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Spouse Murder Defendants in Large Urban Counties

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(Note: This file does not contain data tables. To receive a copy of the full report with data tables, call the BJS Clearinghouse at 1-800-732-3277.)

Bureau of Justice Statistics
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Data presented in this report may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The name of the dataset is Murder in Large Urban Counties, 1988 (ICPSR 9907).

Spouse Murder Defendants in Large Urban Counties

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Highlights

Number of spouse murder defendants and their demographic characteristics

In 1988, the justice system in the Nation's 75 largest counties disposed of an estimated 540 spouse murder cases. Husbands charged with killing their wife outnumbered wives charged with killing their husband. Of the 540, 318--or 59%--were husband defendants and 222--or 41%--were wife defendants.

Blacks comprised 55% of the 540 defendants and whites comprised 43%. Among husband defendants 51% were black and 45% were white. Among wife defendants 61% were black and 39% were white. In 97% of the murders, both spouses were the same race.

Ages of spouse murder defendants ranged from 18 to 87. The average age was 39. The average age of husband defendants was 41; of wife defendants, 37 years.

Arrest charge

First-degree murder was the most frequent charge at arrest, accounting for 70% of defendants. In descending order of seriousness, charges were distributed this way across the 540 spouse murder defendants:

- *70% first-degree murder
- *24% second-degree murder
- * 6% nonnegligent manslaughter

How the justice system disposed of spouse murder cases

Cases were disposed of in one of three ways:

- (1) the prosecutor declined to prosecute; or
- (2) the defendant pleaded not guilty, stood trial, and was either acquitted or convicted; or
- (3) the defendant pleaded guilty.

Of the 540 spouse murder defendants, 232--or 43%--pleaded guilty to killing their spouse and 238--or 44%--pleaded not guilty and stood trial. The remaining 70 persons--or 13%--were not prosecuted.

Outcome for spouse murder defendants who pleaded not guilty and stood trial

Of the 238 who pleaded not guilty, 63% were tried by a jury and the remaining 37% were tried by a judge. Together, judges and juries acquitted 16% of the 238 spouse murder defendants and convicted 84%--or 199 persons--of killing their spouse.

Bench trials (trials before a judge) had a higher acquittal rate than jury trials: 26% of bench trials ended in acquittal, versus 11% of jury trials.

Defendants convicted of killing their spouse

Of the 540 spouse murder defendants, 431 (or 80%) were ultimately convicted of killing their spouse. Their conviction was the result of either pleading guilty (232 persons) or being convicted at trial (199 persons).

While most persons arrested (70%) for spouse murder were charged with first-degree murder, most persons convicted (52%) of spouse murder had negligent or nonnegligent manslaughter as their conviction offense.

Sentences for defendants convicted of killing their spouse

Of the 431 defendants convicted of killing their spouse, 89% were sentenced to a State prison, 1% were sentenced to a county jail, and the remaining 10% received a sentence of straight probation (no prison or jail confinement).

An estimated 12% of the 431 convicted spouse murderers received a sentence to life imprisonment and 1% received the death penalty.

Excluding life and death sentences, the average prison term imposed was 13 years.

Wife defendants less likely to be convicted

Wife defendants had a lower conviction rate than husband defendants--

*Of the 222 wife defendants, 70% were convicted of killing their mate, By contrast, of the 318 husband defendants, 87% were convicted of spouse murder.

*Of the 100 wife defendants tried by either a judge or jury, 31% were acquitted. But of the 138 husbands tried, 6% were acquitted.

*Of the 59 wife defendants tried by a jury, 27% were acquitted. But of the estimated 91 husband defendants tried by a jury, none was acquitted.

Convicted wife defendants sentenced less severely

An estimated 156 wives and 275 husbands were convicted of killing their spouse. Convicted wives were less likely than convicted husbands to be sentenced to prison, and convicted wives received shorter prison sentences than their male counterparts--

*81% of convicted wives but 94% of convicted husbands received a prison sentence.

*On average, convicted wives received prison sentences that were about 10 years shorter than what husbands received. Excluding life or death sentences, the average prison sentence for killing a spouse was 6 years for wives but 16.5 years for husbands.

*Among wives sentenced to prison, 15% received a sentence of 20 years or more (including life imprisonment and the death penalty); among husbands, it was 43%.

Victim provocation more often present in wife defendant cases

According to information contained in prosecutor files, more wife defendants (44%) than husband defendants (10%) had been assaulted by their spouse (threatened with a weapon or physically assaulted) at or around the time of the murder.

Self-defense as possible explanation for wives' lower conviction rate

In certain circumstances, extreme victim provocation may justify taking a life in self-defense. Provocation was more often present in wife defendant cases, and wife defendants were less likely than husband defendants to be convicted, suggesting that the relatively high rate of victim provocation characteristic of wife defendant cases was one of the reasons wife defendants had a lower conviction rate than husband defendants. Consistent with that, of the provoked wife defendants, 56% were convicted, significantly lower than either the 86% conviction rate for unprovoked wife defendants or the 88% conviction rate for unprovoked husbands.

No explanation for why State prison sentences were, on average, 10 years shorter for wife defendants than husband defendants

Wives received shorter prison sentences than husbands (a 10-year difference, on average) even when the comparison is restricted to defendants who were alike in terms of whether or not they were provoked--

*The average prison sentence for unprovoked wife defendants was 7 years, or 10 years shorter than the average 17 years for unprovoked husband defendants.

Victim's race unrelated to outcomes

The victim was black in 55% of cases and white in 43%. The likelihood of a defendant being convicted of spouse murder was about the same whether the murder victim was white or black. Among spouse murder defendants whose victim was white, 81% were convicted. Among those whose victim was black, 79% were convicted.

Likewise, the sentence was unrelated to the victim's race. The likelihood of a convicted spouse murderer receiving a prison sentence was about the same whether the murder victim was white or black: the convicted spouse murderer was sentenced to prison in 93% of cases where the victim was white, not significantly different from the 87% of cases where the victim was black. The length of the prison sentence imposed on a convicted spouse murderer was generally unrelated to whether the murder victim was white or black--

*For conviction for first-degree murder, the average prison term (excluding life and death sentences) was 29 years in white-victim cases, not significantly different from the 32 years in black-victim cases.

*For conviction for second-degree murder, the average prison term (excluding life sentences) was 19 years in white-victim cases, significantly longer than the 13 years in black-victim cases. However, 23% of convicted second-degree murder defendants in black-victim cases received a sentence of life imprisonment, compared to 8% of defendants in white-victim cases.

*For conviction for nonnegligent manslaughter, the average prison term (excluding life sentences) was 8 years in white-victim cases, not significantly different from the average 6 years in black-victim cases.

Defendant's race unrelated to outcomes

The likelihood of conviction, and of a prison sentence if convicted, and the length of the prison sentence were about the same whether the spouse murder defendant was white or black--

*78% of white defendants were convicted, not significantly different from the 80% of black defendants.

*Among convicted spouse murderers, 93% of white defendants were sentenced to prison, not significantly different from the 88% of black defendants.

Processing time

Three measures of processing time were taken from the day of the murder--to arrest, to indictment, and to final disposition. Most spouse murder defendants were arrested on the same day the killing occurred. Average time to indictment was 4 months. Average time to final disposition was almost exactly 1 year.

For husbands tried by a jury, 12 1/2 months was the average elapsed time from the day of the murder to the conclusion of the jury trial. For wives tried by a jury it was significantly longer, about 18 1/2 months.

Survey of murder defendants

In 1988 State prosecutors, judges, and juries across the 75 most populous U.S. counties convicted, acquitted, or otherwise disposed of an estimated 9,600 murder defendants. Six percent--or an estimated 540

defendants--were persons charged with murdering their spouse. Information on the 540 comes from a representative sample of murder cases disposed of in 1988. The sample was drawn from State prosecutor files in 33 of the 75 counties. The counties were widely scattered, from Los Angeles and San Diego, Denver and Dallas, to Philadelphia and Dade County (Miami). For each defendant, data collectors filled out a lengthy questionnaire and prepared a brief narrative from file information. Prosecutor files include such items as the police arrest report, investigator reports, and information on how the case was disposed. Questionnaires and narratives are the sources of data for this report.

The 75 largest counties are where a little over half of all murders in the Nation occur. (The Nation consists of 3,109 counties; thus, murders are concentrated in a relatively small number of places). Consequently, survey results summarized in this report have broad relevance because they are from the courts where the majority of the Nation's murder trials are held. This case processing study of spouse murder defendants is the most geographically comprehensive study on the topic. While the survey covers murder cases processed 7 years ago in 1988, the Bureau of Justice Statistics knows from long experience with surveying courts that changes in case processing are quite gradual. The report's results are therefore likely to be applicable today.

The same database used in this report was previously analyzed by John M. Dawson and Barbara Boland (Murder in Large Urban Counties, 1988, BJS Special Report, NCJ-140614, May 1993) and by John M. Dawson and Patrick A. Langan (Murder in Families, BJS Special Report, NCJ-143498, July 1994).

Characteristics of spouse murder defendants

Sex of defendant

Husbands outnumbered wives as spouse murder defendants. Of the 540 defendants, 318--or 59%--were husbands charged with killing their wife, and 222--or 41%--were wives charged with killing their husband. By definition, the 540 included no divorced couples but did include both common-law and separated spouses. (Case narratives indicate that 8% were separated, but the actual figure was probably greater than that because separation status was probably not always recorded.)

Year and location of murder

About eighty percent of the alleged murders that were disposed of in 1988 occurred in 1988 or 1987. The rest were earlier, dating to 1975 in one case. Nearly 90% took place in the home.

Time to arrest

In about 80% of cases, defendants were arrested either on the day of the murder or on the following day.

Murder weapon

More of the wives (95%) than the husbands (69%) used a gun or knife to inflict death. For a smaller person to kill a larger person (such as for a wife to kill her husband), a lethal weapon is generally required.

Race and age of defendants

Of the 540 defendants, 55% were black and 43% were white. Among husbands charged with spouse murder, 51% were black and 45% were

white. Among wives charged, 61% were black and 39% were white. Ninety-seven percent of the murders were intraracial. One percent were black husbands killing white wives. Other interracial murders--either white husbands killing black wives, white wives killing black husbands, or black wives killing white husbands--accounted for the remaining 2%. (Historical data for the United States indicate that the risk of spouse murder is over 7 times greater for spouses in interracial than intraracial marriages. See James A. Mercy and Linda E. Saltzman, "Fatal Violence among Spouses in the United States, 1976-85," American Journal of Public Health, May 1989, Vol. 79, No 5.)

Ages of spouse murder defendants ranged from 18 to 87. On average, spouse murder defendants (mean age 39) were considerably older than murder defendants overall (mean age 28). The average age of husband defendants was 41 years; of wife defendants, 37 years.

Arrest charge

The sample consisted exclusively of persons charged with (in descending order of seriousness) first-degree murder, second- (or third-) degree murder, or nonnegligent (or voluntary) manslaughter--

First-degree murder is premeditated murder (for example, murder by poisoning, murder while lying in wait) or felony murder (for example, rape-murder, robbery-murder).

Second- (or third-) degree murder is all other murder.

Nonnegligent manslaughter is willful killing, without premeditation, in the heat of passion.

Less serious classes of homicide--namely, negligent manslaughter and justifiable homicide--were not sampled. However, some defendants initially charged with one of the more serious homicides were ultimately convicted of negligent homicide. Likewise, some initially charged with criminal homicide were later exonerated on grounds they acted in self-defense.

First-degree murder was the predominant initial charge. Charges were distributed in this way--

*first-degree murder: 70%
*second-degree murder: 24%
*nonnegligent manslaughter: 6%

Similarities between defendants

Certain characteristics did not vary significantly between husband defendants and wife defendants--

Number of victims

*4% of husbands and 1% of wives had been charged with killing more than one person. (Counting as multiple murder all those committed against pregnant women, the percentage of men with multiple victims then becomes 5%, a conservative estimate since pregnancy was not recorded in every case.)

Percentage that were contract killings

*3% of husbands and 6% of wives had been charged with a contract killing.

Percentage with history of mental illness

*11% of husband defendants and 15% of wife defendants had a history of mental illness.

Percentage that involved a firearm

*50% of husbands and 58% of wives had used a firearm.

Differences between defendants

Certain characteristics did vary significantly between husband defendants and wife defendants--

*More husbands (20%) than wives (10%) had killed in a fit of jealousy over the mate's real or imagined infidelity.

*More husbands (31%) than wives (9%) had a history of drug abuse.)

*More husbands (22%) than wives (3%) had been using drugs at the time of the murder.

*More husbands (66%) than wives (37%) had been drinking alcohol at the time of the murder. (Altogether, 55% of defendants were drinking at the time of the murder. Drinking, either by the defendant or the victim, was involved in 66% of cases.)

Spouse murder cases disposed by the prosecutor

Following the defendant's arrest, prosecutors review the case, deciding whether to screen it out or to prosecute. (As used throughout the report, cases "disposed by the prosecutor" include cases screened out, rejected, declined for prosecution, cases classified as nolle prosequi, and cases in which the judge dismissed charges.)

Of the 540 defendants, 70--or 13%--were not prosecuted. Prosecutors did not screen out significantly more of the wives than the husbands--

*16% of wives and 11% of husbands were not prosecuted

Most of the wives not prosecuted were screened out because prosecutors concluded from the evidence that these wives had killed their husband in self-defense. By contrast, self-defense was rarely the reason prosecutors gave for not prosecuting husbands. For husbands, reasons were more diverse: he committed suicide after killing his wife; he took her life in a mercy killing or in a gun accident.

Spouse murder defendants not prosecuted

Notes taken on prosecutors' records (case numbers are those assigned in the dataset. Notes are not necessarily complete in having all relevant details):

Dallas case #79 The wife (the victim) is 89 and has been married 65 years. A recent stroke leaves her in terrible pain. She pleads with the doctor to kill her. The doctor refuses. The 87-year-old husband goes to the hospital and shoots her. He is immediately arrested.

New Orleans case #54 For years, the 43-year-old husband (the victim), a dry cleaner operator, has beaten his 35-year-old wife. At the time of the murder the two are fighting, and the husband stabs her in the back. She grabs the knife and stabs him, causing him to bleed to death. She is arrested the same day. She claims self-defense, and the victim's family

voices no objection.

New Orleans case #95 The 28-year-old husband (the victim) has a long history of assaulting his 25-year-old wife. At the time of the murder a witness sees the husband in the kitchen chasing the wife with a machete in his hand. The fight ends when the wife stabs the husband once. She is arrested the same day and claims self-defense.

Los Angeles case #21 During an argument the 50-year-old housewife (the victim) pulls out a gun and threatens to kill her 39-year-old unemployed husband. The two struggle. He flees the house and gets in his car. She moves in front of the car, raises the gun and takes aim. He runs over her. He is arrested a day later.

Columbus (OH) case #2 The wife, age 75, has mental problems. One morning, while her husband (the victim), a 75-year-old retired welder, is still asleep, she stabs him to death. She says she heard a voice tell her to kill him.

Orange County (CA) case #64 When police arrive at the scene, they find the body of the wife (the victim) with 15 stab wounds and the husband's body with 5. Police believe there was an argument, the husband stabbed the wife in a struggle, and then sliced his own neck. Both have been dead for 1 or 2 days.

San Diego case #89 Three weeks before the murder the 32-year-old husband beats his 35-year-old wife (the victim) severely. She tells others that next time he is going to kill her. She wants a divorce, but he wants a reconciliation. On the day of the murder, the two are at a bar, and he is drinking. Later a witness sees her outside a car in the middle of the street. The wife screams, then slumps to the ground, dying from multiple stab wounds in the chest. The husband flees the scene. Later he is found dead from a drug overdose.

Orlando (FL) case #7 The husband comes home drunk and demands money from his wife. She refuses, and he attacks her with a metal pipe. She gets a butcher knife from the kitchen and stabs him once through the heart.

Overall, 44% of spouse murder defendants pleaded not guilty and stood trial. Percentages standing trial were nearly identical for husband defendants and wife defendants--

*45% of wives and 43% of husbands stood trial

Convictions and acquittals

Among spouse murder defendants who stood trial, 16% were acquitted and 84% were convicted. Judges and juries acquitted more wives than husbands--

*31% of wives who stood trial were acquitted, compared to just 6% of husbands.

Insanity acquittals, however, were equally likely--

*Among spouses who stood trial, 3% of wives and husbands were found not guilty by reason of insanity. (The number who pleaded not guilty by reason of insanity but who were convicted is unknown.)

Those who went to trial and those ultimately convicted at trial did not differ in terms of arrest offense--

*Most of those who went to trial (69%) and most of those who were

convicted at trial (70%) had first-degree murder as their arrest offense. About 2% had a nonnegligent manslaughter arrest.

However, trial conviction offenses were less serious than arrest offenses--

*Among those convicted at trial, 70% had first-degree murder as their arrest offense but 35% had first-degree murder as their conviction offense. A quarter of those convicted at trial had nonnegligent manslaughter as their conviction offense.

The reduction from first-degree murder to a lesser charge did not occur at indictment: Of all trial defendants, 95% were indicted at the same level as their arrest offense. Nor did the small number of first-degree murder convictions result from a higher rate of acquittal: Acquittal rates did not vary significantly by charge level.

Rather, the reason might have been that the evidence did not support conviction to the highest charge, or perhaps juries could seldom agree on conviction to the highest level. What-ever the reason, where there was a conviction, it was to a lesser charge in about half of cases, whether the defendant was the wife or the husband--

*49% of wives and 47% of husbands convicted at trial had a conviction offense less serious than their original arrest offense.

Bench trials (trials before a judge) had a higher acquittal rate than jury trials--

*26% of bench trials ended in acquittal, versus 11% of jury trials.

Overall, 63% of defendants who stood trial were tried by a jury, and the remaining 37% were tried by a judge. Wives were not significantly more likely than husbands to choose a bench trial--

*41% of wife defendants and 34% of husband defendants chose a bench trial rather than a jury trial.

Wives were more likely than husbands to be acquitted by a jury--

*Juries acquitted 27% of wives but none of the husbands. (The unweighted sample size was 34 husbands tried before a jury. Not one of the 34 was acquitted. Extrapolated to the 75 largest counties, the 34 represent an estimated 91 cases.)

Despite a sizable difference in the bench trial acquittal rate between wives and husbands, the difference was not statistically significant, possibly because estimates were based on too few sample cases--

*Judges acquitted 37% of wives and 17% of husbands).

Sentencing of those convicted at trial

While wives were not significantly less likely than husbands to receive a prison sentence, the length of their prison sentence was shorter than what husbands received--

*An estimated 82% of wives and 95% of husbands convicted at trial of killing their spouse received a prison sentence. ("Convicted of killing their spouse" is not precisely correct, since one of the defendants, a husband, was convicted of only a weapon offense. All the rest were convicted of killing or assisting in the killing of a spouse.)

*Wives convicted at trial received an average sentence to prison of 10 years, 11 years shorter than what husbands received (an average 21-year

term in prison).

Spouse murder defendants who stood trial:
Trial acquittals

Notes taken on prosecutors' records:

Miami case #84 The couple has an on-again, off-again relationship for 20 years. Several weeks prior to the murder, she sees her common-law husband (the victim) leave a motel with another woman. Subsequently, the couple has several violent confrontations until one day she shoots him. Outcome: The jury acquitted her of all charges.

Chicago case #15 The couple is arguing when the 25-year-old wife finds a love letter to her 25-year-old husband (the victim, a fast-food restaurant employee) from a co-worker. The wife gets a kitchen knife and stabs him. She claims she was a victim of battered wife syndrome and was only defending herself. Outcome: At a bench trial the judge acquitted her.

Chicago case #28 The couple is arguing when the 64-year-old husband (the victim) swings a pipe at his 34-year-old wife. She gets a knife and stabs him to death. Outcome: The jury acquitted her.

Chicago case #52 The 49-year-old husband (the victim) is drunk and gets into an argument with his 50-year-old wife. According to her, at some point he throws a fan at her. She gets a knife and lunges at him, cutting his abdomen. Outcome: The jury acquitted her.

Philadelphia case #47 The 35-year-old husband (the victim) comes home drunk after work and begins fighting with his 31-year-old common-law wife over money he is missing. The husband is throwing things at the wife and her children until she gets a knife and stabs the husband once in the chest. Outcome: At a bench trial the judge acquitted her.

Cambridge (MA) case #16 The 38-year-old husband has been hospitalized several times for mental illness. He feels everyone is out to get him. He comes home one evening and sees his 30-year-old wife (the victim) talking with a friend. He immediately thinks she is talking about him, and he later strangles her. Outcome: At a bench trial the judge found him not guilty by reason of insanity.

Dallas case #65 The unemployed 58-year-old husband is released from a mental hospital two weeks before the murder. He fears his 56-year-old wife (the victim), a secretary, will leave him for another man and have him put back in the mental hospital. He stabs her to death. Outcome: At a bench trial the judge found him not guilty by reason of insanity.

St. Louis case #9 The wife, now age 42, has grown increasingly depressed over the years. On the day of the murder she is so distraught she shoots her 51-year-old husband (the victim) several times in the head while he is napping. Outcome: The jury found her not guilty by reason of insanity.

Detroit case #98 The two are out drinking. They return home and begin arguing. According to the wife, age 30, her 25-year-old husband (the victim) attacked her. She grabs a knife and stabs him. She claims he has beaten her before. No witnesses are present at the time of the murder. Outcome: She was acquitted of second-degree murder at a bench trial.

Manhattan case #72 She, a 29-year-old artist, has lived with her 47-year-old common-law husband (the victim), a musician, for a few years. He frequently beats, starves, and tortures her. He repeatedly tells

her he is going to kill her. For some time leading up to the murder, he has not let her eat or shower. On the day of the murder they are going to a bar when she asks him to let her go home because she is tired. He says "no" and begins hitting her and calling her names. The beating ends when she stabs him. He has numerous past arrests and convictions. Outcome: The jury acquitted her.

Spouse murder defendants who stood trial: Trial convictions

Notes taken on prosecutors' records

Oklahoma City case #24 The 59-year-old husband (the victim) comes home intoxicated and continues drinking. His 52-year-old wife claims he became violent and began to beat her. She says she shot him in self-defense. The prosecution counters that there are no bruises or other signs of a beating. The prosecution contends she shot him while he lay in bed sleeping. Outcome: The jury convicted her of first-degree murder. She was sentenced to life imprisonment.

Rochester (NY) case #26 Throughout their turbulent 4-year marriage, the husband (the victim) verbally and physically abuses his wife. She never once leaves him, though. Prior to the night of the murder, the husband buys a gun and puts it in his dresser. The night of the murder, the husband is slapping the wife around, telling her to get out of the house. He calls the police to have her removed from the premises. While he is on the phone, telling police "she's a whore," the wife grabs his gun and shoots him four times. Outcome: The jury convicted her of second-degree murder. She was sentenced to 15 years in prison.

Bakersfield (CA) case #34 The husband (the victim) and wife jointly own a bar. She claims he showed up at the bar angry at her about something and slapped her. She says she became scared, saw a gun, and shot him. The prosecution disputes that, contending instead she murdered him so that she would gain sole ownership of the bar. Outcome: The jury found her guilty of nonnegligent manslaughter. She was sentenced to 8 years in prison.

Philadelphia case #169 They have been married 20 years. Both are heavy drinkers. During an argument he, a longshoreman, hits his 53-year-old wife (the victim) on the head, and several days later she dies. Evidence is uncovered that she was a battered wife. The couple's children testify that he has beaten her for at least 15 years. She has been to hospitals throughout the city for cuts and bruises inflicted by him. He has a long history of arrests and convictions. Outcome: The jury convicted him of negligent manslaughter. He was sentenced to 3 years in prison.

Oklahoma City case #1 The 35-year-old husband has threatened his 29-year-old wife (the victim) in the past. The threats cause her to leave him. On the day of the murder she is drinking and returns to his apartment with her mother to get clothes and food. He is there and also has been drinking. He stabs to death both her and her mother. He then flees. He has numerous prior arrests and convictions. Outcome: The jury found him guilty of two counts of first-degree murder. He was sentenced to the death penalty.

San Diego case #15 He, age 41, has been sadistically abusing his 41-year-old wife (the victim) for about 8 years. He frequently binds, gags, and blindfolds her and forces her to perform sex acts on him. He sometimes cuts and burns her while she is bound. A year prior to the murder she calls the police following a beating. He is arrested and convicted and then thrown out of the Navy, terminating a 22-year career. Soon after, they separate. On the night of the murder, he has drunk about

20 beers and calls his estranged wife, ordering her to take off her clothes and await his arrival. When he enters her apartment, she is nude and holds out her wrists to him. He binds, gags and blindfolds her, cuts her with a knife, and wraps tape and rope around her neck, strangling her. Hours later he is arrested. He admits killing her and intending to do so for some time. He blames her for ruining his career, saying he was going to kill her sooner or later. Outcome: The jury convicted him of first-degree murder. He was sentenced to 26 years in prison.

Seattle case #32 Two weeks before the murder, the 43-year-old husband, an aircraft worker, is jailed for assaulting his 31-year-old wife (the victim). She and the children then move out of the house. On the day of the murder the children are being watched by a babysitter in their new lodgings. The wife returns home and the husband appears out of hiding. He orders the babysitter to lie down and tells the wife that she is going to watch the babysitter die. He begins stabbing the babysitter in the back, but the babysitter breaks free. The husband turns his attack on the wife, who dies from multiple stab wounds. Outcome: The jury convicted him of first-degree murder. He was sentenced to 45 years in prison.

Brooklyn case #54 The 52-year-old husband suspects his 45-year-old wife (the victim) is having an affair. While at home the two argue and she, a factory worker, admits to the affair. He bludgeons her with a hammer. Outcome: The jury found him guilty of using a dangerous weapon (other than a firearm). He was sentenced to straight probation (no confinement in prison or jail).

Dallas case #178 The wife (the victim), 24-year-old postal clerk, is having an affair with another man. The 26-year-old husband arrives at the other man's house and finds his wife in bed with the man. The husband shoots and kills them both. Outcome: The jury convicted him of two counts of nonnegligent manslaughter. He was sentenced to 50 years in prison.

Riverside (CA) case #1 The husband (the victim) beats and abuses his wife for many years. One night, after being abused, she gets up, grabs a rifle and shoots him while he is sleeping. She then takes her children and flees. Outcome: The jury found her guilty of nonnegligent manslaughter. She was sentenced to 8 years in prison.

Spouse murder cases disposed by guilty plea

Of the 540 defendants, 43% pleaded guilty to killing their spouse. Wives and husbands were about equally likely to plead guilty--

*39% of wives and 46% of husbands pleaded guilty to killing their spouse.

The vast majority of pleas were to a reduced charge--

*Most of those who pleaded guilty (67%) had first-degree murder as their arrest offense. Ten percent had nonnegligent manslaughter.

*The guilty plea was to first-degree murder in just 10% of cases and to nonnegligent manslaughter in 58% of the spouse murder cases.

Comparing husbands and wives who pleaded guilty to killing a spouse, wife defendants were more likely than husband defendants to have been arrested for the least serious degree of murder, nonnegligent manslaughter (19% of wives and 5% of husbands). Having less serious arrest offenses in the first place, the offenses they pleaded guilty to therefore tended also to be less serious than those of husbands--

*When wives pleaded guilty, the plea was to manslaughter (negligent or nonnegligent) in 87% of cases; but when husbands pleaded guilty, the plea was to manslaughter in 60%.

Nevertheless, a plea to reduced charges was no more likely among wives than husbands--

*When wives pleaded guilty, the plea was to a reduced charge in 71% of cases; and when husbands pleaded guilty, the plea was to a reduced charge about as often, in 76% of cases.

Sentencing of those who pleaded guilty

Probably the majority of guilty pleas were the product of negotiation between the prosecution and the defense. In such negotiations a "bargain" is struck. In exchange for the prosecutor reducing the seriousness or number of charges (a charge reduction), the defendant agrees to plead guilty. Or, in exchange for the prosecutor's recommending a less severe sentence (a sentence reduction), the defendant agrees to plead guilty as charged.

Plea bargains have advantages for both sides. To the prosecutor hampered by an evidence problem, for instance, the guilty plea at least assures conviction, even if not to the most serious charge. To the guilty defendant, a plea bargain will usually result in a reduced sentence from what might otherwise have been imposed.

The advantage of pleading guilty to homicide is not always immediately obvious to the defendant deciding whether to plead guilty. A trial offers at least the chance of acquittal, whereas pleading guilty guarantees conviction and makes prison a near certainty. However, the possible advantage of a guilty plea becomes clear when sentences are compared between spouse murder defendants convicted at trial and those convicted through a guilty plea--

*Though guilty plea and trial conviction cases were about equally likely to receive a prison sentence (88% and 90%, respectively), a life sentence was given to 1% of those who pleaded guilty but 25% of those who were convicted at trial.

*Among those sentenced to prison but not to a life term, the average prison sentence was 10 1/2 years for defendants who pleaded guilty but 17 years for defendants convicted at trial.

These longer sentences for defendants convicted at trial were to some extent in line with the lower likelihood of their receiving a charge reduction--

*When defendants pleaded guilty, the plea was to a reduced charge in 74% of cases; but when they were convicted at trial, the conviction was to a reduced charge in 48% of cases).

Partly reflecting their less serious conviction offenses, wives were given less severe sentences than husbands.

Although wives were not significantly less likely than husbands to receive a prison sentence, the length of their prison sentence was shorter than that of husbands--

*Of those who pleaded guilty, 81% of wives and 93% of husbands were sentenced to State prison.

*4 years was the average prison sentence length for wives who pleaded guilty, 10 years shorter than the 14-year average for husbands who entered a guilty plea.

Spouse murder defendants who pleaded guilty

Notes taken on prosecutors' records:

Philadelphia case #69 Both are retired. They have been married 47 years. The 65-year-old wife (the victim) has recently suffered a stroke. Her health and state of mind deteriorate rapidly. According to her 68-year-old husband, she had become "mentally disturbed." He feels he can no longer meet her health demands and decides to "put her out of her misery." He shoots her with a rifle. Outcome: He pleaded guilty to nonnegligent manslaughter and was sentenced to straight probation (no confinement in prison or jail).

Queens (NY) case #5 According to neighbors, the husband and his common-law wife (the victim) regularly get drunk and argue. On the day of the murder, they are arguing and the common-law husband places his 69-year-old wife in a sofa bed and closes it. He later says he tried but was unable to open it. She dies in the sofa bed. Outcome: He pleaded guilty to negligent manslaughter and was sentenced to straight probation (no confinement in prison or jail).

San Diego case #1 The husband is a construction worker and the wife is on welfare. The 23-year-old husband (the victim) beats his 21-year-old wife and their 18-month-old daughter the night prior to the murder. On the night of the murder, the wife and her husband are asleep in their bedroom and the daughter is in another room. The child begins to cry, waking the husband. He orders the wife to stop the child's crying. The wife leaves the bedroom, returns with a gun and shoots the husband. Evidence emerges that the wife and the daughter have been repeatedly physically abused by the victim. Hospital examination at the time of the murder finds multiple bruises on the child and the defendant in various stages of healing. Outcome: She pleaded guilty to nonnegligent manslaughter and was sentenced to 10 months in prison.

New Haven case #2 She, a 28-year-old secretary, suffers years of physical and sexual abuse at the hands of her 30-year-old husband (the victim). Several times he tries to kill her. She stays with him at first because she thinks he will stop; then because she fears he will find her wherever she goes; and then because she fears losing her kids. At some point she buys a gun to defend herself. On the night of the murder she thinks he is possibly going to kill her. In the middle of a beating she grabs the gun from under the mattress and shoots him. Outcome: She pleaded guilty to negligent manslaughter and was sentenced to straight probation (no confinement in prison or jail).

Pittsburgh case #15 The husband (the victim) has a history of beating his wife. On the night of the murder, the husband comes home and begins ordering her around, as he frequently does. The wife leaves the room. When she returns she notices him looking through the closet for his gun. The wife earlier hid it under the bed. While he is searching, the wife retrieves the gun and shoots him repeatedly. She claims she was tired of the abuse. Outcome: She pleaded guilty to nonnegligent manslaughter and was sentenced to straight probation (no confinement in prison or jail).

Ft. Lauderdale case #62 Late one night the husband (the victim) and the wife, a mail carrier, are arguing. Police arrive and convince the husband to leave for the night. The wife locks the door, arms herself with a handgun and sleeps in the hall. The husband returns the next morning, enters the apartment, and finds the wife locked in the bathroom. When

the husband tries to get into the bathroom, the wife fires a shot through the door, striking the husband in the leg. The action moves into the bedroom where the husband is shot in the head. Outcome: She pleaded guilty to nonnegligent manslaughter and was sentenced to straight probation (no confinement in prison or jail).

Austin (TX) case #4 The husband (the victim) and his common-law wife, a housekeeper, frequently drink and fight. On the day of the murder, both are intoxicated and begin fighting. The wife gets a gun and shoots her husband. She then calls the police. The wife has injuries she says she received from being beaten by her common-law husband. Outcome: She pleaded guilty to negligent manslaughter and was sentenced to 10 years in prison.

Dayton (OH) case #3 The husband (the victim) and his common-law wife are arguing about a variety of things. Throughout the argument the husband beats her. When the common-law husband comes after her in the kitchen, she grabs a knife. She stabs him in the back as he is walking away. Outcome: She pleaded guilty to negligent manslaughter and was sentenced to 2 years in prison.

Albuquerque case #9 Both are unemployed. One week before the murder, the 22-year-old husband is released from prison and moves in with his 22-year-old wife (the victim), who is living at his grandmother's house. At the time of the murder the wife tells the husband that she wishes to leave him to be with a man she was seeing while the husband was in prison. She also informs him that she might be pregnant by the other man. The husband strangles her, tells the grandmother he killed his wife, and calls police. Family members and friends say he has a history of assaulting his wife and threatening her life. He also has a long criminal record. Outcome: He pleaded guilty to nonnegligent manslaughter and was sentenced to 16 years in prison.

Prince George's County (MD) case #13 On the night of the murder, the husband and a friend pick up the wife (the victim) and are driving down the road when the husband stops to "repair the car." While the husband is looking under the hood, the friend begins slashing the wife with a razor. The husband states he earlier joked with the friend about killing her, but he claims he did not really mean it. Seeing her suffering, he says, he shoots her to put her out of her misery. Outcome: The husband pleaded guilty to first-degree murder and was sentenced to life in prison.

New Haven (CT) case #7 The couple have a history of physical abuse. The 56-year-old husband has a stab wound inflicted by his 38-year-old wife (the victim) in an earlier altercation. On the day of the murder the husband claims his wife jumped on him and said she was going to kill him. He stabs her to death. He has a long history of arrests and convictions. Outcome: He pleaded guilty to nonnegligent manslaughter and was sentenced to 20 years in prison.

Denver case #18 He is a 34-year-old steel mill worker, and she is a 24-year-old waitress. An argument develops between the two, partly over whether the pregnant wife (the victim) should have an abortion. The husband tells her to leave. She refuses. She threatens him with a knife. He gains control of the knife and stabs her. Outcome: He pleaded guilty to second-degree murder and was sentenced to 24 years in prison.

Memphis case #2 The 39-year-old husband claims that, during an argument, his 34-year-old wife (the victim) beat him with a phone. The wife is much larger than the husband. The husband states that the wife went for a handgun kept in a closet and the two struggled over it. In the struggle the gun fires once, killing the wife. The husband then calls police. Outcome: The husband pleaded guilty to negligent manslaughter and was sentenced to 2 years in prison.

Cambridge (MA) case #2 Both the 58-year-old husband, a mail clerk, and his 44-year-old wife (the victim) have been hospitalized for psychiatric disorders. On the day of the murder the wife returns from a 6-month stay at a mental hospital. She refuses to take her medication and, according to the defendant, goes crazy. She threatens the husband with a broken bottle, begins hallucinating, and beats the husband. For hours he tries to calm her until, at one point, he applies too much pressure to her neck and she dies. Outcome: The husband pleaded guilty to nonnegligent manslaughter and was sentenced to 20 years in prison.

Oklahoma City case #30 The 29-year-old wife (the victim) accuses the 32-year-old husband of being interested in another woman. An argument turns into a fight. The wife is armed with a kitchen knife. The husband has scissors. Both sustain stab wounds, but her wounds are fatal. Outcome: The husband pleaded guilty to negligent manslaughter and was sentenced to 5 years in prison.

Philadelphia case #96 Both are retired. The 73-year-old husband has Alzheimer's disease, causing him to be confused at times. On the day of the murder he decides to kill his 73-year-old wife (the victim). He beats her to death with a crowbar and then calls police. Outcome: The husband pleaded guilty to nonnegligent manslaughter and was sentenced to straight probation (no confinement in prison or jail).

Overview of case disposition of spouse murder defendants

All sampled defendants were charged with murdering a spouse, and all were disposed of in 1988. How they were disposed of varied--

- *Not prosecuted: 13%
- *Pleaded guilty: 43%
- *Convicted at trial: 37%
- *Acquitted at trial: 7%

Although wives were not significantly less likely than husbands to be prosecuted (16% versus 11%), or to stand trial (45% versus 43%), or to plead guilty (39% versus 46%), they were less likely than husbands to be convicted of killing their spouse--

*30% of wives but 13% of husbands were either not prosecuted or were prosecuted but acquitted at trial.

*Conversely, 70% of wives were convicted of killing their spouse, versus 87% of husbands).

Wives were about half as likely as husbands to be convicted of first-degree or second-degree murder--

*25% of wives but 46% of husbands were convicted of first-degree or second-degree murder.

Nevertheless, the percentage of husbands and wives convicted of a lesser offense (an offense less serious than the one they were arrested for) did not differ significantly--

*3% of wives and 54% of husbands were convicted of a lesser offense.

The likelihood of conviction did not vary significantly by arrest offense--

*78% of defendants arrested for first-degree murder were convicted, compared to 84% of defendants arrested for second-degree murder or

nonnegligent manslaughter.

The likelihood of conviction to reduced charges was associated with the seriousness of the arrest offense. The more serious the arrest offense, the more likely the conviction was to a reduced charge--

*53% of defendants arrested for first-degree murder were convicted of a lesser offense, versus 29% of defendants arrested for nonnegligent manslaughter.

Wives were less likely than husbands to be convicted and sentenced to prison--

*57% of wives were convicted and sentenced to prison for killing their spouse, compared to 81% of husbands.

Sentencing of defendants convicted of killing their spouse

Among convicted defendants, virtually all were convicted of either murder or manslaughter. Because of charge reduction, conviction offenses were generally less serious than arrest offenses. Charge reduction was more common in arrests for first-degree murder than nonnegligent manslaughter--

*Among convicted defendants whose arrest was for first-degree murder, 68% had a conviction offense less serious than their arrest offense.
*Among convicted defendants whose arrest was for nonnegligent manslaughter, 34% had a conviction offense less serious than their arrest offense.

Among those convicted, the conviction offense differed markedly from the arrest offense--

*The predominant arrest offense of convicted defendants was the most serious form of homicide, first-degree murder (68%).

*But the predominant conviction offense was the least serious form, negligent or nonnegligent manslaughter.

Convicted wives were more likely than convicted husbands to have manslaughter as their conviction offense--

*64% of convicted wives had manslaughter (negligent or nonnegligent) as their conviction offense, compared to 46% of convicted husbands.

Still, charge reduction was not more common among convicted wives than convicted husbands--

*61% of convicted wives had a lesser offense (an offense less serious than their arrest offense) as their conviction offense, compared to 62% of convicted husbands.

Wives convicted of killing their husband were generally sentenced less severely than husbands convicted of killing their wife--

*A smaller percentage of convicted wives (81%) than convicted husbands (94%) received a prison sentence.

*However, convicted wives (8%) were not significantly less likely than convicted husbands (15%) to receive a life sentence.

*There was a significant difference between the percentages of wives and

husbands receiving a prison sentence of 20 or more years (including life imprisonment and the death penalty). Among wives sentenced to prison, 15% received a sentence of 20 years or more; among husbands, 43%.

*Excluding life or death sentences, the average prison sentence was 6 years for wives convicted of killing their husband, about 10 years shorter than the average 16 1/2 years husbands received for killing their wife.

Penalties imposed on convicted spouse murder defendants varied according to the seriousness of the murder, with first-degree murder punished most severely and negligent manslaughter least severely--

* For conviction for first-degree murder

least severe penalty--10 years in prison
most severe penalty--death
life in prison--36%
average non-life prison sentence--31 years.

*For conviction for second-degree murder

least severe penalty--straight probation
most severe penalty--life in prison
life in prison--17%
average non-life prison sentence--16 years.

*For conviction for nonnegligent manslaughter

least severe penalty--straight probation
most severe penalty--50 years in prison
life in prison--0%
average non-life prison sentence--7 years.

*For conviction for negligent manslaughter

least severe penalty--straight probation
most severe penalty--10 years in prison
life in prison--0%
average non-life prison sentence--5 years.

Processing time in spouse murder cases

Time to arrest: All cases Most spouse murder defendants were arrested on the same day the killing occurred. Consequently, the median number of days from the day of the murder to the day the defendant was arrested was 0 days. The mean was 28 days.

Time to indictment: All cases The median period of time from the day of the murder to the day of indictment (for those who were indicted) was just under 2 months and the mean was 4 months.

Time to final disposition Final disposition is the date the case was either rejected by the prosecutor (or dismissed in court), acquitted or convicted at trial, or concluded through a guilty plea.

All cases Median elapsed time from the day of the murder to the day the case was finally disposed was 9 months. The mean was almost 1 year.

Trials versus pleas Median disposition time from the day of the murder to final disposition was 8 1/2 months for plea cases and 1 year for trial cases. Mean disposition time was 1 year for plea cases and 1 year and 2 months for trial cases.

Jury versus bench trials Cases disposed by bench trial (elapsed time of about 13 months) were not disposed of significantly faster than those disposed by jury trial (elapsed time of about 15 months).

Jury trials For husbands tried by a jury, average elapsed time from the day of the murder to the conclusion of the trial was about 12 1/2 months; for wives it was significantly longer, about 18 1/2 months.

Less severe dispositions for wife defendants:
Summary of evidence

Though wives were about as likely as husbands to be charged with first-degree murder and about as likely to be prosecuted or indicted, in other respects the justice system treated wives less severely than husbands. Most notably--

Wives had a lower conviction rate than husbands--

*70% of wives but 87% of husbands were convicted of killing their mate.
*At trial, judges and juries acquitted 31% of wives but 6% of husbands.

*Among cases tried before a jury, 27% of wives were acquitted but none of the husbands.

Convicted wives were less likely than convicted husbands to be sentenced to prison, and convicted wives received shorter prison sentences than their male counterparts--

*81% of convicted wives but 94% of convicted husbands received a prison sentence.

*Excluding life or death sentences, the average prison sentence for killing a spouse was 6 years for wives but 16 1/2 years for husbands.

*Among wives sentenced to prison, 15% received a sentence of 20 years or more; among husbands, 43%.

The likelihood of a spouse murder defendant ultimately being convicted and sent to prison was lower for wives than husbands--

*Of the 222 wife defendants, 57% ended up in prison. Of the 318 husband defendants, 81% were sentenced to prison.

Self-defense as a possible explanation for wives' lower conviction rates

In some cases the wife or the husband killed the spouse only after being physically attacked or threatened with a weapon by the spouse. In such cases the defendant may claim self-defense. Justice system officials then decide whether and to what extent the victim's own conduct contributed to his/her death. Additionally, officials consider whether the defendant could have fled the scene rather than stay and defend him/herself and whether the defendant could have used less than lethal force. In certain cases of extreme victim provocation, where the homicide is ultimately determined to have been justifiable, the prosecutor declines to prosecute, the grand jury votes not to indict, or the judge or jury acquits the defendant. In less extreme cases the charge or conviction offense is lowered.

The possibility investigated below is that wives were less likely to have been convicted than husbands because wife defendants were more likely than husband defendants to have been severely provoked by their spouse

and therefore more likely to have been absolved on grounds of self-defense.

Grounds for claiming self-defense more often present in wife defendant cases than in husband defendant cases

Possible evidence to support a self-defense claim--evidence that, somewhere along the chain of events leading to the murder, the victim provoked the defendant--was more often present when wives killed their husband than when husbands killed their wife--

*More wives (44%) than husbands (10%) had been assaulted by their spouse (threatened with a weapon or physically assaulted) at or around the time of the murder. (In some cases the survey questionnaire did not indicate that the defendant had been provoked, but the case narrative clearly revealed provocation. In such instances the defendant was classified as provoked.)

*More wives (58%) than husbands (10%) had been assaulted by their spouse at the time of the murder or in the past. Consistent with that, more wives (51%) than husbands (12%) had killed a spouse who had at least one prior arrest or conviction (not necessarily an arrest or conviction for a crime against the defendant, though).

The possibility that more wife defendants than husband defendants killed in self-defense is further supported by two victim differences, though neither difference is statistically significant--

*Situations in which the victim is armed are probably more characteristic of provoked than unprovoked murders. If more wife defendant than husband defendant cases involved an armed victim, that would tend to corroborate other evidence suggesting that more wife than husband defendants were provoked. Of relevance, then, is the fact that the victim was armed in 21% of wife defendant cases but 11% of husband defendant cases.

*Previous research has shown that, compared to unprovoked murders, provoked spouse murders tend more often to involve alcohol use by the victim. One additional check of whether more wife defendants than husband defendants were provoked is to compare the two in terms of victim alcohol use. They should differ, with victim alcohol use being more prevalent in wife defendant than husband defendant cases. Relevant to the question of provocation, then, is the fact that the victim had been the only one drinking in 25% of cases where the wife killed the husband. That compares to just 4% of husband defendant cases, where the wife had been the only one drinking.

Victim provocation reduces likelihood of conviction

Victim provocation (meaning that the defendant was apparently assaulted or threatened with a weapon by the victim at or around the time of the homicide) appeared to reduce the likelihood of conviction--

*Of the provoked wives, 56% were convicted. (No conviction rate is given for provoked husbands because there were too few cases for a reliable estimate. Also, cases used to investigate the effect of provocation on sentencing excluded cases where provocation was unknown. Consequently, average sentences in this section may differ from averages shown elsewhere). That is lower than either the 86% for unprovoked wives or the 88% of unprovoked husbands.

No difference between provoked and unprovoked wives in terms of likelihood of receiving a prison sentence or length of prison sentence

Risk of conviction is lower for provoked than unprovoked defendants.

But if convicted, the provoked defendant gets no obvious break at sentencing--

*84% of convicted wife defendants were sent to prison, whether or not they were provoked.

*The average prison sentence was 5 years for provoked wife defendants and 7 years for unprovoked wife defendants, but the difference was not statistically significant.

These results do not necessarily mean, however, that the justice system disregards victim provocation at sentencing. Following are three alternate, but not mutually exclusive, interpretations of why the average sentence lengths do not differ between wives who killed their husband upon provocation and those who were not provoked.

Victim provocation indirectly mitigates the sentence through reduced charges

To illustrate, the prosecutor takes provocation into account by agreeing to a plea to a reduced charge. The sentence the provoked wife receives is less severe than what she would have received had the prosecutor not made allowance for provocation. Similarly, the judge or jury takes provocation into account by convicting the wife defendant of a lower charge. Again, the result is a less severe sentence than what she otherwise would have received. Such indirect mitigation is not necessarily observable when sentences are compared between provoked and unprovoked defendants.

Despite provoked wives' testimony that they had been assaulted, their testimony in some cases was insufficient to convince prosecutors, judges, or juries.

Perhaps their claim was uncorroborated. Unsupported defendant testimony is generally less persuasive than eyewitness testimony, physical signs of abuse on the defendant, or documentary evidence from hospital or legal records of past abuse by the victim. Another possibility is that prosecutors, judges, or juries believed provocation had occurred but also believed that the defendant could have fled the scene or, even if that was not possible, did not have to resort to lethal force.

The small sample size is a reason the 5-year sentence for provoked wives is not significantly shorter than the 7-year sentence for unprovoked wives.

With a larger sample, the 2-year difference would be statistically significant.

No explanation for why State prison sentences were, on average, 10 years shorter for wife defendants than husband defendants

*The average prison sentence for convicted wife defendants was 6 years, or about 10 years shorter than the average 16.5 years for husband defendants.

More spouse killings by wives than husbands were mitigated by victim provocation, and wives received shorter sentences than husbands, but attributing wives' shorter sentences to this one particular mitigating factor is not necessarily justified. Wife and husband defendants differed on factors besides provocation that might explain the 10-year difference. Moreover, the 10-year disparity persists even when the comparison is restricted to defendants who were alike in terms of whether they were provoked--

*The average prison sentence for unprovoked wife defendants was 7 years, or 10 years shorter than the average 17 years for unprovoked husband defendants. (It would also be desirable to compare sentence lengths between provoked husbands and provoked wives. That comparison was not made because too few husband defendants were provoked to form the basis for a reliable comparison.)

Further reading

Key findings reported here correspond closely to what Professor Marvin Wolfgang found four decades ago in his classic study of the justice system's handling of homicides in Philadelphia from 1948 to 1952. Comparing outcomes between spouse murder defendants, Wolfgang reported these apparent disparities (See Patterns in Criminal Homicide [Philadelphia: University of Pennsylvania Press, 1958] p. 217)--

*a higher proportion of husbands (64%) than wives (55%) were found guilty;

*a higher proportion of wives (34%) than husbands (4%) were acquitted;

*husbands were convicted of more serious degrees of homicide than were wives.

No firm explanation for the disparities was offered, but Wolfgang did suggest that they might largely be explained by differences between defendants in terms of victim provocation. Sixty percent of wife defendants were strongly provoked by their mate, compared to 10% of husband defendants.

Race in spouse murder cases

The race of the murder victim was known in 529 of the 540 cases. Of the 529 total, the victim was black in 292 cases--or 55%--and white in 225--or 43%. Other races (Asian, American Indian, Pacific Islander, or Alaska Native) made up the balance of the 529.

Conviction rate unrelated to race of victim

The likelihood of a defendant being convicted of spouse murder was about the same whether the murder victim was white or black--

*The defendant was convicted in 81% of cases where the spouse murder victim was white, not significantly different from the 79% of cases where the victim was black.

Sentence unrelated to race of victim

The likelihood of a convicted spouse murderer receiving a prison sentence was about the same whether the murder victim was white or black--

*The convicted spouse murderer was sentenced to prison in 93% of cases where the victim was white, not significantly different from the 87% of cases where the victim was black.

The length of the prison sentence imposed on a convicted spouse murderer was generally unrelated to whether the murder victim was white or black (sentences for negligent manslaughter are not compared because they are based on too few cases to be considered statistically reliable)--

*For conviction for first-degree murder, the average prison term

(excluding life and death sentences) was 29 years in white-victim cases, not significantly different from the 32 years in black-victim cases.

*For conviction for second-degree murder, the average prison term (excluding life sentences) was 19 years in white-victim cases, significantly longer than the 13 years in black-victim cases. However, 23% of convicted second-degree murder defendants in black-victim cases received a sentence of life imprisonment, compared to 8% of defendants in white-victim cases.

*For conviction for nonnegligent manslaughter, the average prison term (excluding life sentences) was 8 years in white-victim cases, not significantly different from the average 6 years in black-victim cases.

Race of defendant also unrelated to outcomes

Virtually all--97%--of spouse murders were intraracial. When a white was murdered by a spouse, the likelihood was about 97% that the alleged murderer was white. When the spouse murder victim was black, the likelihood was 97% that the alleged murderer was also black. Given the highly intraracial nature of spouse murder, statistics relating the victim's race to specific outcomes are interchangeable with those relating the defendant's race to outcome.

The overall conclusion that the victim's race is unrelated to outcome applies equally well to the defendant's race. The likelihood of conviction, and of a prison sentence if convicted, and the length of the prison sentence were about the same whether the spouse murder defendant was white or black--

*78% percent of white defendants were convicted, not significantly different from the 80% of black defendants.

*Among convicted spouse murderers, 93% of white defendants were sentenced to prison, not significantly different from the 88% of black defendants.

Methodology

Sample selection

The 33 counties in the sample were selected to be representative of the Nation's 75 largest counties. The ranking of counties in which the 75 largest were identified was based on a combination of crime data (1980 and 1984 Uniform Crime Report Part I arrests) and population data (1980 population from the Census Bureau's City County Data Book). Rankings reflected the size of the prosecutors' offices. The original sample plan identified 34 counties, 1 of which declined to participate.

The following are the 33 counties whose prosecutors' offices participated in the study reported here--

Arizona: Pima

California: Los Angeles, Orange, Kern, San Diego, Riverside

Colorado: Denver, Arapahoe

Connecticut: New Haven

Florida: Dade, Orange, Broward

Illinois: Cook

Louisiana: Orleans

Maryland: Prince George's

Massachusetts: Middlesex

Michigan: Wayne

Missouri: St. Louis
New Mexico: Bernalillo
New York: Kings, Monroe, New York, Queens
Ohio: Franklin, Montgomery
Oklahoma: Oklahoma
Pennsylvania: Philadelphia, Allegheny
Tennessee: Shelby
Texas: Dallas, Tarrant, Travis
Washington: King

A total of 2,539 murder cases were sampled. These cases were a sample of about half of all murder-charge cases disposed of in the sampled 33 counties in 1988. Not eligible for sample selection were nonmurder defendants or any whose most serious charge was attempted murder, negligent or involuntary manslaughter, or vehicular homicide. In counties with 200 or fewer disposed murder cases in 1988, all were selected for inclusion in the sample. In counties with more than 200, a systematic sample of 200 was chosen. Only 6 of the 33 counties had more than 200 murder cases.

Virtually all cases meeting the 1988-disposition criterion were disposed for all defendants in the case. Of the 3,119 defendants on whom data were obtained, only 13 had not yet had their cases adjudicated at the time the survey was carried out in 1990. Another 25 defendants had died of suicide or other causes, either at about the time of the murder or later, before final disposition.

Sample of spouse murder defendants

Of the 3,119 sampled murder defendants, 187 were spouse murder defendants. The 187 consist of 111 husband defendants and 76 wife defendants. Extrapolating to the 75 largest counties, the 187 represent an estimated 540 spouse murder defendants. The figure 540, then, is based on a sample size approximately one-third of 540. Readers wishing to determine for themselves the approximate sample size on which any of the report's statistics are based need only to multiply the table estimate by one-third.

Nonavailability of cases

The survey goal to track murder cases across justice system stages was not met in nine counties. In one of the nine, legal restrictions barred access to cases rejected by the prosecutor. In the remaining eight counties, some of the sampled cases could not be located.

Computation of estimates from sample data

Case weights were applied to statistics on the sampled cases to form estimates for the universe of the 75 largest counties, the key assumption being that cases not sampled were similar to the cases sampled. A case weight was the inverse of the probability that a case would be in the survey. That probability was the product of both the probability that a given county would be chosen and the probability of selection of that case in that county. Case weights were adjusted to compensate for the loss of one nonparticipating county.

Statistically weighted, the 3,119 defendants in the sample cases represented 9,576 murder defendants in the Nation's 75 largest counties.

Response rates

Except as noted below, this report focused exclusively on characteristics that were successfully obtained in a high percentage of sample cases ("response rate").

The case records identified age, race, sex, and ethnicity for nearly all defendants (approximately 98%).

Also obtained in nearly all cases were the relationships between victims and defendants; the circumstances preceding the homicide; the arrest or indictment charge; and whether the defendant was convicted, and if so, the conviction offense. In incarceration or probation cases, the length of the term of sentence was usually known.

Defendant criminal history was available in three-quarters of the cases, but victim criminal history was obtained in only a third of the cases. The juvenile portion of the criminal history information was probably less complete than the adult portion.

Sampling error

Data collected in this murder study were from a probability sample rather than a complete enumeration. Because counties and cases were sampled, a sampling error (standard error) is associated with each number in the report. In general, if the difference between two numbers is greater than twice the standard error for that difference, there is at least 95% confidence that the two numbers are in fact different; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population. Similarly, if the difference between two numbers is greater than 1.6 standard errors, we are at least 90% confident that the two numbers are different. In this report the term "statistically significant" was used to denote a difference in which there is at least 90% confidence.

Except where explicitly indicated otherwise, all differences discussed in this report had a confidence level at or above 90% (virtually all were above 95%). Standard error estimation was based on software that takes into account the survey's sample design features.

Limited data on provocation

The report reaches no firm conclusion about the possible impact of victim provocation on case outcomes, in part because thorough analysis requires more cases and more details than are available from this study's spouse murder database. For instance, the survey does not show--

*which defendants actually claimed self-defense;

*which of the spouses in each case was the first to strike or threaten the other;

*which defendants received a charge or sentence reduction because prosecutors, judges, or juries decided victim provocation was present (however, the survey did document instances where the prosecutor screened out the case expressly because of victim provocation);

*which claims of self-defense were supported by strong evidence;

*which defendants claiming self-defense had the option of fleeing rather than using deadly force.