

“Officer-Involved Shootings”: How the Exonerative Tense of Media Accounts Distorts Reality

Michael Conklin
Angelo State University.

Follow this and additional works at: <https://repository.law.miami.edu/umrsjlr>



Part of the [Law and Race Commons](#), and the [Law and Society Commons](#)

Recommended Citation

Michael Conklin, *“Officer-Involved Shootings”: How the Exonerative Tense of Media Accounts Distorts Reality*, 12 U. MIA Race & Soc. Just. L. Rev. 53 ()

Available at: <https://repository.law.miami.edu/umrsjlr/vol12/iss1/5>

This Article is brought to you for free and open access by the Journals at University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Race & Social Justice Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact library@law.miami.edu.

“Officer-Involved Shootings”:

How the Exonerative Tense of Media Accounts Distorts Reality

Michael Conklin *

In “Officer-Involved Shootings”: How the Exonerative Tense of Media Accounts Distorts Reality, the author examines how the use of passive language absolves officers from public and media accountability after a shooting. This Article reports the findings of a first-of-its-kind study designed to measure how the use of the phrase “officer-involved shooting” affects public perceptions of police behavior justifications.

TABLE OF CONTENTS

INTRODUCTION	54
USE AND CRITICISM	54
METHODOLOGY	58
RESULTS	58
DISCUSSION.....	60
CONCLUSION.....	62

* Powell Endowed Professor of Business Law, Angelo State University.

INTRODUCTION

The passive voice is a frequently used tactic for acknowledging wrongdoing without actually acknowledging wrongdoing. The most famous example is likely the statement by politicians that “mistakes were made.”¹ This tactic is so common that a new language tense was created to mockingly refer to it: the past exonerative tense.² This same rhetorical device is often used in media headlines by referring to a police officer shooting and killing a suspect as an “officer-involved shooting.”

This Article reports the findings of a first-of-its-kind study designed to measure how the use of the phrase “officer-involved shooting” affects public perceptions of police behavior justifications. The results provide novel, empirical evidence for what civil rights advocates have long suspected. The results of this study also shed light on the dangerously symbiotic relationship between police public relations departments and the media. Finally, the highly peculiar results found at the demographic level call for replication with variation in future research.

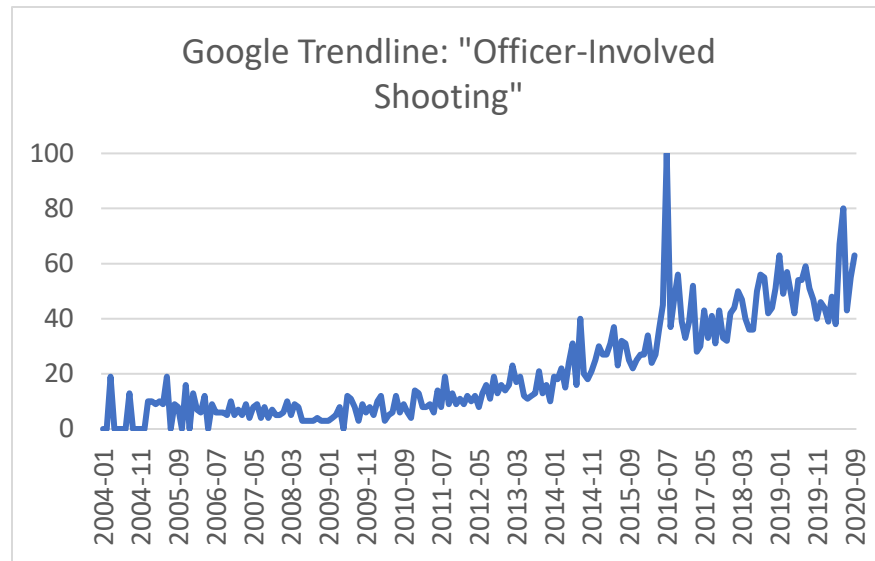
USE AND CRITICISM

The first recorded use of the term “officer-involved shooting[]” was by a Long Beach Police Department detective in 1972.³ From there it became popular with other police departments and is in common use nearly fifty years later. A trendline of Google searches for “officer-involved shooting” over the last seventeen years produces a consistent upward trajectory.

¹ John M. Broder, *Familiar Fallback for Officials: ‘Mistakes Were Made’*, N.Y. TIMES (Mar. 14, 2007), <https://www.nytimes.com/2007/03/14/washington/14mistakes.html>.

² *Id.*

³ See Mya Frazier, *Stop Using ‘Officer-Involved Shooting’*, COLUM. JOURNALISM REV. (Aug. 7, 2020), <https://www.cjr.org/analysis/officer-involved-shooting.php> (stating that it was “likely” the first use of the phrase).



Much has been written about the harmful and deceptive nature of referring to the killing of a suspect by a police officer as an “officer-involved shooting.” However, the practice still seems reflexive for many media outlets. The ambiguity of the phrasing may function to minimize the potential culpability of the officers’ actions.

“Officer-involved shooting” is grammatically problematic for a number of reasons. It is written in the passive voice, while the active voice generally flows better and is easier to understand. The passive voice takes the emphasis away from the subject of the sentence—meaning the phrase deemphasizes the police officer’s actions. Furthermore, “Officer-involved shooting” is a deverbal noun phrase.⁴ Because there is no verb, nobody is identified as doing anything; therefore, agency cannot be assigned to the subject.⁵

Additionally, removing definite articles and replacing them with indefinites helps diminish the perceived severity of the act. It is hard to create a mental image when referring to “an officer-involved shooting” because that could be anyone who did the shooting—male/female, black/white, officer/suspect, etc. Conversely, referring to how “Officer Joe Smith shot and killed . . .” is more powerful, as it functions to conjure an image of a specific person doing the shooting.⁶ “Officer-involved

⁴ *Id.*

⁵ *Id.*

⁶ For a step-by-step guide as to how language can be manipulated to turn “The quick brown fox jumps over the lazy dog” into “A lazy dog and a quick brown fox were both

shooting” is so commonly used that it helps to consider other examples of this grammatical structure to illuminate the absurdity. For example, a headline about a dog who bit someone phrased “Last night a dog-involved biting occurred” would leave readers puzzled as to who bit whom.⁷

The phrase “officer-involved shooting” is not just grammatically ambiguous; it also deceptively implies that the officer did not do the shooting. This is because referring to someone as being “involved” in an act insinuates that he was only involved in some tangential way.⁸ If the subject was the primary actor, a more direct and active sentence structure should be used.⁹ For example, it would be misleading to say that Bernie Madoff was “involved” in a Ponzi scheme. This phrasing implies that Madoff was the victim of the Ponzi scheme or, at worst, played a minor role in enacting it. Madoff was far more than just involved; he was the architect of the scheme. Likewise, when an officer shoots and kills someone, he is more than just involved in the shooting; he carried out the shooting.

The study of media headlines is of immense importance because “headlines are likely the only contact that people have with most stories.”¹⁰ And even when media consumers do read the entire article, the headline plays a vital role in how readers interpret the information by first framing the issue.¹¹ Simply put, media consumption is a top-down activity in which information is interpreted in light of the headline.¹² Even when media consumers read an entire article, variations in the headline significantly affect how the reader recalls the information in the article.¹³

The Society of Professional Journalists Code of Ethics provides the following guidance that would be applicable to the use of “officer-involved shootings.”

involved in a jumping-related incident,” see Vijith Assar, *An Interactive Guide to Ambiguous Grammar*, MCSWEENEY’S: FACEPALM PILOT: WHERE TECHNOLOGY MEETS STUPIDITY (Sept. 3, 2015), <https://www.mcsweeneys.net/articles/an-interactive-guide-to-ambiguous-grammar>.

⁷ See Craig Martin, *Time to Kill the Term “Officer-Involved Shooting”*, HUFFINGTON POST (Dec. 06, 2017), https://www.huffpost.com/entry/time-to-kill-the-term-off_b_7428072.

⁸ See *id.*

⁹ See *id.*

¹⁰ Blake C. Andrew, *Media-Generated Shortcuts: Do Newspaper Headlines Present Another Roadblock for Low-Information Rationality?*, 12 HARV. INT’L J. PRESS/POL. 24, 28 (2007).

¹¹ *Id.* at 28–29.

¹² *Id.* at 29.

¹³ John G. Geer & Kim Fridkin Kahn, *Grabbing Attention: An Experimental Investigation of Headlines During Campaigns*, 10 POL. COMM. 175, 186 (1993).

- “Take special care not to misrepresent”¹⁴
- “Consider sources’ motives”¹⁵
- “Be vigilant and courageous about holding those with power accountable.”¹⁶
- “Recognize a special obligation to serve as watchdogs over public affairs and government.”¹⁷
- “Never deliberately distort facts or context”¹⁸

Unfortunately, these general principles are not enough to stop the use of “officer-involved shooting.” The *Associated Press Stylebook* would be an ideal place to stipulate that the practice is unacceptable. Unfortunately, the Associated Press (AP) continues to neglect this issue.¹⁹ The AP even perpetuates the practice itself in its own headlines.²⁰

Part of the problem is that police departments are well-funded organizations with experienced public relations professionals who put out press releases utilizing the language that promotes a narrative most beneficial to their side.²¹ This makes the job of media outlets easier, as they can simply copy the language provided. Additionally, media outlets rely on police departments in many other ways, which creates a symbiotic relationship that the media is hesitant to risk losing.²² Unfortunately there is no equally powerful civil rights organization to provide counter narratives, thus balancing the prepared statements available to the media to choose from.

¹⁴ *SPJ Code of Ethics*, SOC’Y PROF. JOURNALISTS (Sept. 6, 2014, 4:49 PM), <https://www.spj.org/ethicscode.asp>.

¹⁵ *Id.* In the context of the Society of Professional Journalists Code of Ethics, this refers to considering sources’ motives before promising anonymity. *Id.* But the broader principle of considering the motives of police public relations’ statements strongly applies to the topic of this Article.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ See Frazier, *supra* note 3.

²⁰ See e.g., *Man Dies After an Officer-Involved Shooting in West Phoenix*, ASSOCIATED PRESS (July 5, 2020), <https://apnews.com/article/f7cecc8d9ca4733076d0b7ad85af0d14>; *Officer-Involved Shooting Investigated in Clay County*, ASSOCIATED PRESS (July 22, 2020), <https://apnews.com/article/df7e6478e00682b8c8294d1c47891504>; *Police: Officer-Involved Shooting Still Under Investigation*, ASSOCIATED PRESS (July 3, 2020)..

²¹ Although beyond the scope of this research, it is worth noting the conflict of interest in how the police agencies that put out the misleading press releases are often the same agencies responsible for investigating the officers who commit the shootings.

²² Paul Farhi & Elahe Izadi, *Journalists Are Reexamining Their Reliance on a Longtime Source: The Police*, WASH. POST (June 30, 2020, 11:49 AM).

METHODOLOGY

The survey was administered online to 121 participants in the summer of 2020. The average age of the participants was 32.9.²³ Male participants comprised 59% of the respondents, and female participants comprised 41%. Two different versions of the survey were utilized. After a series of demographic questions, participants were presented with one of the two following questions²⁴:

[Officer-involved prompt:] You read the following headline, “Last night a 17-year-old burglary suspect was killed in an officer-involved shooting.” Based only on this information, how would you judge the officer’s behavior?

[Standard prompt:] You read the following headline, “Last night a police officer shot and killed a 17-year-old burglary suspect.” Based only on this information, how would you judge the officer’s behavior?

Participants were provided a 0–100 Likert scale to identify their perceptions of how justified the police shooting was. The survey defined 0 as “completely unjustified” and 100 as “completely justified.”

It was hypothesized that the officer-involved prompt would result in more perceptions that the shooting was justified than the standard prompt. It was further hypothesized that this language-induced disparity would remain constant among all demographic variables even though, overall, conservatives would be more likely to find the shootings justified than liberals.

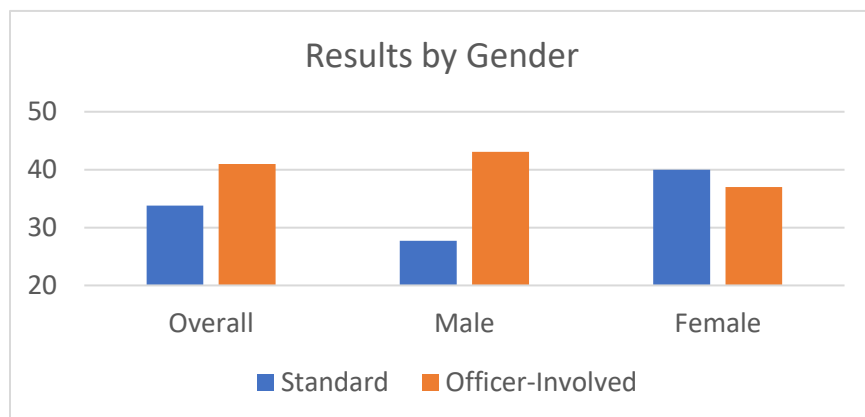
RESULTS

As hypothesized, survey participants who read the officer-involved prompt responded with higher approval levels of the officer’s behavior than participants who read the standard prompt. The average response for the former was 41.0, while the average response for the latter was 33.8.

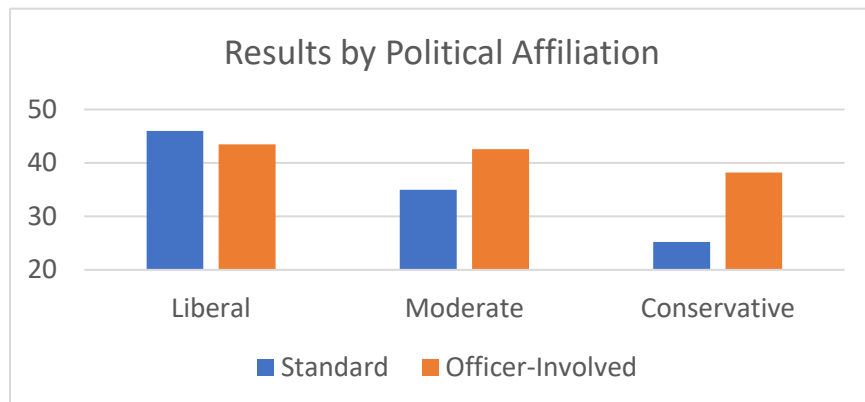
While the overall result was as expected, analyzing demographic differences returned surprising results. The two different prompts produced a greater disparity in responses from males than females. With females, the officer-involved prompt averaged 37.0, and the standard prompt averaged 40.0. With males, the officer-involved prompt averaged 43.1, and the standard prompt averaged 27.7.

²³ In order to protect anonymity, age ranges were provided instead of asking for the participant’s exact age. Therefore, the survey average age of 32.9 is an approximation.

²⁴ The language utilized in these two prompts was adapted from Radley Balko, *The Curious Grammar of Police Shootings*, WASH. POST (July 14, 2014, 1:04 PM), <https://www.washingtonpost.com/news/the-watch/wp/2014/07/14/the-curious-grammar-of-police-shootings/>.



The most counterintuitive result of the survey involves differences based on participant political affiliation.²⁵ Liberals viewed the actions of the officers in both prompts as more justified than both moderates and conservatives.²⁶ Furthermore, liberals did not view the officer-involved prompt as more justified than the standard prompt, as both moderates and conservatives did. Conservatives viewed the officer's behavior in both prompts as more unjustified than both moderates and liberals. And the effect of the officer-involved language had the most significant effect on conservatives.²⁷



²⁵ This survey asked participants to define their political affiliations by moving a slider bar along a 0–100 Likert scale, with 0 being defined as “Extremely liberal” and 100 defined as “Extremely conservative.” For purposes of political affiliation analysis, participants whose response was between 0–33 are defined as liberal, 34–66 as moderate, and 67–100 as conservative.

²⁶ Liberals averaged 43.5 for the officer-involved prompt and 46.0 for the standard prompt. Moderates averaged 42.6 for the officer-involved prompt and 35.0 for the standard prompt. Conservatives averaged 38.2 for the officer-involved prompt and 25.2 for the standard prompt.

²⁷ Meaning, conservatives had the largest disparity in perceived justification between the two prompts.

DISCUSSION

The difference in the overall results between 33.8 and 41.0 are more significant than they first appear. This is because the 0–100 scale utilized spans the complete range of possible perceived officer justification. It was labeled from “completely unjustified” at 0 to “completely justified” at 100. Therefore, the 21% increase in perceived justification caused by the “officer-involved shooting” language demonstrates a highly significant effect on the reader. The cumulative effect of a 21% increase in perceived officer justification could easily be the difference between the support for policies such as defunding the police. Additionally, this could also lead to the difference between jury members voting to acquit or convict in a criminal trial of an officer.

Males viewed the officer-involved prompt as significantly more justified than the standard prompt, while females viewed it as slightly *less* justified. This result was unexpected, and a potential explanation is difficult to produce. The explanation that males are more likely to give the benefit of the doubt to police officers—who are disproportionately male²⁸—is consistent with the officer-involved prompt results (which males viewed as more justified than females) but inconsistent with the standard prompt results (which males viewed as less justified than females). Additional explanations such as females having more sympathy for the young victim or females demonstrating more concern with being burglarized themselves would likewise only be consistent with the results of one prompt, while inconsistent with the other.

It should be noted that, since the information ultimately provided in the two prompts is identical (an officer shot and killed a burglary suspect), the average level of perceived justification from the two prompts should be close to equal if the group making the judgements is perfectly logical. Therefore, the fact that females deviated significantly less between the two prompts than males means that females were far less inappropriately manipulated by the wording of the prompts. Perhaps females are on average more educated regarding the issue of deceptive criminal justice headlines and thus better equipped to moderate their responses.

The results based on political affiliation were unexpected. It was hypothesized that conservatives would view the officer’s behavior in both prompts as more justified than liberals, and yet the opposite occurred. Furthermore, this was a consistent trend throughout the three political affiliated groups. Meaning, for both prompts, the perceived justification of

²⁸ In 2018, law enforcement officers were 87.4% male. *Gender Distribution of Full-Time Law Enforcement Employees in the United States in 2018 2019*, STATISTA (Oct. 10, 2019), <https://www.statista.com/statistics/195324/gender-distribution-of-full-time-law-enforcement-employees-in-the-us/>.

the officer's behavior increased moving from conservative to moderate and from moderate to liberal. This is a highly peculiar result given that conservatives voice far more support for police officers than liberals.²⁹

Perhaps survey participants were anticipating likely criticism on the issue from their political affiliation (conservatives being too supportive of police and liberals being too critical of police). With this in mind, liberals and conservatives may have modulated or restrained their responses accordingly, whether consciously or otherwise. This would explain the inversion of the conservative and liberal results and would also explain why moderates fell between the two extremes (because moderates are not associated with an extreme position on the issue that would need to be countered). An additional explanation for the unexpected results based on political affiliation is that because conservatives are more pro-police, their lower levels of perceived justification demonstrate that they are holding the police to a higher standard.

The results of this first-of-its-kind study invite replication with variation. The following variables could be tested in future versions of the survey:

- Mentioning the suspect was unarmed
- Referencing a pattern such as "For the fifth time this week, an officer shot and killed . . ."
- Stating the officer and/or suspect's race
- Analyzing survey participants' race as a demographic factor³⁰
- Selectively including information about the suspect, such as "A father of two was shot and killed by police . . ." Or "An ex-felon was shot and killed by police . . ."
- Identifying the police officer by name to create a visual image of the shooting
- Including questions about policing policy, such as defunding the police, to see how media accounts affect such support

It is of note that the average level of justification for either of the prompts and for any of the demographic subgroups always remained less than fifty. It is ultimately unknowable what percentage of police shootings are justified and therefore unknowable what the "correct" level of predicted justification is upon being informed that an officer killed a suspect. Regardless, the results of this survey demonstrate high levels of

²⁹ *Partisans Differ Widely in Views of Police Officers, College Professors*, PEW RES. CTR. (Sept. 13, 2017), <https://www.pewresearch.org/politics/2017/09/13/partisans-differ-widely-in-views-of-police-officers-college-professors/>.

³⁰ While race was recorded as a demographic factor in the present study, it was determined there was not enough diversity among participants to measure effects attributable to participant race.

skepticism among a broad audience for when an officer shoots and kills a suspect. It is likely that this level of skepticism is the result of the awareness of police shootings brought about by activist movements such as Black Lives Matter.

CONCLUSION

The purpose of this Article is not to pass judgment on the level of justification present in police shootings—the methodology of this research circumvents that topic completely. The singular purpose of this Article is to illustrate how headlines containing “officer-involved shooting” affect perceptions of police justification. On that point the results of this study are emphatic: the use of the phrase increases perceived justification for the shooting.

The empirical evidence from this Article not only provides a powerful tool for civil rights activists against the use of “officer-involved shooting” but also against less easily definable rhetorical tricks. For example, a Georgia local news outlet reported on an incident in which “[t]he deputy’s gun fired one shot [and hit a child].”³¹ This phrasing distances potential culpability of the officer by implying that it was the gun’s fault for shooting the child.³²

The duty of those in the media to write accurate headlines can be difficult, and the general problem of misleading reporting of police shootings can be hard to accurately define.³³ Fortunately, with respect to the use of “officer-involved shooting,” the problem is easily defined and the solution is likewise simple: media outlets should ban the use of the phrase.

³¹ Christian McKinney, *Details Still Unclear After Deputy Shoots 10-year-old in Manhunt*, WALB NEWS 10 (July 20, 2014, 11:50 PM).

³² Not surprisingly, this language repeated by the media outlet was crafted by the sheriff. *Id.*

³³ Michael Conklin, *The Truth Can Be Deceiving: How Criminal Justice Headlines Are Misinterpreted*, NE. U. L. REV.: EXTRA LEGAL (Mar. 21, 2020), <http://nulawreview.org/extralegalrecent/2020/3/21/the-truth-can-be-deceiving-how-criminal-justice-headlines-are-misinterpreted>.