

## **The role of language in probation: a creative conversation**

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## **The role of language in probation: a creative conversation**

This piece emerged out of a conversation about the words we use to describe people who are engaged in and by the criminal justice system. It is underpinned by our belief that language, including the ways we describe people, have important effects in the world. The piece consists of two parts: a brief critical introduction, and a creative dialogue which reflects upon ten key words that have been used to describe people on probation.

There is a long history of debate about how to refer to people who are serving a criminal sanction (Bidwell and Polley, 2023; Chiricos et al., 2007; Lowe and Willis, 2020). Although there is no consensus, other than an agreement that there is no single satisfactory word or phrase, it remains important to reflect on the words that we – as practitioners, academics, artists and members of the public – use in this context, because language conveys ideas about what probation is about, and reflects the relationship between the speaker and the people they are referring to.

The very nature of being on probation or in prison ‘suggests a relationship of interaction and one of power—between the keeper and the kept’ and so choices about language can serve to promulgate those power imbalances or – conversely – act to resist the ‘language of the state’ (Cox, 2020: 2). Words have power and it is incumbent upon us to use those words ‘to respectfully, and accurately, represent people and ideas ...[rather than] ... perpetuate ignorance and bias, leading to stigmatisation, discrimination, and dehumanisation’ (Harney et al., 2022: 99). Of course, this notion is not new to the field of criminology: labelling theorists have long argued that language exacerbates and perpetuates processes of criminalisation, for example (Becker, 1997). As Herzog-Evans (2014: 130) notes, language ‘reflects the penology and organisational structure of probation’. Whatever word we choose, it will inevitably be defined by the institution or context in which it is used.

What follows is a creative conversation which investigates some of these issues by exploring ten key words and phrases that are used to refer to people on probation. For practical reasons, we selected ten of the most common words, but there are, of course, more, and we invite you to continue this work and contribute your perspectives to the debate.

The creative conversation is an exchange through essay and poetry. The essay sections – written by Jake Phillips – consider the use of words and phrases that we hear in the context of probation by focusing on what words imply about people on probation through linguistic and etymological analysis and consideration of the cultural and policy context in which this language is used. The poetry sections – written by Rachel Bower – respond lyrically to the ten terms, in order to prise open some of the cultural, social and historical meanings held within these words. The piece was written as a ‘back-and-forth’ between both authors: the essay was edited in response to the poem and the poem in response to the essay and so on, until we reached this final form.

The piece therefore offers two different perspectives on the language we use to refer to people in probation. We hope that this draws attention to the importance of language in relation to people under probation supervision. Our intention is to encourage people to reflect on the words they choose to use, and the effects this might have in conveying their views about probation and those under supervision.

## **Person**

person I am working with a person  
you are a person  
we are sure you are a person  
still a person  
we are persons together  
even people, let us say

There are not many more people-centred terms than ‘person’, man or woman and this will serve in many cases: ‘I am working with a person, helping them to gain access to drug treatment’ works just as well as any of the other options described below. Indeed, most people want to be referred to as the thing that they are, in that specific context and so, I am ‘Jake the criminologist’, ‘Jake the dad’ or ‘Jake the average runner’ depending on whether

I'm at work, at home, or trying to keep up with fellow runners at my Monday night running group. This is all well and good, but it raises questions about how we refer to people who are under probation supervision and whom we are discussing *because of that fact*? 'Person' works, but lacks specificity and only really makes sense if we already know and understand the context in which the speech act is taking place. One might also argue that it is *too* neutral: it neither perpetuates nor resists the power that is inherent to punishment in the community although it can work to remind us that we are all people and have – at the very least – that in common.

### **Probationer**

I hear the word probationer used increasingly infrequently. It is relatively descriptive and neutral is specific to the context. However, it lacks meaning to people not familiar with probation and does not work very well in translation (Herzog-Evans, 2014). Moreover, the word probation has its roots in the Latin *probatio*; or test. This reflects the roots of the service in which people were given the opportunity prove themselves to the court and avoid a formal punishment but is less relevant since community sentences were given a statutory basis and probation became a punishment in its own right in 1991. It might thus be classed as disingenuous to suggest that people on probation are being tested; they are being punished. Moreover, probationer is obsolete because there is no longer a probation order on the statute books (Canton and Dominey, 2017) and it is often confused for the process by which new recruits (especially in the police) are subject to a period of probation.

you are a doer  
doing probation  
tested  
on test  
testing you  
you are testing  
testy  
testing us  
this is you,

your post, your role,  
you are this doer  
doing this

## **Offender**

offence  
off the fence  
you are on the fence off the fence  
no getting away from it  
you are definitely the offence

In *Offender Supervision*, McNeill et al (2010) defend the word offender because 1) we are talking about people who are receiving a service *because they have offended*; 2) probation services are about serving their 'clients' as well as the public through their public protection remit and 3) it is the offending which justifies the imposition of intrusive, community-based forms of punishment. Offending, therefore, should be the main (although far from the only) focus of probation practice and, thus, probation-related research.

However, the word has come in for considerable criticism in recent years because it is considered to further stigmatise and define people solely by their negative actions (Bidwell and Polley, 2023). As McNeill et al (2010: 4) accede, the word 'arguably serve[s] to confirm and cement precisely those identities and behaviours that we are concerned with changing'. That said, there is a pragmatic need for a word like offender: it is recognised beyond the field of probation and works as a quick and convenient way of describing the people with whom probation practitioners work.

Linguistically – as an agent noun – the word implies that people serving a community sanction are still offending. Of course, they may or may not. This is clearly problematic for people who are no longer offending. Labelling people on probation 'offenders' is, as Canton

and Dominey (2017) argue, akin to repeatedly telling people who are trying to give up smoking that they are smokers.

For me, the word conjures a somewhat stereotypical image of what ‘criminals’ are supposed to look like (working class, young men wearing tracksuits and looking menacing). Moreover, the word seems to appeal to a method of legitimating probation through being ever tougher, a common strategy deployed by governments in recent decades (Robinson and Ugwudike, 2012) . Thus, despite a HMPPS policy which encourages the use of person-centred language (see below) the Ministry of Justice consistently uses the word offender on social media and in publicity material and press releases (Ainslie, 2021). Offender is often used when the Government wants to highlight and emphasise its ‘tough on crime’, retributive and punitive approach to community sanctions rather than the rehabilitative side of probation which many practitioners and academics see as their real value. Seeing the person rather than the offence is considered an important value in probation work and using words which treat people as the offence goes against this. That said, probation does exist to punish and label – to a degree at least – and people on probation can feel as if they are being treated as offenders rather than people. In that sense, there is a need to be honest with our language: if probation treats people as offenders, then the language we use should reflect that. To do otherwise might well be considered disingenuous.

### **Ex-offender**

‘Ex-offender’ is problematic in the same way as offender in that it defines people by their negative behaviours, albeit now in the past, although, again we do not necessarily know if someone is offending or not. Ryder (2013) suggests that the word can ‘create a tragic cycle where the individual isn’t allowed to move on. The term “ex-offender” doesn’t aid the rehabilitation process. None of us would like to be judged by the lowest point in our lives.’ This raises several questions: when can someone stop being defined by their offending behaviour; at what point does someone move from offender to ex-offender to someone for whom offending is no longer part of their identity? The literature on desistance has much to say about the identity shifts people go through when desisting (Rocque et al., 2016) and so a

persistent use of the word 'ex-offender' fails to respond and acknowledge these changes in people's identities and citizenship status as they desist.

As such, 'ex-offender' raises further questions about the point of probation and how likely people are to stop offending/being criminalised during the course of an Order. 'Making good' (Maruna, 2001) following a period of criminalisation can take many years and whilst a period on probation can sow the seeds for a more fulfilling life down the line (Farrall et al., 2014) the jury is still out on whether probation does actually reduce reoffending (Lopoo et al., 2023), especially within the timebound confines of a court order or period of post-release supervision.

you were that  
in the past  
but don't let it go  
keep hold of that  
keeping

we will keep it for you  
keepers  
you are ex but still  
doubtless  
that

### **Person on Probation (PoP)**

on it, let's get on it  
pop  
popping it  
you've got this  
we're on it –  
person

on it  
the thing itself  
balancing  
walking it  
toeing the line  
tightrope  
popping it  
yes on it

The movement for person-centred language began in the 1970s, to move practitioners and professionals away from 'stigmatizing or labelling language about disabilities and health conditions, and toward language that recognized the "person first," ahead of the condition or diagnosis' (Cox, 2020). As such, the US Government – under Obama's tenure – stopped using words like felon, replacing them with person-centred language such as 'formerly incarcerated person' (see below for more on the use of the passive voice in this context). In a similar vein, HMPPS (2021: 4) uses 'language intended to resonate with stakeholders and best reflect the intentions behind the new model and the benefits that we are seeking to achieve'. As such HMPPS prefers the phrase 'person on probation' which features across the current Target Operating Model.

The increased use of person-centred language is generally seen as a positive move (Harney et al., 2022) although it can decentre identity, a useful mechanism for mobilising a fight for change (Cox, 2020). Person-centred language risks being appropriated and exploited by those in positions of power which is why we sometimes observe the reclaiming of seemingly negative labels as important forms of resistance. Such sanitised language can conceal the realities of life under probation supervision, Prison reform efforts such as 'treatment campuses' or 'rehabilitative prisons' can be understood as 'approaches that cloak reform in the mantle of humanism [through] uses of "appropriate" language that ... conceal[s] inappropriate changes.' (Cox, 2020: 8). Similarly, in probation, person-centred language may well conceal the inherently painful side to being on probation.



As someone who spends a lot of time talking to probation practitioners, 'person on probation' is becoming increasingly common. At face value this is a positive move. However, it is increasingly automatically being abbreviated to 'PoP', reducing – in my view anyway – people to an acronym that means little to anyone outside of probation practice. In its most benign form, this renders probation yet more invisible. At its worst this tendency 'sends a problematic message to the people we work with, that their humanity isn't recognised (never mind valued) and they are no more than a commodity to be processed (Lomas, 2022)'. In my experience, probation practitioners tend to want to avoid treating people as things (Burke and Collett, 2010) and the tendency towards the term 'PoP' might be seen to do the exact opposite.

### **Service user**

I find myself using the term 'service user' in the context of probation – often when I've repeated all the other options too many times – but it never feels quite right. I have heard this term – albeit with decreasing frequency – being used by probation practitioners over the years, although I suspect this differs according to how long someone has been working in the service, and how they may have experienced processes of occupational acculturation.

On the one hand, service user is effective because it does not label someone according to their behaviour and the active tense affords some degree of agency to the people using whatever service is being discussed. However, it also implies that serving a community sanction is a voluntary act when it clearly is not. Is it possible to be a service user when non-engagement in that service can result in a return to court or recall to prison? Working with people on probation as 'involuntary clients' requires a particular set of skills (Trotter, 2006). Using language which implies people have agency and choice over their 'treatment' risks eliding the real issues which probation practitioners have to deal with in relation to coercion, dealing with 'denial' and the inherent power imbalance that exists in the relationship they have with the people on their caseload.

That said, User Voice conducted research with 4,000 people on probation and found that 67% preferred the term service user (User Voice [@userviceorg], 2022). There is a need to respect the language autonomy of people in the system and be conscious of differences between 'in-group' and 'out-group' speakers (Ortiz et al., 2022). Whilst language is important, there are many other important issues to consider (such as the collateral consequences of punishment and the structural disadvantage which many people on probation experience) which have a greater and – probably – more immediate impact on peoples' lives than how we refer to them. Otherwise, the language we use – especially, if it does not reflect the views/wishes of impacted people – can be viewed as an example of structural violence.

user

you're a user

using

using it

using up

use it

now

do it, we mean

use it now

use it wisely

## **Client**

clientele

you are welcome

guest

paying guest

here for treatment

be our guest

Client is another word I hear relatively frequently but which, again, does not always feel right. Client has two meanings which are relevant to this context. Firstly, client implies some kind of transaction and so some degree of voluntarism which, as noted above, does not work in the probation context (Raynor, 2014). Secondly, client can refer to someone undergoing some form of treatment, especially in the context of counselling and psychotherapy. Client in this sense, then, conveys people on probation as people who may be undergoing some form of treatment in order to effect change in their own life. However, as is well established, probation (perhaps especially in England and Wales and other anglophone countries) exists to punish and protect the public as much as it does to 'treat' (although whether practitioners see it as their role to punish is unclear). Indeed, the notion of treating people – focusing on personal rather than social rehabilitation (McNeill, 2012) – whose problems have their roots in systemic deprivation is problematic in itself. In a late-modern context, probation rehabilitates for the wider ends of reduced reoffending and public protection rather than for the good of the person under supervision (Robinson, 2008). Thus, in the specific context of probation in England and Wales, client overstates the therapeutic nature of probation and potentially detracts attention away from the structural roots of harm and criminalisation.

### **Supervised individual**

you are watched  
there is watching  
blank faced watching  
watching you

The term 'supervised individual' appears to occur in literature which seeks to emphasise the 'lived experience' perspective.<sup>1</sup> The phrase captures the involuntary and surveillant nature of probation, alluding to Miller's (2021) notion of the supervised society in which people

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<sup>1</sup> I have not discussed the phrase lived experience here as it tends to be used to refer to people who are no longer 'in the system', implied through the past tense which 'makes it able to be professionalised or packaged. To be able to tell stories of the past' (Levell, 2023)

serving sentences in the community are subjected to ever increasing, intrusive and conditional forms of social control which extend beyond formal periods of punishment. In this sense, the phrase serves to remind us of the power that probation holds over peoples' lives, constrains opportunity and views people through the lens of what McNeill (2019: 209) describes as the 'malopticon', a penal apparatus 'through which the subject is seen badly, is seen as bad and is projected and represented as bad'. It is interesting that Bower used the phrase blank face in her poetic response to this term, which made me think of the song 'Blankface' about a picture of a probation officer in which 'Teejay thought he recognised the blank face of bureaucratic indifference' (McNeill 2019: 222).

From a linguistic perspective, the passive voice has the effect of reducing the agency of the object that the verb is being done to, potentially implying that people on probation do not have agency. Considering what we know about the role of agency in relation to 'successful' desistance (Healy, 2013) this poses problems for the ways in which people are talked about for two reasons: firstly, because people on probation clearly do have agency and to take an overly structural, grand narrative view fails to recognise this. Secondly, being able to exercise agency is strongly correlated with successful desistance: does referring to people in these terms stifle their proclivity to exercise agency and move away from causing harm?

### **Person under probation supervision**

you are under now  
not on top  
under stones, soil, paving,  
under streetlights, spotlights  
under  
but watched all the same

Person under supervision emphasises the supervisory nature of being 'on probation' and so draws attention to the pains that people experience of being under supervision (Durnescu, 2011; Hayes, 2015). These 'pains of probation' include the difficulties of rehabilitation,

liberty deprivation, penal welfare issues, the process of supervision such as police oversight, and stigma. As a phrase, then, it moves us to think about the deleterious effect of probation rather than the purported rehabilitative aims of the sanction. In Bower's poetic response we see how the phrase can render people on probation invisible: 'penal subjects suffer not hyper- or super-visibility; rather, they suffer the pain of *not* being seen' (McNeill, 2019: 225, emphasis in original).

### **Justice involved individual**

A slightly different but similar phrase to the one above is 'justice involved' or 'system impacted' individual. As above, the passive voice captures the involuntary nature of probation but elides the importance of agency in the pursuit of desistance. That said, the phrase directs attention towards the system that should be the object of our analysis. This is, then, perhaps a useful way of overcoming McNeill et al's (2010) argument above that offender is acceptable because we are talking about people because they are on probation. Rather, this phrase reminds us that we are talking about people who are the object of the criminal justice system. Such a focus shifts our attention to questions relating to why we punish, what we are we trying to achieve by doing so and how we know we have 'achieved' justice? Reminding ourselves that we are exploring the lives of justice involved individuals means we ask questions such as how the system works towards those aims and what are the unintended consequences of them. These are all valid questions to be asked in the context of a sociological understanding of punishment (Garland, 1991) and this phrase serves to refocus efforts on the wider context in which the practice and policy that interests us exists.

welcome

let me check your ticket

yes, it's right

all in order

you're in,

roll up, come on in

there were no invitations  
you are here now  
involved  
smell the sawdust  
look up  
at those big top stripes  
you are in now  
inside the circus of justice  
take your seat.

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