



## Practical - Prime-Time Murder: Presentation of Murder on Popular Television Justice Programs

Homicide SFW (University Of Guelph)

## SOC 2760 – Soulliere

### Prime-Time Murder: Presentation of Murder on

### Popular Television Justice Programs

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- Prime-time television has devoted at least one-third of its time to crime
- Murder has tended to be the crime of focus on entertainment television
- Media tend to depict the crimes that occur the least in American society, while neglecting the crimes that occur the most
- Distorted presentations may contribute to inaccurate or false beliefs about crime among viewers
- Criminality is viewed as the failure of an individual who is morally weak or mentally deficient
- Social explanations are almost entirely absent from crime and police dramas; center around individual pathology
- Heavy reliance on individualistic explanations that frequently do not go beyond superficial plot motives
- Homicide typically portrayed as the result of an individual weakness or defect such as mental illness, greed or jealousy, and little or no effort is made in these crime dramas to relate homicide to social-structural or institutional forces
- NYPD Blue, Law & Order, The Practice
- Violent crime was overrepresented in the prime-time television justice programs analyzed, especially murder
- Murder/ attempted murder emerged as the most common violent crimes
- Official reports of crime in the United States shows that violent crimes are less common than property crimes with murder/ attempted murder being relatively rare
- Tends to over-represent the crimes that occur the least and under-represent the crimes that occur the most
- Aggravated assault is most common and is not depicted in any of the justice program episodes
- Attempted murder was treated as murder in the analysis of the circumstances surrounding death
- Firearms are the weapons used most often in the commission of murder
- Men are more likely to use guns and women are more likely to use knives in committing murder

- Females were shown as more likely to use no weapon at all, letting their victims starve to death, exposing the victim to the elements or being responsible for an accidental choking because of neglect
- Men are more likely in programs to use their hands, fists or feet as weapons
- Murder victims are likely to know their assailants acquaintances emerging as the largest category of known offenders followed by family
- Media are likely to depict violent crimes as random acts committed by strangers
- Females are more likely than males to be killed by an intimate such as a spouse or lover
- Drugs figured most prominently in the murder incidents than did alcohol especially among victims
- Most common location for the murders/attempted murders presented by the three programs was residence
- Females are more likely to be killed in homes while males are more likely to be killed in the street
- Results of television shows do not fit the general pattern that most murders are not planned but situationally-induced acts of violence
- Murder is typically spontaneous rather than planned
- Spontaneity of murder is often due to the fact that many murders occur in the context of argument or dispute
- Murders are likely to occur conjunction with the commission of felony
- Felony murders are more likely to involve strangers than persons who are known to one another
- Where women commit murder, victims are likely to be family members
- Murder is predominantly interracial, people are more likely to be killed by members of their own racial or ethnic group than to be killed by members of other racial or ethnic groups
- Television crime drams tend to give the impression that most murders are meticulously planned
- If murder occurred between the spouses – classified as spouse murder
- If murder involved at least one person hiring another to kill a third party - classified as contract killing/murder-for hire
- If murder had multiple victims at one point in time – classified as mass murder

- If murder had multiple victims over a period of time – classified as serial murder
- If murder occurred within a drug transactions – drug-related murder
- Spouse murder tends to be a male crime
- Spousal murders are mostly spontaneous, growing out of general discord or a history of abuse, with alcohol/drugs often playing a crucial role
- Criminologists tend to differentiate between expressive and instrumental motivations
- Expressive motives derive from emotional responses or psychological reactions such as anger, jealousy, resentment, frustration, fear, love or general dislike
- Instrumental motives derive from desire to obtain some personal goal such as money or status enhancement
- Murderers may also be motivated by some sort of mental illness or defect that essentially controls their responses to situations
- People commit crimes because of something uniquely inside them – jealousy, biological deficiency, emotional instability, or desire to achieve personal goal
- Motives are individualistic
- Attempts at sociological explanations were made within the television shows, but were very unsophisticated and simply blamed society for the individual offenders actions OR they were obscure so that they were likely to go unnoticed by the average viewer ( without crime background)
- Failed to touch upon important sociological explanations such as:
  - racial inequality
  - labor instability( potential sources of conflict and violence)
  - routine activities theory: crime depends on the intersection of a motivated offender, suitable target, an absence of guardianship
  - interactionist interpretations – highlight the series of states through which offenders and victims of violence proceed
  - phenomenological theories – causes of crime are constructed offenders themselves in ways that are compellingly seductive, coming from emotional logic and moral appeal

- one of the most obvious distortions in the presentation of crime in the three entertainment justice programs was the overrepresentation of violent crimes, especially murder – may lead the audience to overestimate the amount of violent crime, especially murder, in society
- The shows tend to mask the more common-lace murders that are drug-related and tend to somewhat sensationalize spouse murder
- Prime-time televisions failure to consider distinctly sociological explanations of crime has consequences for public understanding of crime and for policy initiatives

## SOC 2760 – Barkan

### Mutual Relevance of Sociology and Criminology 4/13/2011 10:14:00

- Crime and victimization are public issues rather than private problems ( according to Mills)
- They occur in social and physical characteristics of communities, in relationships, in structural social inequalities of race, ethnicity, social class, gender
- Criminology shows us how and why social inequality is; “ enormously destructive of human personality and of social order
- Positions at the top of the socioeconomic ladder contribute to a greater probability of white collar crime ( which results in little or no punishment)
- Criminology illuminates the privileges of those at the top of the social hierarchy

#### Rise of Sociological Criminology

- Societies have social **norms** (standards of behavior)
- The behavior that violates these norms and arouses negative social reactions is **deviance**
- Norms remain unwritten and informal and are called **customs**
- These customs are enforced through informal **social control** such as ostracism and ridicule
- People believe in these customs because they fear of societies informal sanctions
- In modern society norms are formal and are written down, called **laws**
- Social control is more formal and takes the form of specialized groups of people( legislators, police officers, judges, corrections officials) who create the laws and interpret them and punish law violators
- Historically, people attributed crime towards religious forces; said gods were punishing and testing them
- During middle ages – deviance was blamed on the devil
- Classical school of criminology – criminals rationally choose to commit crime after deciding that the potential rewards outweigh the risks.
  - because of all this scholars said that legal punishment needed to be severe enough only to deter potential criminals from breaking the law
- Adolphe Quetelet – first criminologist ; analyzed crime in France, found rate higher

- Emile Durkheim – established sociological paradigm
- deviance will always exist because social norms are never strong enough to prevent ALL rule breaking (even in a society of saints, rules will be broken and negative social reactions will be aroused)
- said deviance is a normal part of every healthy society and stressed its importance for social stability
- deviance necessary for a social change to take place
- a society without deviance would be a society with no freedom of thought ( social change not possible then)
  
- Du Bois( African-american scholar)
- talked about the high crime rates of African Americans to negative social conditions rather than to biological problems
- talked about racial discrimination in arrest and sentencing
  
- **Social disorganization** – breakdown of conventional social institutions
- **Sutherland= Criminogenic** – crime-causing
- **different association theory:** why conditions promote criminality and emphasized the importance of peer influences
- **white-collar crime:** was sharply critical about the illegal and harmful practices of the nations biggest corporations
- **critical humanism:** marked concern for issues of race, poverty and political and economic power
  
- Merton = Anomie theory
- - poor is unable to achieve economic success in a society that highly values it
- - in its place the social bonding theory took over, which emphasized the criminogenic effects of weak bonds to social institutions
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- + Article
- - article spoke about the many events of shootings in US schools and the different social aspects of it
- - also mentioned how OJ Simpson and Jon Benet Ramsey had been apart of cases that are left unanswered

- Homicide survivors/ co-victims – family members and friends of murder victims that suffer immensely when their loves ones are taken away by murder
- Fewer homicides are cleared today than in the past ( more people left unpunished
- Survivors of murder may experience post-traumatic stress disorder (PTSD)
- Crime scenes are left for the surviving victim to manage it and clean up, services are offered but not at a cheap price.
- Family members of a victim undergo tremendous depression, anxiety, have the capability of losing their job easily due to payments and the build up of stress that occurs
- Victims of Crime Act( one of the greatest movements) – provides funding for victims assistance programs and state victim compensation

## Rights of Federal Crime Victims ( FBI, 2006)

- 1) right for reasonable protection from the accused
  - 2) right to notices of public court and parole proceedings involving crime and notices if the accused is released or escapes
  - 3) right to be included in any public court proceeding (unless court think that the victims testimony would be materially altered if he/she were to attend the proceedings
  - 4) right to speak at any public proceedings about the release, plea sentencing, or parole of the accused
  - 5) right to talk to the government attorney about the case
  - 6) right to the timely payment of any restitution as provided by law
  - 7) right to reasonably speedy proceedings
  - 8) right to privacy and fair, respectful and dignified treatment
- Do not need financial needs to get victim compensation – to receive the funding one must have been apart of the crime
  - Victim impact statements – dealt better with it if they knew that they were given the chance to be in the process and express their feelings

- in the statement the victim tells the judge how the crime has affected him or her and others close to the murder victim ( may be details of emotional and financial suffering)

### **Restorative Justice**

- retributive justice is to repair the wrong done to the victim and the community by bringing the offender, victim and community members together
- Encourages communication between the offenders and those they have hurt through victim/offender mediation
- the goal is to allow the offender to work toward repairing the harm he or she has caused and to reintegrate him or her into society
- it is important especially for offenders that will return back into society to recognize the pain that they have caused and work to repair it
- After mediation ( meeting with your loved ones killer) it often leads the victims feeling more at peace
  
- Murderabilia is an example of the glamorization of crime in our culture and the failure to recognize the suffering by victims and their families

- Definitions & Trends
- Homicide is the killing of one person by another
- Different types of homicide depending on the intent of the perpetrator; the courts spend considerable time trying to determine that intent
- Homicide found in Section 222 of Criminal Code: a person commits homicide when they directly or indirectly by any means cause the death of a human being; it is culpable or non-culpable
- The law is capable of finding criminal negligence in such cases, the criminal justice system is not geared to investigating them

#### Legal Definitions

- **Culpable homicide is murder:** where the person who causes the death of a human being 1) means to cause the death 2) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not
- **Planned and deliberate murder – murder of peace officer – hijacking, sexual assault, kidnapping – second degree murder**
  - there is first or second degree murder
  - first degree murder is planned and deliberate; when an arrangement is made, promise from one person to the other
  - even if it is not planned or deliberate it is first degree when it involves: killing a police officer, or anyone that is an officer of peace, prison employee/warden
  - it is classified as first degree murder if commit a murder while in pursuit of committing another crime
  - all murder that is not first degree is second degree
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- there must be an act and an intent to do the act (planned and deliberate = intent)
- not always clear to define if a murder is planned and deliberate
- Second degree murder is a residual category – sentence for both first and second is life in prison, but in first degree the offender is not able for parole before serving twenty five years in prison; for second degree the offender MUST serve 10 years before parole eligibility
- In homicide the act (actus reus: the actual act of one killing another) is obvious – 2

- **SECTION 227:** the law states that one cannot be convicted of culpable murder if the death of the victim does not occur within a year and a day of the - last event of which the person contributed to or caused the death
- *EX. Offender stabs a victim, the victim is taken to hospital for treatment, they contract an iatrogenic(illness caused through the case of surgery or treatment; doctors fault) and they die. – this case could go either way, could be considered manslaughter on the stabber OR could be treated as an entirely separate case and would be seen as a new circumstance and the stabber would not be blamed*
- **MENS REA:** need to know what was going on in the offenders mind to determine whether he or she intended the act; even if the offender confesses to the act; the courts may find that the individual did not have the mental capability of forming intent

### **Murder in commission of offences**

- Culpable homicide is where a human causes the death of human being while committing or attempting to commit high treason
- a person was deemed reckless when she is aware of the probably harmful consequences of her act but nevertheless takes the risk – whether or not intended the bailful outcome
- if you put people in risk you are guilty of the offense, even if you had no intention of committing the offense
- no longer considered first degree murder automatically, if you commit a crime within a crime

### **Murder reduced to manslaughter – what is provocation – death during illegal arrest**

- culpable homicide that would be considered murder could be reduced to manslaughter if the person who committed the act did so in the heat of passion
- the law recognizes that full intent cannot always be formed and further accepts the fact of legitimate reasons for killing (**murder is excluded from certain excuses allowed for other offences ex. Duress coercion, compulsion**)

### **Duress, Coercion, Compulsion**

- **SELF DEFENCE**

- one kills to prevent ones self from being killed
- law requires the individual to use the minimum force necessary to defend themselves in a given situation
- if the self-defence is seen reasonable in the court then no crime has taken place
- sometimes self-defence is used as a mitigating factor in sentencing
- **PROVOCATION**
  - Partial defence that is used to reduce murder to manslaughter; offender claims that his or her actions were provoked – if it is provoked, it will be reduced to manslaughter
- **INFANTICIDE**
  - the infanticide provision as currently formulated does not belong in the contemporary criminal code
- **MANSLAUGHTER**
  - A culpable murder that is not murder or infanticide
  - It is unintentional ; requires criminal negligence or an unlawful act- may be a crime of passion
- **Punishment for Murder**
  - Sentence for first degree murder is 25 yrs non-parolable
  - Sentence for second degree is 10 yrs non-parolable
  - The sentence of 25 years is for life, but not necessarily all spent in an institution; parole last a life time even after the release from prison – in the case of first and second degree murder
- **Punishment for manslaughter**
  - They are guilty of an indictable offence and liable to imprisonment for life
  - Even those with life imprisonment as a penalty have normal eligibility for parole
- **Punishment for infanticide**
  - guilty of an indictable offence and not liable to imprisonment for a term not exceeding five years
- **Exemptions**
  - Exemptions for people that cannot be held accountable for their actions because of their age or mental state

- SEC. 13: no child can be convicted of an offence if under 12 years old
- Insanity: court sometimes decides before the trial that the accused is suffering from a mental disease and is unfit to plead guilty (then there is no trial)
- **Insanity defence** : the offender was suffering from a mental disease and did not know the nature and quality of the act he or she was performing at the time of the killing
- Killings by insane people are planned, deliberate, and effectively executed – rarely “motiveless”
- Culpable homicide offenders can be convicted of 4 types of crimes: first degree murder, second degree murder, manslaughter and infanticide

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- **Counting Murders: an overview of trends and patterns in Canada**

- Canadian crime rate is much lower than that in the US
- Homicide has always been the most accurate crime recorded
- Most killings are classified as manslaughter
- Males drive the murder rate
- Homicides are declining to this very day

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- Introduction
- the desire to compare the US and Canada stems from the desire to discover causal explanations for crime and to develop more effective criminal justice and social policies
- the growth of the internet has led to the growth in misinformation
- Official crime statistics have general limitations
- Many crimes are never reported or detected by police, therefore, police reported data underestimates the amount of crime – such as sexual assault
- Certain crimes have a constant balance between the US and Canada – burglary and robbery

#### Police Reported Data – The Uniform Crime Reporting Surveys

- Both Canada and the US use Uniform Crime Reporting Surveys : the aggregate survey and the incident-based survey
  - The Canadian and American aggregate data are based on the aggregated counts of offences
  - Incident –based survey provides detailed information on each criminal incident, victim and offender

#### **Aggregate UCR Survey**

- Provides information on the number of:
  - Reported incidents
  - Unfounded incidents
  - Founded (actual) incidents
  - Incidents cleared by charge or otherwise
  - Persons arrested/ charged by sex
- Both surveys follow a version of the most serious offence rule – which means that each incident is categorized according to the most serious offence; less serious offences are kept from public knowledge by several means – with the exception of homicide, attempted offences are included in the offence counts
- DIFFERENCES
  - The Canadian survey collects offence and charge data on 106 different offences (when reporting to the UCR survey, police agencies in Canada have more offences to choose as then most serio

- The American survey captures offence data on only 8 offences and collects arrest data on an additional 21 offences
- Arrest/charge data can not be representative of the amount of crime in a country- not all incidents of crime result in the discovery of an accused person
- Prostitution, drug violations, impaired driving are often driven by the amount of police enforcement and have a high-clearance rate

### **Incident-based UCR Surveys**

- Provides more detail
- The Canadian incident based survey (UCR2) collects information on 140 offences
- The American survey collects offence and arrest data on 46 offences and arrest data on an additional 11 offences
- Canadian survey has 53% coverage; American has 15% coverage
- Canada has 100% incident-based homicide coverage, American has 92% coverage

### **Arrest vs. Charge data**

- the two types refer to the number of offenders reported by the police ( US uses arrest; Canada uses charge) – individuals who have been formally charged or recommended to be charged by police
- **Hierarchy rule & the most serious offence rule**
  - the US and Canada only count the most serious offence committed in each criminal incident ; to determine the seriousness of a crime varies in both countries
  - US: the survey terms the suppression of lesser offences as the “hierarchy rule”
  - Canada: follows the Criminal Code, and determines the seriousness according to the designated maximum penalties
  - Violent crimes take precedence over non-violent offences
- **Crime Incident**
  - One criminal incident can include more than one offence
  - For incidents involving multiple offences; only the most serious one is counted in the survey  
(the incident-based survey counts all the offences that take place)

- **Crime Index ( only used by US)**
  - Term for a group of selected offences
  - An index is used when it is impossible to include all offences reported to law enforcement
  - In the US aggregate survey – there are 3 types of crime indexes: *Violent crime index, property crime index, crime index total*
- **Offence Classification**
  - Used to classify UCR data
  - Once a crime is reported it is classified into a offence category ( EX. manslaughter classified under homicide) ( Different in US and Canada)
- **Scoring Rule**
  - Both US and Canada include scoring rules to assist the police force in scoring a particular incident in a manner consistent with national standards ( different in US and Canada)

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- **Part A: Aggregate UCR Survey Comparison**  
**Offences Available at the Incident Level**

- **1.1 Homicide**

- Homicide is the most reliable police-reported offence in Canada and the US, the least likely to suffer from under reporting and has one of the highest arrest and clearance rates
- In Canada, homicide stats combine 3 types of offences: Murder( First and second degree), manslaughter, infanticide
- In US they only count murder and non-negligent manslaughter are counted within the crime index

- **1.2 Robbery**

- both Canada and the US characterize robbery in the same way
- both surveys record incidents of no violence and threat of violence robberies ( ex. Pit pocketing)
- both countries classify robberies according to the presence of weapons
- in the US aggregated survey the location of the robbery is contained
- The FBI ranks robbery below rape, so an incident with both rape and r

- Robberies in Canada are considered worse than rape
- **1.3 Aggravated Assault**
  - Criminal Code defined aggravated assault as an assault that “wounds, maims, disfigure so endangers the life of the complainant
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- **Part B: Incident-Based UCR Survey Comparison**
  - **Comparison of offences**
  - **Homicide**
    - **US:** murder and no negligent manslaughter
    - **Canada:** first, second degree murder, manslaughter, infanticide
  - **Robbery**
    - **US:** robbery
    - **Canada:** robbery
  - **Sexual Assault**
    - **US:** forcible rape
    - **Canada:** aggravated assault Level 1, 2, 3

- **Canadian Homicide rates: A comparison of two data sources**
- Homicide is the common leader of crime and violence
  - Canada defines sexual assault more broadly than any other country which uses the rape statute
  - Murder is counted pretty accurately but the counts of non-fatal violence is incomplete
  - The indication of priority given homicide investigations is seen by the number of major police departments that have specialized units for investigating homicide
  - Homicides by strangers are more likely to be unreported

- **CH. 4 Patterns & Trends**
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- **How Common Is Homicide?**
  - Homicide Rate is determined by using the formula:
    - Homicide rate =  $H(\text{the \#of homicides in an area}) / (P(\text{the population in the given are}) / 100,000)$
- **Homicide Trends**
  - Homicide was the 14<sup>th</sup> leading cause of death in 2002, but dropped to the 15<sup>th</sup> leading cause of death in 2003
  - Victimization rate peaked in 1981 of 10.2 per 100,000
- **Circumstance Type**
  - One of the details of homicide often recorded is the circumstance of the murder
  - The supplemental homicide data collected by the FBI show that the circumstances were known for 65% of homicides that occurred in 2004
  - Homicides involving arguments were the most common making up 43% of homicides in which circumstances were known, homicide in the midst of robbery or burglary came in next
- **Victim/Offender Relationship**
  - Wolfgang: murder was most likely to occur between individuals who had some type of relationship – when a victim knew the offender it was most likely the offender was a family member of is/her family
  - Homicides in which victim/offender relationship is unknown, have increased greatly
- **Sex**
  - Homicide is predominantly a male activity
  - $\frac{3}{4}$  victims of U.S. homicide offenders in 2004 were males
- **Age**
  - Homicide offending tends to be an activity that is committed most often by the relatively young 17-29 years old accounted for the majority
- **Race**
  - In 2004 homicide data show that among known offenders and victims, white out number African Americans but only by a small margin

- The rate of homicide for African Americans is much higher
- White offenders tend to kill white victims, and African American offenders tend to kill African American victims
- **Years of Potential Life Lost To Homicide**
  - Unintentional injury was the number one cause of years of life lost in the U.S. before age 65
  - The number one cause of years lost for black men is homicide, responsible for 15.4% of all years lost for black men before 65
- **Weapon Use**
  - Firearms are the number one weapon used for murder (handguns, rifles, shotguns)
- **Community Types**
  - 
  -
- **Regional**
  - Homicides are more common in cities, but also most common in the South
- **Cross-National Comparisons**
  - the homicide rate in the U.S. remains constantly higher than the homicide rate in other countries
  - 1) South Africa 2) Russia 3) Lithuania 4) Estonia 5) U.S.A (countries with highest homicide rate)

- Guns make American a safer place
- "Americans are addicted to guns with their hideous consequences"
- the impact of guns must be laces in the social context in which their lethal use occurs
  - 1) the empirical data on homicide must be assembled
  - 2) the appropriate level of analysis must be specified
  - 3) the variables that explain the high homicide rate in the United States must be identified and explained

### **Cross-National and Historical Dimensions of Homicide**

- Melvin Kohn emphasized the importance of examining the cross-national and historical dimensions of social phenomena – he was interested in using survey data to assess the impact of social stratification on the distribution of personality characteristics in a society
  - People in the higher prestige occupations usually have more opportunity for self direction, display greater intellectual flexibility and come to value these traits in themselves and their children
  - People in the lower prestige occupations often lack the opportunity for self-direction, display less intellectual flexibility, and come to value conformity to external authority in themselves and their children
    - The association seems to appears to occur regardless of the nature of the economy or culture
- The first step in understanding the high homicide rate in the United States is to assemble the data on homicide cross-nationally and historically
  - Cross-national data indicates the extent to which a social condition in one country occurs at a similar or different rate than in others
    - Research reports published in academic journals display a typical format: (1)introduction, (2)review of the relevant literature and statement of a hypothesis (3) description of the data and methodological technique to be used, (4) presentation of results, (5) conclusion

### **Levels of Analysis & Homicide**

#### Social Psychological Explanations of Homicide

- Why do individuals kill?

- If one asks a killer their stated motives are often painfully banal(repeated too often) – nearly all homicides occur involving arguments over dinner or sex, barroom scrapes featuring alcohol etc.
  - Killers tend to display mental illness or may be experiencing free-floating anger – have an emotional component as well (venting hostility towards others)
- The answer to the question = most homicides are irrational, impulsive acts, crimes of passion, which killers emotions run wildly and override reason
- To figure out why individuals kill, observers need to examine the differences between killers and non-killers in some way
  - The greater a persons frustration and the more one has been socialized to violence, the more likely one is to commit murder
    - Frustration occurs when people find their goals blocked, especially when the blockage appears to be intentional, unjustified, and unexpected
    - *Socialization*: the process by which individuals understand values, develop internal motives, acquire social skills and act on what they have learned – in a way socialization describes how people grow up and learn the norms and values of their community
  - People learn to use violence based on events in their lives that are consequential and unforgettable – individuals who are especially violent have been treated especially brutally, usually in childhood
    - Life histories display a pattern:
      - (1) authority figures (family, gang, clique) use violence for individuals to submit to their authority
      - (2) individuals witness others being violently beaten down – the psychological impact, uneasy combination of fear and rage, is especially great when those others are emotionally significant
      - (3) Individuals are coached to use violence to

- Given such experiences individuals start resorting to violence, if successful the violence becomes a normal part of their behavioural repertoire and these individuals become truly dangerous
- Said that the lesson of the streets is that survival itself, let alone respect, cannot be taken for granted; you have to literally fight for your place in the world – In such environments people learnt that they must protect themselves and they develop norms of behaviour about when and how to do this
  - People without psychological and social resources to maintain the respect of others have few options and know that the threat and occasional use of violence are powerful sources of control and personal safety
- If individuals define their situations as real , then they are real in their consequences
- The general theory states a fundamental point: the answer to the question of why individuals kill must be social psychological

#### Structural Explanation of Homicide

- The second step in understanding the high homicide rate in the United States is to specify a structural level of analysis ( structural analysis: how the social context affects action)
  - the variable to be explained (dependant variable) will always be a rate of behavior
  - observers want to explain the high (or low) , say, rate of abortion or homicide
- Emile Durkheim
  - First characteristic of social structures is that they exist externally to individuals and influence their range of choices ( external meaning that people are born into certain times and place with their set f values and norms and its ongoing way of life
  - Said, social facts are things – social structures have an objective existence, a person cannot make them disappear through an act of imagination, they are real
  - **Second** characteristics of social structure is that they can be changed, in a controlled and deliberate way

- Human beings are fully capable of controlling our physical and social environment
    - Human beings create or change the social structure in which we live, these changed “social facts” become, in turn, social structures that are external to their creators – in such they comprise a separate class of objects that must be explained in their own terms, on their own level
- EXAMPLES: abortion, gun technology, divorce
- Economic development has implications for the homicide rate, as well as other forms of deviance – economic development means that governments can increasingly control what goods are produced and who benefits ; determine how much inequality exists and what forms it takes
- The rate of inequality in a society affects the rate of homicide
- Durkheim's *Suicide*
  - The “thing” he wanted to account for was variations in the rate of suicide among different nations
  - Concerned himself with social environments into which people are born and in which they lived affected the rate of suicide
    - Extreme attachments to the group , too little or too much, produce high suicide rates
    - **EGOISTIC SUICIDE:** too little attachment to the group; those in Protestant nations has higher levels of suicide
    - **ALTRUISTIC SUICIDE:** too much attachment to the group; during periods of military conflict, the values, honor, loyalty and obedience lead more soldiers than civilians to engage in suicidal acts
- Through this he demonstrated that social structures constitute independent explanatory variables that decisively influence rates of behaviour – line of reasoning means that the rate of any behaviour reflects the organization of a society, not individual experiences, and that its explanation requires a focus on the social structure

#### Explaining the Homicide Rate

- Third step in understanding why the American rate of homicide is so high is to identify the key variables affecting it
- Extensive work exists on all of the variables that could conceivably affect

- Using the “Method of Concomitant Homicide” to measure in quantitative terms how all relevant variables affect the rate of homicide
- Cross-nationally analyses linking gun availability and homicide do not include the effect of gun availability
- Max Weber, *The protestant Ethic and the Spirit of Capitalism*
  - Began observing that the most advanced capitalist nations at the turn of the 20<sup>th</sup> century were predominantly Protestant and tried to account for this “social fact”
  - His strategy involved the construction of a set of logically interrelated variables, called **ideal types**, also an assessment of how actual cases deviated from a purely logical formulation
- **Synthetic multivariate analysis:** strategy called this because the explanatory variables are related to homicide logically rather than computationally (i.e. regression equation)
  - Disciples, often with some of the most important and interesting questions, direct measurements become difficult or impossible
    - **Gedanken** (thought) experiments: they take certain factors, make a set of assumptions about them and manipulate the variables logically and artificially, often by means of computer simulations
- McKeown, *The Modern Rise of Population*
  - A performed logical experiment
  - The most fundamental cause of the population explosion over the last 3 centuries is the declining death rate from infectious disease (ex. Tuberculosis, cholera...)
    - Standard explanation for this decline is the advancement of medicine ( but the decline happened before some sort of cure was presented)
      - Main reason is because nutrition and sanitation improved

## Social and Cultural Explanations for Homicide

### Classical School Perspective

- Cesare Beccaria – the father of the classical perspective on criminology
  - Argued that people are rational and hedonistic and that they possess free will – believed individuals makes decisions on how they act; according to him individuals weigh the costs and benefits of potential actions including criminal actions
  - In the United States, individualism is valued, we often explain behaviour in everyday situations at the individual level
- **Rational choice theory:** assumes that people are rational and they consider the risk involved in their actions before acting (STRONGLY ASSOCIATED WITH) **deterrence theory:** laws may have a deterrent effect on human behaviour
  - If the criminal justice system is set up in a way that a person who violates a law is likely to be caught and punished, people will be less likely to commit crimes ( their rational calculations will decide that the punishment for a certain behaviour is not worth doing the behaviour

### Social Disorganization

- Crime is more prevalent in urban areas
- Shaw and McKay – regardless of who lives in the transitional zone of the city this zone has higher delinquency and crime rates; found significant changes in the population of the transitional zone
  - The structural conditions of where they lived is what affected their criminal behaviour
  - The housing conditions were the worst in this zone; higher rates of poverty and fewer intact families = disorganized
- Not everyone who live in disorganized areas commits crimes, whereas some who live in non-disorganized areas do
- Economic disadvantage and low home ownership rates are correlated with higher homicide rates in 124 U.S. cities

### Differential Association Theory ( SUTHERLAND)

- *Differential association theory* stands in sharp contrast to biological and psychological theories of crime

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- His theory could explain why not all people who lived in the inner city committed crimes and some did not live in high crime areas still did crimes
  - Crime is like everything else us humans do: we learn to do it
  - We learn to commit crime and why we would want to commit crime from intimate others ( through family and peers, we are exposed to ideas about laws)

### Social Control Theories

- Social control theorists assume people will commit crimes if left to their own devices
- Argue that something must exist to prevent people from doing crime
- What prevents us from committing crime?
  - Our connection to conventional others
  - Concept of anomie; with industrialization and the increasing complexity and size of society, more deviance would be likely because family and community ties would be weaker and thus individuals would have less to lose if they did not conform
    - Would less likely have a *stake in conformity* – we would see more crime when people are less connected
      - More likely to violate norms if we have nothing to lose by doing so
- Homicide is highest in urban areas
  - In urban areas where people are less connected to others
  - Which is why homicide rates are lower in rural areas
- Hirschi (control theory)
  - Social bond theory: the more we are connected to conventional other in society, the less likely we will commit delinquent acts
  - Mostly formed through socialization by parents and teachers
- 4 major bonds that connect individuals to society
  - (1) Attachment: reflects how close you are to conventional individuals
  - (2) Involvement: how much time you spend doing legitimate activities

(3)commitment: measure of how dedicated you are to accomplishing your goals by following legitimate routines  
(4)Belief: you think laws and norms of society make sense and should be upheld

- individuals not bonded to other would be most likely to commit homicide

## A General Theory of Crime

- Hirschi and Gottfredson proposed the idea that it is a combination of low self-control and opportunity that leads to criminal behaviour
  - Low self control is the result of poor or absent parenting
  - Therefore, they are impulsive and do not learn to set goals and work for what they want, never learn to control their tempers

## Neutralization Theory

- **Sykes and Matza: neutralization or drift theory**
  - **Realized they all knew the rules but they still drifted into or out of delinquent behaviour**
  - **Techniques of neutralization:** youth and others that partake in illegal or deviant behaviour and learned how to explain their situations in such a way that the delinquent or illegal act was justified
- 5 techniques of neutralization:
  - 1) Denial of Responsibility
  - 2) Denial of Injury
  - 3) Denial of Victim
  - 4) Condemnation of the Condemners
  - 5) Appeal to Higher Loyalties
- An individual would have to employ one of these techniques of neutralization to commit a delinquent act

## Murder as Righteous Slaughter

- Katz, *Seductions of Crime*

- When the killers and victims know one another, killers justify the crime in their own mind, believe they are preserving what is good
- The killer interprets the situation at hand as one in which the potential victim is doing something the killer cannot ignore – the killer turns personal humiliation into rage; killers see themselves pushed by forces greater than themselves

#### Correlates of Homicide

- Race, sex, social class, and where we live can affect our chances of being a murder offender or victim
  - Homicide rates of victimization and offending are highest among African Americans, southerners, men, lower-class individuals, and people who live in the United States

#### Race & Homicide: The Culture of Violence

- Wolfgang and Ferracuti postulated that a sub culture of violence exists among African Americans
  - Those that grew up within this learned that violence is an appropriate response in many situations – violence is required whenever one is challenged
  - For them violence is a norm and homicide is then expected

#### Lifestyle and Routine Activities Theory

- Lifestyle theory focuses more so on how the lifestyle of an individual may place him or her more at risk for becoming a victim
- Routine activity theory , the routine behaviour of individuals may increase or decrease their risk of murder
  - Suggests three elements are required for crime: a motivated offender, the availability of a suitable target; and the absence of effective guardians

#### **Men and Violence: Feminist Perspectives on Masculinity**

- **Males are far more likely than females to commit homicide (9/10 people that murder are men)**

- **Men use violence as a way to control others and to boost their masculine identity – important for these men to be perceived as tough, to be masculine means to be tough**
- **Mens violence is likely related to the positions they hold in society ( if men have alternative ways to control others they may not perceive the need to use violence)**

#### Social Stratification and Homicide

- Poor people are more likely to be found among homicide offenders and victims than are individuals in higher economic categories
- Crime rates are higher in areas where people are economically disadvantaged
- WILSON, argued that high levels of concentrated disadvantage and poverty generate high levels of crime including homicide
  - Patterns are followed in both black and white communities

### Confrontational Homicide

- Confrontational homicide is the most common homicide in the world

### Definition

- **Confrontational Homicide:** those that begin with a public altercation viewed as a contest of honor by at least one participant – the altercation quickly evolves into violence and ends in death
- **Honor Contest Violence:** confrontational homicides tend to occur in places such as bars, parties, parking lots and nearby streets and alleys – the participants are often intoxicated or under the influence of alcohol or drugs.
  - The offender and victims are most commonly male
    - The incident that leads to the lethal violence is seen as a threat to the reputation of one of them

### Gender and Confrontational Homicide

- Women make up less than 15% of homicide offenders

### Data On Confrontational Homicide

- 1/3 of homicides are confrontational
- Homicides resulting from arguments remain most frequently cited circumstances for known circumstances

### History of Confrontational Homicide

- Duels = arguments between two individuals that usually ends with the people ending in a fight ( one person gets killed)

### Victim-Precipitated Homicide

- Wolfgang found it was not uncommon for the victim of a homicide to have been involved in the events that led to his death – sometimes the victim initiated the incident that resulted in their death
  - **victim-precipitated homicide: incidents in which the victim was the first to employ “physical force against the subsequent slayer”**
    - victim precipitates and confrontational homicides can often be categorized as the same thing
  - victim precipitated are more likely to be male and African American than in non-victim precipitated homicides
- Almost one third of homicide offenders who were provoked by their victims were women – most likely that these women were

responding to men who initiated physical violence against them – would be violent towards the women cause the women challenged their masculinity or disrespected them

### Homicide as a Situated Transition

- Luckenbill, emphasized that homicide is often the result of seemingly inconsequential incidents that turn into character contests
  - Most homicides are the result of a contest in which adversaries interact in a way that at least one of them believed would keep him looking weak – called them “**situated transactions**”
  - Noted that very often both the offender and victim had an audience of onlookers who knew either one or both of the men as lovers, friends, family or coworkers
  - Described that six stages through which the homicide situation progresses beginning with the initial conflict and ending with the final move made by the offender after the death of his or her opponent (they describe confrontational homicide)
    - 1) Opening move:** the victim does something that is viewed as an affront by the offender – the victim could be making a disparaging remark, calling the offender a wimp or challenging his manhood
  - Most common move is a comment that the offender believes is offensive
  - Second most common move is when a victim refuses to do what an offender wants – the offender interprets it as denial of his ability or right to command obedience
  - Third most common move the eventual offender finds a nonverbal gesture made by the victim to be personally offensive ( the offender believes this gesture is an insult to his sexual powers)
    - 2) the interpretation of the event in the opening move as an affront:** the offender views whatever the victim has done as offensive – not necessarily the victim meant for it to

**3) having determined that the victim has affronted him the offender could excuse or ignore the insult:** the

RETALIATORY MOVES – are the opening moves for the offender in which he challenges the victim and in essence defines the situation as one in which violence may ensue

**4) someone has their reputation on the line – that someone would have had to stand up to the other person and fought back, thus saving his own reputation at that point** – or could have fled and apologized at the risk of being seen as weak

**5) Forging of a working agreement:** both victim and offender seem to be committed to battle – during this stage that a weapon could be brought in and actual homicide occurs

**6) final move by the offender** - most common, would be the offender fleeing the scene; then the offender would remain until the police arrives and in some cases the offender is held involuntarily by observers

- Luckenbill argues that homicide is not a one-sided event with an unwitting victim assuming a passive role
- Views homicide as a situated transaction – where each individual has the opportunity to stop the progression of the events but both, in attempt to save face, keep moving forward

#### Importance of Audience

- The role of the audience influences if an argument is escalated or deescalated in a violent manner
- Most interpersonal aggression was a response to a perceived rule violation and is thus justified by the aggressor
  - Males more likely than females to express their anger when insulted (which is why confrontational homicide is more closely linked to males)
- Felson determined that third parties affected aggressive interactions
  - If third parties prompted the conflicts, the interactions tended to be more severe, which was particularly true when the participants were both male

#### Confrontational Homicide and Cultures of Honor

## Subculture of Violence

- Wolfgang introduced, **subculture of violence**; found that much of the violence among the youth he studied was a relation to some trivial matter and that a young man who did not respond to an affront with violence or aggression would be seen as weak
- There is a sub-culture of violence among lower-class males – maintained that norms among lower-class African American males were not completely different from the dominant culture
  - Within the sub-culture they grew up in they learned that the proper response to an insult was violence
  - A man's masculinity would be questioned as would his honor if he did not stand up for himself (standing up for oneself usually means that one be physically violent)
- Violence is seen as normal and expected in certain situations among African Americans, and sometimes their violence ends in death
- Higher rates of homicide among African Americans are explained not only by greater levels of structural disadvantage among African Americans but are also a reflection of advantages that whites have over blacks in U.S. society (advantages include: higher home ownership rates, higher educational levels, and higher average household incomes)

## Southern Subculture of Honor

- Explains violence by southern white men
- Nisbet & Cohen, there is a "culture of honor" among white southern males – requires men to stand up to affront to their honor

## Confrontational Homicide: Is it a Man's World?

- In 1970's women started appearing on the FBI's most wanted list
- Alders theory, the masculinity theory, the women's movement encouraged and allowed women to be more like men; as women became more masculine because of the influence of the women's movement their offending increased – more violent
- Most common circumstance of homicide for women was argument , for males the most common was gang related

- 2/5 homicides committed by women involved domestic violence – confrontational homicide is the most commonly committed by women
-

## Homicide in Urban Canada: Testing the impact of economic inequality and social disorganization

### Introduction

- Higher levels of economic deprivation and social organization have placed regions of Canada in positions of relative social disadvantage

### Review of literature

#### Inequality and Homicide

- Inequality in the distribution of rewards destabilizes social control and weakens interpersonal relations, leading to increased violence.
- Evidence links poverty, unemployment, social class and economic influence with violence
- Basic assumption is that the economically disadvantaged will be more likely to engage in criminal behaviour
- Absolute inequality (poverty) vs. relative inequality
- **WILLIAMS AND FLEWELLING:** claim that resource deprivation leads to violent interpersonal relations
  - When people live under conditions of extreme scarcity or poverty the struggle for survival is intensified
- **BLAU AND BLAU:** relative disadvantage leads to aggressive act of violence
  - Economic disparity entails conflicts of interest over the relative distribution of resources, the resulting relative deprivation creating a potential violence

#### Social Disorganization

- **DURKHEIM:** urbanization leads to a breakdown in informal and formal community control
  - The unsettling effects of population change imbalances that occur through overly large age cohorts; tension that occurs in families identified through the increase in divorce; or conflict between ethnic groups – all lead to social breakdown that increases the crime rate
  - Crime reporting's can be inconsistent since comparative research is often restricted by a lack of detailed community profiles on crime victimization incidents

- “Wild West” phenomenon – higher levels of transiency, alcohol abuse, and divorce in the west contribute to a regional culture of violence
- **BRANTINGHAM & BRANTIHGHAM:** said that the interprovincial pattern form total criminal-code offences known to the police were heavily biased toward western Canada
  - Suggest pattern have remained stable for approx. 15 years and that the social and environmental dynamics of criminal events in western Canada are substantially different from those in other regions
- **GASTIL:** has to do with controlling for factors related to age, education and income; reports that cultural factors in the United States – explicitly a southernness effect which focuses on factors that lead to an acceptance or legitimation of violence – explain regional variations in homicide rates
- **LOFTIN & HILL:** the effect of regional differences disappears when inequality variables are entered into the equation
- Factor in Canada that is relevant to this analysis and may negate this prediction is the effect of an early commitment, at a national level, to the welfare state – including implementation of universal Medicare
  - Welfare programs are usually controlled through regulation (by federal government)
- Hypothesized that: the significance of regional variations will disappear once inequality and social disorganization factors are controlled

### **Method & Measurement**

- Relationship of homicide with inequality, social disorganization and regional location will be tested using Census Metropolitan Area (CMA) data
  - CMA’s have a metropolitan area greater than 100,000 (as mentioned in the 1981 census).
  - An advantage of this research design is that there is a greater range of variability in the dependant and independent variables – we may examine temporal changes in these variables

- The dependant variable for the study is the total reported homicide rate per 100,000 population taken from national homicide database for incidents generated by Statistics Canada
  - Each police department reports to Statistics Canada via a **homicide return** – includes information on time, location, victims, offenders, offences, and court appearances. – EXCLUDES Manslaughter and infanticide since these were not available before 1974
- Structural indicators of inequality have most often been considered in terms of economic condition, measured through poverty indexes
  - Consistent with prior research included is an indicator of family income dispersion measured with GINI coefficients (GINI)
  - Primary source for family income data is the Canadian census with supplemental information gathered from the Labour Force Survey
  - Also include a measure of income dissimilarity where distribution of family incomes within a CMA is compared to the distribution of family income for all of Canada
- Unemployment will mediate the effects of inequality on homicide
- Main indicator of social disorganization includes migration, marital dissolution, urbanization, racial and ethnic heterogeneity and age composition
  - Inability of communities to maintain formal and informal levels of social control has led to an increase in crime rates
  - Disorganization is expected to be highest in urban areas – especially if undergoing rapid population change
- Most indicators of social disorganization may be constructed using information from the Canadian Census
  - **%MIGR**: measured as whether a person has moved during the past three years; divorce as the percentage divorced in **CMA'S**
  - **DENSITY**: urbanization measured through the level of population density per square mile AND size of **POP**

- **%M2034**: age composition; measured as the percentage of young males of age 20 through 34 in CMAs.
- **REGION**: explore regional trends in homicide rates using proxy variable – in terms of east to west location of CMAs

### **Findings**

- Find that the effect of regional location is no longer significantly related to the homicide rate
  - Effects of inequality and social disorganization on homicide vary from time to time
  - Inequality is the most important factor leading to homicide
  - Family income distribution and unemployment are significant predictors of homicide with slopes in hypothesized directions

### **Discussion**

- Regional variations in homicide rates are an artifact of the social structural distribution of inequality and social disorganization factors in Canada
- There is a convergence of murder rates between eastern, central and western Canada in areas where there are higher level of inequality and social disorganization
- Structural changes in the environment may more likely affect homicides occurring with strangers whereas interpersonal characteristics and circumstances may better explain primary homicides

### Similarities in Homicide Trends in the United States and Canada

- Canada has a much lower homicide rate than the United States, homicide rates are somewhat similar in both countries
- Both countries saw increases in homicide rates from the mid to late 1980's until about 1991 (US: 9.8 (per 100,000) Canada: 2.69(per 100,000))
- After 1993 both countries saw decreases
- Guns, are more common feature of US homicides
- Homicides in the United States are more likely to involve acquaintances or strangers as opposed to family members
- Homicides in the US are more concentrated in large cities
- The decline in US homicide rates includes things like gun availability, crack markets, incarceration rates, economic conditions, and demographics
- For Canada to explain the decrease in homicide rates we use demographics ( in the US changes in demographics have little effect on homicide rate)
- **FOX:** trends in age specific homicide rates are first examined to observe if there have been any changes over a 25 year period
  - The effect of the changing age structure on homicide rates is assessed by applying the homicide rates from the 1970's, holding fixed age specific rates, to the population structure of the later 1990's

### METHOD

- Analyze the rates of those accused of a homicide offence ( not those that are actually arrested and convicted)

### RESULTS

#### Trends in Age-Specific Rates

- Examine 5-year averages – present the homicide trends in 5 year groupings- since creates a more stable picture of homicide rates than would year to year comparisons
- 1991: the number of homicides peaked in Canada

#### Homicide Predictions

- (SEE READER PAGE 117-119 for Age demographics in Canada and US) - too many numbers to write

### DISCUSSION

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- Homicide trends in Canada and the United States appear to be somewhat similar
- To date many explanations (EX. Crack markets, gun availability) do not apply to Canada, given homicides are quantitatively different in both countries
- Demographic changes apply to both countries
- Demographics accounted for about 14% of the decrease in homicide rates in Canada
- Detailed analysis suggests that the age-crime relationship varies depending on the type of crime
- Has been found that broader structural elements such as institutions, social policies and collective decision making provide an important context to the determinants of homicide

# SOC 2760

## Course Reader- Ouimet

- Crime in Canada increased annually during the 1960s and 1970s
- According to Hagan(1991), the growth in crime during that period can be explained partly by better recording practices and by a greater police enforcement of minor statutes
  - He concludes that there has been a real increase during that period in crime and violence, as well as in rates of alcohol and drug abuse
- Since 1992, most categories of crimes have declined significantly in Canada
- A drop in crime rates after the 1990s has been seen not only in Canada but also elsewhere, like Germany and England

### **Our Two Nations**

- Canada is a more egalitarian society
  - This is most visible in easy access to education and in universal access to health care services
  - There are also less visible differences, such as differences in personal values
- According to Lipset(1990), Canadians are more tolerant toward others and more open to different races, religions or sexual orientations
- Mayhew and van Dijk(1997), who conducted an international crime victimization survey, found that in 1995 the overall national victimization risk was 24.2% for Americans and 25.2% for Canadians
- Canada and the U.S. are very different in terms of crime control
  - In the U.S., there are more police officers *per capita*, courts are more likely to sentence offenders to jail or prison, average terms of imprisonment are longer in the U.S. and possibilities for parole are more likely in Canada
  - All these factors contribute to the fact that the incarceration rate in the U.S. is more than 4 times greater than in Canada
- Although the homicide rate is 3 to 4 times higher in the U.S. than in Canada, it is shown that in both countries, homicide rates increased in the

three first decades of the century, culminating in the early 30s, a period of economic depression

- Rates dropped from the mid-30s to the 50s, despite a small post-war jump
- In both countries, the homicide rate increased dramatically between the early 60s and late 70s before reaching a plateau in the early 90s, after which it decreased again

### **Explanations for the U.S. Drop in Crime**

- Alfred Blumstein shows that the homicide peak of the early 90s is mostly attributed to an epidemic of young urban black handgun homicides
  - Yet, the homicide rate for whites, older people or non-urban people has also gone down in the 90s
- There are 3 major explanations for the drop in crime that are examined in the book: **demographic trends, incarceration policies, and police practices**
- The demographic approach is to look at downward trends in crime as a consequence of the diminishing number of people in the crime-prone age category, namely teenagers and young adults
  - The number of teenagers and young adults peaked around 1980 and dropped during the 80s
  - The explanation for the lag between the two phenomena may well be the presence of a cohort effect
    - The cohort effect would specify that people born during the early 60s showed higher levels of crime involvement than any cohort before or after, and were criminally active for longer periods than other cohorts
- Spelman estimates that the relationship between incarceration and crime and comes up with an elasticity measure of -0.4, which means that an increase of 0.4% or 4/1000
  - For Spelman, one quarter of the drop in crime during the 90s can be explained by increases in incarceration
- Another explanation for the drop in crime concerns policing
  - Eck and Maguire(2000) examined the possible impact of changes in policing on the drop in crime, but are generally quite critical of the

claims that have been made by police officials about their role in the general downward trend in crime

- Elias shows how people gradually become more sensitive to violence and are therefore gradually expressing greater intolerance towards such behaviours
- Levitt and Donohue argue that increases in abortion during the late 70s and 80s resulted in the reduction of the numbers of unwanted children that would have grown to become delinquents
- Another explanation was proposed by Felson(1998), who concludes that the decline in the use of paper money bills was contributed to a general reduction in theft, robbery, and even homicide

### **Examining the crime trends for Canadian regions and the U.S.**

- The year 1991 can be considered as the peak in the upward trend for many types of crimes in both Canada and the U.S.
- Statistics show that there has been an important reduction in crime rates for most categories of crime in most regions of Canada
  - The drop varies from 23%(assault and robbery) to 43% for homicide
- The only crime without a declining rate is motor vehicle theft, which nevertheless declines on a per 100,000 registered motor vehicles basis
- Crime has decreased at the same rate in both the U.S. and Canada

### **Explaining the decline of crime rates in Canada**

- A number of factors may have played a role in the explanation of the recent trend in crime in Canada
  - Endogenous and Exogenous
- **Endogenous** factors are those that are part of the criminal justice system and over which agencies have some control
- **Exogenous** factors are those which exist outside the scope of the criminal justice system
  - 2 major factors which may have played a role in explaining the declining rate of crime in Canada during the 1990s: *demography and economic prosperity*
  - Another factor is the *economy*, where Canada had a very high unemployment figures throughout the 1980's

## Official Data on Multiple Murder

- The distinction between mass and spree murder is a matter of determining when a homicide incident or event began and when it ended
- Homicide incidents with 3 or more victims - fewest incidents (85) in 1984 and the most (152) occurred in 1995 – however, never have reached even 1% of all homicide incidents (p.185)
- Within a 10 year period there were only a total of 13 mass murder incidents – each one committed by male offender
- DUWE: compared mass murder incidents examined by academics and media outlets – data includes both spree and mass murder
  - Defines mass murder as : 4 or more victims killed in a span of 24 hours (p.186)

## Definition of Mass Murder

- LEVIN & FOX: define mass murder as those with four or more victims
  - Most common definition is with 3 or more victims as part of a single ongoing event
- Mass murder is more likely to occur in the context of a domestic situation or a felony crime

## Well-Known Cases of Mass Murder

- July 14, 1966 – killing of 8 student nurses by Richard Speck in Chicago
- The killing of 16 and wounding of 30 by Charles Whitman from the clock tower in the University of Texas at Austin on August 1 1966
  - Should Whitman be classified as mass or spree murderer?
  - He killed his mother and wife, then bought a gun and drove to University of Texas and killed 14 more people – his can be classified as either or

## Typologies of Mass Murders and Murderers

- PARK DIETZ: categorized mass murderers into 3 categories:
  - Family annihilators
    - Kill their entire family and often themselves in one incident within the home – usually the killer is a patriarch of the family which is depressed and frequently an alcoholic

- Belding family – the father shot his wife and two kids to death before committing suicide
- Pseudo-commandos
  - Murderers who are obsessed with weapons and often bring an ample supply to complete their massacre
  - They select a public place where many individuals can be killed quickly
  - Often commit suicide or force the police to kill them (suicide by cop) to end their rampage
- Set-and-run-killers
  - Use methods such as bombing or poisoning to kill their victims to allow their escape
  - EX. Timothy McVeigh – bombed the Oklahoma Federal Building ; used a truck bomb to kill 169 individuals, making his escape possible
- HOLMES & HOLMES add 4 additional categories of discipline within discussion of typologies:
  - Disciple
    - Those that kill in order to attain acceptance from a charismatic leader like Charles Manson
    - Usually do not know their victims; they kill to please their leader
  - Disgruntled employees
    - **Most common form of mass murder**
    - Those that are current employees who are unhappy about something happening in their work or former employees who have been fired and return to their place of employment to retaliate against those that have treated them wrongly – others are often also killed within the rampage
    - Arthur Hastings Wise – executed for killing 4 people at his former place of employment
    - 70% of workplace murderers are white
  - Disgruntled citizens
    - Expresses anger and rage by killing others
    - Tends to be angry at the world rather than particular

- Kills strangers in order to bring attention to the wrongs that he or she believes to be public
  - EX. KENNETH JUNIOR FRENCH – angry at Clintons “don’t ask don’t tell” policy – entered a French restaurant and killed people out of anger about gays in the military
- Psychotic mass murderers
  - They are psychotic, have had a break with reality and tend to hear voices or have visions
  - SYLVIA SEEGRIST – went into a mall with a rifle and shot people; had previously been treated for mental illness, diagnosed with schizophrenia at 16
  - LARRY GENE – rolled a pipe bomb into a church and opened fire with his handgun
- Some mass murderers can fit into more than one category and some may not fit into any category
- *Mass Murder in the United States*
  - Youthful school shooters – may fit within category of disgruntled citizen mass murderer or pseudo commando mass murderer
  - Killers tend to be white males that strike out against teachers and classmates
- FOX AND LEVIN: developed typology based on offenders motivation
  - Revenge
    - Kill to get even with or retaliate against someone who they believe has hurt them
  - Power
    - Strike out to show they are powerful (pseudo commandos)
  - Loyalty
    - See selves as saving their loved ones from harsh or miserable life
  - Profit
    - Kills several people in the course of a robbery to eliminate the possibility that they could identify him
  - Terror
    - Bring terror to the government and citizens of a country

- Governments have committed mass murder in the act of **genocide**
  - The killing or annihilation of a group of people because they are of a particular group
  - EX. Slaughter of Jews and Gypsies by the Nazis; Stalin's death camps; Cambodia killing fields; Rwanda;
  - Genocide – is defined as a law under international law by the United Nations General Assembly
    - Defined as: any of the following acts committed with intent to destroy in whole or in part a national, ethnical, racial or religious group
      - a. killing members of the group
      - b. serious bodily harm or mental harm to members of the group
      - c. inflicting on the group conditions of life calculated to bring about physical destruction in whole/part
      - d. forcing measures intending to prevent births within the group
      - e. forcibly transferring children of the group to another group
  - mass hate crime

#### Definition of Spree Killer

- kill several victims at different locations within a short period of time
- minimum number of victims must be 3-4
- they do not have a long "cooling-off periods" between killings
  - killer does not return to his regular behaviour between killings
- does not seek out a particular victim, whoever comes in their way they slay
- spree killers are motivated by both the thrill of killing and the excitement of invading law enforcement; typically kills family members first and then those that cross their path

#### Well-Known Spree Killers

- CHARLES STADKWEATHER & CADIE ANN ELLICATE
- Went

- STARKWEATHER – sentenced to death FUGATE - sentenced to life
- ANDREW CUNANAN
  - Killed Gianni Versace
  - Committed suicide after his spree (p.200)

#### Courts and Multiple Murders

- Often no court proceedings in mass and spree murders since the killers usually commit suicide

### Defining Serial Murder

- **Individual who kills multiple victims at different times and often in different places with cooling-off periods in between the killings**
- Involves killing multiple victims over time – distinguish from spree murderers in that serial killers “cool down” between murders
- Return to their normal lives or routines between killing episodes
- Takes 3 victims to be classified as a serial killer (FOX & LEVIN say 3-4 is classified as serial killing)
- There is also a possibility of moving to killing of two individuals in two separate incidents is likely to keep killing unless someone or something stops him or her

### Serial Killers Throughout History

- GILLES DE RAIS– kidnapped, tortured, raped and killed as many as 200 youngsters between the ages of 6-20; preferred boys and confessed to the killings in detail – sentenced to death
- ELIZABETH BATHORY – murdered more than 650 women for their blood

### The Extent of Serial killing

- In 1992, the U.S National Center for the Analysis of Violent Crime (NCAVC) determined that there had been 357 serial killers in the United States during the period from 1960-1991
  - Suspected to have killed about 3, 169 individuals
  - California stands out to having several serial killers
- (p. 212-213) – statistics on different countries and serial murders

### Demographic Profile of Serial Killers

- most serial killers are lower-class white males in their late 20s or 30s
  - however, there are those that do not fit the typical demographic profile because they are female or nonwhite, or middle or upper class, or older than 30 years
  - very few younger than 20 years old

## Who Serial Killers Kill

- serial killers tend to kill victims who are strangers to them
  - 91.5% of male serial killers killed at least one stranger
  - they tend to seek out victims who are not likely to be reported missing or those otherwise vulnerable
  - often select “throwaways” – the homeless, runaways, migrants, prostitutes
  - EGGER: refers to these types of victims as being “less dead” since they were “less alive” before they were killed
  - Children, women, gay men also may be sought after by serial killers to feed their sexual fantasies because serial killers believe they will be easy to overpower and control
- Serial murder more likely to kill women than men – but more likely to kill strangers and less likely to kill family members and acquaintances
- In the family category most likely to kill their own children and their spouses
- Female serial killers commonly kill people they know, own children, spouses, elderly or young people in their care
  - BLANCHE MOORE – poisoned two of her husbands, a lover, her mother-in-law, and her father
- Of 64 serial killers studied – 25% killed only strangers, 31% killed at least one stranger
- Average number of victims of a serial killer range from 7-12 people

## Who Serial Killers Kill

- Male serial killers tend to strangle their victims, however, they have beaten, shot, or injected their victims to kill
- Many serial killers kill for the feeling of power or sadistic pleasure they get from torturing another and taking his/her life
- Torturing one's victims before killing them is common among male serial killers
- Serial killer teams – make up as much as 20% of all serial killers
- Female serial killers often use poison to end their victim's life

## Race and Serial Killers

- African Americans are slightly over represented among serial killers
- (p.216) – ethnic statistics
- Institutionalized and individual racism has led police to take cases involving African American victims less seriously, and thus serial patterns may go unnoticed and serial killers may roam free

### Types of Serial Murderers

- HAZLEWOOD & DOUGLAS: **organized** and **disorganized** criminal behaviour
  - **Organized** crime scenes suggest that the killer carefully planned and executed the murder
    - Likely to exercise power over the victim by using restraints and raping or torturing their victims while he/she is alive
  - **disorganized** scene where killing appears to have been a spontaneous and chaotic act
    - likely to perform sexual acts on the victim after death and leave evidence of weapons at the scene
- HOLMES & DEBURGER developed typology that relies on factors other than crime scene evidence
  1. **VISIONARY:** killers kill because of visions that are believed to be the result of some type of psychosis
  2. **MISSIONARY:** these offenders kill to do away with certain types of people in the world such as prostitutes or homosexuals
  3. **HEDONISTIC:** murders for the satisfaction obtained from the process of killing
    - Lust murderers – kill for sexual pleasure (erotophonophilia, murder often involves brutal torture for the sadistic pleasure of the offender)
    - Thrill-oriented murderers – murder for excitement and may also torture or mutilate their victims
    - Comfort-oriented killers –kill for the benefits they receive from killing, financial gain or psychological pleasure

4. **POWER & CONTROL:** gains pleasure from the absolute power and control he has over his victims; satisfaction may come from making his victim squirm – may torture or sexually mutilate his victims, not for sexual pleasure but as a way to dominate his victim
- MITCHELL on those who have a sexual motive to be true serial killers – recognizes a “criminality dimension” among serial killers
    - **Strictly amateur killers** – serial murder is their only crime
    - **Killer amateurs** – who commit other crimes more often than murder, keep other crimes separate from the murders
    - **Career Criminals** – who kill are those that kill but only as a part of their other criminal activity ( within robbery or to make a point within world of drugs)
    - **Professional killers** – kill for pay
  - These categories are not mutually exclusive
  - KEPPEL & WALTER focused on sexual serial homicide
    - Power assertive – rape is planned but the murder is not
      - The offender, motivated by holding power over the victim, becomes increasingly aggressive to control the victim
    - Power-reassurance – also motivated by power and plans the rape but not the murder BUT during the rape the offender is acting out a fantasy and wants reassurance from his victims – when does not get reassurance he kills them
    - Anger-retaliatory –acting out of anger plans both the rape and murder, attacks symbolic victim to seek revenge
    - Anger-excitation – plan the murder and the rape , often torture their victims and possibly mutilate the victim to feed their fantasies

#### Types of Female Serial Killers (ex. P.221-223)

- KELLEHER & KELLEHER (1998) – typology particular to female serial killers
  - 1) BLACK WIDOW** – intelligent and manipulative, methodically plans and kills one individual after another, often with many years

in between the murders – poison in the weapon of choice since it most likely to go undetected

**2) ANGELS OF DEATH** – kill individuals in their care or those who rely on them for medical attention; often work in medical profession as nurses or nurses assistants- may kill because of psychological issues such as Munchhausen syndrome by proxy (?) ; often they commit their crimes by giving their victims a lethal injection of insulin , potassium or potassium chloride

**3) SEXUAL PREDATOR** – a woman who systematically murders others in what are known to be clear acts of sexual homicide, motive for these murders must be sexual in nature

**4) REVENGE SERIAL KILLER** – kills for revenge, much more typical in a crime of passion as compared to a serial killing because serial killer have downtime

**5) PROFIT FOR CRIME** – must clearly murder to profit and must act alone and seek on nonfamily members

**6) TEAM KILLERS** – women who kill with a partner

**7) QUESTION OF SANITY** – the killings seem to random, or they are found as legitimately insane

**8) UNEXPLAINED** – women who kill for no clear reason

**9) UNSOLVED CATEGORY** – cases that could have been committed by a women but they are yet still unsolved

#### Theories About Serial Killers

- Many serial killers did not grow up in nuclear families; most grew up in a family with one parent or divorced parents
  - Many serial killers had been adopted
  - Those who kill serially have parents addicted to drugs or alcohol
- MACDONALD triad: discovered that many sadistic killers had three behavior's in common as children:
  - Fire setting
  - Torturing animals
  - Bedwetting

- MITCHELL says: the socio cultural environment and ones home situation interact with biological factors such as a predisposition to violence to cause what he calls " diathesis-stress syndrome"
  - Syndrome leads to psychological problems , including cognitive difficulties or even psychiatric illnesses

#### Criminal Justice Processing: What Happens to Serial killers in Court?

- Most serial killers are sentenced to death or life in prison without opportunity for parole
- Males are more often given the death sentence than females; this is the case since females do not commit serial murders as much

## Introduction

- Managers and corporations commit far more violence than any serial killer or criminal organization
- The violence is perpetrated during the ostensibly normal and legitimate conduct of business; and the offenders are often well-educated, socially acceptable citizens who routinely distance themselves from the notion of criminal behaviour and criminal identity
- We are not dealing with criminal organizations deliberately set up to break the law but with legitimate companies that are involved in decision-making processes that cause harm and that may then face criminal and/or regulatory prosecution for serious offences
- The organization can be both a perpetrator and a victim at the same time
- In anti-trust cases, it is the more profitable companies that are prosecuted for market and price-manipulation whereas one might suspect less profitable ones would offend
- In some cases of business deviance the management board acting on behalf of the company is directly involved, whereas in others a conspiracy of senior managers deceives its own company as well as competitors and regulators
- It is possible to divide corporate crime and deviance into roughly 3 categories related to the *intentional* element of management decisions-making
  - 1<sup>st</sup>, some behaviour is fully conscious, involves a conspiracy and a well-controlled group of deviants, takes place over time, and requires elaborate deception and organizational camouflage
  - 2<sup>nd</sup>, some form of incompetence, negligence or faulty decision-making plays a significant role
    - There may well be a level of corporate or individual culpability- under criminal, civil or administrative law- but the assumption is that the deleterious consequences were a result of a largely unconscious failure to pick up warning signs or to take positive steps to rectify a situation
  - 3<sup>rd</sup>, managerial pressure forces employees to take short-cuts on safety procedures in the interests of production

- Business is about functioning in a competitive environment by gearing resources to signals interpreted from that environment and by gaining a competitive edge over rivals
- The instinctive economic mind-frame may push decision-making up to, and beyond, the bounds of rationality

### **Organization Man**

- If we turn to the social world of the manager then there is often an emphasis on loyalty, dedication, and conformity
- We are concerned with 2 levels of conformity:
  - One level is conformity to rules, regulations, and laws
  - Another level is conformity to the corporation, to superiors, and to peers

### **Groupthink**

- Janis has analyzed the characteristics of group think as posited around feelings of invulnerability; collective attempts at rationalization; an uncritical belief in one's own values; negative stereotypes of others in the external environment; intolerance of those who think differently; self-censure to help avoid doubts; a shared illusion of unanimity; and the emergence of "mind-guards" who protect the group against new information

### **Cognitive Dissonance**

- Refers to a psychological mechanism whereby disconfirming evidence of a strongly held belief is not only rejected but also leads to a strengthening of that belief

Hate Crime: when the motivation to do a crime is hatred, bias, prejudice, based on the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of another or group of individuals

- Key is not out of hatred of the victim but that the crime against him or her is committed of prejudice toward the group the offender presents

## Data on Hate Crime

- 1990 – George H. Bush signed the Hate Crime Statistics Act; mandated hate crimes data be collected on hate crimes across the U.S. (p. 230 for stats)
- hate crimes most likely to occur at the victims residence or in an open space regardless of bias motivation
- most common weapons were the offenders hands and feet
- majority of offences motivated by race, ethnicity, sexual orientation and disability bias are violent offences – in particular assault
- majority of religiously based hate crimes are property offences and vandalism
- those older than 40 years are usually victims of religious, biased, and disability hate crimes
- those 18 and over are victims of race and ethnicity crimes ( 25-29 are most common)
- for the FBI to record a crime as a hate crime, the investigation of the crime must lead to evidence that supports that the crime was biased motivated
  - comments made by the offender his written statements or the gestures used at the time of the crime may all be used as evidence that a crime was a hate crime

## Hate Crime Legislation Justification & Controversy

- most hate crime statutes mandate the counting of hate crimes or the addition of sentencing enhancements for hate crimes or both
- although only small fraction of crime sin the U.S are categorized as hate crime, crimes motivated by bigotry are particularly dangerous and socially disruptive

- affect not only the individual victim but the group to which they belong
- they serve as a means to terrorize entire groups of people

#### Historical Cases of Hate Crime Murders

- p. 233 -234

#### Race, Hate Crime, And Murder

- racial hate crime is the most common type of hate crime
- African Americans are the most targeted racial group, followed by whites, Asian Pacific Americans, multiracial groups and Native Americans and Alaskan Native

#### Ethnicity/National Origin, Hate Crime, and Murder

- Hate crime offenders may be **nativists** who seek out ethnic minorities to victimize because they believe them to be immigrants who are taking away opportunities from Americans
- Might strike out against them since they see them as being different – negative stereotypes in society usually fuel these hate crimes

#### Religion, Hate Crime & Murder

- Much of the hate crime involves property damage including vandalism, such as defacing properties with swastikas
- Most U.S. religious attacks are aimed at Jews – however, after 9/11 the attacks on Muslims had increased

#### Sexual orientation, Hate Crime & Murder

- Some argue that by including sexual orientation as a category of hate crime would give gay men and lesbians special rights - and if this happens some believe that this will help legitimize homosexual behaviour, which they believe is wrong
- Anti-gay violence is ranked as third most frequent form of hate crime
- Those who kill gays are more likely to use much more brutality compared to that of killing heterosexuals – more likely to be dismembered and suffer multiple stabbings

- Gay bias killings most likely to occur in the home; and victim and offender most likely to be strangers

#### Gender, Hate Crime & Murder

- **Mary Anne Warren:** *gendercide* deliberate extermination of persons of a particular sex or gender – it is a sex neutral term ( could be sought for males or females)
- ARGUMENTS AGAINST INCLUSION OF GENDER in hate crime legislation
  - Crimes against women are most often committed by strangers
  - Violence against women is commonplace; hate crimes are less frequent, making the special prosecution or counting of hate crimes against women a logistical nightmare
  - Special laws are already in place to deal with crimes against women, such as domestic violence and sexual assault laws
  - Motivation – men who seek out women as victims do not necessarily hate them or are biased against them; the choice of a female victim is often more about power and control and less about hate
- WHY SHOULD BE IN LEGISLATION
  - Say that violence against women is rampant and it is often a hate crime
  - Argue that misogyny (hatred for women) may be at the roof of attacks against women

#### Disability, Hate Crime & Murder

- IN 1994, US congress amends the Hate Crime Statistics Act by adding disabilities to the list of categories for which data are collected for the FBI

#### Hate Crimes Around the World

- P. 240

#### Explanations And Motivations

- 3 major motivation for hate crime offenders:

- a very small number of hate crime offenders are part of larger organized hate groups that are attempting to make changes to society that would support their biased ideology
- the more prominent the first motivation, hate crime offenders can be seen
- many as individuals who are fighting to keep others off their turf
- many hate crime offenders commit hate crimes for the fun of it, they find it exciting or thrilling
- some hate crime murderers are part of organized hate groups
  - research about hate crime offenders in LA revealed that fewer than 5% of those who committed hate crimes in LA area were members of organized hate groups
- main motivation for hate crime is prejudice
- "hate crimes are as much a product of the society as they are of the individual"
- LIFESTYLE/ROUTINE ACTIVITIES THEORY
  - The odds of being a murder victim are higher for some people and lower for others because the habits of both victims and offenders affect whether they will be involved in crime
  - Focus on how the lifestyle or routine behaviour of an individual may place him or her more at risk of victimization
    - EX. Vandalism is a common religiously biased hate crime, easily explained by the fact that someone who is motivated to commit a religious bias crime may be able to identify a building as belonging to those of a particular religion more easily than finding a person of a particular religion

### Exploring Relationships in Homicide: The Role of Individual and Event Characteristics

- Important dimension of homicides is the relationship between victims and offenders
- Relationship between victims and offenders is a dichotomy, either as stranger or non-stranger or as primary and secondary relationships
- Setting, motive and individual attributes
  - Variables relevant to the **setting** of homicide include the number of suspects present, the method of inflicting death and the location
  - **Individual attributes** include race, gender, and age differences between victims and offenders
  - the **motive** is dichotomized as either expressive or instrumental
- relationship is either stranger or non-stranger; or primary and secondary
  - PRIMARY: those between intimates (relatives, lovers, friends) and include arguments
  - SECONDARY: persons with no prior relationships
- Stranger and non-stranger
  - RIEDEL underscored importance of distinguishing between the nature of the criminal event and the victim-offender relationship
    - Distinguishing between the nature of the criminal event and the victim offender relationship – important to understand the event and relationship because the two are not always synonymous
    - EXPRESSIVE & INSTRUMENTAL homicides – offenders seek to improve their position through some rational calculation such as minimizing risk and increasing gain (or both)
      - ROBBERY (EX) of instrumental crime involving an offender who seeks to maximize gain or advantage while minimizing risk of apprehension

- STRANGER homicides are defined as INSTRUMENTAL events
    - Expressive Events
      - Fail to include cost/benefit considerations – instead expressive or impulsive actions arise from “character contests” to establish “face” or from the desire to retaliate or redeem esteem or to express rage (non-stranger homicides)- slaying of spouse or lover EX.
- The use of the unknown category makes several things clear
  - May account for a large proportion of the homicides, usually about 1/3
  - COOKs distinction between robbery murder and non-felony homicides helps us to understand where many of the stranger fexpressievents may properly be classified
- SILVERMAN & KENNEDY + DALY & WILSON: spouse/lover homicides represent a distinct type of victim-offender relationship – differs in gender and age categories
- ZIMRING, MURHERJEE, VAN WINKLE: intersexual homicides reflects different patterns over time than other homicides – racial differences also identified
  - The use of finer distinction to describe victim-offender relationships is important for accurately measuring the dependant variable in homicide research
- Continuum of the intensity of relationships may be important in describing victim-offender typologies
- Empirical Tests demonstrate the utility of more exhaustive descriptions of the victim-offender relationship – underscore the role of different sets of predictors in explaining each category
- PARKER: 4 category classification scheme for victim-offender relationships
  - Robbery homicide
  - Felony homicides
  - Primary non-intimate homicides
  - Family intimate homicides

- Theoretical issue is these distinctions is understanding how victim-offender relationships work:
  - Offer protection from fatal interactions
  - Increase the likelihood that fatal interactions will occur
- Shared expectations about behaviour and values usually play a role in understanding non-strangers from violence by each other
- The common experiences that distinguishes strangers from others provides “moral bonds” of the type that serve to inhibit violence
- If one is intimately involved it creates situations that are likely to lead to disputes and potentially fatal violence
- The norms against within group violence (EX. Killing of spouse or lover – rejection of such norms requires a response of considerable intensity
  - BLOCK & CHEATWOOD: “permanent solution to a temporary problem”
- Relationships involving a parent and a child are most intense
  - Relationships involving some romantic link second
  - Third, relationships involving other family members
    - Relationships between family members possess a degree of protection or “insularity” from violence (BLOOD TIES)

## RESEARCH QUESTIONS

- Begin by comparing local data to national data in order to examine similarities and differences
- Examine the connection between victim-offender relationships and motive
- Victim-offender characteristics according to three individual demographic attributes: RACE, AGE, GENDER
  - 3 variables also examined:
    - presence of weapons
    - location of event
    - number of suspects

## DATA SOURCES

- SHR : Supplemental Homicide Reports

- “homicide narratives” written descriptions of each homicide in the data file
  - allows to determine motives more reliably
  - INSTRUMENTAL : designed to gain some advantage for the offender
  - EXPRESSIVE: in which violence is the primary goal
- 6 categories used : stranger, acquaintance, friend, relative, romantically linked, unknown

## FINDINGS

### Victim-Offender Relationship

- percentage of unknowns was very low in ST.LOUIS
- Higher than the national data was: stranger, friend, acquaintance
- Greatest difference for St. LOUIS and national data is for the acquaintance category
- Acquaintances includes: neighbours adversaries, classmates, coworkers

### Motive

- Instrumental homicides are highest for stranger homicides
- Expressive homicides involve people more intimately related than do instrumental homicides
- Acquaintances know each other well enough to have disputes but not well enough to have a relationship with a protective quality
- More than 80% of all romantic linked and relative homicides were expressive
  - EXPRESSIVE MOTIVES includes:
    - Gang killings
    - Disputes over women
    - Challenges to status among strangers
    - Bias crimes
    - Killing an unintended victim

### DEMOGRAPHIC VARIABLES

- RACE: black on black, white on black, black on white, white on white
- GENDER: male on male, female on male, male on female, female on female

- AGE: victims within 5 years of suspects age, victims who are more than 5 years younger than their assailants, victims more than 5 years older
- Homicides that are interracial (94%)
  - Black on black = 83% of all cases
  - Black events are more likely than white events to involve friends and acquaintances
- Males are suspects in 88% of cases
- Women who kill men are most likely to choose a victim to whom they are linked romantically
  - Male dominance in homicide becomes more pronounced as the relationship between victims and offenders becomes more distant
  - For males, the acquaintance relationship is the most violent
- Largest number of events involves victims and offenders whose age differs by 5 years or less
- Oldest victims tend to be victimized by strangers
  - But killed by someone they know than by stranger

#### EVENT VARIABLES

- The type of premises on which the event took place:
  - INSIDE
  - OUTSIDE
  - AUTO
    - Location of homicide, not where body was found
- The greater the intensity of the relationship the more likely the homicide will take place (vice versa) p.181
- 80 % were committed by a single individual
- acquaintance category is the next most likely to involve multiple suspects
- GUNS are the primary means of killing in ST.LOUIS
  - To use a gun most often requires an effort to find, prepare and fire the weapons

#### CONCLUSION (TEXT)

## Relational Distance and Homicide: the role of the stranger

- Study the socio-demographic characteristics of victims and offenders – age and gender
  - Authors consistently consider the relationship between the victim and the offender to be of paramount importance
- SIMMEL – pays attention to the stranger as an important component of urban life

## Examination of previous Research Findings

## A. Trends

- People perceive a rise in street crime in urban areas – changed living habits
- Stranger involvement in homicide is not high

## B. Gender

- Males are the perpetrators in the majority of homicides – if females kill they most likely kill within family
- Males are more often found as both offenders and victims more often than females
- When female involved in homicide both as offender and victim – most likely preceded by domestic dispute
- MESSNER & TARDIFF: routine activities approach
  - Greater amounts of time spent in the home are also associated with disproportionately high rates of homicide in that location – women are most likely to be murdered at home since they are most often stay at home moms

## C. Age

- Young males are the most dangerous human beings
- Offenders, on average, tend to be slightly younger than victims
- Very young and elderly spend more time at home- more likely to be victims in family homicide situations more often than they are victims in homicides involving other relational distances
- Elderly have low victimization rate since always stay at home
- Homicide often involves people that know each other

## D. Location

- Important to understanding the dynamics of the event

- Greater the relational distance between victim and offender, more likely that males are involved and that the event has taken places outside of the residence

#### E. Means of Offense Commission

- More excessive degree of violence during a stabbing or shooting occur in the home rather than outside the home
- Wives tend to stab while husbands more likely to shoot
- Rifles or shotguns are the most common weapon used

### METHOD AND MEASUREMENT

- Analyses of age differences, location, and means of offense commission in viewing the issue noted above
- The traditional way of officially counting homicides is by counting victims
- Incidence-based data serve the best purpose
- Relational distance divided into four categories
  - Spouse/lover
  - Other family members
  - Friends and acquaintances
  - Strangers
- Means of commission is examined as two variables – MEANS + TYPE OF FIREARM
  - Means: shooting, stabbing, beating, other
  - OTHER means strangulation, suffocation, drowning etc.

### FINDINGS

#### A. Trends

- P. 200 (stats)

### CONCLUSION

- Homicide in Canada peaked in 1975 and fell until 1980
- Stranger homicides have not gone up dramatically as in the closer friends/relatives category
- Female offenders commit 13% of Canadian homicides; re victims in 37% of the homicides
- Spou

- Young offenders tend to kill older victims
- Persons under age 25 are more often perpetrators of violent crimes
- Age relationships vary substantially by relational distance and by gender relationship
- Shooting is the most common means of offense commission when men commit homicide
- Women tend to stab their victims or use OTHER means – suffocation and drowning
- When women kill or are killed it is within the victims home
- Strangers location would be in public place
- Stranger homicides take place in least intimate locations

**Definitions**

- The term **juvenile** is often interpreted to refer to children younger than 18 years

**History**

- U.S. common law does not consider children younger than 7 years capable of mens rea
- Not believed to be able to commit an intended act

**Official Data on Homicide by Children**

- Less than 10% or 2,821, of those arrested for murder and nonnegligent manslaughter for the years 2002 to 2004 were younger than 18 years
- Over 10 times as many children between the ages of 10 and 12 were arrested and even more, or 289, between the ages of 13 and 14 were believed to have killed in these years

**Trends: Are Children Killing More Often or Less Often?**

- The Bureau of Justice Statistics reports that among preadolescents (under the age 14), homicide commission began increasing in the late 1980s and continued to increase in the early 1990s
- Among those ages 14 to 17, there was a very rapid increase after 1985 when the rate was 10.5 per 100,000
- The rate continued to increase to a peak rate of 31.3 per 100,000 in 1993
- After the rate has decreased and in 2002, it was 9.0 per 100,000

**Sex and Juvenile Homicide Offenders**

- Males far outnumber females as juvenile homicide offenders
- As age increases, the percentage of males arrested also increases
- Data on homicide by juveniles also indicates that the number of female juvenile homicide offenders has remained fairly constant over the past 20 years, with about 130 girls committing homicide each year between 1980 and 1997

**Race and Juvenile Homicide Offenders**

- Just over half (56%) of known juvenile homicide offenders between 1980 and 1997 were African American
- African American juveniles used guns in 72% of their offenses; Asians used firearms in 67% of their offenses; whites used guns in 59% of their offenses, and

- Youths were more likely to kill individuals of their own race

### **Victim/Offender Relationships: Who Do Children Kill?**

- Both male and female juvenile offenders most often kill acquaintances
- 54% of male and 46% of female offenders kill their acquaintances
- Boys were more likely than girls to kill strangers
- Family members made up only 9% of the victims killed by males, whereas 39% of those killed by female juvenile offenders were family members

### **Parricide**

- The act of a child killing a parent
- The killing of one's father is called *patricide*; the killing of one's mother is called *matricide*
- Kathleen Heide suggests that 3 types of children kill their parents
- 1<sup>st</sup>, most common are severely abused children, who in a sense, feel they are trapped (may be physically, emotionally or sexually abused)
- 2<sup>nd</sup>, those children who are mentally ill
- 3<sup>rd</sup>, dangerously antisocial children
- More often than not, the parricide offenders is a white upper-middle or middle-class male who does not have a juvenile record
- The typical parricide offender is 16 to 18 years old
- The child parricide offender tends to kill his parents in a very violent attack

### **Youth Gang Murders**

- Much of youth homicide revolves around gang activity
- Klein found that gang homicides were more likely than nongang homicides to occur in the streets, involves autos, guns, and unidentified assailants
- Injuries to those other than the homicide victim and fear of retaliation were also more common in gang homicides than in nongang homicides
- Goldstein proposed 3 probable relationships between drugs and violence
- 1<sup>st</sup>, the "pharmacological" effects of drugs may contribute to violent behaviour committed by the offender
- 2<sup>nd</sup>, drug users may commit crimes so they can afford to buy illicit drugs, which are often expensive because of their illegality

- 3<sup>rd</sup>, violence is commonly used by those in the illegal drug business to secure and maintain territory for drug sales or as a way of deterring those in the business from violating business norms

### **Weapon Use and Co-Offenders: How Do Children Kill?**

- Male juvenile offenders are more likely to kill with firearms than are female juvenile offenders
- Boys used knives in 14% of the homicides they committed in comparison to girls who used knives in 32% of homicides they committed
- More than a fourth (27%) of female juvenile offenders used other methods such as drowning, strangling, or beating their victims
- Boys used other methods in only 14% of cases
- In data from 1980 to 1997, about half of juvenile homicide offenders age 14 to 17 killed with a co-offender

### **Motive: Why Do Children Kill?**

- Research suggests that young people who kill do not kill out of the blue
- Many of these children not only have been exposed to violent and abusive environments, but often the children themselves have displayed aggression in the past
- Children under the age of 9 who kill may not understand the reality of death and fail to realize the irreversibility of their actions
- Preadolescent killers tend to kill on impulse, whereas adolescent killers are apt to be influenced by their involvement in gangs or in response to particular situations, such as confrontation homicide
- Often children who kill are found to be suffering from psychological disorders or more severe psychopathology such as psychosis
- Many young homicide offenders have records, as do many of their parents
- Some have noted that violence may be associated with early factors in children's development such as what one's mother ingested while pregnant, nutritional deficiencies, ineffective discipline, and even lack of consistency by caregivers

### fHistory

- in 17<sup>th</sup> and 18<sup>th</sup> century France fathers legally decided whether to let their children live or die
- In the US unmarried women have killed their babies because of the stigma associated with having children out of wedlock
- In present day china, because females are culturally less valued than males, girl children are often killed

### Official Data on Child Homicide

- Children make up 10-20% of al homicide victims in Australia, Canada, UK, US
- 6 children are murdered everyday in the US
- Rio, Brazil: highest child homicides (47 x greater than that of US)

### Types of Child Killing

- **Neonaticide:** murder of a newborn within the first 24 hours of his or her life
  - Those that commit this are often young and single, conceal their pregnancy, has given birth alone and the father of the baby is absent from the picture
  - Strangulation and suffocation are the most common methods of killing a baby within the first 24 hours of life with head trauma, drowning, exposure, and stabbing being the next most common
  - Risk factors includes: low birth weight of the child, late or no prenatal care, and social and economic stresses, lacking in education
- **Infanticide:** killing of an infant child who is generally less than 1 year old
  - In the US homicide ranks 25<sup>th</sup> on the list of leading causes of death for children in their first year of life
  - The risk for infanticide are most likely during the first 4 months of life and most likely on the first day of life
  - PAULOZZI & WELLS – homicide rate for the first day of life was ten times greater than the rate during any other time of life

- Found that 7.3% of all infant homicides occurred on the day of birth and then is defined as Neonaticide
  - In the UK and Australia, infanticide is defined within the law as a crime committed by the mother during the first 12 months of her infants life; the father cannot commit infanticide in these countries
- **Prolide:** killing of ones offspring and includes both infanticide and the killing of the fetus in the uterus; more common term for killing ones own child is **filicide – the killing of ones own child (including stepchild and thus could include the killing of an adult child)**
  - More frequently refers to the killing of a minor child and then includes Neonaticide and infanticide
- Mothers commit Neonaticide more frequently than fathers
- In Canada children younger than 1 year are equally likely to be killed by their mother or their father
- WILSON & DALY – stepchildren victims are more often overrepresented

#### Filicide-Suicide

- Some children are killed by their parents as part of a murder-suicide
  - First, child victims of filicide suicide and the parent offenders tend to be older than children and parents
  - Second, far more likely that the offender is a biological parent than a step-parents
  - Third, the perpetrators tend to kill all of their children rather than leaving any of them alive
  - Fourth, parents that kill more than one of their children are more likely to commit suicide than those whole kill only one of their children
- Fathers who commit filicide suicide often kill their children within the contest of marital separation or a child custody disagreement with the child's mother

- Mothers who commit filicide suicide often kill their children because they fear their children will not have anyone to care for them once the mother commits suicide
- Fathers who kill their children and themselves are far more likely than suicidal homicidal mothers to also kill their spouse
- **Familicide:** killing of a whole family; multi-victim homicide in which the offender kills his or her spouse or former spouse and at least one or more of either of their children (WILSON, DALY, DANIELE)
  - Very uncommon crime among men and almost unheard of among women offenders

#### Weapon Use: How are Children Murdered?

- Weapons most commonly used to kill children in the US changes from personal weapons such as hands, feet, and fists to firearms as the age of the children increases – most children who are killed die as the result of child abuse by their caretakers
- Victims younger than 5 years were most often killed by personal weapons – killers hands and feet
- When a child is killed in the US they are most likely to have been killed by a gun

#### Killing Times And Seasons: When are Children killed?

- Child homicides are higher during daytime hours compared to nighttime hours and they tend to peak on weekdays as opposed to adult homicides that are higher on the weekends
- In winter we see increases of homicides in children who are younger than 2 years; those from 5-14 years is higher in the summer

#### Age, Sex, Race: Who is Killed?

- **AGE:** most at risk of child homicide is older teens; those 17-19 years of age
  - Those from 0-4 come next and 5-12 year olds are at least risk
- **SEX:** rate of homicide does not differ for boys or girls at younger ages – there is a difference of sex in the teenage years

- School age girls are more likely than boys of the same age to be victims in sexually motivated abduction homicides
- **RACE:** white children are more likely to be killed than those of other race groups 12 and under
  - Child and infant victims are most often killed by offenders of the same race

Trends: Is Child homicide Increasing or Decreasing?

Who Kills Children?

- When a child is killed the investigate parents, family members and the mothers paramour are the most likely perpetrators
- Women are most often the offenders in Neonaticide and infanticide cases
- **Killed By Strangers:** it is rare for strangers of nonfamily members to murder children, but it does occur
- **Murder By Acquaintance:** children are often killed by other children – most often the case is boys killing boys

Motives

- Homicides of children are highest in countries where it appears women may have more responsibility for raising children without the assistance of the children's father
- High rates of illegitimacy, higher numbers of births to teenage mothers and high divorce rates are associated with child homicide but only in countries where the level of government spending on social programs is lower
- Rates of child homicide are higher where there are larger percentages of racial minorities, greater poverty and urbanization
- Psychologists label those that kill their own children as being "mentally ill" (Munchhausen by proxy and postpartum depression-example of psychological explanations)
  - Munchhausen by proxy (fictitious disorder) – those suffering from this report fictitious symptoms or cause symptoms in a person they are taking care of so they can gain attention

- Postpartum depression – 10% of mothers following the birth of their child experience this depression
  - It is accepted as legal defence in Canada, Australia, great Britain and Italy

#### Abuse & Child Homicide

- Parents and those that care for children sometimes kill them in the process of abusing them
- SIDS – sudden infant death syndrome: the sudden death of an infant under 1 year old (sometimes may be because of homicides)
- The murder of an abused child is frequently an impulsive act on the part of the parent or babysitter who just wished to make a child behave or stop crying

#### Criminal Justice Processing: What Happens to Those who kill Children?

- Manslaughter was the most common ruling

## Neighborhood Socioeconomic Status and Homicides Among Children in Urban Canada

- Determine the influence of neighborhood income on homicides among children living in urban Canada
- During the 3 year study period there were 87 homicides among children less than 15 years of age in Canada's census metropolitan areas
- Effective child homicide-prevention strategies should be focused on children under 5 years living in low-income areas
- 
- See stupid book for highlighted important info

## DEFINITIONS

**Intimate Partner Homicide:** the killing of a victim by an offender who is either currently or was formally in a sexual relationship with the victim (married, unmarried, heterosexual and gay couples are included)

- **Uxoricide:** wife killing; leaves out the killing of former wives, homicides of those in de facto marital relationships, and the killing of males by their wives or other sexual partners

## DATA ON INTIMATE PARTNER HOMICIDE

- Men are less likely than women to be killed by their intimate partners
  - Nearly 1/3 of female homicide victims and only 5% of male homicide victims are killed by their intimate partners
- Men in the US killed their female intimate partners approximately 3.5 times as often as women killed their male intimate partners
- Risk for homicide is greater for non-married couples
- There are differences with race – intimate partner homicide is greatest among African Americans (Native Americans come next, Whites, Asians)
- The females that are most at risk are African American + American Indian
- Victims and offenders of intimate partner homicide tend to be older than those involved in other types of homicide
- Males involved in intimate partner homicides are older on average than women who are killed by or kill their intimate partners
- Intimate partners who are in relationships with greater age differences are more at risk for partner-committed homicide
- Previous abuse or violence within the intimate relationship is a very common factor in intimate partner homicide
  - Often linked to this is alcohol and illicit drugs

## BOX 8.1

- SROK – sex ratio of intimate killings
- In the US the numbers of women who kill their intimate partners are more equal to the number of women who kill their partners

## U.S. TRENDS

- the number of female victims of intimate partner homicide decreased about 20%
- the number of women killed by partners remains higher than the number of males killed by their partners

## COMPARISONS ACROSS THE WORLD

- the higher percentage of intimate partner violence in other countries is the result of the higher incidents of other types of homicide in the U.S.
- in Australia 22% were classified as intimate partner murders
- In Canada 1/5 homicides is committed by an intimate partner
- In the US about 10% of all homicides are partner homicides
- In the US the number of women who kill their partners is closer to the number of men who kill their partners as compared to other countries

## BOX 8.2

- Dowry Death in India
  - Refers to the killing of a woman by her husband (and/or his family) when her family refuses (or cannot) pay the dowry demanded by the husband and his family
  - DOWRY: a customary payment of cash and goods paid to the husbands family by the woman's family – it is a continuation of payments through the first several years of marriage
  - "bride burning" is most common method of killing them

## GENDER DIFFERENCES IN INTIMATE PARTNER HOMICIDE

- Women in the US are far more likely to be killed by intimate partners than by any other type of murder
- Intimate partner homicides (including where women kill), are often linked to abuse committed by the male
- Most intimate partner homicides involve a single perpetrator and a single victim; however, a small number of individuals who kill their partners also kill one or more of their children and or themselves

- Men most often batter their partners for years before killing them
  - They kill their partner when the men are trying to control their intimate partner – because of this behaviour men are more likely to kill an estranged partner
- Men more likely to commit familicide or suicide than are women
- Men who find out their partner is cheating on them are also more likely to commit a double homicide by killing not only the partner but her other man
- If women kill their partner it is usually as a method of self-defence
- If there are two offenders of an intimate partner homicide the second offender is usually an accomplice who has brought in help with or commit the murder
  - DONNA MARIE ROBERTS & NATHANIEL JACKSON – planned to kill Roberts partner ROBERT FINGERHUT; Jackson and Robert were having an affair and wanted to get rid of Fingerhut – by killing him they would make lots of insurance \$\$\$. The two shot him and were found guilty of aggravated murder and sentenced to death – Roberts got an appeal

#### EXPLANATIONS AND MOTIVATIONS

- **EXPRESSIVE** : killing of a spouse in a spur-of-the-moment action in which one partner strikes out to try to hurt the other (intimate partner homicides are usually defined as such)
- **INSTRUMENTAL**: a killing in which the offender is attempting to gain something with the killing
- Intimate partner homicide may be motivated by sexual jealousy, fear, greed, anger, rage – the death may evolve from a love triangle, plot to gain insurance money or a means to an unavoidable end to a violent relationship
- Threatening to leaving or leaving a relationship may actually increase the risk for homicide
- EMILE DURKHEIM – noted that connections to family were related to lower suicide rates; BUT family life sometimes increases risk of homicide
  - Argued that the husband has more to lose than the wife, thus why they are more likely than women to kill their spouses as a result of a dissolution in marriage.

- Has to do with the control and status for men in patriarchal societies – men are expected to be leaders and to be in control
- It has been noted by scholars that for a woman who kills her abuser to be found not guilty she must be proven insane

#### INSTRUMENTAL GAIN

- The motive in most intimate partner homicides is to hurt or control the other person – often occur in the context of domestic violence situations
- There are intimate partner homicides in which the goal is to gain money or property or perhaps even the custody of ones children

#### WEAPON USE: HOW DO INTIMATE PARTNERS KILL ONE ANOTHER?

- Knives are more common in intimate partner homicide – followed by guns IN CANADA
- IN US firearms are the most common
- Men are more likely to be killed by knives than women because their female partners use weapons of opportunity – wives more likely than girlfriends to use firearms

#### THE POTENTIAL OF PUBLIC POLICY TO MAKE A DIFFERENCE

- Resources for battered women have helped women see they have options beyond killing their partners to escape the violence
  - HOWEVER, public policy innovations put in place to protect battered women appear to have been more successful in saving the lives of abusive men than battered women
    - DUGAN – considered non-marital intimate partner homicide in addition to marital intimate partner homicide; FOUND that for the majority more alternatives to living with or depending on an abusive partner coincided with lower levels of intimate partner homicide
- Education appeared to provide some protection against intimate partner homicide

- Individuals accused of killing their partners were significantly more likely to be convicted than those accused of killing non-partners (in Toronto)
- Individuals who kill their partners are less likely to be charged with first-degree murder than those who kill non-intimate partners
- Those accused of killing partners are more likely to plead guilty than those who kill non-intimate partners
- Those that go to trial who are accused of killing their intimate partners are more likely to be found guilty than those charged with killing a non-intimate partner

#### BATTERED WOMEN'S SYNDROME IN COURT

- In the US self-defense is an affirmative defense to murder – if the defendant presents evidence that they killed another human being to protect their own life, the defendant will not be held responsible for their death
- Battered women's syndrome: a psychological state (similar to post-traumatic stress syndrome) , explains in some cases why a woman would kill her abusive husband
  - It is not a defence to murder
  - It is introduced as mitigating circumstances that may explain why a woman would see no other option but to kill her partner

## Exploring Racial Variations in the Spousal Sex Ratio of Killing

- Differences in the social situation of intimate partners is an explanation of racial differences in the female to male ratio of spousal homicide in Canada
- Women killing their husbands to men killing their wives is highest for aboriginals and lowest for blacks
- When women kill, a family member is most likely to be the victim
- SROK (sex ratio of intimate killings) the number of women who kill their husbands per 100 men who kill their wives
- CANADA: 31 wives kill their husbands for every 100 husbands who kill their wives
- SROK is 131 for African Americans
- HIGHEST SROKs in the US is African Americans
  - In CANADA lowest for blacks

## THE NATURE OF THE RELATIONSHIP

### Registered Marriage Versus Cohabitation

- Risk of homicide by females is higher among cohabitating couples than registered marriages
- Among cohabitating couples higher rates of violence than either married or dating partners

### Coresidency Versus Separation

- Being killed by a husband is higher for women separated from as opposed to residing with their spouses
- Homicide in Canada has found a higher risk of homicide linked to estrangement

### Age Disparity

- Couples less than 10 years apart in age had a SROK of 102
- 57 SROK when wives were 10 years older +
- 117 where wives were 10 years younger

## THE NATURE OF HOMICIDE

### Homicide Motive

- male sexual jealousy and proprietariness are proposed to be the motiv

## Interracial Homicide Patterns

- high female/male ratio of spousal homicides among aboriginals compared to other races
- conceals an unequal engagement in self-defence by aboriginal women against abuse by aboriginal men
- native female violence , the high level of violent crime committed by aboriginal women is a product of colonization and underdevelopment and that crimes by native women are a response to the victimization they experience within this context
- factor in understanding why they are relatively more likely to kill their spouses

## METHODOLOGY

### Sample

- info collected from Canadian Center for Justice Statistics, Statistics Canada
- data drawn from summary police reports on homicides occurring in Canada which provide information regarding victim and offender characteristics, offence characteristics, and the clearance of status of the offence
- available on the apparent motive of the offense which is based on police assessment
- police attribution of motives significantly underestimates the role of jealousy in spousal homicides

### Definitions

- WILSON & DALY: homicide is considered spousal if the relationship between victim and offender is one of official marriage, common-law association, separated, or divorced

### Analysis

- WILSON & DAY found the following factors related to the issue of spousal SROK – the type of marriage(registered or common-law), the marital status of the couple (co-residing vs. separated) + couples age disparity

### Results

- Between 1961 and 1983 the spousal sex ration of killing for these years is 28

- Racial differences in the SROK may be generated by three separate kinds of dynamics:
  - 1) whites, aboriginals, blacks may be identical in the rates at which husbands kill their wives but differ in the rate at which wives kill their husbands
  - 2) whites, aboriginals, blacks may kill their husbands at the same rate but differ in the rate at which husbands kill their wives
  - 3) whites, aboriginals, blacks may differ in both these rates
- these rates are rough approximations, not exact
- among whites, spousal homicide rate is 4.3 times higher for males than for females
- among aboriginals, spousal homicide rate is only 2.1 times higher for males than for females
- through this evident that the SROK is always less than 100 = women more likely to be victims of spousal homicide than men

## BIVARIATE ANALYSES OF FACTORS RELATED TO THE SPOUSAL SEX RATIO OF KILLING

### Registered Versus Common-Law Marriages

- those in common-law unions have a higher spousal SROK than those in legally registered unions

### Co-Residency Versus Separation

- among separated couples it is almost solely the man who pursues his partner with violent intentions
- a substantially lower percentage of spousal homicide among aboriginals involves separated couples
- Aboriginals may be partially accounted for by the risk associated with co-residency, as discovered by Wilson & Daly

### Age Differences

- Data indicate that of the 3 races, Aboriginals have the highest percentage of homicides involving couples where the wife is at least 10 years younger
  - Difference between Aboriginals and Whites is statistically significant

- Smaller proportion of spousal homicides among Aboriginals is motivate by jealousy

#### Interracial Homicide Patterns

- There was a total of 120 interracial spousal homicides
- Aboriginals and blacks were categorized as ethnic victim or offenders : the two interracial categories were **white offender/ethnic victim & ethnic offender/white victim**
- Couples composed of ethnic offenders and white victims, women are killing their husbands at rates almost equal to husbands killing their wives
- Accounts of the high level of violence committed by Aboriginal women cannot focus exclusively on their role as targets in Aboriginal men's backlash to their marginalization in society
- Aboriginal women are also in violent relationships with white men, whose lives are generally different from that of an aboriginal male

#### MULTIVARIATE ANALYSIS OF FACTORS RELATED TO THE SPOUSAL SROK

- Gender of the victim is the dependant variable (0 =male; 1=female) The independent or predictor variables are:
  - Aboriginal vs. non-aboriginal females
  - Aboriginal vs. non-aboriginal male
  - Registered vs. common-law marriage
  - The age difference between the two parties
  - Jealousy-motivates vs. non-jealousy motivated
- Distinct contrast to the findings of Daly & Wilson ( where race in their case black vs. non-blacks was a strong predictor of the victims sex for spouse killings in Chicago

#### CONCLUSION

- Between 1961 and 1983 an average of 419 individuals were killed each year in Canada
  - 1/5 of these deaths occurred between spouses
- higher among aboriginals than blacks and whites
- factors which were found to help explain the pattern were
  - type of marriage (registered vs. common-law)
  - marital status (co-residing vs. separated)

- age difference between husband and wife
    - All findings consistent with DALY & WILSON
- Overrepresentation of aboriginals in Canadian correctional systems is well documented
  - Overrepresentation of aboriginal women in incarcerated populations is even greater
- Family formation may be important by explaining the high rate of violence by Aboriginal women
- Aboriginals are Canada's most impoverished group
  - Lowest incomes, worst health, highest unemployment of any group in the country
  - Educational attainment levels are relatively lower

### Intimate Femicide Followed by Suicide: Examining the Role of Premeditation

- When people do kill themselves after committing an intimate partner homicide it can be either an intimate partner or child
- Majority of those who commit suicide after a homicide are male partners or ex-partners of female victims
- One perspective for understanding this is:
  - A homicide with a suicidal component – the initial killing often arises as a result of murderous passion or rage that leads to suicide when the offender realizes the legal consequences of his actions
  - Homicide suicides occur primarily as a result of offenders suicidal tendencies
  - Homicide is seen as pre-planned “extended suicide” of an individual who is intimate with the offender

### RESEARCH ON HOMICIDE FOLLOWEED BY SUICIDE

#### Explaining Suicidal Killers

- **The EXTENDED SUICIDE**
  - Males who were paranoid about the perceived infidelity of their female intimate partners posed the greatest risk of homicide-suicide
  - He kills his female partner out of anger or depression over the perceived betrayal
  - Male cannot accept the actual or suspected termination of an intimate relationship nor is he able to come with the rejection by his female partner
  - Commits suicide after killing what he perceives to be his “extended self”
- **Altruistic suicide:** these offenders often depressed/ suffering from mental anguish commit suicide after killing their female partner because he does not want to leave her
- **THE REMORSEFUL SUICIDE:**
  - **Homicide that leads to the offenders suicide because of guilt or remorse over the lethal consequences of his/her actions**

- The stronger the positive attachment/ responsibility between a couple, the greater the loss when a homicide occurs and the greater the guilt or self-blame experienced by the offender
- Likelihood of homicide-suicide increases also with the strength of his bonds to society
- The elderly, employed, the better educated – had stronger bonds to society – more likely to commit suicide after they killed someone else
- Premeditation does play a role in homicide-suicides
- Involve older offender and victims have typically been described as premeditated acts
- Homicide suicides may arise from offenders **jealousy, and/or paranoia** have been typified as primarily spontaneous acts that involve younger and middle-aged offenders

## THE PRESENT STUDY

### The Sample

- **Intimate Femicide:** killing of a woman by her intimate male partner, including current or former legal spouses, common-law partners, or boyfriends
- Took info from the Chief Coroner for Ontario files – which has info on all deaths
- Research has shown that homicide-suicides primarily occur within intimate relationships
- Killers were identified as the current or former legal spouses, common-law partners, or boyfriends
- 28% of offenders committed suicide immediately after the killing or a short time later

### Variables & Measurement

- **KEY INDEPENDENT VARIABLE:** need to find evidence on premeditation
- Existence in premeditation in homicide cases is difficult given that the victim /offender are dead
- 3 dichotomy categories to determine: no evidence of premeditation, possible evidence of premeditation, comparing these cases to those in wh

- second key independent variable is a category that captures the persons motivation
  - comprised of the offenders jealousy
  - offender motivated by ill or failing health (murder/suicide pacts) or other life stresses
  - third category is those that do not fall under either
- **CONTROL VARIABLE:** social distance and stability of intimate relationships may be associated with varying degree of homicide-suicide risk
- Relationship status and relationship state are used
  - **RELATIONSHIP STATUS:** measures whether the victim and offender were legal spouses, living common-law, or dating
  - **RELATIONSHIP STATE:** whether the victim and offender were estranged or still in an intact relationship
- Offenders age is included as a dichotomous measure – compares older offenders and younger or middle-aged offenders
  - Also included was white/non-white
  - Had a criminal record for minor or violent crimes
  - Employed or unemployed
  - Had a history of prior violence against the victim
- Victim characteristics included:
  - If victims had children
  - Prior criminal record
  - Victim was employed
- BOTH characteristics used for offender and victim:
  - Whether there was drinking/drug use during the crime
  - Whether a gun was used during the killing
  - If more than one person was killed in the incident
  - Took place in a private location
  - Witnesses were present

## RESULTS OF THE ANALYSIS

Is Premeditation more evident in cases of intimate Femicide followed by suicide?

- Intimate Femicide-suicide was most likely to involve premeditation than cases of intimate Femicide only

- Offenders motivated by jealousy and sickness and other life stresses were more likely to commit suicide after the intimate Femicide than offenders with other motives
- Suicidal killers were less likely to have a prior record for minor or violent crimes or to have a history prior violence against their victims to non-suicidal killers
- Offenders who committed suicide after the killing were approx. three times more likely to plan the lethal event than offenders who did not commit suicide
- Premeditation is significantly more likely to be present in killings that culminate with the suicide of the offender than those that do not
- Offenders motivated by jealousy or ill health and other life stresses are more likely to kill themselves after killing their female intimate partner than those with other motives

Does the degree of premeditation vary depending on the type of suicidal killer?

- Cases that involved offenders who were motivated by jealousy or illness/failing health were more likely to involve some evidence of premeditation
- Varied depending on relationship status, victims employment and gun use
- Legal spouses were less likely to involve premeditation whereas cases involving common-law couples were more likely to show evidence of premeditation
- Guns were more likely to show evidence of premeditation
- Offenders motivated by illness or failing health were significantly more likely to have premeditated the intimate Femicide-suicide
- An offender who used a gun to kill his female partner was twice as likely to have premeditated the intimate Femicide-suicide

## CONCLUSION

- Premeditation is more evident in cases of intimate Femicide followed by suicide
- When involve offenders motivated by sickness or ill health show the most

- Violent acts between intimate partners are the archetype of anger driven or expressive crimes because of the intensity of intimate relationships and the accompanying interactions
- Intimate violence continues to be perceived by many as the typical crime of passion

Intimate partner homicide: a review of the male proprietariness and the self-defense theories

#### INTIMATE PARTNER HOMICIDE

- When homicide occurs in the home it is men who most often kill women and children
- Women are capable of violence and about once each month, a woman kills her mate
- Women were three times more likely than men to be injured by spousal violence
- Women tend to slap, punch, kick or throw things
- Men throw punches, attempt to choke their partners or use weapons

#### MALE SEXUAL PROPRIETARINESS THEORY

- WILSON & DALY – suggest that the union of marriage must be understood as ultimately sexual and reproductive in nature
- Legal restrictions on sexual access highlight the right men feel they should have over woman's sexual and reproductive capacities
- Sexual intercourse between a married woman and a man other than her husband was a crime and if happened the husband was often entitled to damages, violent revenge ad divorce
- In primitive societies, double standards of marital fidelity are the norm
- Legally men have been given power and control over women's sexual and reproductive capacities
- Major issues that predominate include, adultery, jealousy, desertion, and male control

#### 2. Research evidence in support of the male proprietariness theory

##### 2.1 SEXUAL JEALOUSY

- Jealousy appears to be the leading homicide motive
- Caused by known or suspected adultery or the woman terminating the relationship
- Majority of spousal homicides have evidently been precipitated by the husband accusing the wife of sexual infidelity and/or by her decision to terminate the marriage

##### 2.2 AGE

- The risk of being killed by one's legal spouse is maximal for teenage wives
- DALY & WILSON: suggest that jealous proprietary motives would be particularly prevalent among men with younger wives for various reasons
- Being a younger wife is associated with a greater probability that she will end an unsatisfactory marriage, attract the attention of other men and remarry

### 2.3 VIOLENCE AS CONTROL

- Control is attained through the use of violence sub lethal assault and threats of homicide being effective control mechanisms
- Many women who are killed by their husbands were known to be physically abused by them

### 2.4 ESTRANGEMENT

- Violent coercion and threats serve to intimidate the victim, also increase her motivation to escape the relationship
- Possessive men may be more motivated to kill when they perceive their female partners intend to leave them
- Post-separation time appears to be a time of risk – especially first 2 months of separation
- Homicides follow the wife's decision to terminate her relationship much more often than the husbands
- Risk of homicide among separation is much higher for women than men

### 2.5 SUICIDE & MULTIPLE-VICTIM HOMICIDE

- Familicide ( killing both the wife and minor children)
  - Reflection of men's proprietary attitudes towards women and their reproductive capacities
- DALY AND WILSON speculate that men who are considering suicide may kill their wives and children due to feelings of ownership and control, believing that his family cannot survive without him
- Murder of multiple victims is almost exclusively a male activity and is also consistent with the theory
- A mans feelings of possessiveness and control are thought to extend to the children, feelings of jealousy towards men that may

be sexual rivals, or people trying to protect the woman he would kill these individuals as well as the woman

## 2.6 CRITIQUES OF THE MALE PROPRIETARINESS THEORY

- “proprietaryness” is difficult to measure quantitatively and qualitatively
- jealousy is deemed to be motivating force depends to a great extent on the interpretation of the police investigators or the researcher
- developed a typology based on these differences and report that sociopathic and antisocial batterers are likely over represented among those who kill their estranged partners
- men that never abuse or beat their partners may kill them as a reaction to the separation
- he perceives separation as abandonment and may be at risk to commit multiple killings
- provocation may be a result of physical deterioration in older couples and economic breakdown in the case of younger males
- masculine control is the main theme at time excluding jealousy and possessiveness
- men who actually kill their wives have overstepped the bounds of utility and reacted passionately to a serious conflict

## 2.7 SELF-DEFENSE THEORY

- women’s use of violence has been often viewed as a response to an abusive situation or past abusive experiences
- women who killed their male partners were likely to have been battered women whose experiences of abuse resulted in the killing
- battering is used to dominate and control the woman leaving her trapped in an intimate relationship, which generally intensifies in violence
- battering reflects male ownership
- women are responding as victims of violence, who kill to protect themselves from death at the hands of their partner
- women experience learned helplessness as a result of feeling trapped in a relationship where physical and emotional violence is directed towards them
- women in these situations perceive they cannot leave, due to finan

- female-perpetrated homicides are a result of women's inability to protect themselves from their male partners aggression
- women who kill do so in response to an attack on themselves or following a threat from the abuser to harm another, usually a child

### Research in Support of Self-Defence

- women generally do not kill , when do it is often in their self-defense
- majority of women who killed their partners were beaten by them
- of 30 women who had killed their partners, 29 had been abused by them
- women described the killing as trying to stop the violence against them
- women were threatened with their own death at the time of the killing and believed their own death was inevitable
- women in the homicide group were subjected to frequent and injurious attacks from partners who were likely drinking heavily, using drugs, sexually assaulting them , and threatening murder
- alcohol and drugs use was much higher among partners of battered women imprisoned for murdering or attempting to murder them than among partners of a comparison group of battered women
- attempt to protect herself or her children from his violent behaviour
- partners alcohol use and the women's alcohol use were significantly higher among intimate homicide group
- 80 % of women who killed or assaulted their partners did not have a prior criminal record

### 3.1 CRITIQUES OF SELF-DEFENSE THEORY

- some important factors are not explored such as culture, life stressors, childhood experiences
- ROBERTS
  - Majority of battered women who had killed their abusive partner were more likely to have been sexually assaulted during childhood, dropped out of high school, erratic work history, cohabited with partner before the marriage, drug problem, attempted suicide, access to guns

### Implications

#### 4.1 PREVENTION AND INTERVENTION

- Homicide between partners tends to be preceded by a domestic conflict, regardless of whether the victim is the man or woman
- Unequal power relations within intimate relationships encourages abuse and increases the risk of homicide
- Intervention needs to begin early – at individual level / societal
- Alcohol is a major contributing factor to homicide
  - Used as a coping mechanism by women in abusive relationships
- Abuse usually perpetrated by the men
- When a woman kills her batterer the abuse almost always will have escalated both in frequency and intensity in the period preceding the killing
- Women who kill their partners often lack resources and access to legal responses
- Women fostering the view that she is dependant, passive and helpless (as a response to women being abused and how they are weak)
- Offering women protection and assistance may help them find alternatives to reacting with violence

#### Conclusions

#### 5.1 THE ROLE OF GENDER

- Where women are victims it is found that jealousy, separation or the threat of separation were the major precipitating factors particularly when the victims were young women
- Dominant for men to kill their intimate partners because of possessiveness

### HOMICIDE CLEARANCE

- Crime is considered **cleared** when it is solved
- Crimes like murder are usually seen as cleared when the police make an arrest – when crime is solved by a means other than an arrest it is **cleared exceptionally**
- To be cleared must meet following criteria:
  - Identity of one offender has to be certain
  - Sufficient probable cause must exist that would justify prosecution for the crime
  - Location of the offender must be known
  - There must be something that prevents law enforcement from making an arrest
- If murderer kills self or is killed by police = cleared exceptionally
- THE US: highest rates of homicide clearance are cases involving African Americans; lowest for Latinos
- Less likely to be solved when victims are older than 65 and when the homicide is part of another felony crime
- US and Canada are seeing a decrease in the percentage of cleared cases
- Homicides committed while in the commission of another felony and homicides committed by strangers are less likely to be solved

### HOMICIDE INVESTIGATION

- **Dunkers:** easy to solve cases because the offender kills himself or the offender is obvious for another reason
- the likelihood a homicide will be solved decreases with time
- early in investigation witness memories are most accurate and witnesses are easy to locate
- attention to detail and proper procedure is necessary at every step of an investigation

#### Initial Response by Responding Officer

- **initial response:** vital information and lives may be lost if the responding officers fail to arrive quickly and perform their duties well
- important to be trained; have 3 important responsibilities:



- determine if the victim is alive or dead and process as appropriate
- need to arrest an offender if one is present and notify appropriate chains of command to apprehend the offender if an immediate arrest is not made
- must take steps necessary to preserve the crime scene evidence and detain any witnesses or possible suspects

#### Preliminary Scene Assessment by Homicide Investigator

- officers who first arrive on the scene and investigators must observe the rules of search and seizure because valuable evidence that can help convict an offender may be lost if the police do not follow search and seizure rules
  - to obtain a search warrant that will allow an individual's right to privacy be breached, law enforcement officers must show **probable cause** (reasonable belief) that specific illegal activities will or have been committed and detailed information about **where the police will search, what they are searching for and what they hope to seize**
- officers may conduct warrantless searches that are incidental to an arrest
- **consensual searches:** those in which the person who has the privacy right to the area being searched voluntarily agrees to the search
- prosecutors will not be able to use evidence that the police obtain illegally
- GEBERTH – 7 guidelines for collecting evidence properly:
  - Each piece should be labeled and its original position and location known
  - Labeled who discovered the item
  - Proper case number, date and time of collection
  - Packaged individually in a clean container; will protect item
  - Packaging should be sealed to protect the evidence and prevent unauthorized people from handling it
  - Should be marked to indicate where they should be delivered for analysis (FBI/police lab) OR evidence lock up



- Records detailing chain of custody (where evidence moved to and from and by who)

## EVIDENCE

### The Body

- First thing that is determined by detectives is cause and manner of death
- **Proximate cause:** the initial event that lead to the death
  - **EX.** Gunshot wound
- **Immediate cause:** what actually caused the person to expire
  - **EX.** Loss of blood
- Manner of death is classified as either:
  - **Natural**
  - **Suicide**
  - **Accidental**
  - **Undetermined**
  - **Homicide**
- The body is the important clue to determine the time of death which can be important for narrowing down suspects
  - Determined by conditions such as air conditioning, body size, humidity etc.

### Blood Splatter Evidence

- The shape of a blood droplet can show the direction from which the blood travelled from
  - Round drop = came directly down from the top
  - Tail on drop = tail points to the direction from where it came
- Blood splatter can determine if victim used left or right hand to beat or bludgeon a victim
- Several lines of blood tells the investigator that it was more than one strike; if a wider blood track then means a knife was unlikely used

### Fingerprints

- **Latent Prints:** we have oil and perspiration on our skin and when we touch surfaces the natural substances on our fingers transfer.
- **Patent Prints:** left when an individual touches a foreign substance like ink or blood and then transfers the imprint to another object
- **Molded Print:** imprints left in soft substances (wet paint)

- Automated Fingerprint Identification System (AFIS) – compare fingerprints found to the scene with millions of prints stored digitally

#### DNA

- Can be recovered from almost any part of the human body – blood, finger nail, hair, saliva, body fluids
- DNA bands: where samples of convicted criminals are stored for comparisons in crime cases
- CODIS: combined DNA index system - a system that would allow jurisdictions across the US to share DNA profiles

#### Ballistics

- Firearms leave unique markings on bullets
- Bullets, bullet casings and firearms can all be compared
- Physics is used – ballistics is the science of all types of projectiles
- **Interior ballistics:** movement of the bullet within the firearm
- **Exterior Ballistics:** study of the bullet or other projectiles in flight
- Study of impacts on bullets and what happens to a bullet on impact

#### Other Evidence

- Cloth, carpet fibers, tires and shoe prints
- VICAP: Violent Criminal Apprehension Program – FBI established to help investigators share information across jurisdiction in the case of a serial offender
- Police must also help the district attorney who prosecutes the accused

### DO THE RACE AND CLASS OF THE VICTIM MATTER IN HOMICIDE CLEARANCE?

- Homicides that occurred in African American communities were less likely to be solved – more to do with lack of co-operation from citizens in African American communities than with homicide detectives treating homicides differently

#### BOX 14.8

- **Burked:** suffocating someone by covering their nose and mouth and applying pressure to the chest until the victim suffocates – used to make murders look like accidental death

## INTERVIEWING WITNESSES

- Must pay attention to everything reported by a witness and the detective must push for the witness to state every detail even if they don't think its important
- To help witnesses identify a suspect 3 methods used:
  - An artist listens to descriptions and asks them questions as they make a sketch of the suspect
  - ***Identi-Kits***: used to generate a composite of the suspect
  - Computer software that helps put together someone's face – make 3 dimensional lifelike composites of the suspect

## INTERROGATING SUSPECTS

- To anyone they arrest they are required to give Miranda warnings to any suspect who they arrest
  - They specify that the suspect has the right to remain silent and the right to an attorney present during questioning – any statements they make may be used against them in court
  - Attorney is provided if person cannot afford one
- Homicide investigators can use lie detector tests – **polygraph and voice stress analyzer**
- Polygraph: measures change n several physiological functions – breathing, blood pressure, heart rate and sweat.
- Voice stress analyzer: measures tiny differences in a persons voice that are believed to indicate stress and thus deception

## INVESTIGATIVE PROFILING

- Used by law enforcement personnel when an attempt to learn what they can about a suspect when little is known
- A behavioural and sometimes physical description of the offender is generated from what is know about the crimes the killer committed
- SALFATI: those who committed expressive homicides had different criminal backgrounds than those who committed instrumental killings
  - In expressive the offender expresses aggression, multiple wounds to victims face – offenders goal was to punish their

victim (usually committed by an offender who had a current or previous intimate relationship with the victim)

- Instrumental offenders were known to have previous psychological or psychiatric problems – the killing was necessary to gain something; likely to be unemployed and have record for theft or burglary

#### BOX. 14.12

- **Linkage Blindness:** failure of investigator to connect related crimes

#### COLD CASE SQUADS

- established to work on unlearned cases

#### VIDEO

- police were outside the home; making sure nothing/no-one would bother the family
- 3-4 days were stuck in their home because of police – media was kicked off their property eventually
- victims mother was beyond stressed when choosing burial ground
- the killer was very cocky when coming in
- described the killing – head was crushed into the wall and her stab wounds had been described
- it was pre meditated since he purchased handcuffs, knives and knife sharpeners
  - wanted to plea-bargain: so he gets 14 years without parole
- called a women's service – right after stabbing Monica
- reasons for sentencing:
- the rippling effect continues

#### A love that kills

- isolated her from everyone
- got her to get a job and he didn't have one
- he took the money she made and gave her an allowance
- she left him but ended up coming back – since he threatened to

- would get angry at her when he didn't like the dirtiness of the home
- Monica left him again
- Found work and an apartment of her own – started her new life
- He took her dog away a week after she started her new life
  - Was angry for her leaving him
  - October 7<sup>th</sup> 1991 - last time she was seen by her family
- Family was taken to the hospital and told she was stabbed multiple times and she had been killed
- Economic and emotional abuse – she had been through isolation, intimidation and threats
- If cant get something one way does it another and she tried to walk away from the control of him and he couldn't handle it
- If he cant have her – no one can have her
- Physical violence, threats (of being left), being kept away from friends and family
  - Not being allowed to speak to opposite sex, have to explain your whereabouts, experienced put down on physical attributes, being treated like dirt and being humiliated by a group of friends

### Uncleared Homicides

- Decline in the percentage of homicides cleared in both US and Canada have been substantial
- Increasing proportion of homicides occurring between individuals with little or no previous relationship
- The perception of “at large” status of a substantial proportion of homicide offenders is likely to reduce the value of deterrence associated with arrest and conviction
- The trauma suffered by victims family members is made worse by the absence of arrested offenders
- Rising Uncleared homicide rates could have an effect on both police moral and society’s perception of police effectiveness
  
- Clearance rates vary by the area of the country
- Highest rate of Uncleared homicides occur in municipalities with population of more than half a million
- BC and Quebec in Canada have the lowest clearance rates
- They vary by racial groups
  - HIGHEST for African Americans and lowest for Hispanics
- Clearance rates tend to be lowest in cases involving homicide combined with another felony-type offences
- Victim-offender relationships have proved to be one of the strongest predictors of clearance
- Relationships between family members have been easier to clear
- Homicide rate in the US is almost 6 times that of Canada
- The proportion of domestic-related homicides is still far greater in Canada than it is in the United States

### HYPOTHESIS

- Gender, race, age, weapon, and circumstances surrounding the offence.
- Gender – Uncleared homicides are more likely to involve male victims than are cleared homicides
  - Males are predominant among the offenders and the victims of homicide
  - They may be overrepresented as victims in uncleared cases –

homicides in light of a significant body of literature indicating that a small proportion of female victims are murdered by someone not known to them

- Race – Uncleared homicides are more likely than cleared homicides to involve white victims
  - Greater likelihood of a homicide remaining Uncleared when the victim is white, as they more often killed by strangers than visible minorities
  - Higher clearance rates for native Canadians
- Age – Uncleared homicides more likely than cleared homicides to involve victims 65 years or older
  - Are 4-5 times more often victims in unsolved than solved cases
- Weapon - Uncleared homicides are more likely to be committed with a firearm than are cleared homicides
  - Increasing use of guns in homicides
- Circumstances surrounding the offence – Uncleared homicides are more likely than cleared homicides to occur during the commission of another offence
  - Rape and robbery , which culminate in murder, have an inherent hit and run nature, resulting in fewer police arrests at the crime setting

#### Method AND MEASUREMENT

- Compared Ontario and New York State
  - Ontario being largely white and new York being substantially African American – making both these areas having diverse and cultural constitutions
- Clearance of a homicide refers to those in cases n which an offender has been identified
- Clearance does not provide an indication of whether the suspect is at any point tried and convicted for the offence because a range of other factors come into play in the criminal justice process beyond the arrest of a suspect
- The variables used are: victim gender, age, race, means of offence, apparent motive/ circumstances

- Interpretation of logistic coefficients makes it possible to determine the odds of a homicide being cleared

## CONCLUSION

- The influence of various victim and offense-characteristics on whether a homicide is cleared varies on both cross-nationally and regionally
- Victim and offense characteristics impact on the likelihood of homicide clearance in some areas but not others
- Solutions seeking to increase clearance rates of police forces will be less effective when approached from a universal standpoint because all police operations do not appear to be facing identical problems in solving crimes committed within their jurisdiction
- Clearance rates are often equated with police effectiveness
- The odds of clearing a case are substantially affected by whether the homicide is crime-related
- Depending on the willingness of eye witnesses, police informants, and the public at large to provide them with helpful knowledge about an offense known to have been committed
- Stricter gun control reduces felony offenses it should also raise clearance rates

## **Advances in Violent Crime Analysis and Law Enforcement: The Canadian Violent Crime Linkage Analysis System**

### Introduction

- Serial Criminals are aware of this failure between agencies to communicate with each other
- Most municipal and regional police use the time-honored method of trying to link major unsolved crimes in the locale manually listing the crimes and the sets of details garnered from the investigation of the crime, witnesses statements and evidence found in one area

### Automated Case Linkage Systems

- **FBI** had introduced an automated case linkage system VIOLENT CRIME APPREHENSIONS PROGRAM (VICAP)
- Major Crime File was Canada's first attempt at automated cases linkage
  - was capable of only querying keywords/phrases and the data collection was by investigators in the field

## Pretrial Stages

- once suspect is arrested the case is in the hands of the prosecuting attorney (district attorney) – they decide whether to charge the accused as well as what crimes to charge
- common for prosecuting attorneys to charge murder defendants with several crimes when the evidence supports the charges
- the prosecutor may also decide if there is not enough evidence to obtain a conviction and thus he or she may opt not to prosecute at all

## Initial Appearance

- within 48 hours of an arrest in the US the accused must be brought before the judge or magistrate to be formally advised of the charges he or she faces
- here the judge decides if the defendant is able to be released on bail during the initial appearance

## Pretrial Release

- pretrial release on bail or on one's own recognizance is less likely in homicide cases than in other types of crimes
- usually not released if one believes to be dangerous to society

## Grand Jury

- meet in secret and the defendant has no right to attend or present evidence
- the prosecutor presents evidence to support going forward with a case against an accused
- TRUE BILL: when majority of grand jury believes there is enough evidence to proceed with the case, the defendant is indicted and the case is termed

## Arraignment

- Where the defendant enters his or her plea
- May plead **guilty, nolo contendere, not guilty, and not guilty by reason of insanity**
- GUILTY: the defendant admits to the acts he or she is accused of committing and the judge schedules a sentencing hearing
- NOLO CONTENDERE: (no contest) the accused admits criminal

- NOT GUILTY: want the prosecution to make a case against them – means there will be a trial
- Offenders can still plead not guilty even though have confessed to the crime
  - Taking his chance that a jury will see things differently than the prosecutor and treat the accused with leniency

### Plea Bargaining

- Deal made between the prosecuting attorney and the defendant – it must be approved by the judge
- Defendant agree to plead guilty to a lesser crime or to fewer crimes than he is charged with in exchange for a more lenient sentence than the defendant might receive by going to trial
- Prosecutors who are certain the offender is guilty may prefer to plea-bargain if the case against the offender is weak or to avoid the expense and time of a trial = guarantee guilty plea
- Accused people EVEN IF NOT GUILTY may agree to plead guilty to avoid risk of a harsh sentence

### Pretrial Motions

- After an arraignment but before a trial begins attorneys may file pretrial motions in which they make a request of the judge
- Defense attorneys often make a motion for discovery – asks prosecution reveal to the defense the evidence against him or her

### The Homicide Trial

- Stages in Capital Murder Trial
  - Opening statements
  - Presentation of evidence by prosecutor
  - Defendants case
  - Closing arguments
  - Jury instructions
  - Jury deliberations
  - Verdict
  - Sentencing hearing
  - Sentencing decision

## Jury Selection

- At first a jury is selected
- In the U.S citizens accused of a serious crime are guaranteed the right to a trial by an impartial jury
  - For them to be impartial must be UNBIASED and selected from a **VENIRE** (group of potential jurors) that is representative of the community from which it is selected
- Could be called a **deselection process** – idea is to excuse individuals with extreme views on either end of the spectrum in an attempt to assemble an impartial jury
- **VOIR DIRE**: process of jury selection (means to speak the truth)
- **VENIRE**: group of potential jurors
- in the **voir dire** the potential jurors are questioned to discover if there are any reasons to exclude the individual

## Scientific Jury Selection

- **SCHULMAN conducted surveys and interviews of research to develop demographic profiles of those most and least likely to side with prosecution**
- **Base the type of person on their personality type and their demographic**
- **jurors report the nature and presentation of evidence is important in their decision making**
- **fairness is an issue with scientific jury selection**

## Opening Statements

- outline of what each side intends to present during the trial

## Presentation of Evidence

- each side, beginning with prosecution had the opportunity to present evidence to make its case – prosecution has the onus or providing that the perpetrator committed the crime for which they are charged
- defence tries to show through cross-examination of the prosecutors witnesses and through evidence of their own that the defendant is not guilty

- evidence presented in a criminal trial may be divided into direct and circumstantial evidence
  - DIRECT : proves a fact (EX. The testimony from a witness who testifies witnessing a murder would be direct evidence)
  - CIRCUMSTANCIAL: indirect evidence (EX. Nothing that directly links the offender to the crime)
- The prosecution presents evidence to show the defendant has committed the crimes for which he or she is accused
- **No hearsay- rule:** witnesses can only testify to what they have seen or hear directly and not what they have heard others say  
Scientific evidence must be based on accepted scientific technique  
Hen defense chooses not to present any evidence or witnesses, and even if they do decide to present evidence, they may motion a **MISTRIAL**
- **If the judge finds the prosecution has not presented evidence to suggest the accused should be convicted he or she may grant a mistrial or a redirected verdict**

#### Defenses to Murder

- Three general defenses to the charge of murder are ALIBI < JUSTIFICATIONS, EXCUSES

#### Alibi

- It is a denial instead of a defense – others may say an alibi is a defence
- When used, they are arguing that they could not have killed the victim because they were somewhere else when the victim was killed
- A person accused of murder must prove that he or she was somewhere else when the murder was committed

#### Justifications

- Admit that they killed the victim but argue it was necessary to prevent great harm to themselves or another
  - Consent, necessity, self-defense, defense of others, and defence of home and property

#### CONSENT

- When any harm done occurred after the victim gave his or her permission for the harmful act  
NECESSITY
- If defendant commits a crime to prevent a greater harm  
SELF-DEFENSE
- An individual may use reasonable force against another when the individual reasonably believes the other person is threatening her or him with imminent and unlawful harm  
DEFENCE OF OTHERS
- A defendant may be able to claim defense of others as a defense of murder
- Force used against the other must be reasonable, the person one is defending must be in imminent danger  
DEFENSE OF HOME AND PROPERTY
- Do not have the right to kill to protect your property unless you are in imminent danger
- If you kill someone and a jury or judge determines you could have retreated you are likely to be found guilty

#### Excuses

- Admit they committed a crime but argue not legally responsible at the time of the crime  
AGE
- Children younger than 7 are not capable of mens rea – not believed to be capable of intending to commit a criminal act
- Not considered guilty if they are found to be incapable of having criminal consent  
INVOLUNTARY INTOXIACATION
- If person drugged against his or her will or tricked into taking a substance that results in intoxication and the intoxication negates the individuals mens rea the person may be found guilty  
PROVOCATION
- A defense that may reduce a murder charge or conviction to a manslaughter charge or conviction
- To prove provocation defense must prove that the defendant lost emotional control because of some provocation on the part of the victim

- Provocations for killing to be deemed manslaughter include illegal arrest, adultery with offenders spouse, physical injury, or mutual combat
- INSANITY
- The mental state of defendants at the time of the crime for which they are charged
- Defendants are said to be competent to stand trial if they are capable of understanding the charges or proceedings against them and if they can aid counsel in their own defense at the time of the trial
- Those not guilty by reason of insanity are arguing that because they are mentally ill at the time of the crime, they could not have a guilty mind – were “out of their mind” – those actually convicted of insanity are sent to psychiatric facility
- **M’NAGHTEN rule:** person is not guilty of crime if at the time he or she committed the crime, the person had a mental defect or disability such that he or she did not know what they were doing or that it was wrong
- Substantial capacity test: combination of M’Naghten test and what is known as “irresistible impulse”
  - Allows victim to be found legally insane if it is proven that at the time of the crime, the individual because of a mental defect had a compulsion to commit the crime
  - Using this standards an insane person may be aware that what he or she is doing is wrong, but he or she has an irresistible impulse to commit the act that is uncontrollable

### Closing Arguments

- Follow the presentation of evidence by both sides
- During closing arguments, attorneys summarize their cases without presenting any new evidence
- The prosecutor usually argues that they have proved beyond a reasonable doubt that the accused is guilty

### Judge’s Charge to Jury

- The judge gives the jury their instructions for deciding the case – gives instruction regarding the law
- Cases sometimes overturned because of the way the judge has given instructions
- Once judge is satisfied with the jury instructions – officially charges the jury

### Jury's Decision

- Jury must deliberate in private until they reach a verdict
- Select a jury foreperson and determine how the jury will proceed
- Not unusual for deliberations to start with each juror discussing their take on the case against the accused
- During the process of deliberation the jurors may only speak to one another about the case

### Verdict

- Jury must come to an unanimous decision about whether there is proof beyond a reasonable doubt that the accused committed the crime for which he or she is charged – **if not unanimous the jury is said to be a hung jury**

### Sentencing

- The jury who found the defendant guilty as charged with the task of recommending a sentence to the judge
- Judges follow the law in sentencing offenders, however, they often have leeway in making their decisions
- The length of incarceration varies with the brutality of the murder and the offenders criminal history
- Data indicates that those who are arrested for murder are far more likely to be convicted and sentenced for incarceration than those arrested for other felonies

### Death Penalty Cases

- In a bifurcated trial, if defendant is convicted of first-degree murder the sentence for the crime is determined in a separate proceeding from

- Mitigating circumstances include details about the offenders upbringing that may explain why he or she committed murder
- Prosecutors are more likely to seek the death penalty when the victim is a white female and least likely when the victim is an African American man

Rethinking the Boundaries of intimacy at the End of the Century: the Role of Victim-Defendant Relationship in Criminal Justice Decision making over time

- Equal treatments means that the defendants who are accused and convicted of statutorily similar offences have engaged in similarly serious crimes
- One key dimension theorized to predict varying legal responses to similar acts is the degree of intimacy that exists or existed between the victim and defendants

Corporate Homicide: Definition Processes in the Creation of Deviance

- Corporation are capable of committing crimes and should be held responsible for such actions
- Corporate crime, is in fact, “real crime – because it is in violation with criminal law”
- Popular distrust of labour unions, congress and large corporations has grown steadily
- Regulatory agencies are charged with the control of such offences, and civil protections compensate personal los – has turned to criminal liability

THE PARAMETERS OF CRIMINAL LAW

- Perimeters of criminal law are both statutory and culturally implicit
- Liability is determined by legislative enactment and by popular diffused, implicit assumption regarding the nature of the criminality
- The behaviour of each are identical may be less relevant than conformity of the actor and the event to the implicit parameters of the statute
- EX. Fatal argument between friends which leads to death VS. fatal bodily harm from products of dangerous factory, polluted air, unsafe vehicles – just as it can happen from bullet wounds, knives and getting beaten
- The manufacturers have a **de facto exemption** which is institutionalized in the law
- On September 13, 1978, a county grand jury in Elkhart, Indiana indicate the Ford Motor Company on 3 counts of reckless homicide and one count of criminal recklessness
  - 3 girls suffered fatal burns when their Pinto burst into flames following a low-speed rear-end collision
  - Ford was subsequently acquitted on the merits of the case

THE CORPORATION AND THE LAW

- Individuals could usually be identified to bear responsibility for corporate actions – the law could recognize the corporation while maintaining its individualistic orientation
- The accountability of any one person could no longer be ascertained – once companies expand

- The problem with accountability persisted and became more acute during the period of industrialization
- Organizations have become more complex and responsibility for their actions more diffused
- Court ruled that corporations could not be guilty of treason, felony, perjury, or offenses against the person, since these crimes required human agents
- Corporations can through misfeasance and nonfeasance, commit manslaughter
- Courts have held that the killing of a human being by a corporation is an act that can be proscribed by the legislature
- Model penal codes to include corporation in the definition of criminally liable persons
- After 3 days of deliberation, the grand jury determined that a crime had been committed and that Ford was to be tried as the responsible party
- Evidence included – the fact that the manufacturer knew that the fuel tank on its subcompact Pinto was defectively designed and had consciously decided to proceed with production in spite of the potential hazards
- Ford allegedly predicted the number of severe burn injuries and deaths that would result from the defect, and estimated that the cost of repairing the car would exceed anticipated court settlements
- A calculation of the costs of reducing the number of injuries and deaths became evidence of the willfulness and intentionality of the corporate actions