Offenses as an Exemplar of Person-First Language in the Courtroom

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*Using an identity-oriented label such as sex offender to describe youth is stigmatizing, emphasizes pathology, and contributes to iatrogenic collateral consequences. Instead, justice professionals are encouraged to use more humanizing and person-first terminology, such as youth adjudicated for a sexual offense, to help lessen potential harm and improve outcomes.*

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Recent decades have witnessed a substantial trend of courts moving toward more trauma-responsive and client-centered approaches to working with vulnerable populations. Proposed models for this work often employ a public-health orientation that rejects *sick vs. well* or *victim vs. offender* dichotomies. Instead, approaching persons who are system involved as *injured* in some way recognizes the complexities of how human beings respond to all-too-common adversity, toxic stress, and trauma. Moving away from value-laden and mutually exclusive “either/or” labels embraces a more empathic and holistic view of human struggles and harm to which most can relate. In turn, recognition of the shared human experience of injury *writ large* suggests that a universal-precautions approach to the work of courts and allied systems holds benefits for both the consumers and administrators of justice. As a major tenet of the current work in trauma-responsive justice, universal-precautions approaches recognize that certain conditions of healing can be promoted via changes in policy, practice, persons, and environment that are “good for all” regardless of role or status within the system.

The language and linguistic frames used by courts when talking about themselves and those they serve are certainly an important and practical aspect of universal precautions, but the topic has received relatively limited attention in courts. We propose here that adjusting the narrative framing around offenders to a person-first orientation is important to models of trauma-responsive justice and is an important issue for courts to consider as they are increasingly recognized as a part of the larger healing community. Together with medicine, social services, mental health, vocational services, schools, and others, a shift toward recognizing and addressing vulnerable populations in more humanistic, person-first terms, although not without controversy, reminds us that these institutions were created to serve people.

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## Power of Words

When describing individuals who come in contact with the justice system, words matter. It is beyond the scope of this article to explore the history and current controversies around terminology or the complexities and nuances of identity, semantics, symbolism, and social construction of meaning at the intersection of language and human behavior. However, research in social psychology, communication studies, education, and related fields has repeatedly demonstrated that “deviant” labeling can contribute to myriad negative repercussions to those labeled (e.g., shaming, targeted vigilante violence, reduced mental health, etc.). Labeling also may contribute to potential reoffending and reduce the likelihood of successful reintegration into the community.

Specifically, labeling theory suggests that the labels placed upon an individual by society can shape their behavior. For example, being labeled as a criminal may influence an individual’s self-perception, which contributes to internalization of beliefs about themselves consistent with the label (i.e., “bad,” “criminal,” etc.). These internalized beliefs may ultimately increase their adherence to criminal stereotypes and behavior and lead to increased socialization with deviant peers and other activities that contribute to persistent offending patterns.

Labeling theory also suggests that deviant labels may disrupt nonoffending pathways and can block opportunities for successful reintegration. For example, individuals associated with criminal labels may struggle to secure stable employment, access educational opportunities, and maintain healthy social relationships—all known protective factors buffering against potential recidivism. The absence of protective factors (e.g., unemployment) can contribute to behavior (e.g., theft) that is compensatory (e.g., need for resources), but also serves to reinforce continued involvement in deviant activities.

Certain populations are at particular risk for the negative repercussions of criminal labeling. For example, socially or economically disadvantaged individuals are likely to experience stronger labeling effects. Other populations, such as youth, are especially vulnerable to the potential impact of labeling due to developmental considerations, such as immaturity and the subsequent malleability of their personality and behavior. Perhaps most important to the present topic, certain types of criminal offenses may yield stronger labeling effects due to society's attitudes and beliefs about individuals who commit that type of crime. We illustrate that dynamic here with sex offenses in general and juvenile sex offenses in specific.

## Individuals Convicted of Sex Offenses

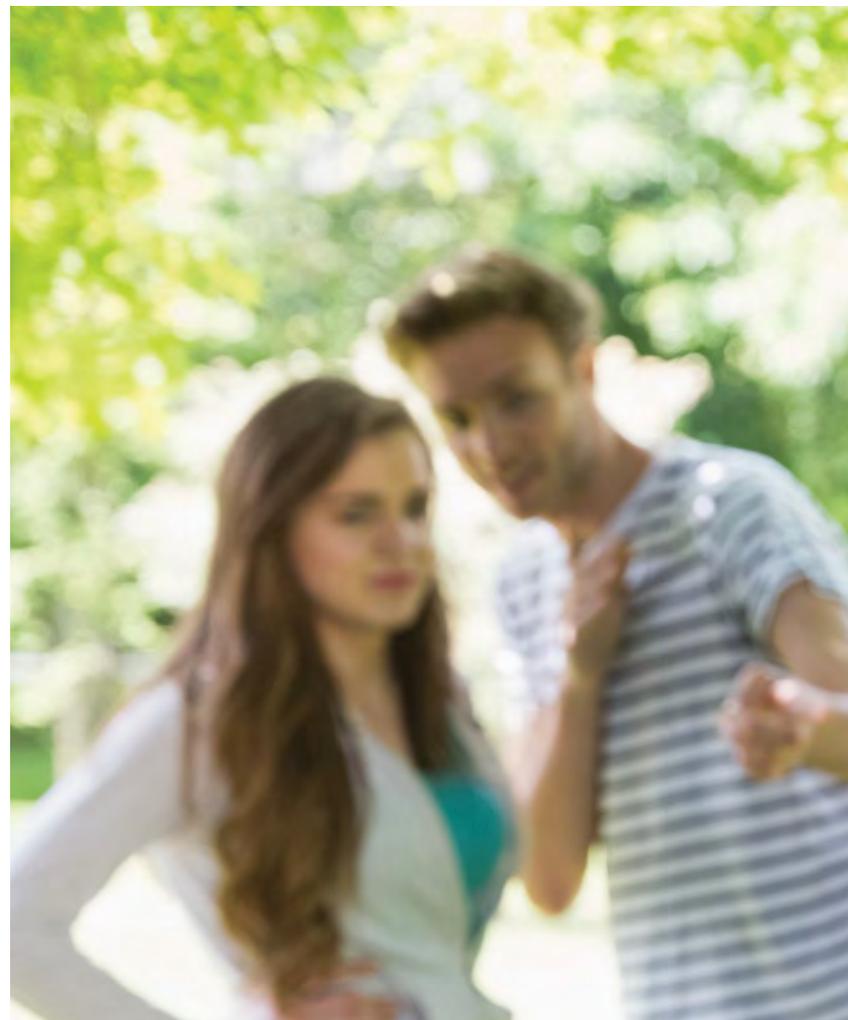
The term *sex offender* is arguably the most highly stigmatized of all criminal labels. Upon hearing this label, many people are likely to be repulsed or otherwise angered and assume the offender has committed the most heinous of sexual offenses—a common prototype being that of a dangerous pedophile who preys upon innocent strangers without mercy and is unable to change his or her predilections. In reality, the term sexual offense encompasses a broad variety of criminal offenses, including lewdness, sexual assault, statutory rape, indecent exposure, prostitution, and possession of child pornography. Further challenging this stereotype is the reality that a large majority of offenders (particularly juveniles) do not recidivate, and most sexual offenses are committed against relatives or acquaintances rather than strangers.

Recognizing this variance and inconsistency, scholars, policymakers, practitioners, and advocates alike increasingly consider the term *sex offender* as pejorative, stigmatizing, and dehumanizing in part due to its homogenous framing of this category of offending.

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In other words, even though individuals charged with sexual offenses are quite heterogeneous across offense types and characteristics, they are often lumped into one group under this label, with “predatory,” “dangerous,” “unredeemable,” and “perverse” being just several of the many highly negative and often inaccurate assumptions and connotations. Indeed, most people would acknowledge that there is a qualitatively significant difference between public urination and rape—yet that variance is often lost in practice via the labeling process.

As noted previously, sanctions that are particularly punitive and control oriented in nature may exacerbate the effects of labeling. The United States has experienced a substantial public push for more punitive responses to sexual offending in recent decades, which culminated in widespread registration and notification policies. The purpose of these policies was to increase community safety by providing the public with information regarding offenders living in the community (e.g., address, photographs, offense information, etc.). Thus, the effects of the labeling can be especially strong for this group given the ease with which this information can be accessed online—and the difficulty of removing such information once it lives in cyberspace. Accordingly, the term *sex offender* is often a label that will remain with a person throughout his or her lifetime.



## Youth Adjudicated for Sex Offenses

Labeling children and adolescents as *juvenile sex offenders* is particularly problematic for a variety of reasons. First, the label tends to be associated with the belief that this group is unlikely to be rehabilitated and is at high risk to recidivate. In fact, data suggest these youth on average typically desist from criminal offending as they mature and have less than a 10 percent likelihood of committing another sexual offense. This relatively low recidivism rate, as compared to other types of juvenile offenses, could reflect reality that juveniles who commit sexual offenses also tend to be highly amenable to a variety of treatment options, such as community-based treatment and education services.

Second, the importance of peers at this developmental stage makes youth particularly vulnerable to the impact of labeling. Labeling youth can contribute to ostracism, social isolation, and subsequent loss of pro-social support networks—all particularly important protective factors early in life and for preventing reoffending. It is not unusual for sexual offenses in this age range to be related to other developmental considerations (e.g., not yet understanding consent) or poor understanding of boundaries. Research suggests that approximately 25 percent of juveniles who commit

sexual offenses have some form of intellectual or cognitive impairment that contributes to their lack of understanding of developmentally appropriate interpersonal behavior. Labeling these youth as sex offenders can further isolate this particularly vulnerable population from healthy normative and educative influences.

Youth are also vulnerable due to the nature of the *sex offender* label as a catalyst for stressors that can derail a more normative path of development. Consistent with other offending types, youth who commit sexual offenses tend to follow *adolescent limited trajectories*, which is the tendency of delinquent youth to desist from criminal offending as they mature into adulthood. However, these positive trajectories toward self-correction or rehabilitation can be disrupted when youth experience particularly stigmatizing labeling. Although this disruption can occur across ecologies, the labeling process can lead to a host of stressors and collateral consequences at the individual level that might particularly impede rehabilitative progress and desistance. Some of these individual-level impacts include anxiety, depression, reduced self-efficacy, and lower self-esteem. Despite these concerns and in the face of recommendations for developmentally appropriate practices across youth offenders, registration and labeling of youth as *juvenile sex offenders* continues.



## Importance of Person-First Language in the Courtroom

Judges are the primary decision makers within the court system. Given their role, status, authority, and substantial influence on experiences of youth who are adjudicated, their language choices are especially important to consider. One can argue they set the tone for the system and other justice professionals in how defendants and adjudicated youth are treated and perceived in the system and by the public.

Person-first language, in contrast to *identity*-first language, is one promising approach to addressing iatrogenic labeling effects that is growing in popularity across fields. Person-first language is a way to speak about a person appropriately and respectfully that emphasizes the individual rather than their characteristics. This type of language aims to retain the dignity of individuals and frame them as persons, rather than describing them by their ability, status, offense, etc. This approach has its foundations in disability advocacy and activist movements and is certainly not without controversy, including allegations of political correctness gone wrong, but it also is receiving more attention and support from practitioners and researchers.

There is evidence that the judiciary also is increasingly endorsing person-first language. In 2018 we conducted an online “snowball sample” survey of juvenile and family court judges in the United States ( $N = 76$ ) to assess, in part, their attitudes and beliefs about youth who commit sexual offenses. Judicial officers were recruited through various national organization listservs (e.g., the National Council of Juvenile and Family Court Judges). Although the sample size was relatively small, judicial officers represented jurisdictions across 24 states, with 50 percent identifying as female, 85.5 percent identifying as white/Caucasian, and 50 percent reporting their political beliefs to be “moderate.”

Specific to the current topic of interest, we found that 32 percent of judicial officers believed that the label *juvenile sex offender* should continue to be used; however, 30 percent preferred the terminology *youth who cause sexual harm*. Further, 38 percent preferred other often less-stigmatizing and person-first terms, such as *youth who committed a sexual offense*, *youth with sexual behavior issues*, and *youth with unhealthy attitudes toward sexual conduct*.

Judges were also asked to rate how punitive they felt their colleagues were in comparison to themselves when dealing with cases where juveniles have been charged with a sexual offense. Overall, judges reported that their colleagues were either similarly punitive

(65 percent) or more punitive (33 percent) than themselves. Subsequent analysis indicated that judges who felt they were less punitive relative to other judges were more likely to recommend using person-first language (62 percent). Interestingly, no other substantial associations were revealed between the likelihood to use/endorse person-first language and gender, political affiliation, or general stance on social issues. Given the limited variability in racial characteristics of this sample, we were unable to assess whether race was associated with judicial perceptions reported; thus, an important activity for future research would be to more robustly explore for individual differences in linguistic preferences.

Though the survey employed a small sample size and early descriptive findings reported here should thus be viewed with caution, it is notable that the relative perceptions of being less punitive, at least compared to colleagues, is perhaps associated with openness to implement less-stigmatizing, person-first language. Given that the judges surveyed were not in agreement regarding the language that should be used with these populations, there remains the need for further discussion around what developmentally appropriate and less-stigmatizing language might be more broadly accepted within the courtroom. We also believe that future research should aim to validate proposed language with actual *youth* samples to help confirm their utility and elucidate which proposed terms are preferred by youth themselves. Research should also further explore which factors or conditions predict openness to using person-first language, which in turn can help tailor judicial education efforts and practice recommendations.



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## Conclusion

Consistent with social-science research and the trajectories of other human-serving institutions and fields of practice, we encourage judges and allied court professionals to explore moving toward more universally constructive and humanizing terminology when referring to persons involved in the justice system. It is important to emphasize that in no way is this approach intended to minimize criminal/delinquent behavior, nor is it inconsistent with concepts of “accountability”—both common critiques of efforts to move away from a pathology or deficit orientation in the justice system. Rather, we view this shift as a trauma-responsive universal precaution that improves precision in language, moves away from inaccurate “all-or-nothing” terminology, avoids restrictive and artificial *sick vs. well* dichotomies, and assists both the consumers and administrators of justice to seek healing.

The language chosen should be as free as possible of stigma, respect the individual, and prioritize the person (i.e., person-centered language) over their actions (i.e., the offense). Returning to our illustrative example, the shift to person-first language such as *youth adjudicated for a sexual offense* (or, even better in low-level cases, the specific offense) is likely less harmful than *juvenile sex offender*—if such a label is even necessary in any given circumstance. By reducing labeling stigma and its subsequent repercussions, developing evidence and societal trends suggest we can improve rehabilitative outcomes and community safety while still maintaining necessary accountability.