

Public Expressions of Empathy and Sympathy by U.S. Criminal Justice Officials After Controversial Police Killings of African-Americans

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Abstract

Police use of force against minorities, particularly African-Americans, has become a prominent national issue in the United States. In a number of controversial instances, such as the death of George Floyd in Minneapolis, African-Americans have died under questionable circumstances due to police use of force. These incidents have fueled the growth of the #BlackLivesMatter movement and have often resulted in large-scale protests and riots. In this paper, we examine statements made by four types of criminal justice officials – police executives, police department spokespersons, police union representatives, and prosecutors – in the immediate aftermath of 30 such incidents that occurred in 2020. We examine the language used by these officials in social media postings, news releases, and press conferences, focusing specifically on the extent to which they express empathy or sympathy toward the decedent or his or her loved ones, as well as the community at large. Our analysis reveals that criminal justice officials rarely express empathy or sympathy in the aftermath of these incidents, though there are noteworthy differences between different types of officials. Our findings are helpful for understanding how the language used by these officials, particularly the public expression of empathy and sympathy, fits into broader debates about race and criminal justice in the United States.

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Over the past 40 years, the research published in *JLSP* has evolved toward “a more nuanced study of language and its components in the context of intergroup communication and prejudice” (see also Cervone et al., 2021; Giles et al., 2021, p. 9). One domain in which intergroup communication and prejudice are highly salient is the relationship between law enforcement and the public. However, researchers have paid relatively little attention to the language used in this context, particularly the language associated with alleged police misconduct against people of color. This is surprising given the prominence of these issues and their profound implications for police, minorities, and communities more generally.

Police use of force against minorities, particularly African-Americans, has been a serious public policy issue in the United States since the inception of policing (Bayley & Mendelsohn, 1969; Brunson & Miller, 2006; Rudwick, 1960). The frequency and intensity of national dialogue about this issue tend to ebb and flow, often in response to highly controversial and newsworthy incidents (Tyler & Maguire, 2021). The police treatment of minorities has recently become much more newsworthy due to numerous controversial police shootings and deaths while in police custody. In 2020, the death of George Floyd under the knee of a Minneapolis police officer led to sustained protests – and in some cases riots – throughout the nation (for an analysis of these events in the context of evolving intergroup communication theory, see Giles et al., 2021). These incidents have fueled the growth of powerful social movements such as #BlackLivesMatter and #DefundThePolice. Language plays a crucial role in discussions of these serious social issues as it does with most issues involving the criminal justice system (see Paul and Borton, 2021). The language used by criminal justice officials, politicians, and those seeking to reform or abolish the police can have powerful effects on law enforcement and communities. Paying careful attention to the content and meaning of this language can help illuminate the public debate about policing, including the police treatment of minorities (see Camp et al., 2021; Dixon et al., 2021).

In this paper, we focus on the language used by four types of criminal justice officials in the immediate aftermath of controversial killings of African-Americans by police in 2020. We focus on criminal justice officials because critics have accused them of being insensitive to racial equity issues. The criminal justice system continues to struggle with legitimacy crises resulting from allegations of racial injustice throughout the criminal justice process. Many African-Americans feel a profound sense of unfairness and grievance based on either direct or vicarious exposure to unjust treatment by criminal justice authorities (Feagin, 1991). Research in other settings shows that expressions of empathy and sympathy can be important mechanisms for acknowledging harms and reducing intergroup tensions (Klimecki, 2019; Stephan & Finlay,

2003). Little is known about the language used by criminal justice officials – including expressions of empathy or sympathy – in cases of alleged or potential police misconduct against people of color. This is unfortunate given the gravity and current salience of these issues. This study seeks to begin filling that gap.

Our findings reveal several noteworthy themes that are helpful for understanding how the language used by criminal justice officials, particularly the expression of empathy and sympathy, fits into broader debates about policing and race in the United States. These findings have clear implications for research, policy, and practice. Before discussing the qualitative data and analytical methods used in this study, we provide a brief overview of studies conducted on language practices in the criminal justice system, including encounters between police and the public.

Language and the Criminal Justice System

There is a long history of research on the dialogic and written use of language in the criminal justice system. This previous research examines an array of language-related phenomena and relies on diverse methodologies, some in simulated settings and many in naturalistic settings (Conley & O’Barr, 1990; Danet, 1980; Solan & Tiersma, 2005; Tiersma & Solan, 2012). Such research has often focused on issues of power and the use and misuse of language (see Shuy, 1993) and has appeared across the range of sub-disciplines in the language sciences. These include linguistic anthropology (e.g., Richland, 2013), applied and forensic linguistics (e.g., Shuy, 2008), the social psychology of language (e.g., Lind and Barr, 1979), and the sociology of language (e.g., O’Byrne, 2012). There is an established literature on courtroom discourse (e.g., Atkinson, 1992; Eades, 2008; Heffer, 2008), a significant portion of which examines the interactive talk of lawyers, defendants, and witnesses (expert and lay), and their often mutually dependent accommodative and nonaccommodative moves (e.g., Aronsson et al., 1987; Gnisci et al., 2016). Within this discursive mosaic, attention has also been drawn to the significance of judges’ instructions to jurors, as well as their use of strategic clarifications with jurors (Heffer, 2008).

Many communicative events unfold in the criminal justice system before cases reach the criminal courts. Thus, studies have also examined language patterns and their social consequences in policing, both internally within police organizations (e.g., Hill & Giles, 2021; Wolfe, 2021) and externally during police interactions with the public (see Giles et al., 2021).¹ Similarly, it has been estimated that 97% of (American) police work involves interacting with the public and that communication is regarded as “the central most important commodity that the officer has at his [or her] disposal” (see also, Langan et al., 2001; Womack & Finley, 1986, p. 14). Cross-cultural evidence reveals that public trust in the police improves when officers behave in a communicatively accommodative manner when interacting with the public (e.g., Choi et al., 2019). At the same time, there is evidence that police sometimes misuse language during interactions with the public, due to a variety of personal and professional motives (see Shuy, 2005). Relatedly, research has looked at law enforcement encounters with community members across a range of different social

domains and communicative mediums (Glauser & Tullar, 1985), such as the language of traffic stops (e.g., Dixon et al., 2008; Giles et al., 2012; Lowrey et al., 2016; Lowrey-Kinberg, 2021), arrests (Glennon, 2010), interviews with victims of crimes (e.g., Antaki et al., 2015), criminal investigations (Oxburgh et al., 2015), hostage negotiations (Rogan et al., 1997), interrogating suspects (Richardson et al., 2014), and obtaining confessions (Shuy, 1998).

In the USA, many of these interactions are played out in real time (as well as in fictional drama) on traditional and new media (Mustafaj & Van den Bulck, 2021; Perlmutter, 2000). Vicarious exposure to these interactions in the media can produce significant social consequences for the public, including the stereotyping of policing and law enforcement (see Hill & Giles, in press; Van den Bulck, 2002; Walther, 2021), and widespread calls for police defunding and reform (Nix et al., 2018). While some media coverage of police depicts officers as the guardians of societal welfare (McLean et al., 2020a), it also documents incidents of police misconduct such as the excessive use of force. Relevant to our own empirical concerns below, Santia et al. (2020) examined digitally-recorded public reactions to live-streamed Facebook videos of in-the-moment arrests of civilians made in the aftermath of racial justice protests to the police killing of a Black man, Alton Sterling, in Baton Rouge, Louisiana, in July 2016. Employing a qualitative content analysis, these scholars reported 302 comments that were categorized according to two broad themes that reflect "...the sentiments of a community deeply fractured" (p. 5970). The first was a call for an authoritarian order to restore control that included the following types of online comments and language (pp. 5970–5973):

vilifying the protesters (e.g., "*Just another excuse to act like an animal*" and "*Ha, finally got arrested*");

dismissing the protests (e.g., "*A lot of these people are looking for an excuse to get on TV*" and "*Lock them all up*");

solidarity for police (e.g., "*So proud of my blue family*" and "*Prayers for these officers*").

The other theme was the advancement of social justice that included the following types of comments and language:

supporting the protests (e.g., "*Selfish people still don't get it, the passion is genuine*" and "*No justice no peace*");

antipathy towards police (e.g., "*Cops arrest people because they feel like it, not because they are serving or protecting*" and "*God protect us from the police*");

calls for peace (e.g., "*Protest peacefully....your voice won't be heard like this*" and "*Help us Lord!*").

One topic that is not well understood in criminal justice settings is the use of language to convey empathy and/or sympathy. Research shows that conveying these

reactions to people experiencing emotional distress can reduce tensions and improve intergroup relations (Klimecki, 2019; Stephan & Finlay, 2003). Here we focus on the way criminal justice officials use language to convey empathy or sympathy in the immediate aftermath of controversial police killings of African-Americans. We examine public expressions of empathy or sympathy directed toward two groups: the decedent and his or her loved ones, and the community at large.

Expressions of Empathy and Sympathy

Empathy is a multidimensional concept that has “cognitive, affective, and behavioral dimensions” that are invoked by distinct neurological processes (Clark et al., 2019, p. 162). The cognitive dimension focuses on people’s ability to understand the thoughts, feelings, and perspectives of another (Cuff et al., 2016; Duan & Hill, 1996; Herlin & Visapää, 2016). The affective dimension focuses on people’s experience of feeling the same affective or emotional state as another (Anderson & Giles, 2009; Chismar, 1988; de Waal, 2008; Duan & Hill, 1996). The psychological literature on empathy often refers to this phenomenon as emotional contagion (Clark et al., 2019). The behavioral dimension focuses on how people behave empathically. Much of the literature on behavioral empathy focuses on two phenomena: behavioral mirroring (mimicking the verbal and/or nonverbal styles or behaviors of another) and empathic communication (intentionally demonstrating cognitive and/or affective empathy to another) (Clark et al., 2019). Taken together, these dimensions of empathy refer to people’s ability “to perceive the meaning and feelings of another and to communicate those feelings” (Brunero et al., 2010, p. 65).

Sympathy is “a feeling of sorrow or concern for someone based on the other’s emotional state or condition” (Gerdes, 2011, p. 233). While sympathy has often been conceptualized as a dimension of empathy, research from multiple disciplines suggests that the two concepts differ from one another (Clark et al., 2019). For instance, neuroscientists have found that empathy and sympathy involve “partially distinct” neural mechanisms (Decety & Michalska, 2010, p. 886). Sympathy shares certain similarities with the affective dimension of empathy, but with one key difference: “sympathy does not involve experiencing the same affective state” as another person. Instead, feeling sympathy toward another person entails feelings of compassion and a desire to alleviate the person’s suffering. Some research confirms a temporal ordering in which sympathy flows from empathy (Decety, 2010; Stocks et al., 2011).

Empathy and sympathy, while subtly different concepts, both involve experiencing thoughts, feelings, or behaviors in response to the emotional distress of another person. The ability to recognize the distress experienced by others and to express genuine empathy and sympathy are important competencies for leaders in all types of organizations (De Waele et al., 2020; Jin, 2010; Meinecke & Kauffeld, 2019; Skinner & Spurgeon, 2005). These competencies are particularly salient in the work of criminal justice officials whose work routinely involves dealing with trauma and life-and-death circumstances (Inzunza, 2015). The ability to express empathy and/or sympathy effectively is useful for promoting “cooperation and unity rather than conflict and isolation”

(also see Cikara et al., 2014; Klimecki, 2019; Konrath et al., 2011, p. 180; Vanman, 2016). As criminal justice officials continue to struggle with legitimacy crises resulting from ongoing allegations of bias at key decision points in the criminal justice system – including the decisions to use force, make arrests, and prosecute offenders – expressions of empathy and sympathy may be especially important mechanisms for reducing intergroup tensions. Unfortunately, we are unaware of any research on the nature or effects of criminal justice officials expressing sympathy or empathy in strategic communications. This study seeks to begin filling that gap.

The Present Study

A significant body of empirical research has explored the language used by various social actors in the criminal justice system, including the language used in police-community relations. However, there is a paucity of naturalistic research (apart from Santia et al., 2020) on the language used in response to alleged police brutality against people of color. Herein, we focus on the language used in public statements issued in social media postings, news releases, and press conferences by criminal justice officials – namely, police executives, police department spokespersons, police union representatives, and prosecutors – in the immediate aftermath of the killing of unarmed African-Americans by U.S. police. These officials are currently facing profound legitimacy crises following numerous well-known instances of police killing African-Americans under controversial circumstances (Levin, 2020; Pryce & Chenane, 2021; Trivedi & Gonzalez Van Cleve, 2020). We look closely at thirty of these incidents (as defined in more detail below) that occurred in 2020, examining public expressions of empathy or sympathy by these officials in social media postings, news releases, and press conferences.

The focus of our analysis is on empathy or sympathy that is directed toward two audiences: the decedent and his or her loved ones, and the community at large. Although we acknowledge the conceptual differences between empathy and sympathy, we do not seek to distinguish between them here. Our primary interest is in the extent to which the language used by criminal justice officials indicates that they recognize the emotional distress experienced by others in the aftermath of these controversial incidents.

Method

We began by identifying all incidents of police killing unarmed African-Americans in the United States in 2020. Using the *Mapping Police Violence* (MPV) database,² we identified 30 such incidents during this timeframe, as shown in Table 1 (Mapping Police Violence, 2021).³ Determining what constitutes an armed or unarmed person is not always straightforward. For purposes of this study, we defined an “armed” person as someone in possession of a weapon that is lethal or that appears to be lethal. The MPV designations of what constitutes an “armed” person overlap largely with this definition. For instance, people who were carrying a gun, a knife (or other

Table 1. Unarmed African-Americans Killed by U.S. Police in 2020.^a

ID	Date	Name	Location	Agency
1	January 4	Tina Marie Davis	Spring Valley, NY	Spring Valley Police Dept.
2	January 21	Gamel Antonio Brown	Owings Mills, MD	Baltimore County Police Dept.
3	January 27	William Green	Temple Hills, MD	Prince George’s County Police Dept.
4	January 28	Jaquyn O’Neill Light	Graham, NC	Graham Police Dept.
5	February 27	Desmond Hayes	Colorado Springs, CO	Colorado Springs Police Dept.
6	March 3	Manuel Ellis	Tacoma, WA	Tacoma Police Dept.
7	March 8	Barry Gedeus	Fort Lauderdale, FL	Fort Lauderdale Police Dept.
8	March 12	Donnie Sanders	Kansas City, MO	Kansas City Police Dept.
9	March 13	Breonna Taylor	Louisville, KY	Louisville Police Dept.
10	March 20	Mychael Johnson	Tallahassee, FL	Tallahassee Police Dept.
11	March 23	Daniel Prude	Rochester, NY	Rochester Police Dept.
12	April 6	Tommie Dale McGlothen Jr.	Shreveport, LA	Shreveport Police Dept.
13	April 10	Kanisha Necole Fuller	Birmingham, AL	Birmingham Police Dept.
14	April 19	Joel Acevedo	Milwaukee, WI	Milwaukee Police Dept.
15	April 24	Michael Brent Ramos	Austin, TX	Austin Police Dept.
16	April 29	Shaun Fuhr	Seattle, WA	Seattle Police Dept.
17	May 8	Adrian Medearis	Houston, TX	Houston Police Dept.
18	May 23	Maurice Gordon	Bass River, NJ	New Jersey State Police
19	May 25	Dion Johnson	Phoenix, AZ	Arizona Dept. of Public Safety
20	May 25	George Floyd	Minneapolis, MN	Minneapolis Police Dept.
21	June 11	Michael Thomas	Lancaster, CA	Los Angeles County Sheriff’s Dept.
22	June 12	Rayshard Brooks	Atlanta, GA	Atlanta Police Dept.
23	June 25	Robert D’Lon Harris	Vinita, OK	Oklahoma Highway Patrol
24	July 6	William Wade Burgess III	St. Louis, MO	St. Louis County Sheriff’s Dept.
25	August 15	Kendrell Antron Watkins	Tuscaloosa, AL	Tuscaloosa Police Dept.
26	September 23	Kurt Andras Reinhold	San Clemente, CA	Orange County Sheriff’s Office
27	October 3	Jonathan Dwayne Price	Wolfe City, TX	Wolfe City Police Dept.
28	October 12	Anthony Jones	Bethel Springs, TN	Henderson Police Dept.
29	November 19	Rodney Applewhite	Los Lunas, NM	New Mexico State Police

(continued)

Table 1. (continued)

ID	Date	Name	Location	Agency
30	December 22	Andre Maurice Hill	Columbus, OH	Colombus Division of Police

^aSource: <https://mappingpoliceviolence.org/>.

sharp instrument), or a bat are designated as armed. In addition, people who drove a vehicle toward a police officer were designated as armed since a vehicle can be an instrument of lethal force (Tiesman et al., 2010).

We deviated from the MPV definition of what constitutes an armed person in two ways. First, the MPV database classifies people who possessed a TASER as being armed. The TASER is a conducted energy weapon that administers an incapacitating electric shock to a suspect. Since police themselves classify a TASER as a “less lethal” weapon, we chose not to classify it in this study as a lethal weapon.⁴ Thus, we included among our cases the highly publicized killing of Rayshard Brooks, who was carrying a TASER when Atlanta police shot and killed him on June 12, 2020. Second, the MPV database classifies people who possessed a toy weapon as being unarmed. We excluded four cases in which the decedents were holding a toy weapon since officers find it difficult to distinguish toy guns from real guns when making split-second decisions (Lozada & Nix, 2019; Nix & Lozada, 2021). It is important to emphasize that being unarmed is not equivalent to being non-threatening. For instance, in several of these cases, suspects fought with police and tried to take their weapons before police shot them.

To gather our qualitative data, we sought to locate public statements issued by four different types of criminal justice officials in the immediate aftermath of 30 separate incidents. We operationalized immediate aftermath as statements that were issued within two weeks of the incident. As shown in Table 2, we were able to locate eligible statements for 58 of the 120 cells, including 17 for police executives, 23 for police public information officers or departmental spokespersons, nine for police union representatives, and nine for prosecutors. At least one official released a statement in 27 of the 30 incidents. Table 2 summarizes the statements available for each incident.⁵ The statements we gathered came from three primary sources: news releases, social media postings on Twitter and Facebook, and press conferences.⁶ We transcribed the audio for statements made during press conferences, a common practice to make spoken text available for analysis (Markowitz, 2021).⁷ The text from these three sources constituted the raw data for our analysis.

Data Analysis

To analyze the textual data in this study, we relied on *NVivo Version 13*, a software package that facilitates the qualitative analysis process (Jackson & Bazeley, 2019).

Table 2. Summary of Available Statements.

ID	Incident Date	Decedent's Name	Police Executive	Police PIO / Spokesperson	Police Union	Prosecutor
1	January 4	Tina Marie Davis		✓		✓
2	January 21	Gamel Antonio Brown	✓	✓		
3	January 27	William Green	✓	✓	✓	✓
4	January 28	Jaquyn O'Neill Light	✓	✓		
5	February 27	Desmond Hayes		✓		
6	March 3	Manuel Ellis				
7	March 8	Barry Gedeus		✓		
8	March 12	Donnie Sanders		✓		
9	March 13	Breonna Taylor	✓	✓	✓	
10	March 20	Mychael Johnson		✓		
11	March 23	Daniel Prude				
12	April 6	Tommie D. McGlothen Jr.				
13	April 10	Kanisha Necole Fuller	✓	✓		
14	April 19	Joel Acevedo	✓	✓	✓	
15	April 24	Michael Brent Ramos	✓	✓	✓	✓
16	April 29	Shaun Fuhr	✓	✓	✓	
17	May 8	Adrian Medearis	✓	✓		
18	May 23	Maurice Gordon	✓			✓
19	May 25	Dion Johnson	✓		✓	
20	May 25	George Floyd	✓	✓	✓	✓
21	June 11	Michael Thomas		✓		
22	June 12	Rayshard Brooks	✓		✓	✓
23	June 25	Robert D'Lon Harris		✓		
24	July 6	William Wade Burgess III		✓		
25	August 15	Kendrell Antron Watkins	✓	✓		✓
26	September 23	Kurt Andras Reinhold	✓	✓		
27	October 3	Jonathan Dwayne Price				✓
28	October 12	Anthony Jones		✓		
29	November 19	Rodney Applewhite	✓	✓		

(continued)

Table 2. (continued)

ID	Incident Date	Decedent's Name	Police Executive	Police PIO / Spokesperson	Police Union	Prosecutor
30	December 22	Andre Maurice Hill	✓	✓	✓	✓
Total			17	23	9	9

Because we approached the analysis from the outset with a focus on whether the language used by officials expressed empathy or sympathy for the decedent or his or her loved ones, or the community at large, our analytical process could best be described as a *directed content analysis*. According to Hsieh and Shannon (2005, p. 1281), a directed content analysis begins “by identifying key concepts or variables as initial coding categories” rather than engaging in a purely inductive coding process. Our two initial coding categories were: (1) empathy or sympathy for the decedent or his or her loved ones, and (2) empathy or sympathy for the community at large. Because we began with predetermined codes, we started coding the transcripts immediately once they were assembled.⁸ All coding was completed by the first author. Therefore, we did not assess inter-rater reliability. The goal of our analysis is primarily descriptive, not explanatory, although we do later discuss its theoretical significance.

Results

We divide our findings into the four types of criminal justice officials whose statements we examined: police executives, police department spokespersons (frequently referred to as *public information officers*), police union representatives, and prosecutors.

Police Executives

Police executives (police chiefs and sheriffs) issued written or verbal public statements within two weeks of the incident in 17 of the 30 cases (56.7%). Police executives expressed *empathy or sympathy for the decedent or his or her loved ones* in only eight cases (26.7% of all cases). Many of these statements involved brief expressions of empathy or sympathy for the decedent's loved ones. For instance, following the death of William Green in Prince George's County, MD (case 3), Chief Hank Stawinski stated, “I want to extend my heartfelt sorrow and sympathies to the Green family.” Similarly, following the death of Dion Johnson in Phoenix, AZ (case 19), Colonel Heston Silbert of the Arizona Department of Public Safety spoke about the decedent's family: “I'm sorry for their loss. I think any untimely death is tragic and all of us at our agency feel that same thing.” Some statements by police executives were more extensive. For instance, following the death of Adrian Medearis in Houston (case 17), Chief Art Acevedo spoke about the rationale for his decision not to release the body-worn camera video footage of the incident:

“We have a responsibility to the family. What makes you think that the family wants this to be the last thing in public? Their loved one, who’s a church-going, god-fearing man... Not everybody wants their loved one to be in cyberspace for the rest of eternity and their last minute on earth to be public. That’s somebody’s brother, son, friend, child.”

Similarly, following the death of Andre Hill (case 30) in Columbus, OH, Chief Tom Quinlan said:

“I am a father and a grandfather. I cannot fathom the pain Andre Hill’s family is feeling right now. He was taken from them by violence, preventable violence, senseless violence. This didn’t have to happen and it never should have. Andre Hill should be with his family this holiday. I ask this community to wrap their arms around his family and join me in praying for their comfort.”

The latter two statements go beyond brief or perfunctory expressions of empathy or sympathy and represent deeper forms of empathic communication that acknowledge the humanity of both the person who was killed as well as his loved ones.

Police executives expressed *empathy or sympathy for the community* in only six cases (20% of all cases). All six statements appear to acknowledge at a cognitive level that the community had concerns about the incident or about police-community relations more generally. For example, following the death of Kanisha Fuller in Birmingham, Alabama (case 13), Chief Patrick Smith acknowledged the community’s concerns: “As Chief of Police I wanted to come out and let you know exactly what happened, and hopefully put some of your questions and concerns, and community concerns, to rest.” However, beyond simply acknowledging the community’s concerns, some of the statements recognized the emotional impact of the incident on the community. For instance, following the death of Michael Ramos in Austin, TX (case 15), Chief Brian Manley said:

“I want to close with where I began, and that is recognizing that this is a trying time for our community. I share your concerns, and that’s why we’re going to the extent that we’re going to, to ensure that we not only conduct a thorough investigation that we always do, but that we do it in a way that fosters community trust and belief in objectivity. And we’ve heard you, and that’s why are taking these steps.”

Similarly, following the death of Maurice Gordon in Bass River, NJ (case 18), New Jersey State Police Superintendent Patrick Callahan said:

“I just am always deeply troubled at the tragic loss of life, especially when law enforcement’s involved, and in-custody deaths and officer-involved shootings are some of the most complex, intense investigations that need to be rooted in accountability and in justice and in transparency. Not many people know it. . . for the last 11 weeks, seven days a week, I get on a prayer call every morning with clergy, a very diverse group of clergy of all denominations from throughout New Jersey, 11 weeks in a row now. The pain in the prayer that I heard on this week’s call is disturbing to me. But we’re together

on blue sky days, as we say, for a reason, so when we come up against an incident that draws on that reservoir of trust and that well that the Governor was talking about, that we can lock arms so we can foster trust, maintain it, and really rebuild it where it's been completely diminished."

The latter two statements go beyond a brief recognition of the community's concerns and acknowledge the emotional impact of these incidents on the community.

Police Department Spokespersons

Police departmental spokespersons (or public information officers) issued written or verbal public statements within two weeks of the incident in 23 of the 30 cases (76.7%). However, police spokespersons expressed *empathy or sympathy for the decedent or his or her loved ones* in only three cases (10.0% of all cases). For instance, after the death of Donnie Sanders in Kansas City, (case 8), the police department issued the following statement:

"This tragedy is something no officer ever wants to happen, and the Kansas City Missouri Police Department understands the pain a sudden loss of life can cause. KCPD has assigned an officer to liaison with Sanders' family during the course of the notification of the events and during the initial investigation. KCPD also will be sending one of its social services workers to offer the family assistance and resources in coping with their loss."

Similarly, after the death of Kanisha Fuller in Birmingham (case 13), the police department issued a statement saying:

"Today has been a very difficult day for the Birmingham Police Department as we've investigated and watched this tragic event unfold and three lives have been forever changed. Our thoughts, prayers, and condolences go out to the victim and her family."

Finally, after the death of Adrian Medearis in Houston (case 17), the department issued the following statement:

"You know I want to take a moment just to explain to everybody that anytime something like this happens, we consider any loss of life tragic. The officer is pretty shaken up, and obviously our heart, our thoughts, our prayers go out to the deceased individual's family."

All three of these statements acknowledge the emotional impact of the incident on the family of the person who was killed.

Police spokespersons did not express *empathy or sympathy for the community* in any of the cases examined here (0% of all cases). Instead, the statements issued by departmental spokespersons tended to be primarily descriptive.

Police Unions

Police unions issued written or verbal public statements within two weeks of the incident in only nine of the 30 cases (30%). Police unions expressed *empathy or sympathy for the decedent or his or her loved ones* in only two of those cases (6.7% of all cases). For instance, following the death of William Green in Prince George's County (case 3), the police union issued a brief statement saying: "Our heartfelt condolences go out to the family of Mr. Green." Similarly, following the death of Michael Ramos in Austin, TX (case 15), the police union issued a statement saying: "Our thoughts and prayers are with the officers involved and with the deceased's family and friends. These are difficult situations for everyone personally touched by the incident."

Police unions expressed *empathy or sympathy for the community* in only three cases (10% of all cases). Following the death of William Green in Prince George's County, Maryland (case 3), the police union issued a brief statement that said: "This is a tragic event on all sides." Similarly, following the death of Andre Hill in Columbus (case 30), the union released a statement saying: "A loss of life is always a tragedy and officers never want to be in this position." A third statement was less direct. Following the death of Shaun Fuhr in Seattle (case 16), the Seattle Police Officers' Guild issued a statement noting that it "understands and appreciates the public's interest whenever it is necessary for officers to use deadly force." In all three cases, the statements issued by police unions tended to be brief and perfunctory. Moreover, none of them directly acknowledged the impact of these events on the community. The first two statements acknowledged that the incident in question was a "tragic event" and a "tragedy." The third statement uses vague language that contains mere hints of empathy or sympathy. We return to this theme in the discussion section, where we explore the depth and sincerity of statements expressing empathy or sympathy.

Prosecutors

Prosecutors issued written or verbal public statements within two weeks of the incident in only nine of the 30 cases (30%). Prosecutors expressed *empathy or sympathy for the decedent or his/her loved ones* in only two cases (6.7% of all cases). For instance, following the death of Tina Davis in Spring Valley, NY (case 1), District Attorney Thomas Walsh issued a brief statement saying: "Our sympathies go out to the family and friends of the deceased." Similarly, following the death of Rayshard Brooks in Atlanta, GA (case 22), District Attorney Paul Howard issued a statement saying: "our thoughts and our sympathies are extended to the family of Rayshard Brooks as we must not forget that this investigation is centered upon a loss of life." Both instances represented brief expressions of empathy and/or sympathy.

Prosecutors expressed *empathy or sympathy for the community* in only three cases (10% of all cases). Following the death of Andre Hill in Columbus (case 30), Ohio Attorney General Dave Yost said: "Every use of deadly force is serious, and the loss of life is an occasion for grief." Other expressions of empathy or sympathy for the community were more perfunctory and indirect, such as "I am not insensitive to

what has happened in the streets” (case 20), and “...any time somebody dies when they’re in, or shortly after police custody, obviously raises a legitimate question in the public mind” (case 25). The latter two statements provide a minimal level of recognition that the incident may have generated concerns within the community, but provide no acknowledgment of the emotional impact of these incidents, especially on communities of color.

Discussion

One of the key findings from this study is how infrequently criminal justice officials release public statements *at all* following the death of unarmed African Americans at the hands of the police. Moreover, even when they make such statements, whether written or verbal, those statements often do not express empathy or sympathy for the decedent or his/her loved ones, or for the community at large. Figure 1, which summarizes these findings across the four types of criminal justice officials examined in this study, provides a potent snapshot of the limited extent to which these officials make public statements about these incidents, and express empathy or sympathy when they do issue statements. Figure 1 also reveals that the different types of officials vary widely in the extent to which their public statements express empathy or sympathy after police officers kill unarmed African Americans.

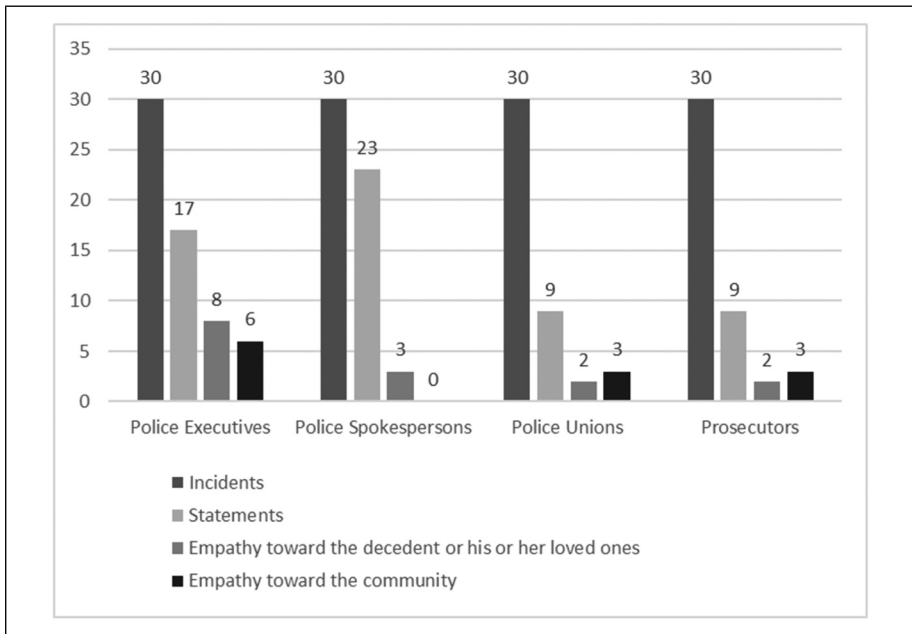


Figure 1. Summary of findings.

Police executives (including police chiefs and sheriffs) issued written or verbal statements containing empathetic or sympathetic language more often than the other three types of criminal justice officials examined here. Compared to these other officials, police executives issued statements expressing empathy or sympathy toward the decedent or his or her loved ones, and toward the community, in at least twice as many cases. However, police executives expressed empathy or sympathy for the decedent or his or her loved ones in only 26.7% of cases and for the community in only 20% of cases. Thus, although police executives issued statements containing empathetic or sympathetic language more often than other types of criminal justice officials, such statements still represent the exception rather than the norm.

Police executives, like other leaders, are “boundary spanners” who negotiate the relationship between the organization and its environment (Aldrich, 1979; Maguire, 2021; Mastrofski, 2002). In that role, they must satisfy both internal demands from their workforce and external demands from the various constituencies the organization is intended to serve. For that reason, police leaders are enmeshed in multiple, and often conflicting, intergroup settings. The most well-known of these intergroup settings involve relationships between the police and their various publics (Maguire, 2021). Unfortunately, these are sometimes viewed on both sides as “us versus them” relationships (Brunson, 2007; Brunson & Wade, 2019; Hill & Giles, 2021). A less well-known intergroup relationship is between police leaders and the line-level officers who constitute the majority of personnel in most police agencies. While the public tends to view people wearing a police uniform as homogeneous, in reality there are often stark differences in the perspectives of those who *do* police work and those who *administer* it. Reuss-Ianni (1983) describes this intergroup tension in detail, differentiating between the cultures of “street cops” and “management cops.” Police leaders find themselves perched amidst these challenging and sometimes conflicting intergroup settings. In the aftermath of an officer-involved shooting (or death in custody), if they issue a statement perceived by police officers as overly-accommodating to the African American community, they may be painted within the organization as out of touch with, or unsupportive of, their employees. If they issue a statement perceived by the African American community as overly accommodating to police officers, they may be painted within the community as insensitive to the community’s needs. Further research is needed to illuminate the processes through which police leaders decide whether to issue statements and to express empathy or sympathy in these cases.

In policing, the responsibility for interacting with the media and issuing press releases falls primarily on police department spokespersons, typically known as public information officers (PIOs). As might be expected given their role, PIOs (or other departmental spokespersons) issued written or verbal statements in more of these cases (76.7%) than the other types of criminal justice officials included here. However, they expressed empathy or sympathy for the decedent or his or her loved ones in only 10% of cases. More surprisingly, they did not express empathy or sympathy for the community in *any* of the cases. The traditional role of PIOs in the United States is to provide information to the media and the community. However, that role is expanding, with PIOs now beginning to adopt a broader public relations

role within their agencies. For instance, Motschall and Cao (2002, p. 177) argue that PIOs who embrace a public relations role can serve as “as an instrument of adaptation and change, as the ability of an organization to communicate about and with the various audiences that affect its identity, all with the intent of influencing the outcome of such communication.” Similarly, Chermak and Weiss (2005) note that PIOs are vital for generating legitimacy and support for the organization. As long as PIOs continue to embrace a “just the facts” orientation to their comments on these types of incidents, they are missing a valuable opportunity to engage in more strategic forms of communication that can help reduce intergroup tensions and strengthen the relationships between the police and the public.

Our findings regarding police union leaders are not a surprise. As noted by Fisk and Richardson (2017, p. 747), “police unions see their mission as protecting the interests of police officers, including protecting officers from discipline...” Union leaders will often defend officers who are involved in “what appear to be egregious instances of violence toward suspects” (Fisk & Richardson, 2017, p. 747). Police unions have long been seen as standing in the way of police reform efforts, although there are also instances in which police leaders and police unions have worked closely together to enact meaningful police reforms (Fisk & Richardson, 2017; Morabito, 2014). Any efforts by police leaders to adopt empathic communication strategies could benefit from including police unions as part of the change effort. This will help to ensure that police organizations are not “speaking out of both sides of their mouth,” with police leaders releasing statements containing empathetic or sympathetic language, and police unions remaining silent or issuing contradictory statements.

Prosecutors issued written or verbal public statements within two weeks of the incident in only 30% of cases. They expressed empathy or sympathy for the decedent or his/her loved ones in only 6.7% of cases and for the community in only 10% of cases. The rarity with which prosecutors issue statements and express empathy or sympathy about these cases is not surprising. The American Bar Association; (2021) model rules of professional conduct prohibit attorneys from making extrajudicial statements that may taint a legal proceeding. Some people argue that prosecutors have a duty to remain silent about pending cases and that many of the public statements issued by prosecutors are “illegitimate, unnecessary, and prejudicial” (Gershman, 2016, p. 1184). Given these concerns, it is not difficult to understand why prosecutors may be reluctant to issue public statements, particularly when the investigation has not yet concluded. At the same time, statements containing empathetic or sympathetic language for affected families and communities can be carefully crafted to ensure that they do not prejudice juries or otherwise taint legal proceedings.

These findings have implications for how criminal justice officials communicate with African-American communities. Police have had tenuous relationships with African-Americans throughout the history of U.S. policing (Bayley & Mendelsohn, 1969; Brunson & Miller, 2006; Brunson & Wade, 2019). Research has demonstrated that how police talk to African-Americans contributes, in part, to these conflicting relationships (Dixon et al., 2008, 2021). For example, several respondents in Brunson and Miller’s (2006) study of African American youth in St. Louis expressed concerns with

how police talked to them. One said: "I don't like police 'cause they mean. They don't know how to talk to people right, they disrespectful. They treat people like they ain't nothing, and especially Black people. They act like Black people are worthless" (p. 539). Another said: "They need to change the way they talk to people. . . . They show us no respect. . . [call us] niggers and all that" (p. 541). Because of these concerns, reformers routinely recommend improving communication skills as one of the solutions for improving relationships between police and the public, including police officers (Rosenbaum & Lawrence, 2017; Woods, 2000) and police executives (Stephens et al., 2011).

At the same time, we must acknowledge that successful intergroup communication is especially difficult in the aftermath of critical incidents, such as when police kill unarmed African Americans. Both the loved ones of those who are killed by police, as well as the African-American community more generally, often carry with them a lifetime of accumulated grievances associated with direct or vicarious experience with mistreatment by criminal justice authorities (Feagin, 1991). Thus, each new incident is like a powder keg that can easily be ignited by officials who choose to adopt tone-deaf responses that lack appropriate sensitivity to these issues. As Stephens et al. (2011, p. 97) notes:

"A 'just the facts' approach in crises satisfies only one part of the message equation. It focuses on the hazard and ignores the outrage. This has the tendency to actually further inflame people who are already upset."

The wrong words at the wrong moment by influential criminal justice officials can exacerbate longstanding community tensions and trigger protests, riots, and other forms of rebellion. Communication and language dynamics play a powerful role in shaping the relationships between criminal justice agencies and the public.

Implications for Research

We have seen how police executives and departmental spokespersons *can* craft and convey sympathetic and empathetic messages, though our findings reveal that they don't do so very often. The extent to which these messages are perceived as accommodating (see Giles, 2016) to, and in any way consoling for, the victims' families, let alone for different sectors of the Black or the wider community, is an important challenge for the future. Furthermore, we can determine what elements of such messages - empathic and/or sympathetic or even others - need to be enacted for them to gain any semblance of a positive impact, and how they are also perceived specifically by the police agencies involved and elsewhere.

Besides invoking and applying other methodological and analytical tools in the future on such data, many other research questions can be posed. Which kinds of criminal justice officials, and which personal attributes (racial, gender, etc.), are associated with greater levels of empathy and sympathy, and via which media genre, and at what juncture after a killing? Is it overaccommodative and detrimental for *all* of these

officials to be given a voice? What aspects of voice and delivery are pertinent to the conveyance of these messages when they are visually delivered, and do written messages convey the same kind of authenticity? Does the absence of such messages and the *silence* of these officials (see Jaworski, 1993, 1997), as vividly witnessed in our own data, convey perceptions and feelings of *nonaccommodation* (Gasiorek, 2016). To what extent does this silence communicate a profound insensitivity or lack of caring to the loved ones of the decedents and the various communities and social networks with which they are associated? How does the public's reaction – including statements to the media and possible protests – mediate the response of criminal justice officials to victims' families and the broader community? In general, what kinds of social impacts, if any, do the presence, nature, or absence of criminal justice officials' statements make in reporting on racially- (and non-racially) alleged killings - and with regard to hate crimes against other minority victims (e.g., Asians) in the USA and other cultural contexts?

Finally, our analyses focused only on statements released in the immediate aftermath of killings by police. However, all of the dynamics we have raised here remain salient for a longer period. Therefore, it would also be useful to know if criminal justice officials express empathy or sympathy at later stages of the criminal justice process, such as when prosecutors announce their decisions about whether to levy charges against an officer, grand juries release their decisions about whether to indict an officer, or courtroom verdicts are announced either convicting or exonerating officers. All of these pivotal moments in the criminal justice process represent significant opportunities for escalating or de-escalating intergroup tensions and are, therefore, worthy of high-quality research.

Implications for Practice

For criminal justice officials to respond in a more sensitive and appropriate manner to these critical incidents, they must learn to speak (or write) in a manner that conveys empathy and/or sympathy. Training for these officials must focus on empathic communication that reinforces the sanctity of human life, including Black lives. This communication, when well crafted, can help African American communities feel heard and understood, and minimize the extent to which they (or their allies) react in a hostile, destructive, or violent manner. Although the ability to express empathy and sympathy is often viewed as a core competency in criminal justice, there is little empirical research on incorporating empathy or sympathy into strategic communications and public relations efforts. There is a useful body of empirical research demonstrating the value of empathic communication in more micro-level settings such as criminal investigations, particularly in sexual assault, domestic violence, and child abuse cases (e.g., Jakobsen, 2021; Lila et al., 2013; Oxburgh et al., 2012; Pounds, 2019; Turgoose et al., 2017). However, training on higher-level strategic communication skills, including critical incident communication, tends to be ad hoc and not based on research evidence (see McLean et al., 2020b). Language and social psychology scholars can contribute significant insights into the development of evidence-based

intergroup communication skills in criminal justice settings generally, and critical incident communication by criminal justice officials more specifically.

Many African-Americans feel an ongoing sense of mistrust and even trauma about how they are treated by the criminal justice system (Brunson, 2007; Brunson & Wade, 2019). Improving the language used by criminal justice officials when communicating with African-American communities is an important part of building trust and healing the sense of deeply felt trauma. Interventions designed to improve social and communication skills may be effective for this purpose (e.g., Burlinson and Greene, 2003). Indeed, training programs based on communication accommodation theory have proven successful across a range of beneficial outcomes in other arenas, including the management challenges faced by pharmacists and health workers (see Chevalier et al., 2020; Pines et al., 2021). Interventions based on theories of intergroup contact and communication may be especially useful for reducing tensions and improving trust between police and minority communities (Hill et al., 2021).

Limitations

While informative, this study also contains certain limitations that are useful to keep in mind. First, while we were able to reach conclusions about the language used in statements issued by criminal justice officials, we were not able to draw any inferences about the effects of that language on the loved ones of the decedents or African-American communities more generally. Learning more about the effects of the language used by criminal justice officials in their public statements – or the absence of such statements altogether – would be an important contribution to the research. Second, the results presented in this study are primarily descriptive. We did not conduct rigorous analyses intended to explain the patterns observed in these results. Such analyses would be useful for understanding why criminal justice officials choose to issue public statements in certain cases, but not others. Such analysis would also be useful for understanding why these officials choose to incorporate empathetic or sympathetic language into their public statements. Finally, the results presented here are based on analysis of police killings that occurred in just one year. Moreover, due to the death of George Floyd and the resulting protests and riots throughout the United States, 2020 is widely considered a highly atypical year in policing. Research that examines these same phenomena before and after 2020 would be useful for assessing the external validity of the results presented here.

Conclusion

There has been a paucity of data examining the language used in media coverage of alleged police brutality against people of color. Furthermore, our naturalistic data from criminal justice officials' public pronouncements (or their absence) is unique in its interpretive appeal to communication accommodation theory for speeches and public proclamations (Azuma, 1997; Wang, 2020). The finding that there is a comparative lack of sympathy and empathy from such institutional sources is somewhat

alarming. We hope that our own legacy here will be to draw attention to the need to explore further (and much deeper) into the language of criminal justice officials, what is said and not said, and why, and with what social meanings and consequences.

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Notes

1. For an exploration of dialectal tensions between police and the public, see Choi (2019).
2. Mapping Police Violence (2021) is a crowdsourced database that tracks people killed by police in the United States. It draws its data from various sources, including the *Fatal Encounters* database, state programs tracking police use of force, media accounts, and others. The data are frequently used by scholars who study police use of force (e.g., Gray & Parker, 2019; Lozada & Nix, 2019; Nix & Lozada, 2021).
3. Though not included in the MPV database, we included the well-known death of Daniel Prude on March 23, 2020 in Rochester, New York. In addition, we included the death of Michael Ramos on April 24, 2020 in Austin, Texas. Ramos is listed in the MPV database as Hispanic, but he was also African-American, therefore, we included him here.
4. Although police classify the TASER as a less-lethal weapon, people do sometimes die after receiving a TASER shock. Research shows that people who are under the influence of drugs have a higher risk of death than others when subjected to a TASER shock (Kornblum & Reddy, 1991; White & Ready, 2009).
5. The total number of statements we located was greater than 58, because in some cases, officials released multiple statements within two weeks of the incident.
6. We used Google video searches to locate press conferences by entering the name of the victim and the agency name as search terms. In some cases, we located multiple videos of press conferences. In those instances, we chose the video that featured the fullest coverage of the press conference rather than those that featured less complete coverage. In some cases, we relied on multiple videos from different sources to transcribe a press conference, particularly when we had difficulty hearing words in one video that could be heard more easily in another video. Our impression was that this circumstance sometimes arose because different news stations placed their microphones in different locations.
7. We used automated transcription software to produce initial drafts of the transcripts from the video footage of the press conferences. We then reviewed every video and manually corrected the automated transcripts to fill in missing pieces of text and correct any errors introduced during the automated transcription process. This process resulted in “clean” transcripts that were more suitable for analysis than the uncorrected automated transcripts. For a summary of evidence on manual and automated transcription processes, see Bokhove and Downey (2018).
8. We purposely adopted an inclusive coding strategy that selected blocks of text containing any evidence of empathetic or sympathetic language. Thus, while some of the blocks we coded as empathetic or sympathetic contained clear evidence of these phenomena, others may have only contained hints of empathy or sympathy. We discuss this issue in greater depth in the Discussion section.

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