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Spouse Murder Defendants in Large Urban Counties

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Following are highlights from *Spouse Murder Defendants in Large Urban Counties*. The full report may be ordered using the form on page 4.

Number of spouse murder defendants and their demographic characteristics

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

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

Ages of spouse murder defendants ranged from 18 to

87. The average age was 39. The average age of husband defendants was 41; of wife defendants, 37 years.

Arrest charge

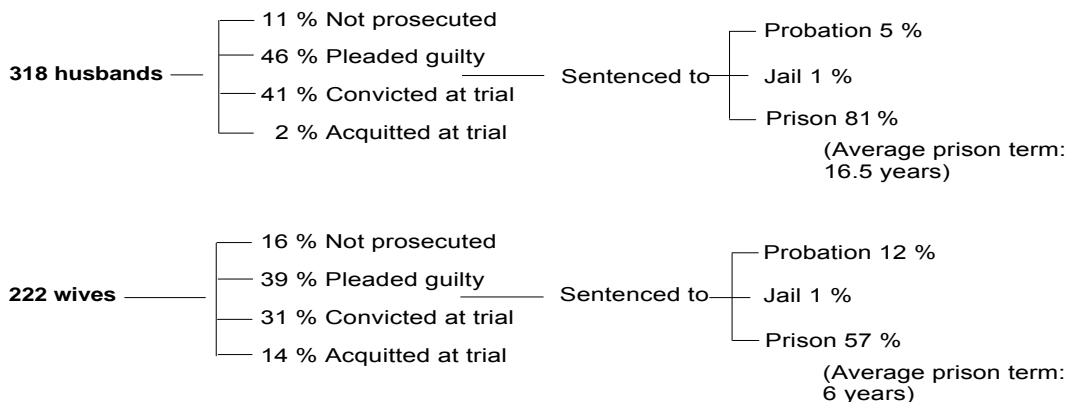
First-degree murder was the most frequent charge at arrest, accounting for 70% of defendants. In descending order of seriousness, charges were distributed this way across the 540 spouse murder defendants:

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

How the justice system disposed of spouse murder cases

Cases were disposed of in one of three ways:
(1) the prosecutor declined to prosecute; or

In spouse murder cases, wife defendants were less likely to be convicted and to receive severe sentences than husband defendants



Note: Sentencing percentages in this chart have as their base all defendants, whether convicted or not.

(2) the defendant pleaded not guilty, stood trial, and was either acquitted or convicted; or

(3) the defendant pleaded guilty.

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

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

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

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

Defendants convicted of killing their spouse

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

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

Sentences for defendants convicted of killing their spouse

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

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

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

Wife defendants less likely to be convicted

Wife defendants had a lower conviction rate than husband defendants —

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

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

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

Convicted wife defendants sentenced less severely

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

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

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

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

Victim provocation more often present in wife defendant cases

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

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

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

of the provoked wife defendants, 56% were convicted, significantly lower than either the 86% conviction rate for unprovoked wife defendants or the 88% conviction rate for unprovoked husbands.

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

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

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

Victim's race unrelated to outcomes

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

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

- For conviction for first-degree murder, the average prison term (excluding life and death sentences) was 29 years in white-victim cases, not significantly different from the 32 years in black-victim cases
- For conviction for second-degree murder, the average prison term (excluding life sentences) was 19 years in white-victim cases, significantly longer than the 13 years in black-victim cases. However, 23% of convicted second-degree murder defendants in black-victim cases received a sentence of life imprisonment, compared to 8% of defendants in white-victim cases.
- For conviction for nonnegligent manslaughter, the average prison term (excluding life sentences) was 8 years in white-victim cases, not significantly different from the average 6 years in black-victim cases.

Defendant's race unrelated to outcomes

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

- 78% of white defendants were convicted, not significantly different from the 80% of black defendants.
- Among convicted spouse murderers, 93% of white defendants were sentenced to prison, not significantly different from the 88% of black defendants.

Processing time

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

For husbands tried by a jury, 12½ months was the average elapsed time from the day of the murder to the conclusion of the jury trial. For wives tried by a jury it was significantly longer, about 18½ months.

Methodology

This study is based upon a systematic sample of murder cases disposed of in the 75 most populous counties in 1988. A case was considered disposed if the prosecutor screened it out, if the defendant pleaded guilty, or if the defendant went to trial and was either convicted or acquitted. The 75 are where a little over half of all murders in the Nation occur.

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

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