

Bureau of Justice Statistics Special Report

Murder in Large Urban Counties, 1988

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About 8 in 10 murder victims were killed by relatives or acquaintances in murder cases disposed in the Nation's 75 most populous counties during 1988. Strangers killed about 2 in 10 of the victims. These findings are drawn from a representative

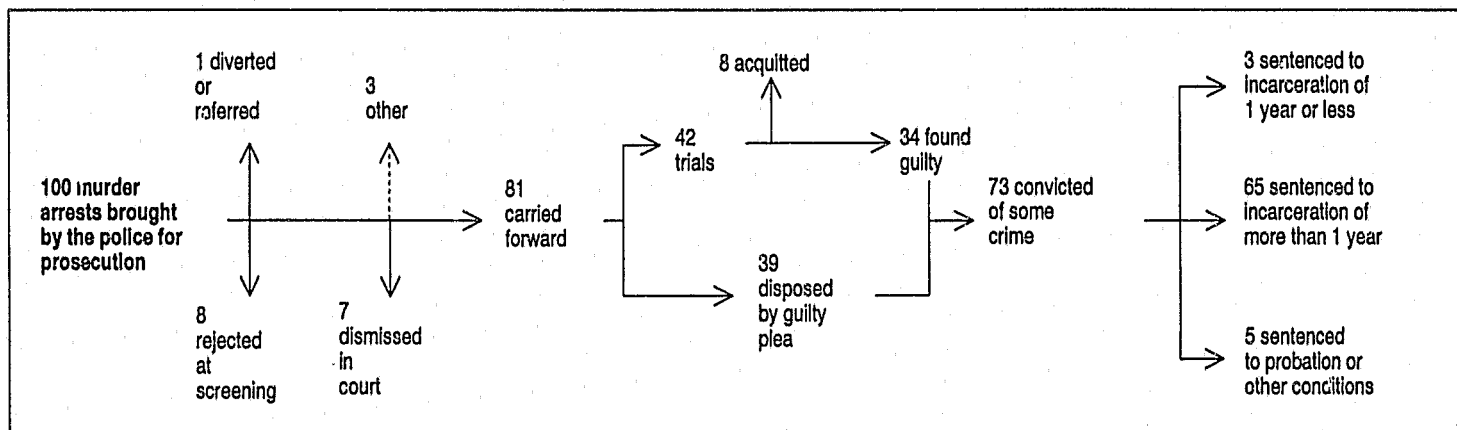
sample survey of State and county prosecutors' records. The survey covered disposed charges against nearly 10,000 murder defendants, whose murder cases accounted for over 8,000 victims.

Other findings from the survey include:

- Among those arrested for murder and presented for prosecution, 63% were

convicted of murder; overall, 73% were convicted of some charge.

- Among those convicted of murder, 95% received a sentence of incarceration or death: 74% were sentenced to a prison term, 18% to a life sentence, 2% to a death sentence, and 2% to probation.



This special report provides a detailed analysis of murderers, their victims, the circumstances in which they come in contact with one another, and the justice system's handling of those arrested for this most serious crime. It is an important contribution to our understanding of murder. The study sample of cases was drawn to represent nearly 10,000 murder defendants and more than 8,000 murder victims in 1988 in the 75 most

populous counties in the United States — about half of those arrested for murder and just under half of those murdered throughout the Nation that year.

The study provides statistics to portray the victim-offender relationship, the demographic characteristics of both victim and offender, the type of weapon used, the circumstances surrounding the murders, and the outcome of the

case — all elements necessary for a thorough analysis of prosecution and sentencing.

This study was possible as a result of the cooperation extended by the prosecutors and their staffs in the Nation's largest counties. On behalf of BJS, I want to express my sincere appreciation.

Lawrence A. Greenfeld
Acting Director

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- Circumstances involving illegal drugs accounted for 18% of the defendants and 16% of the victims.

- Three-quarters of murder defendants and less than half of murder victims (44%) had been arrested or convicted in the past. In 83% of the cases with a victim who had been arrested in the past, the defendant also had a prior arrest.

- Handguns were the most frequent means of murder, having been used against 55% of black victims, 44% of white victims, 54% of male victims, and 36% of female victims.

- Female murder victims were about 4 times more likely than male victims (17% versus 4%) to have died from strangulation or from injuries caused by a personal object used as a weapon.

- A spouse, romantic partner, or lover murdered more than 3 in 10 of the female victims but 1 in 10 of the male victims.

- In all age categories of victims, over a third of the killers were in their twenties.

- Gang members comprised 7% of defendants. A third of the victims of these defendants also belonged to a gang.

Introduction

This study chose 33 counties to represent the 75 largest U.S. counties. These 75 counties, out of the Nation's 3,100 total, accounted for 37% of the U.S. population but 63% of the 22,680 murders reported to the police and 52% of all murder convictions during 1988.¹ Data were collected from the prosecutors' files for cases involving murder charges; only cases that had been adjudicated during 1988 were selected. For details see "Data collection" in *Methodology*.

¹ *Felony Sentences in State Courts, 1988*, p.5, BJS Bulletin, NCJ-126923, December 1990.

Murder charges ranged in penalty severity from first-degree (premeditated) to second-degree (not premeditated) to third-degree, in some places called voluntary or nonnegligent manslaughter (intentional killing without malice but in a state of passion induced by extreme provocation). A fuller definition of murder is given in "Terminology" in *Methodology* on page 10.

During 1988 prosecutors and courts in the 75 largest counties disposed of murder cases involving an estimated 9,576 defendants and 8,063 victims.

Victim and defendant characteristics

Victims and defendants differed from the general population

Overall, in 1988 both murder defendants and their victims were more likely to be male, were more likely to be black or Hispanic, and were younger than the general population in the 75 largest counties (table 1).

Males accounted for about 75% of the murder victims and 90% of the murder defendants.

The percentage of both black victims — 54% of all murder victims — and black defendants — 62% of all murder defendants — was several times larger than the percentage of black residents in the general population in these large urban counties (20%). The percentages of white victims (44%) and white defendants (36%) were lower than the percentage of white residents (77%).

While 48% of the general population were between ages 15 and 45, 75% of victims and 91% of defendants were in that age range. The percentages of victims and defendants in their twenties were twice that found in the general population (19%). By contrast, persons age 55 or older comprised 22% of the general population, but 8% of the victims and 3% of the defendants.

Table 1. Characteristics of murder victims, murder defendants, and the general population in the 75 largest counties, 1988

Characteristic	75 largest counties	Victims	Defendants
Sex			
Male	48%	78%	90%
Female	52	22	10
Race			
White	77%	44%	36%
Black	20	54	62
Other	3	2	2
Ethnicity			
Hispanic	10%	20%	19%
Non-Hispanic	90	80	81
Age			
Under 5	7%	4%	0%
5-9	6	1 *	-- *
10-14	7	2 *	-- *
15-19	8	11	16
20-24	9	18	24
25-29	10	18	20
30-34	8	11	13
35-44	13	17	18
45-54	10	10	6
55 or over	22	8	3
Mean age	34 years	29 years	32 years
Median age	28	26	28

*Based on fewer than 10 sample cases.
 --Less than 0.5%.

Murder victims and defendants had numerous similarities

While differing from the larger population, many murder victims and defendants shared some characteristics. Both victims and defendants were often male, black, and between ages 15 and 45. Most murder victims had faced a single assailant alone: 9 of 10 victims were the sole murder victims, and 2 of 3 defendants were the sole defendants (table 2).

When compared within the same case, a large percentage of victims and defendants had characteristics in common (table 3). Overall, 74% of all defendants had a victim of the same sex. Both victims and their murderers were usually male; 81% of all defendants were male and had a male victim. One in ten female murder victims was killed by a woman.

Murder victims and those who killed them were also likely to be of the same race or ethnicity. Almost all black victims (94%) and three-fourths of white victims (76%) were killed by someone of the same race. Over 80% of all white or black murder defendants in the 75 counties had a victim of the same racial background —

Race of defendant	Percent of victims			
	Total	White	Black	Other
White	100%	89%	9%	2%
Black	100	18	81	1
Other	100	36	2	62

Among those cases for which criminal history information was available for the defendant, about half (56%) had a victim who also had a history of arrest or conviction (whether for felony or misdemeanor).² About 83% of victims who had an arrest record were killed by someone with a criminal history.

²Criminal history information was available on three-quarters of defendants and on a third of victims.

In about half of the cases, victims and their killers shared a reason for being on the scene or were engaged in the same type of activity just before the murder. A third of all murder victims died at home, and about half of those were killed by someone with whom they were living.

Reason for being at the murder scene	Percent of victims	Percent of victims with an offender who shared reason
All	100%	48%
Home	31	14
Recreation	20	13
Other legitimate	29	11
Drugs	10	7
Dispute	6	1
Violence	1	-

Table 2. Victims and defendants in murder cases in the 75 largest counties, 1988

Number in case	Victims		Defendants	
	Number	Percent	Number	Percent
All	8,063	100%	9,576	100%
1	7,401	92	6,440	67
2	530	6	1,802	19
3	96	1	902	9
4	8	--	290	3
5	28	--	84	1
6	0	--	58	--

Note: Detail may not sum to 100% because of rounding.
-- Less than .5%.

Table 3. Characteristics of victims and defendants within the same case, 1988

	Percent of	
	Defendants who shared a characteristic with one or more victims	Victims who shared a characteristic with one or more defendants
Same sex	74%	73%
Male	81	91
Female	21	10
Same race	84%	85%
White	89	76
Black	81	94
Other	62	48
Same ethnicity	90%	90%
Hispanic	75	78
Non-Hispanic	94	93
Gang membership	60%	97%
Member	31	84
Not member	93	97
Criminal history	60%	60%
Had	56	83
Not have	72	42
Number of persons	68%	80%
One	97	84
Multiple	8	32

Note: In multiple-defendant or multiple-victim cases, if at least one person shared a characteristic with at least one person on the other side of the victim-defendant pair, the characteristic was considered to be mutual. For example, in multiple-defendant cases, a victim murdered by a gang member means at least one defendant was a gang member. In multiple-victim cases, murder of a gang member means at least one of the victims was a gang member. The murder cases involved an estimated 9,576 defendants and 8,063 victims. This disparity in numbers arises from cases having a single victim and several defendants or a single defendant and several victims, or other combinations.

In age, victims and murderers did differ somewhat.³ While often both victims and killers were young, 36% of the victims but 44% of the defendants were in their twenties (table 1). In every age category among victims, a third or more of the victims had a killer between ages 20 and 29 (table 4).

Guns and knives inflicted the injuries in 80% of the murders

Male victims (54%) were more likely than female victims (36%) to have died from a gunshot wound (table 5). Compared to 4% of male victims, 17% of the female victims died from strangulation or injuries inflicted by a killer wielding a personal weapon, such as a fist.

While half of all victims were murdered with a handgun, blacks (55%) more often than whites (44%) were handgun victims. Whites more often than blacks were victims of the use of a blunt instrument.

Victim-offender relationships and murder circumstances

Most murder victims and their killers had social ties

About 80% of murder victims and their killers were not strangers but were acquainted with or related to each other (table 6). (See *Methodology* for coding of the circumstances and the victim/killer relationship.⁴) Half of the victims had a social or romantic relationship with the murderer. Sixteen percent of the victims were related to the killer. About 12% of victims were involved with the killer in a drug relationship, while 5% of victims were involved with their killer in some type of criminal enterprise other than drugs.

How the victims were related to their killers varied by sex and race. A third of female victims (34%) were killed by their spouse or romantic partner. By contrast, 11% of males were killed by their spouse or romantic partner. Males more often than females were assailed by a friend, casual acquaintance, drug associate, or stranger.

³Age was available for nearly all defendants (98%) in the survey but only 16% of victims.

⁴Percentages that combine relationship categories were computed from the raw survey data. If computed by summing percentages within table 6, the result may be too large because individuals who had multiple relationships with their killers were counted more than once in the table.

Table 4. Age of murder victims and defendants in the 75 largest counties, 1988

Age of victim	Percent of victims	
	All	In cases involving at least one defendant age 20-29
All	100%	46%
12 or under	5	46
13- 19	12	38
20- 29	38	59
30- 59	39	35
60 or over	6	44

Table 5. Sex and race of murder victims, by weapon or methods of death in the 75 largest counties, 1988

Weapon or method	All	Percent of victims			
		Sex		Race	
		Male	Female	White	Black
Total	100%	100%	100%	100%	100%
Guns					
Handgun	50	54	36	44	55
Shotgun	5	5	4	4	5
Rifle	4	4	4	4	4
Knife	21	21	19	21	22
Blunt instrument	5	5	7	8	4
Personal weapon	5	3	9	6	4
Strangulation	3	1	8	3	2
Vehicle	2	2	3	3	1
Fire	2	1	3	--	2
Other	3	4	7	7	1

Note: "Other" includes asphyxiation, drowning, throwing from height, neglect, scalding, and use of machine gun.
--Less than 1%.

Table 6. Relationships of murder victims to their killer in the 75 largest counties, 1988

Relationship	All	Percent of victims			
		Sex		Race	
		Male	Female	White	Black
Family member	16%	12%	31%	15%	17%
Spouse	6	4	16	6	7
Child	3	3	6	3	4
Nonfamilial relationship	52%	52%	49%	48%	52%
Casual acquaintance	28	30	21	25	30
Friend	12	13	8	13	11
Romantic partner	9	7	18	8	10
Stranger	20%	21%	16%	26%	15%
Felony victim	5	5	6	8	3
Drug user/buyer	12%	14%	4%	9%	14%
Collaborator in a criminal enterprise other than drugs	5%	5%	3%	6%	4%
Other	4%	3%	4%	3%	4%
Relationship not known	5%	5%	2%	4%	4%

Note: The number in a cell equals percent of victims of that race or sex who had that particular relationship with the killer. In some cases more than one type of relationship was found; hence, an individual may be counted in more than one cell of the table. Percents may add to more than 100% in some columns of the table. Most detail relationship categories that account for fewer than 10% of victims are not shown in the table. Individuals counted in detail categories are also counted in the summary categories.

Whites were more likely than blacks to have been killed by a stranger or someone committing another felony. Blacks more often than whites were victimized by a casual acquaintance or a drug associate.

44% of all victims died during a personal conflict

Personal conflict was followed by criminal activity (a quarter of the cases) as the most frequent type of circumstance involving victims and their killers at the time of the murder (table 7). Premeditated murder accounted for 4% of murders.

As in the case of relationships, the circumstances generally differed between male and female victims (table 7).⁵ Half of female victims, compared to a fifth of male victims, died during commission of another felony or as a result of conflict over romantic or domestic issues. The deaths of 35% of men and 21% of women involved illegitimate activities, property disputes, or drugs.

White and black victims differed in regard to the circumstances of the murder. White victims more often than black victims died during robberies. Blacks more often than whites were victims in circumstances associated with illegitimate business or drugs.

Collateral crimes categorized 30% of murder victims and 50% of murder defendants

Murder circumstances and the relationships between victims and offenders can be used to create a typology for murder (table 8). When the typology is limited to circumstances and relationships of a *similar* nature (and thereby applies to only some victims and offenders), the combined category of sexual or romantically intimate relationships and sexual assault circumstances included 22% of victims and 16% of defendants. Drug relationships and circumstances together accounted for about the same percentage of victims (16%) and defendants (18%). Crime other than drugs accounted for 13% of victims, versus 30% of defendants.

⁵Percentages that combine circumstance categories were computed from the raw survey data rather than by summing percentages in table 7. See footnote 4.

Table 7. Circumstances surrounding murders in the 75 largest counties, 1988

Circumstance	Percent of victims				
	All	Sex		Race	
		Male	Female	White	Black
Criminal activity	22%	25%	13%	20%	24%
Drugs	11	12	6	8	13
Other than drugs	12	13	7	12	12
Felony-murder	16%	14%	21%	20%	12%
Robbery	12	12	14	15	9
Sexual assault	2	--	6	2	1
Burglary	1	1	2	1	1
Arson	1	1	2	1	1
Personal conflict	44%	41%	52%	42%	45%
Property dispute	18	20	14	14	22
Love/sex dispute	19	14	39	19	20
Domestic issues	17	12	34	14	19
Redress of insult	10	12	6	10	10
On-going feud	3	4	1	3	4
Dispute at the scene	6	7	1	7	5
Other activity	16%	16%	14%	16%	15%
Act of retaliation	5	6	2	4	5
Child abuse	3	2	5	3	3
Premeditated violence	4	4	4	4	3
Circumstances not known	5%	5%	4%	5%	3%

Note: See note on table 6.
--Less than 0.5%.

Table 8. Typology of relationships and circumstances in murder cases in the 75 largest counties, 1988

General type relationship/circumstance	Percent of		Specific kinds of relationships*	Specific kinds of circumstances*
	Victims	Defendants		
Male and female involvement	22%	16%	Spouse Common-law spouse Lover (heterosexual) Lover (homosexual) Lover (cohabitant) Ex-lover or ex-spouse Boyfriend or girlfriend Rival	Romantic triangle Jealousy Lover/spouse quarrel Rebuff sex advance Sex assault Prostitution
Illegal drugs	16%	18%	User/buyer Partner Rival Employer/employee Co-worker Interloper	Drug manufacture Dispute over drugs Steal drugs/money Drug scam Bad deal Punish drug theft Illegal recreation
Crime other than drugs	13%	30%	Criminal syndicate Gang member Prostitute/pimp Prostitute/client	Applicable to defendants only Felony murder Contract killing Premeditated killing Applicable to victims only Reverse felony Larceny Auto theft Sex offense Mafia Gangland
Child victim	4%	3%	Child or stepchild of killer	Child abuse
Gangs	4%	6%	Gang member Juvenile gang	Gangland Gang fight Turf gang Drive-by shooting

Note: An individual could be counted under a general category in this table based either on the relationship or the circumstance findings in the case. Individuals whose relationships and circumstances do not come within any of the above types are not included in this table.

*Exact wording used by the survey data coders. See "Coding of circumstances and victim/killer relationships" in *Methodology*. The percents are based on individuals rather than events; the number of defendants exceeded the number of victims.

**Outcomes of murder cases:
Convictions and sentences**

6 in 10 arrests for murder resulted in a murder conviction

Among those cases disposed in 1988, 28% of murder defendants were convicted of their most serious arrest charge and 35% were convicted of a less serious homicide charge. When a person arrested for murder is convicted of another offense, the difference between arrest and conviction charge reflects information obtained following arrest, prosecutorial decisions about the evidence, indictment decisions by grand juries, and the final determination of guilt or innocence by judge or jury. Ten percent of murder arrests led to a conviction charge other than murder or homicide (table 9).

Murder cases with a potential punishment of death had the highest conviction rate

In capital offense cases — those with a murder charge which could result in a death penalty — more than 99% of the defendants were convicted of some charge, compared with 70% of defendants in murder cases with noncapital charges (table 10). State law determines who can be sentenced to death. Often the law requires a finding that the aggravating factors present in a case — for example, premeditation, multiple victims, or the killing of a police officer or a kidnap victim — outweigh the mitigating factors to impose the death penalty.⁶ Half of the defendants with a capital murder charge received a life sentence, and an eighth were sentenced to death.

Outcomes of murder cases generally differed from those in felony cases

Murder defendants in 1988 were more likely than felony defendants overall in the 75 largest counties to be convicted of some charge (73% compared to 54%), although murder defendants were less likely to plead guilty.⁷ Murder defendants' cases were less likely to be disposed by means other than trial or guilty plea — 19% compared to 45%. (See box on case tracking, page 7.)

⁶ See *Capital Punishment 1988*, BJS Bulletin, NCJ-118313, July 1989, for a discussion of aggravating and mitigating circumstances in death sentences.

⁷ See Table 13 in *Felony Defendants in Large Urban Counties, 1988*, BJS Bulletin, NCJ-122385, April 1990.

Most persons who were arrested for murder and then convicted were sentenced to prison

Among murder defendants convicted either of murder or of a less serious charge, three-fourths were sentenced to a term of

years in prison (table 11). Among those convicted of murder, another 18% were sentenced to life in prison, 2% to death, and 3% to jail or probation.

Table 9. Case outcomes for defendants arrested for murder in the 75 largest counties, 1988

Most serious murder charge*	Number of defendants	Percent of conviction outcomes						
		Total	None	Percent of convictions				Other than murder
				Any charge	First degree	Second degree/other	Voluntary manslaughter	
All	9,576	100%	27%	73%	19%	22%	22%	10%
First-degree murder	7,038	100	30	70	25	20	17	8
Second-degree or other murder	2,318	100	18	82	**	34	33	15
Voluntary or nonnegligent manslaughter	220	100	28	74	**	**	46	28

*See "Terminology" in *Methodology* section for definition of murder.
**Not applicable because a person cannot be convicted of an offense not charged.

Table 10. Whether a defendant was charged with a capital offense, by case outcome in the 75 largest counties, 1988

	Number of defendants	Percent of defendants charged								
		Total	Not convicted	Sentenced to prison				Jail	Probation	Other
				Term	Life	Death				
All	9,576	100%	27%	54%	11%	1%	1%	3%	3%	
Capital offense	804	100	--	31	51	12	0	1	5	
Noncapital offense	8,772	100	30	58	8	**	1	3	2	

Note: If a defendant's case had more than one outcome, the outcome tabulated was the most serious. A sentence to life was not counted as a prison term. A sentence to a prison term and probation was counted only as a prison term.
--Less than 0.5%.
**Not applicable.

Table 11. Conviction offense of persons arrested for murder, by sentence received in the 75 largest counties, 1988

Most serious conviction offense	Total	Percent of convicted defendants					
		Term	Life	Death	Jail	Probation	Other
All	100%	74%	16%	1%	2%	3%	4%
Murder	100	74	18	2	1	2	3
First degree	100	50	40	6	--	--	4
Other murder	100	79	16	0	--	2	3
Voluntary/nonnegligent manslaughter	100	90	--	0	1	5	4
Other than murder	100	74	2	0	7	10	7

Note: See table 10 note on how the survey team coded sentences.
--Less than 0.5%.

Tracking defendants' cases from the start of prosecution

The routes that murder defendants' cases followed through the criminal justice system to disposition in 1988 were not typical of felony defendants' cases generally. Compared to felony defendants generally, murder defendants' cases were —

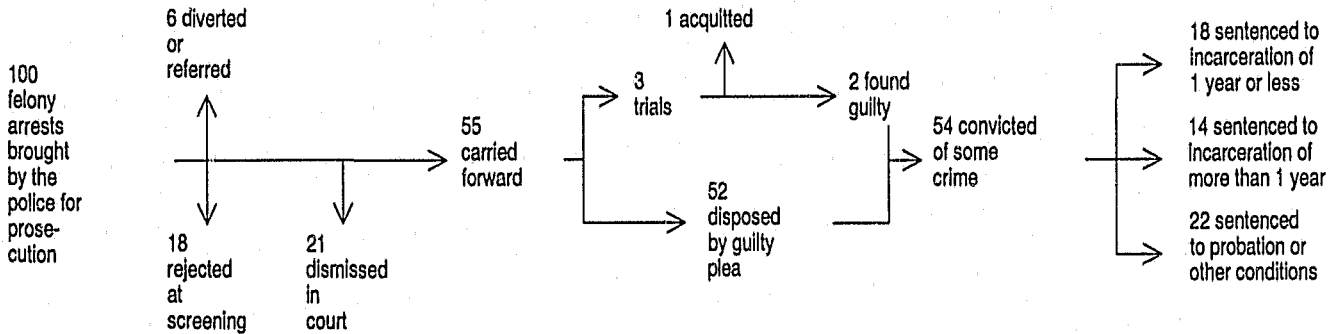
Less likely to be —

- rejected by the prosecutor at initial case screening
- diverted to some non-prosecutorial disposition
- referred for prosecution of another charge
- dismissed by the court.

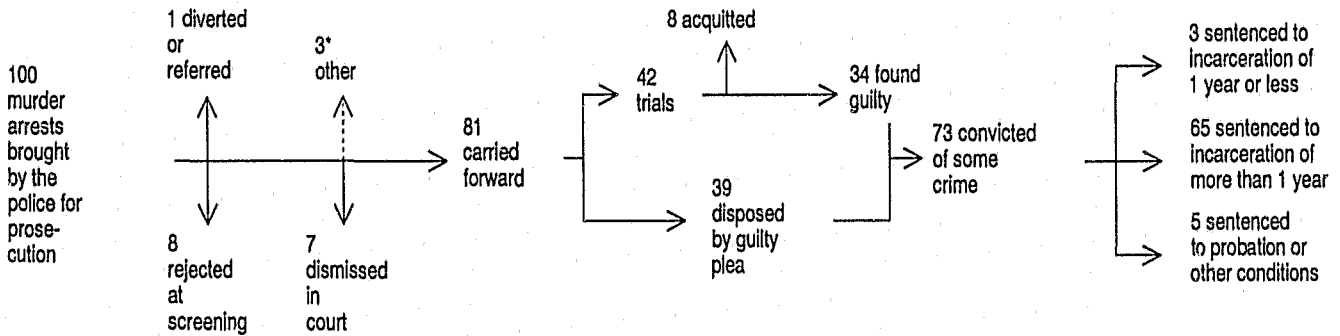
More likely to —

- go to trial, rather than be disposed by guilty plea
- result in a trial acquittal
- end in a conviction on some charge
- lead to a sentence of incarceration rather than probation
- and, if sentenced to incarceration, to be sentenced to more than 1 year.

All felony arrests, 1988



Murder arrests or indictments in large urban counties, 1988



*The dotted line indicates that these cases left the process at an undetermined stage. "Other" includes murder defendants who died or whose individual cases had not been disposed. In some counties

some of the case files were not available for use in the survey; implications of this are discussed in "Nonavailability of cases" in *Methodology*.

Source for all felony arrests: *Prosecution of Felony Arrests, 1988*, BJS Special Report, NCJ-130914, February 1992.

For those convicted of first-degree murder, the percentage sentenced to life was higher than for all convicted murder defendants combined— 40% versus 16%. First-degree murder convictions accounted for all of the death sentences: 6% of those convicted of first-degree murder were sentenced to death.

Murderers sentenced to prison received an average sentence of 14 years

This mean prison sentence of 14 years was nearly 3 times the mean prison sentence of murder defendants convicted of some other crime (5 years) (table 12). The more serious the murder conviction charge, the longer the average prison term. The mean sentence for defendants

convicted of first-degree murder was 28 years, while the mean sentence for nonnegligent manslaughter was 7 years.

Personal characteristics and case outcomes

Three-quarters of murder defendants had a history of criminal arrests or convictions for felonies or misdemeanors

The absence or presence of a criminal history was an important factor in sentencing for those charged with murder. A higher percentage of defendants with a criminal history received a life sentence (table 13). By contrast, murder defendants without a criminal history were more likely to receive a term of years. The existence

of a criminal history did not, however, measurably increase the likelihood of a death sentence.

Among defendants convicted of murder, the case outcomes for men and women were measurably different

While 74% of male defendants and 62% of female defendants were convicted of at least some charge, the differences between conviction rates for white and black defendants were not statistically significant (table 14). Black and white defendants had about the same type of case outcome and average prison sentence length. Both racial groups were equally likely to have received a death sentence.

Table 12. Average prison term of defendants sentenced to prison in the 75 largest counties, 1988

Most serious conviction offense	Number of years sentenced to prison	
	Mean	Median
All	14	11
First degree	28	26
Other murder	18	15
Voluntary or nonnegligent manslaughter	7	7
Other than murder	5	4

Note: Calculation of the median (but not the mean) included those defendants sentenced to life or to death.

Table 13. Effect of prior criminal history on sentences in the 75 largest counties, 1988

Prior criminal history	Total	Percent of defendants					
		Sentenced to prison			Jail	Probation	Other
		Term	Life	Death			
All convicted defendants	100%	74%	16%	1%	2%	3%	4%
Defendants convicted of murder							
Yes	100	74	18	2	1	2	3
No	100	80	9	1	--	5	4
Defendants convicted of other than murder							
Yes	100	77	3	**	5	10	5
No	100	70	1	**	11	9	9
Defendants charged with capital offense							
Yes	100	31	50	13	0	1	5
No	100	39	40	14	0	3	3

Note: See table 10 note on the coding of sentences. "Criminal history" means any record of prior arrest or conviction.
 **Not applicable to nonmurder convictions.
 --Less than 0.5%.

Among murder defendants 55% of the men and 44% of the women were sentenced to a term of years in prison.

None of the sampled defendants receiving the death sentence was female. No statistically measurable differences in sentencing outcomes existed between white and black murder defendants.

Male defendants in capital cases were more likely than females to receive either a life or a death sentence, based on the following estimated number of persons eligible:

Characteristic of capital murder defendant	Total eligible
All	804
Sex	
Male	770
Female	34
Race	
White	406
Black	379

Life sentences accounted for 51% of the men charged with a capital murder, but 42% of the women. Thirteen percent of the men were sentenced to death. No statistical differences existed between blacks and whites in sentencing outcomes in capital cases.

Male defendants, whether convicted of murder or of offenses other than murder, on average were sentenced to a longer prison term than female defendants. Half the men had a sentence of 17 years or less for murder, but half the women had received 8 years or less (table 15). There were no statistically measurable differences between average prison terms for black and white defendants.

Table 14. Outcomes of murder cases, by sex and race of defendants in the 75 largest counties, 1988

Characteristic of defendant	Total	Not convicted	Percent of murder defendants Sentenced to prison					Jail	Probation	Other
			Term	Life	Death					
Murder cases										
All	100%	27%	54%	11%	1%	1%	3%	3%		
Sex										
Male	100%	26%	55%	12%	1%	1%	2%	3%		
Female	100	38	44	6	0	2	7	3		
Race										
White	100%	25%	56%	10%	2%	2%	2%	3%		
Black	100	29	52	12	1	1	2	3		
Other	100	21	65	6	0	0	4	4		
Cases of capital murder										
All	100%	--	31%	51%	12%	0%	1%	5%		
Sex										
Male	100%	0%	30%	51%	13%	0%	1%	4%		
Female	100	7	35	42	0	0	0	15		
Race										
White	100%	1%	32%	44%	16%	0%	1%	7%		
Black	100	0	27	60	10	0	1	3		

Note: See table 10 note on the coding of sentences.
--Less than .5%.

Table 15. Average prison term for defendants convicted of murder, by sex and race

Most serious conviction offense	Number of years	
	Mean	Median
All		
Murder	14	11
Other than murder	16	13
	5	4
Sex		
Male		
All	15	12
Murder	16	14
Other than murder	5	4
Female		
All	9	6
Murder	11	7
Other than murder	4	3
Race		
White		
All	14	12
Murder	15	13
Other than murder	7	5
Black		
All	14	11
Murder	16	12
Other than murder	4	4

Methodology

Terminology

"Murder" includes (1) intentionally causing the death of another person without extreme provocation or legal justification, (2) causing the death of another while committing or attempting to commit another crime, and (3) nonnegligent or voluntary manslaughter. Murder excludes negligent or involuntary manslaughter, and attempted murder, which is classified as aggravated assault. Murder also includes accessory to murder, aiding and abetting a murder, and facilitating a murder. When the term "murder" is used in this report without qualifying terminology, it includes nonnegligent manslaughter. See *Crime Definitions and Classification*, BJS, July 1987.

The survey did not include nonmurder defendants nor any whose most serious charge was attempted murder, negligent or involuntary manslaughter, or vehicular homicide.

Defendant in this report refers to a person arrested for murder and presented by the police for prosecution. *Killer, murderer, or assailant* is used rather than *defendant* in analyses of data about victims.

Sample of counties

The 33 counties studied for this report were a sample that represented the 75 largest counties in the Nation. The ranking of counties in which the 75 largest were identified was based on a combination of crime data (1980 and 1984 Uniform Crime Report Part I arrests) and population data (1980 population from the Census Bureau's *City County Data Book*). The rankings correlated with the size of the prosecutors' offices. The original sample plan identified 34 counties, 1 of which ultimately declined to participate.

Data collection

The murder data were collected from the prosecutors' offices in the 33 sampled counties. A total of 2,539 murder cases were studied, which yielded data on 3,119 defendants and 2,655 victims. These cases were a sample of about half of all those with a murder charge brought to the prosecutors in 1988, or earlier, and that were disposed during 1988. The criterion for including a case on a roster from which cases would be sampled was that (a) one

or more defendants must have been charged with murder, and (b) the matter must have been adjudicated during 1988. In accordance with the survey plan, all cases meeting the inclusion criteria were to be used in this study if the total was 200 or less, otherwise a random sample of 200 was chosen. Only 6 of the 33 counties had more than 200 murder cases.

Virtually all cases meeting the 1988-disposition criterion were disposed for all defendants in the case. Of the more than 3,100 defendants for whom data were obtained, only 13 had not yet had their cases adjudicated at the time of data collection in 1990. Another 25 defendants had died of suicide or other causes.

Nonavailability of cases

In 17 of the 33 counties in the study none of the sampled cases had been rejected (declined for prosecution) by the prosecutor. In 9 of the 17 some of the sampled cases were not available for analysis:

- In 8, the unavailable cases had files that could not be located;
- In 1, cases rejected by the prosecutor could not be made available for study because of legal restrictions.

There is no reason to believe that across all nine counties all of the unavailable cases were rejections, but if they were, the overall rejection rate would have been 12%, instead of 8% as shown in Figure 1 of this report. Some of the types of case outcomes would have had lower percentages: The percentage of defendants tried and convicted would have been 33% instead of 34%; the percentage pleading guilty would have been 37% instead of 39%; and the percentage receiving an incarceration sentence of more than 1 year would have been 62% instead of 65%.

Computation of estimates from sample data

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

The case weights had to be adjusted to compensate for the loss of the nonparticipating county.

Statistically weighted, the 3,119 defendants in the sample cases represented 9,576 murder defendants in the nation's 75 largest counties. The 2,655 victims represented 8,063 victims in the 75 largest counties.

Coding of circumstances and victim-offender relationships

Information about a murder case usually included details about the relationship between the victim and the defendant and about the circumstances that existed at the time of the murder. The rules for describing relationships and circumstances were those used by local police in reporting murder cases to the FBI. These rules were developed by the FBI for publication of its Supplemental Homicide Reports. The reporting rules include a set of codes to describe the principal victim/assailant relationship and the circumstances in which they were involved at the time the murder occurred. In the survey reported here, however, provision was made for coding as many as three kinds of relationships and three kinds of circumstances. For example, if the victim was the assailant's brother and was also the assailant's drug supplier, both a family relationship and a drug relationship would be recorded. Likewise, more than one type of circumstance might have existed at the time of the murder. Some 79 separate relationship codes and 85 circumstance codes were available for coding cases.

Among all pairs of victims and assailants found in the prosecutor's murder files, a majority required only a single relationship or circumstance code. The percentages of cases requiring more are shown below:

Number of codes used	Percent of victim and assailant pairs with single or multiple coding of	
	Relationships	Circumstances
2	8.4%	40.0%
3 or more	0.3	8.6

In the text of this report, any percentage that spans more than one category of relationship or circumstance was computed in such a way as to avoid multiple-counting.

Response rates

The case records identified age, race, sex, and ethnicity for nearly all defendants (approximately 98%). The same was true of victims, except that victim age was available only 16% of the time.

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

Defendant criminal history was available in three-quarters of the cases, but victim criminal history was obtained in only a third of the cases. Gang membership could be determined for 80% or more of defendants and victims.

Comparison with other BJS murder data collections

Selected data reported here can be compared with other BJS publications that contain information on murder cases.

Conviction rate

The 73% rate of conviction reported in table 9 is significantly higher than the 66% reported for murder defendants in the National Pretrial Reporting Program (NPRP). See table 13 in *Felony Defendants in Large Urban Counties, 1988*, BJS Bulletin, NCJ-122385, April 1990. The NPRP studied a sample of felony cases obtained from court records in 40 of the 75 largest counties in the Nation. Those cases were followed to disposition or for up to a maximum of 1 year.

The following two reports give data only for cases accepted by the prosecutor, exclusive of rejected cases. If rejected cases (see figure 1) were excluded in this report, the conviction rate would be 79%, rather than the 73% presented in table 9.

The Offender-Based Transaction Statistics (OBTS) program reported a 76% conviction rate among murder cases that were prosecuted in 14 States. See table 4 in *Tracking Offenders, 1988*, BJS Bulletin, NCJ-129861, June 1991. The OBTS program uses arrest records, disposition information, and data from fingerprint cards

that are submitted by local law enforcement agencies to State criminal information repositories. This 76% conviction rate found for OBTS jurisdictions in 1988 is not measurably different from the 79% referred to in the preceding paragraph.

Conviction rates for murder cases filed in court are reported for a selection of 10 counties in table 2 in *The Prosecution of Felony Arrests, 1988*, BJS, NCJ-130914, February 1992. The local prosecutors in those 10 counties provided the data. The rates in those counties, among murder cases disposed during 1988, ranged from 57% to 84%. Four of 10 had rates higher than the 79% reported here.

Number of murder convictions

Table 9 shows 63% of murder defendants convicted of murder, for a total of approximately 6,000 convictions. The comparable number in the National Judicial Reporting Program (NJRP) for the 75 largest counties in the United States during 1988 is approximately 5,000, which is not measurably different than the 6,000 estimate reported here. See table 2.1a in *National Judicial Reporting Program, 1988*, NCJ-135945, December 1992. However, the 63% of murder defendants who were convicted of murder is higher than the comparable 46% reported by the NPRP.

Sentences to prison, jail, or probation

The NJRP and NPRP reports include the sentences received by those convicted of murder, comparable to table 11 of this report. All three studies show that of such defendants, more than 90% were sentenced to a prison term, fewer than 5% were sentenced to jail, and about 3% were sentenced to probation without any incarceration. The OBTS program, however, reported these percentages as 81%, 11% and 5% respectively. Table 11 shows 18% receiving a life sentence, while NJRP showed 26%.

Standard errors

Data collected in this murder study were collected from a sample of 33 counties. In some counties, data were obtained from a sample and not from a complete enumeration of murder cases. Because counties and cases were sampled, a sampling error (standard error) is associated with each number in the report.

In general, if the difference between two numbers is greater than twice the standard error for that difference, we can say that we are at least 95% confident that the two numbers are in fact different; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population. Similarly, if the difference between two numbers is greater than 1.6 standard errors, we are at least 90% confident that the two numbers are different. Except where explicitly indicated otherwise, all differences discussed in this report had a confidence level at or above 90%. When differences between two numbers were below the 90% confidence level, the two numbers were described in the text as "not measurably different."

Typical reasons why a standard error may be large relative to the difference whose variability it measures include: (1) the measurements or observations being compared (e.g. a sex difference in average prison sentence length) is highly variable from one case to another, and (2) a small sample size.

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

Arizona	Missouri
Pima	St. Louis
California	New Mexico
Los Angeles	Bernalillo
Orange	New York
Kern	Kings
San Diego	Monroe
Riverside	New York
Colorado	Queens
Denver	Ohio
Arapahoe	Franklin
Connecticut	Montgomery
New Haven	Oklahoma
Florida	Oklahoma
Dade	Pennsylvania
Orange	Philadelphia
Broward	Allegheny
Illinois	Tennessee
Cook	Shelby
Louisiana	Texas
Orleans	Dallas
Massachusetts	Tarrant
Middlesex	Travis
Maryland	Washington
Prince Georges	King
Michigan	
Wayne	

Estimates of 1 standard error for table 1

Characteristic	Victims		Defendants	
	Number	Percent	Number	Percent
Sex				
Male	0.7%		0.6%	
Race				
White	2.8%		2.7%	
Black	3.0		2.9	
Other	0.3		0.3	
Ethnicity				
Hispanic	2.3%		2.2%	
Age				
Under 12 years	0.6%		0.1%	
12 to 20	1.7		0.9	
20 to 30	2.4		0.8	
30 to 60	1.9		1.0	
60 or over	0.7		0.4	
Average age (yrs)				
Mean	0.8%		0.2%	

Estimates of 1 standard error for table 7

	Total	Sex of victim		Race of victim	
		Male	Female	White	Black
Criminal activity					
Drugs	1.0%	1.0%	1.0%	0.8%	1.0%
Other than drugs	0.7	0.8	1.0	0.8	0.8
	0.9	1.0	1.0	1.2	1.2
Felony-murder					
Robbery	0.7%	0.8%	1.6%	1.3%	0.8%
Sexual assault	0.7	0.8	1.7	1.3	0.7
Burglary	0.2	--	0.8	0.4	0.3
Arson	0.2	0.2	0.4	0.3	0.2
	0.3	0.2	0.7	0.3	0.4
Personal conflict					
Property dispute	1.3%	1.3%	2.0%	1.6%	1.6%
Love/sex dispute	0.7	0.8	1.1	0.9	1.0
Domestic issues	0.9	0.7	1.9	0.9	1.4
Redress of insult	0.7	0.4	1.6	0.6	1.1
	0.5	0.6	0.6	0.9	0.5
Other activity					
Act of retaliation	0.9%	0.9%	1.5%	1.3%	1.0%
Child abuse	0.4	0.4	0.5	0.5	0.6
Premeditated violence	0.4	0.4	0.9	0.5	0.5
	0.4	0.5	0.8	0.5	0.6

Estimates of 1 standard error for table 2

Number in case	Victims		Defendants	
	Number	Percent	Number	Percent
All	726		880	
1	689	0.7%	598	1.4%

Estimates of 1 standard error for table 9

Most serious charge	Number of defendants	Type of conviction outcome			
		Any charge	Percent of conviction		
			First degree	Second degree/other	Voluntary manslaughter
All	880	2.7%	1.8%	4.5%	1.4%
First degree murder	745	3.1	2.1	1.7	1.2
Second degree/other	487	3.0	**	1.6	1.9
Voluntary manslaughter	33	5.1	**	**	4.8

**Not applicable because a person cannot be convicted of an offense not charged.

Estimates of 1 standard error for table 6

	Total	Sex of victim		Race of victim	
		Male	Female	White	Black
Family member					
Spouse	0.8%	0.7%	2.2%	1.2%	1.0%
Child	0.5	0.4	1.2	0.6	0.8
	0.5	0.4	1.1	0.5	0.6
Nonfamilial acquaintance					
Casual acquaintance	1.2%	1.3%	2.2%	1.8%	1.7%
Friend	0.9	1.0	1.6	1.3	1.1
Partner in romance	0.6	0.6	0.8	0.8	0.8
	0.5	0.5	1.3	0.6	0.8
Stranger					
Felony victim	1.1%	1.3%	1.8%	1.5%	1.3%
	0.6	0.6	1.2	1.2	0.5
Drugs					
	0.7%	0.9%	0.9%	1.0%	0.9%

Estimates of 1 standard error for figure 1

Outcome of murder arrest	
Diverted or referred	0.2%
Rejected at screening	2.2
Dismissed in court	0.6
Disposed by guilty plea	2.4
Trial acquittal	0.7
Found guilty	1.9
Sentenced to incarceration of more than 1 year	0.7

Estimates of 1 standard error for table 11

Most serious conviction offense	Percent of defendants					
	Sentenced to prison			Jail	Probation	Other
	Term	Life	Death			
All	1.8%	1.6%	0.3%	0.3%	0.4%	0.4%
Murder						
First degree	4.2%	3.9%	1.0%	0.1%	0.2%	0.9%
Other murder	3.1	3.2	0.0	0.2	0.4	0.6
Voluntary/nonnegligent manslaughter	1.4	0.3	0.0	0.5	1.0	0.8
Other than murder	2.8%	1.0%	0.2%	0.3%	0.3%	0.3%

Estimates of 1 standard error for table 12

Most serious conviction offense	Average number of years sentenced to prison	
	Mean	Median
All	0.5	0.4
Murder		
First degree	0.9	0.5
Other murder	0.8	0.5
Voluntary/nonnegligent manslaughter	1.3	0.3
Other than murder	0.4	0.4

Estimates of 1 standard error for table 14

Characteristic of defendant	Not convicted	Percent of murder defendants					
		Sentenced to prison			Jail	Probation	Other
		Term	Life	Death			
Murder cases							
All	2.7%	2.8%	1.1%	0.2%	0.2%	0.3%	0.3%
Sex							
Male	2.7%	2.8%	1.1%	0.2%	0.2%	0.3%	0.4%
Female	3.2	3.7	1.4	0.0	0.6	1.1	0.7
Race							
White	1.9%	2.4%	1.3%	1.8%	0.5%	0.4%	0.6%
Black	3.8	3.6	1.2	0.2	0.2	0.4	0.4
Other	5.3	5.9	2.7	0.2	0.2	0.4	0.4
Cases of capital murder							
All	0.2%	3.2%	3.4%	2.0%	0.0%	0.4%	1.9%
Sex							
Male	0.0%	3.1%	3.4%	2.1%	0.0%	0.4%	1.7%
Female	5.4	13.2	15.4	0.0	0.0	0.0	7.8
Race							
White	0.5%	4.1%	4.1%	3.0%	0.0	0.6%	2.8%
Black	0.0	4.0	4.9	2.7	0.0	0.6	2.0

Estimates of 1 standard error for text table page 9

Characteristic of defendant	Total eligible
All	107
Sex	
Male	105
Female	9
Race	
White	67
Black	57

How to order the data set

Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, P.O. Box 1248, Ann Arbor, MI 48106; toll free 1-800-999-0960. The data set is archived as Murder in Large Urban Counties, 1988 (ICPSR 9907). The data are available in either dBASE or SAS dataset form.

John Dawson, statistician for the Bureau of Justice Statistics, wrote this Special Report in collaboration with Barbara Boland, formerly of Abt Associates. Dawson monitored the Prosecution of Felony Arrests project, through which the report's data were collected, and Boland served as the project's principal investigator. Steven K. Smith, Ph.D., supervised the report. Patrick A. Langan, Ph.D., provided statistical review. Lawrence A. Greenfeld provided helpful advice for revision of the original draft. Tom Hester, assisted by Priscilla Middleton, edited the report. Chief of Publications Marilyn Marbrook, Priscilla Middleton, Yvonne Boston, Jayne R. Pugh and Darrell Gilliard produced the report.

Abt Associates personnel and their project responsibilities were as follows: Barbara Boland (survey design), Jan Chaiken (sampling plan), Wayne Logan (case classification scheme and data form design), Lynn Warner (coordination of field operations), Marcia Schieck and Mark Searight (field data collection), and Bill Martin (database design). Ronald Sones, consultant to Abt Associates, did the original computer programming.

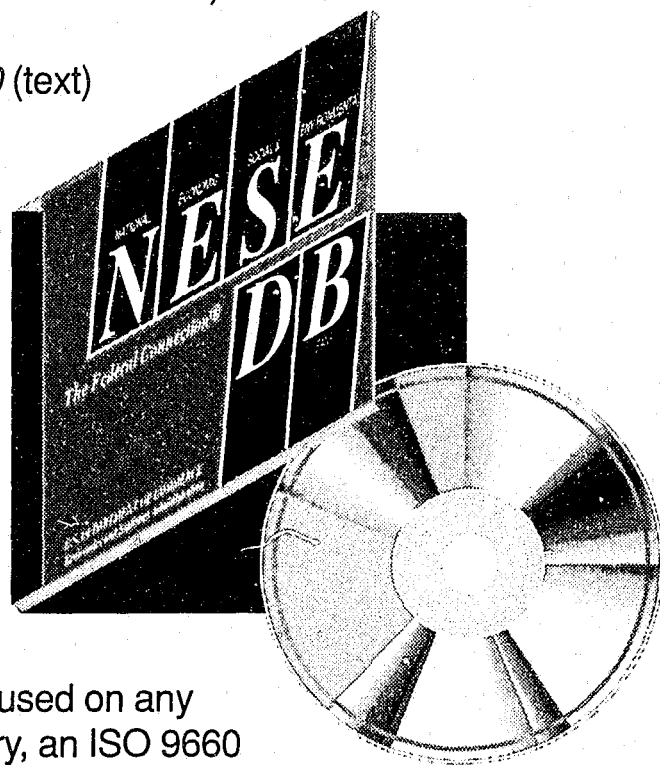
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