Podcast #: Language Matters in the Criminal Justice System

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Host: Sandra

Guests: Dr. Ursula Castellano

Description: Sociologist and ethnographer Dr. Castellano joins the podcast to discuss the ways language intersects with the criminal justice system.

Transcript:

Sandra

Welcome to our podcast: Language Matters. This is your host, Sandra Panuela and today we have the honor to have an amazing guest. Her name is Ursula Castellano. She is a sociologist who's been working with the criminal justice system. She's the author of *Outsourcing Justice*. And right now she's writing her second book about mental health courts. Hello Ursula, welcome to our program.

Ursula

Hi, Sandra, thank you so much for having me.

Sandra

Now, thank you so much for coming to our program. Today, we want to ask you a lot of questions because we want to know about your work. Your work is amazing. Can you tell us a little bit about yourself, please?

Ursula

Sure. I'm a sociologist and I'm an ethnographer as well, which means that I do research with people in organizations, and to try to understand how people make decisions in their everyday lives. And so a lot of the work that I do and have done over the years, has meant that I've spent a lot of time talking with people, learning about their lives, and trying to understand how it is that they perceive the choices that they make. So it's been exciting.

Sandra

Wow, that sounds really exciting. All right. Our focus here is talking about language. So tell me Ursula, what have you learned about the use of language or how language interacts within your experience working with the criminal justice system?

Ursula

Well, language has always been a really important part of my work. I've always been interested in the words that people use, how they define problems. And so that's always been something

that's been a big part of my work as an ethnographer. And really, as a researcher, and a researcher is all about figuring out how to ask questions and how to ask questions that will solicit the kind of information that will help you understand people and their lives. So language has always been a really important tool for me. Before I became a sociologist, and actually, while I was in graduate school, I worked at San Quentin Prison in two capacities. I was a teacher. I taught literacy to prisoners. But for a time, I was also the co-director of the Family Center at San Quentin Prison, which was run by a nonprofit organization. And this organization, their primary purpose was to support families who came to visit prisoners. And so we provided childcare on the weekends. We had food and a place to sit down and rest. Visiting someone in prison involves long, long waits. Yeah, we also provided clothes. And at one point, we also had a health care van. So women--it was mostly women who visited. So women could come in, and get some basic health care, checks, you know, and have some healthcare questions answered. So those were the primary services that we offered. So in terms of language, I was there not as a social worker, right, you know, that was not my background or my training. I was there primarily as a student, a graduate student. And so what I learned over the years was that I had to really pay attention to who I was interacting with. You know, what brought families to the prison? What was their experience? What were they seeking to do? What kind of problems were they facing? And so I had to adjust the way that I interacted, the words that I used and the words that I listened for from them, so that we could have a positive interaction. And so that was important because the interaction between myself and families, you know, it really required that I find a way to have them trust me and build rapport with me. And yeah, go ahead.

Sandra
I want to know how do you find that way to build rapport with them? How do you remember you used the language, how do you adjust it to be able to speak to them?

Ursula
Well, one of the ways that I learned to use different language or use language differently was through making mistakes. So that's one of the best ways that we learn and that's certainly true of language. So, if someone came in with a problem--and everyone came in with a problem almost always; they came to the center because there was a problem of some kind. And so if I responded in a way that they didn't understand what I was saying, or there was clear miscommunication, or I was using a word that they didn't understand, a word that was maybe technical, you know. And so I learned to find alternatives. Like instead of using a technical word, like *clinical*, for example, find a different way of expressing that. So saying, you know, *health* or *health care*, right? And so I discovered there were ways that I was conditioned through my education, or through my own background, to use certain words or phrase things in certain ways that didn't resonate with the families that were coming, mostly women. So I had to make that kind of adjustment. The other thing that was important is that the women that came you know, they came to the center, oftentimes very emotional, very stressed, afraid, angry, high

emotions. And so I also had to find ways to help people to relax, find language that was supportive, that would connect with them in a supportive way. And so those were some of my own lessons that I learned.

Sandra
Very interesting lessons.

Ursula
Yeah. Yeah.

Sandra
That's very interesting. Did you ever have any kind of interaction with the children of these families? Do you talk to them also? Or just with the women?

Ursula
Oh, yes, I worked a lot with the children, because we ran the childcare program on the weekends. And so what happened . . . the families would come, you know, around 10, or 11. And they'd go inside and visit with the men in prison (because it was an all men's prison). And then around noon, we had a van driver who would pick up all the kids from the visiting rooms and bring them back to the center. And we would have a childcare program, we would feed the kids and there was a playground and we'd play games and just have fun with the kids. You know, give them some time to just play with each other. And these are children that knew the other kids for years. And so just give the kids a chance to have some fun. Because it's very difficult to come to the prison every weekend.

Sandra
And do you remember what was the interaction with them? How do you have to change language to interact with them? Or was it kind of similar to what the language is with their moms?

Ursula
Yeah, I mean, kids are . . . kids were different because they're kids and children adapt well. I had worked previously as a camp counselor and as a childcare worker, so I had more experience there working with kids, interacting with kids. So I could draw on those experiences. I didn't find out that I needed much translation work, if you will, when working with children, that when they got to the center where they were kids, and they were having fun and screaming and having a good time. So most of the length of language translation was between myself and the women that came and myself and the correctional officers.

Sandra

Wow. That's an amazing experience. I know you're writing right now, about your second book. I would like you to tell me a little bit more about your work in mental health that how does language play a role in these kinds of areas?

Ursula
In the mental health courts? I'm working now on my on a new book. It's called *Clinical Trials* and it's about case managers in mental health courts. So I've always been really interested in studying people who often aren't recognized for the work that they do or for the experiences they have in an organization. In mental health courts, I really wanted to look at case managers. They are people that don't have any legal training, right? But they're working in the criminal justice system in the legal system. So I was interested in how they made decisions because they're in this environment where they suddenly have to become bilingual. You know, because they have this clinical language, mental health language, treatment language, but they also had to learn the legal language, yes, you know, legal procedures, the law itself. I was interested in how they begin, how they learn that language, and how they use both languages. to develop ways of working with participants in these mental health courts. Mental health courts, for people who don't know, are specialty courts for criminal defendants who also have serious mental illnesses. If a defendant has a serious mental illness and they are accepted into the mental health court then the court will help that person to receive treatment, medication, housing, counseling, or whatever that person needs for a period of a year, usually. And then they graduate from the court and they don't have a criminal record, typically. So the case manager plays a really big role in helping to develop their treatment plan. So that was, that's what my book is about. And so I was really interested in this idea of becoming bilingual and learning the treatment and legal language to help solve very complex problems.

Sandra
Yeah, that sounds interesting. I was wondering about a little thing. Have you observed the nature of their speech? Like, does the nature of their speech change from very direct to indirect? Or maybe they're more or less polite? So in terms of politeness, what do you think that would be like, the biggest component that they have to use, because I know that they, they have to become bilinguals, but they also have to be aware of conversation skills that they have like for being polite or direct, or the kind of language that they are trying to use in order to, to comprehend and to create dialogues with prisoners. So what are your observations about it?

Ursula
Great question. Language was very important. [Case managers] thought a lot about how they would communicate ideas to participants in the court. They did this work with judges and the other legal actors as well. So they spent a lot of time scripting language and how they would communicate what they want to say to that participant. And so participants came to the court every week for a progress report. One of the examples that I can share with you is the case

managers often asked the judge who would speak directly to the participant to not use the word *you*; they would encourage the judge to use *we* instead. So, we are hoping that that you will, you know, begin to go to counseling, “we are all in this together,” the judge would say this to the participant. So, it was really to express to the participant that they were supported by the team, that they were not alone. And did not use the word *you* which is often assigned with individual blame. That kind of tweaking of language for therapeutic purposes was very much carefully scripted into how ideas were communicated. But they also used metaphors. Metaphors were a very important way of expressing ideas, both within the court team, but also communicating ideas to the participant. For example, they would use the metaphor of baseball. The judge would say to the defendant, to the *participant*, rather. So, yes, when a person is in the mental health court, they're no longer called a defendant, they're called *client* or *participant*. Great, because I was very purposeful as well. So the judge would say to the participant, “This is your first strike, you know, and then if you if you don't do it, this time, you're going to have two strikes, and then three strikes and you’re out.” So they would use metaphors as a way to connect ideas with participants. That was very, very, common.

Sandra
Oh, interesting. And they use these metaphors. They're very familiar to the participants. That's very interesting. I was looking at word choices, but I guess you're already answering my question. But that is interesting. Is there anything that you feel or you think that is necessary to change in the court system in terms of language? What do you think? Like, the advice that you can give--imagine that you have the power to change language in a court system? What would you say that they need to change? Or what would you encourage, to change in the language they use with the participants and their families? And all these process of being in the criminal justice system?

Ursula
So how the courts communicate with participants? So I think many of the courts that I worked with, because they're very conscientious about language and how to communicate ideas, I think that they have the right idea about how to best connect with people that aren't familiar with legal or clinical ideas, to use language that will connect with them. This can be done on an individual level as well. And once they get to know each participant, they can use language that they know is specific to each person. So I think continuing in that vein is really important. It's saying, I think that the idea of transparency is important as well, that finding ways to communicate ideas that participants as well as their families--oftentimes families get left out of the loop. Oftentimes, it's just a participant, but maybe finding ways to communicate what the court is trying to achieve with their family member to the families themselves would be a way to help ensure success. Because when the participant leaves court and goes home they're living with their family. If the family better understands what the goal is, then I think the chances of success are increased. And so that can come about with more transparency, about what the goal is how they seek to achieve it. I think that can create more success. But there's also the

issue of language in terms of how the team talks about cases and talks about clients. Oh, okay. So that that I that I picked up on.

Sandra
Okay, tell me a little bit more about that decision.

Ursula
Yeah, one of the things that I found is that there is a tendency to use language in a way that can be perceived as demeaning. I think it's important to become cognizant of how we use language to talk about people. And so, you know, for example, the mental health quote team, they have a very difficult job, very challenging situations. And one of the ways that you release that stress is to perhaps make jokes. Sometimes they develop nicknames for participants. This mostly came from the legal profession, the judges and the lawyers. But that's unethical. I think finding ways to think about language as an ethical act, right, ethical expression of language is important. Because ultimately, the way problems get talked about influences their outcome.

Sandra
Totally Yeah, I was actually thinking about that, sometimes can even change your own perspective on something?

Ursula
Exactly, exactly. And so that needs to be sort of the foremost in people's minds that, you know, the way we talk about cases ultimately may influence the decisions we make. And so I think these kinds of courts have to maybe think about that a little bit more.

Sandra
Yes. True. That's an important aspect to touch upon because that's true. Also, when we're thinking about the way the participants feel, I think maybe they can actually feel that sometimes you don't know when you become biased. And that can totally affect them.

Ursula
Oh, yes. I mean, I think there is bias in terms of thinking that participants don't notice or don't pick up on the subtleties. But they absolutely do. Many of the persons that I've worked with who have been diagnosed with mental illnesses or have to struggle emotionally for many different reasons are highly sensitive, as in, they are highly aware of those subtleties, much more than others. And so they pick up on things that other people do not. And they're right, they're absolutely right. And so, I think the people who work in these courts, I think it's important that they understand that and value each person's intelligence and awareness. Yeah, very much present.

Sandra

Sometimes because a person doesn't really know about its term, like a technical term doesn't mean that that person is lazy, intelligent, or that person has less education. So that's one thing that we need to work on.

Ursula
Exactly. There are as many different kinds of intelligences you know . . . why don't different ways to express intelligence or to have intelligence? And, you know, book learning what it says one type? The people that came to these when these courts, I mean, they've lived lives and they've seen things and done things that I've never seen or done. But that gives them a lot of knowledge and a lot of wisdom about their own lives and their own capacity to move past it. So but it's important that they're valued.

Sandra
Yeah, that's, I totally agree with you. I really like the way that you portray the importance of the use of language in court systems. And tell me a little bit more about the families. I know that you had a lot of interaction with them with the women and the children, but tell me a little bit more about that process. So, you know, like, trying to find this connection that they really accept you [at the prisons].

Ursula
Well, I took time. You know, one of the benefits was that I saw a lot of the women all the time that they came every week, multiple times a week. And so I was able to develop a kind of relationship with them, a kind of rapport. And sometimes it required that I just stand and be yelled at. Because it, you know, I was the person that could absorb that fear, that anger, that sadness, and so many of them were adoring. And so I had to kind of toughen up. And, you know, they're not really yelling to me, you know, and to develop a kind of very deep compassion for what they were experiencing. And I think just, a lot of language, we think, "Oh, it's words, you know, with what you say." But for me language is a kind of communication. And that requires listening. Just listening. Even when I was being screamed at, the kind of language, it's a way of communicating sympathy and understanding and patience, which many of the women didn't have in their lives. So I think that was a big part of my role there. And the way I use language was to not say a word, sometimes. It's Listen.

Sandra
Wow, that's amazing, seriously, it's really amazing how language can make so many positive changes and how language can change the way that people are feeling, the way people are seeing the world and, and get a little bit of hope. And I'm really glad that you're able to be with us in our podcast and I thank you so much for being in our program. And I will spend much more time, but sadly, times too short to develop this type of topics that we really need to learn more and we need to change our mind on so many things in terms of the criminal justice system. And Ursula, thank you so much for participating in our program. And I hope you have I

mean that you will have much more opportunities to change everything. I mean, your voice matters, too. And I know that it might be a little seed that you're putting right now, but that it's multiplying in the future. So hopefully, more people are getting more conscious about the importance of language in working with prisoners and all the work that you have done so far. Thank you so much.

Ursula
Thank you so much, Sandra. It was my pleasure.

Sandra
Thank you. Thank you. Alright, so thank you everybody for listening to our podcast. And on our next episode, we'll be also talking about language, how important language is, and how it matters. Thank you very much. Bye.