

Bureau of Justice Statistics Fact Sheet

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Husbands convicted more often than wives for spouse murder

Husbands are convicted more frequently than wives for killing their spouses, according to a Bureau of Justice Statistics (BJS) study released today. Wives more often were acting in self-defense, the report said.

In a sample of homicide cases in 75 of the nation's most populous counties, state court judges or juries during 1988 acquitted 6% of the husband defendants, compared to 31% of the wife defendants. Jury trials ended in acquittal for 27% of wives, but none of the husbands.

Moreover, convicted husbands were more likely to receive a term of imprisonment (94% of the husbands vs. 81% of the wives), and the average prison sentence for husbands was much longer (16½ years for husbands vs. 6 years for wives).

Among the defendants in the study, 59% were husbands and 41% were wives, including common-law and separated spouses, but not divorced couples.

In 44% of wife defendant cases, there was evidence the husband had assaulted the wife at the time of the killing. In 10% of husband defendant cases, evidence was present that the wife had assaulted the husband prior to the killing. Assaulted wives were convicted (by either guilty plea or trial verdict) 56% of the time. The comparable conviction rate for unprovoked wives was 86%; for unprovoked husbands, 88%.

"In many instances in which wives were charged with killing their husbands, the husband had assaulted the wife, and the wife then killed in self-defense," noted one of the report's authors, Patrick A. Langan, Senior Statistician at BJS. "That might explain why wives had a lower conviction rate than did husbands."

Fifty-one percent of the husbands charged with murdering their wives were black; 45% were white. Sixty-one percent of the women charged with murdering their spouses were black; 39% were white. In 97% of the spouse murders, both spouses were the same race.

The likelihood of a conviction and of a prison sentence if convicted were about the same regardless of the defendant's race. Seventy-eight percent of white defendants and 80% of black defendants were convicted. Among convicted defendants, 93% of whites and 88% of blacks were sentenced to prison.

The arrest charge in over two-thirds of the cases was first-degree murder, but in over half of the convictions, the offense was negligent or non-negligent manslaughter.

About 66% of the husbands who killed their wives had been drinking, compared to 37% of the wives. Twenty-two percent of the husband defendants had been using drugs, compared to 3% of the wife defendants.

Eleven percent of the husbands who killed their wives had a history of mental illness, compared to 15% of the female defendants.

Fifty percent of the husbands used a firearm in the murder, compared to 58% of the wives. Nineteen percent of the husbands used a knife, compared to 37% of the wives.

Three percent of the husbands and 6% of the wives were charged with contract killings.

Of all the spouse murders sampled and disposed of, 13% were not prosecuted, 43% were concluded with guilty pleas, 37% ended in trial convictions and 7% resulted in acquittals.

Thirty percent of the wives and 13% of the husbands either were not prosecuted or were found not guilty after being tried.

The study, "Spouse Murder Defendants in Large Urban Counties" (NCJ-153256), was based upon a systematic sample of cases disposed of during 1988 in the 75 most populous counties, which account for a little more than half of murders in the nation's 3,100 counties. Consequently, survey results summarized in this report are from the courts where the majority of the nation's murder trials are held. This case processing study is the most geographically comprehensive study on the topic.

"Although the survey covers murder cases processed seven years ago," Langan noted, "BJS knows from long experience with surveying courts that changes in case processing are quite gradual. The report's results are, therefore, likely to be applicable today."

Single copies of this fact sheet and the report's executive summary may be obtained by facsimile transmission by dialing 301/251-5550. The published full report (order number NCJ 153256) and the summary (NCJ 156831) are available from the BJS Clearinghouse, Box 179, Annapolis Junction, Maryland 20701-1079. The telephone number is 1-800/732-3277. Fax orders to 410/792-4358.

The full text of both reports and this fact sheet is available in electronic form at the following sites:

(1) on the Internet in both ASCII and portable document format at <http://ncjrs.aspensys.com/spouse.html>

(2) on the BJS section of the National Criminal Justice Reference Service Bulletin Board using a computer modem: call 1-301/738-8895 and use 8-N-1 setting.

Packets of additional sources of information on domestic violence may be obtained from the BJS Clearinghouse at 1-800/732-3277.

Contact: Patrick A. Langan, 202/616-3490