APPR ADVANCING PRETRIAL POLICY & RESEARCH

LANGUAGE GUIDE

APPR Language Guide: Words and Phrases to Effect Positive Change in the Pretrial System

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APPR ADVANCING PRETRIAL POLICY & RESEARCH

About APPR

Advancing Pretrial Policy and Research (APPR) is dedicated to achieving fair, just, effective pretrial practices, every day, throughout the nation. It works with criminal legal system professionals to improve their pretrial systems in ways that prioritize community well-being and safety, racial justice, and the effective use of public resources. APPR is a project of the National Partnership for Pretrial Justice, with support from Arnold Ventures.

CEPP

Center for Effective Public Policy

The **Center for Effective Public Policy** (cepp.com) leads all implementation and technical assistance activities for APPR.

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Introduction

Advancing Pretrial Policy and Research (APPR) is committed to achieving fair, just, and equitable pretrial justice, every day, throughout the nation. Our mission is to demonstrate equitable improvements in pretrial outcomes through high-fidelity implementation and comprehensive research on pretrial policies and practices.

We believe language—the words we use in written and verbal communications—plays a role in gaining support for pretrial system advancements and contributes to meaningful and lasting culture change. Our language helps shape our thinking, which affects our decisions and the actions we take regarding people affected by the criminal legal system.

Research shows that language and framing can reinforce stereotypes.[1] We support the deliberate use of language that is strength-based, people-centered, inclusive, and equity-focused. Throughout all of APPR's materials and resources, we strive to use terms that humanize people impacted by the criminal legal system. We frame ideas and concepts in the positive rather than the negative. Describing pretrial behavior in the negative (i.e., failure to appear, new arrest) perpetuates the misconception that pretrial failure is the rule rather than the exception. In fact, an overwhelming number of people are successful during the pretrial phase of the criminal legal system process.[2]

This language guide complements APPR's glossary, in which we define terms commonly used in the pretrial field. The goal is to use written and verbal communications to contribute to meaningful and lasting culture change.

1 Drakulich, K. M., & Kurk, E. M. (2016). Public opinion and criminal justice reform: Framing matters. *Criminology & Public Policy, 15*(1), 171–177; Gottlieb, A. (2017). The effect of message frames on public attitudes toward criminal justice reform for nonviolent offenses. *Crime & Delinquency, 63*(5), 636–656; Moriearty, P. L. (2010). Framing justice: Media, bias, and legal decisionmaking. *Maryland Law Review, 69*, 849–909.

2 Grant, G. A. (2019). 2018 report to the governor and the legislature. New Jersey Courts, Administrative Office of the Courts; Redcross, C., Henderson, B., Miratrix, L., & Valentine, E. (2019). Pretrial justice reform study: Evaluation of pretrial justice system reforms that use the Public Safety Assessment: Effects in Mecklenburg County, North Carolina (Report 1 of 2). MDRC Center for Criminal Justice Research.

Criminal Legal System

AVOID...	INSTEAD, USE...
Criminal, convict	• Person convicted of a crime
Defendant	• Person • Person charged with/accused of a crime • Person arrested/charged/accused
Ex-offender; ex-con; ex-inmate	• Person who was system-involved • Person with prior criminal legal system involvement • Person who was incarcerated • Person with lived experience
Felon	• Person convicted of a felony
Inmate; detainee	• Person in jail/prison
Justice system, criminal justice system	• Criminal legal system
Misdemeanant	• Person convicted of a misdemeanor
Nonviolent offender	• Person convicted of a nonviolent crime
Offender; perpetrator	• Person who committed an offense
Parolee; probationer	• Person on parole/probation • Person under judicial supervision
Public safety Note: In some communities, "public safety" is used to justify overpolicing communities of color and communities that are economically disadvantaged. Alternative language is suggested that focuses on well-being.	• Community well-being • Community well-being and safety Note: It may sometimes be appropriate to discuss those elements that contribute to healthy, safe communities, such as access to nutritious food, health care, good schools, sidewalks, lights, and open spaces.
Racial disparity	• Unequal justice/treatment/opportunities/outcomes based on race and ethnicity Note: There will be times when using "racial disparity" is appropriate, but there will also be occasions when speaking about the cause, rather than the outcome, can help bring focus to strategies to eliminate disparities.

AVOID...	INSTEAD, USE...
Reform	• Advancement • Improvement • Transformation • Redesign • Change
Sex offender	• Person convicted of a sex offense • Person with a sex offense conviction
Supervised individual	• Person being assisted by pretrial services • Person receiving support from pretrial services
Tough on crime	• Smart and appropriate responses to crime/harm • Healthy and safe approaches to preventing/reducing harm • Improving community wellness • Equitable and effective justice
Victim	• Survivor • Person who was harmed Note: The use of "victim" may sometimes be appropriate and/or preferred. For example, some system stakeholders refer to "victim services." Some people identify as a "victim of crime" while others prefer the term "survivor." Ask people for their preference.
Violent offender	• Person convicted of a violent offense/crime • Person who has committed a violent offense/crime

Bail, Bond, and Financial Conditions of Release

It is common for people—even experts in criminal legal policy and research—to conflate "bail" and "bond." Frequently, the word "bail" is incorrectly used to describe a financial condition of release.

"Bail" is the process of pretrial release. A person charged with a crime is either "granted bail" (i.e., released) or "denied bail" (i.e., detained).

A "bond" is a contract between the person who is accused and the court. A bond includes certain conditions of pretrial release that the person promises to uphold. The conditions may be financial (e.g., payment of cash or property) and/or nonfinancial (e.g., a promise to appear in court as directed and remain arrest-free).

To avoid confusion, when referring to a person's release tied to some form of monetary security or payment, "financial release condition(s)" or "financial condition(s) of release" should be used.

Note: The term "bail bond" is also a conflation and should not be used.

AVOID...	INSTEAD, USE...
Bail (when referring to an amount of money)	• Financial condition of release • Financial release condition Note: When necessary, use the terms "money as a condition of release" or "cash bond."
Bail (when referring to pretrial release)	• Release • Pretrial release

Pretrial Outcomes and Assessments

Many people refer to pretrial assessments, such as the Public Safety Assessment (PSA), as risk assessments. And, these assessments generally measure the negative behavior, such as the likelihood of failure to appear, a new criminal arrest, or a new violent criminal arrest. Yet, research shows that the vast majority of people on pretrial release appear in court and remain arrest-free.

To avoid reinforcing the misconception that people on pretrial release are less likely to succeed than research and data show, avoid using "risk," and refer to the positive behavior, such as appearing in court and remaining law-abiding, rather than the negative behavior. In cases where a person's pretrial assessment indicates they are less likely to succeed, explain what services and supports will help them attend court hearings and remain law-abiding.

AVOID...	INSTEAD, USE...
Failure to appear	• Not appearing in court • Refer to the positive behavior: – Court appearances – Attending all court hearings – Court appearance rates
Machine learning; artificial intelligence (AI)	• Algorithm Note: Pretrial assessments, including the PSA, do not use machine learning or AI. Those words should never be used to describe pretrial assessments. Actuarial assessments, such as the PSA, do use algorithms.
New criminal activity	• New criminal arrest • Refer to the positive behavior: – Remain arrest-free – Law-abiding behavior – Arrest-free rates
New violent criminal activity	• New violent criminal arrest • Refer to the positive behavior: – Remain violent arrest-free – Law-abiding behavior – Violent arrest-free rates
Objective (when referring to pretrial assessments such as the PSA)	• Research-informed

AVOID...	INSTEAD, USE...
Pretrial risk assessment	• Pretrial assessment • Actuarial pretrial assessment • Research-based assessment
Rearrest	• New arrest • Arrest
Risk of pretrial failure Risk of failure to appear Risk of a new criminal arrest Risk of a new violent criminal arrest	• Likelihood of pretrial success (or, In need of services and supports to succeed pretrial) • Likelihood of appearing in court • Likelihood of remaining arrest-free • Likelihood of remaining law-abiding

Pretrial Services

AVOID...	INSTEAD, USE...
Alternatives to detention; alternatives to incarceration	• Programs • Services • Community-based programs
High or low risk	• Higher or lower likelihood of pretrial success
Pretrial supervision/monitoring; case management	• Pretrial support • Pretrial assistance
Risk	• Likelihood of success
Risk profile	• Assessment score • Pretrial assessment report
Special populations	• People with specific needs

Communities

AVOID...	INSTEAD, USE...
Dangerous neighborhoods	• Communities experiencing high levels of violence • Communities more likely to experience violence
Gays, Homosexuals	• LGBTQIA+ community (LGBTQIA is an acronym for lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual. The "+" represents other sexual identities within this diverse spectrum.)
Minority neighborhoods, inner city	• Communities of color (or, when speaking specifically about a certain group, refer to that group directly, e.g., African American community, Black community, Latino/Latina/Latinx community, etc.)
Poor/at-risk neighborhoods	• Underserved communities • Communities disproportionately impacted by the criminal legal system • Communities that are economically disadvantaged • Communities experiencing chronic disinvestment

People

AVOID...	INSTEAD, USE...
Alcohol abuse; drug abuse; substance abuse	• Substance use disorder (SUD)
Alcohol/drug abuser; alcohol/drug addict	• Person affected by alcohol • Person affected by drug use • Person with an addiction • Person with a substance use disorder • Person with a history of substance use
Homeless	• Person experiencing homelessness • Unhoused
Illegal immigrant	• Person without documentation
Individual; individuals; persons	• Person; people
Mental health problem; mental health disorder	• Mental illness • Mental health challenges/issues/concerns/condition
Mentally ill person	• Person with mental illness • Person with a serious mental illness • Person with an untreated mental illness
Minority	• Person of color (or, when appropriate, refer to a specific group, e.g., African American, Black, Latino/Latina/Latinx, etc.) • Black, Indigenous, and People of Color (BIPOC)

Appendix

The APPR Language Guide was created internally and with consideration of other information gathered from the following organizations:

- Berkeley Underground Scholars Language Guide
- The Fortune Society
- The Marshall Project
- The Opportunity Agenda
- Prison Studies Project
- Urban Institute