

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/whats-in-a-name-a-small-step-prosecutors-can-take-to-build-a-more-humane-system>

Public Facing Advocacy Writing

Prosecutors are supposed to dehumanize people charged with crimes. That's what we were taught in law school.

As my professor instructed, if you're a prosecutor, always refer to the person accused as the defendant. Using defendant distances the judge or jury from seeing the accused as a person and makes it easier to pass judgment on them.

But if you're a defense attorney, use your client's name. That reminds the judge or jury that a human being's liberty is at stake.

I didn't question that wisdom. I should have. Instead, I embraced it throughout most of my prosecutorial career. Case after case, it wasn't Mr. Banks or Ms. Jackson. It was always the defendant. I made a conscious choice in the beginning. After a while, it was second nature.

It took years before I questioned this tactic and began calling people by their names. I wish I could say that there was a watershed moment when I saw the error of my ways. Honestly, I can't pinpoint what prompted the change.

Maybe I tired of seeing shackled people shuffling into courtrooms and wanted to affirm their humanity. Maybe books about racial injustice like Ibram X. Kendis' [Stamped from the Beginning](#) recalibrated my perspective. Or maybe it was speaking with the families of people who had been charged and realizing that it was awkward to use defendant with them. Whatever sparked the change, I knew it was necessary to acknowledge the dignity of the people I prosecuted.

Labels matter: *illegal alien* vs. *undocumented resident*; *felon* vs. *formerly incarcerated person*; *rape victim* vs. *survivor*. How we describe people impacts how we perceive them and how they perceive themselves.

But don't take my word for it. For years, [criminal justice actors](#) have been pushing for humane language. As the editorial board of the [New York Times](#) noted in 2016, the Department of Justice's Office of Justice Programs stopped using the words felon and convict on its website. Instead, the agency opted to use person who committed a crime or individual who was incarcerated. That year, Attorney General Loretta Lynch poignantly described people coming home from prison as citizens during a [speech about reentry](#).

And before that, there was Eddie Ellis. Mr. Ellis was founder and president of the Center for NuLeadership on Urban Solutions (now the Center for NuLeadership on Human Justice & Healing) at Medgar Evers College in Brooklyn. He was also a man who had been incarcerated and a staunch advocate for people involved in the justice system. Years before his passing in 2014, Mr. Ellis wrote an [open letter](#) denouncing labels like offender and inmate because they are devoid of humanness and identify human beings as things.

He discussed the power of naming, noting that names indicate who you are and who you can be. He wrote about the impact of hearing a negative name ascribed to you: The worst part of repeatedly hearing your negative definition of me, is that I begin to believe it myself. His letter made a simple demand: We insist on being called people.

It's a simple request: stop using defendant and say their name.

You might be tempted to brush this off. Why should I stop? It's accurate and precise. Well, what's the harm? Sure, it will be an adjustment. But isn't the trade-off worth it? Using someone's name reminds us of their inherent value as a human being and recognizes [that each of us is more than the worst thing we've ever done](#).

Or maybe you believe that prosecutors should use persuasive tactics, especially at trial. Agreed. But should a prosecutor use a strategy explicitly designed to dehumanize a person? No. Your burden isn't to prove that someone is subhuman; it's to prove that they did a bad thing. You can be a strong advocate without ignoring and undermining their humanity.

Let's be clear. Mass incarceration isn't going to end because every prosecutor starts saying the names of people who are accused. To undo mass incarceration, prosecutors will have to drastically alter their approach. Guidance from [Motion for Justice](#), a partnership between Vera and the Institute for Innovation and Prosecution, offers prosecutors a platform providing systemic action steps and practices prosecutors can adopt to [center dignity](#) and advance racial equity in their work.

Saying someone's name is a small step in that direction, but it's one that affirms the dignity of people who are charged with crimes. Imagine if our justice systems did that at every step.

You'll make a choice the next time you're in court or writing a motion. You can use defendant, a word that I chose repeatedly. A word that dehumanizes. Or you can acknowledge someone's dignity and say their name.

NEWS

NEWS

NEWS

Transformative change, sent to your inbox.

Vera Institute of Justice. All rights reserved.