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## Justifiable Homicide: A Study of the Application of Nonculpable Deadly Force in Cuyahoga County (Cleveland), Ohio, 1958–1982

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**REFERENCE:** Challener, R. C., Adelson, L., and Rushforth, N. B., "Justifiable Homicide: A Study of the Application of Nonculpable Deadly Force in Cuyahoga County (Cleveland), Ohio, 1958–1982," *Journal of Forensic Sciences*, JFSCA, Vol. 32, No. 5, Sept. 1987, pp. 1389–1402.

**ABSTRACT:** Justifiable Homicides (JHs) which occurred during a quarter century in a metropolitan community were studied with respect to four points: characteristics of the victims; type of assailants, that is, civilians or law enforcement personnel (LEP); temporal patterns; and circumstances surrounding the fatal incident. Victims were overwhelmingly "city" males age 15 and older, with higher homicide rates for nonwhite victims. The great majority of the victims were slain by solitary civilians of their same race, one fourth of whom were women. Those slain by LEP were younger, more often unmarried, and less likely to be under the influence of alcohol. Long-term temporal patterns were reflected in changing rates of homicides in general. Rates of JH were compared and contrasted with those of culpable homicide (CH). Similarities were observed between overall and age-specific rates of JH and CH. Short-term temporal patterns were indicated by the time of occurrence of the homicidal incidents. Similarities were observed between JH and CH with respect to hour of day, day of week, and month of year. Most JHs by civilians occurred during or immediately following a quarrel. The majority of JHs by LEP were in self-defense when the victims were committing a crime or resisting arrest. The percent of JH in the overall homicide toll decreased throughout the 25-year interval. Inasmuch as JH by civilians remained a relatively constant fraction of all homicides until the final years of this study, the decline in percent of JH in the overall homicide toll largely reflects decreased JH by LEP.

**KEYWORDS:** criminalistics, homicide, surveys, justifiable homicide, victims, assailants, temporal patterns, circumstances

Justifiable homicide (JH) is defined as the intentional taking of a human life without evil design and for which no legal penalty attaches [1]. These killings are divisible into two major groups on the basis of the assailant type—law enforcement personnel (LEP) or civilians. Since the appearance of Robin's [2] study in 1963 of JH by police, an extensive literature on this variety of deadly force has developed and has been reviewed by Binder and Fridell [3]. Study of JH by civilians has been comparatively neglected with but a single report appearing recently [4]. Bensing and Schroeder briefly discuss JH in their 1960 monograph, *Homicide*

Received for publication 5 Dec. 1986; revised manuscript received 10 Jan. 1987; accepted for publication 16 Jan. 1987.

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*in an Urban Community* [5]. Their data document the apparent disproportionately large number of black victims of JH killed by police and by civilians.

This investigation focuses on JH in Cuyahoga County, Ohio (metropolitan Cleveland), and seeks to identify the characteristics of victims and perpetrators of JH, the temporal patterns of this type of homicide, both with respect to long- and short-term trends, and the circumstances surrounding these events.

The 25-year interval examined, 1958 through 1982, was a time during which the overall homicide rate in Cuyahoga County, initially relatively stable, dramatically increased until it peaked in 1974, after which it declined moderately. Changes in the overall homicide rates in this metropolitan county before 1974 have been the subject of previous publications [6-8].

The procedures used for determining that a homicide is justifiable are described, and the cases so ruled during the 25-year interval are reviewed with respect to homicide rates for age, race, sex, and type of assailant, that is, civilian and noncivilian. The latter includes on- and off-duty police officers, deputy sheriffs, FBI personnel, and private security guards. In this communication the noncivilian group is designated "law enforcement personnel."

## Methods

Cuyahoga County ("county") consists of the city of Cleveland ("city") and an adjacent aggregate of 38 cities, 18 villages, and 4 townships collectively referred to as "suburbs." All known or suspected violent deaths in the county are investigated by the Coroner, regardless of the fashion in which the violence arose (Section 313.12, Ohio Revised Code). Moreover, only the Coroner can sign a valid death certificate when injury, however sustained, is entirely responsible for or is a contributory factor in causing death. Criteria for the ruling of homicide have been consistent during the entire study period because one man (Samuel R. Gerber, M.D., J.D.) has been Coroner since 1936. Data from police reports, which include eyewitness accounts, and hospital records together with the anatomic, toxicologic, and other objective findings of the Coroner's staff are utilized in reaching a conclusion.

Culpable homicides (CH) include all deaths which fall into the categories of murder or manslaughter or which occur as a result of criminal negligence ("negligent homicide"). Traffic manslaughters ("vehicular homicides") are not included in our data. JHs are slayings in which the assailant acts in self-defense or in defense of another or which occur in connection with incidents wherein the decedent is killed while perpetrating (or attempting to perpetrate) a violent felony or is fleeing after its commission. The person(s) committing JH(s) ["assailant(s)"] may be civilian(s) or LEP. The term "assailant(s)" as used in this communication refers to the person(s), civilian or otherwise, who commits a justifiable slaying. Such a person is not literally an assailant as that word is defined in the dictionary, that is, one who attacks or assaults. Rather, it indicates the person(s) physically responsible for violent death where there is a legally valid basis for the use of life destroying means ("deadly force").

Annual CH and JH rates have been calculated using the data from the Coroner's records to determine the number and types of victims and from Federal Census Bureau population figures. The latter include the decennial censuses for 1960, 1970, and 1980, and a special census for the City of Cleveland carried out in 1965. Average annual homicide rates were calculated for the five-year periods centered around the decennial census years; that is, 1958 to 1962 (1960), 1968 to 1972 (1970), and 1978 to 1982 (1980), using actual census figures as denominators. For the five-year periods 1963 to 1967 (1965) and 1973 to 1977 (1975), the city, suburban, and county populations were estimated by linear interpolation of the decennial census figures, except for the period 1963 to 1967 (1965) for the City of Cleveland, where population data from the special census were used.

The fatalities have been grouped according to the location of the homicidal incident, that is, city or suburb, rather than by place of death or residence of the victim or assailant. Race

is designated as white or nonwhite: the nonwhite county population was 98.7, 97.3, and 92.6% black in 1960, 1970, and 1980, respectively.

The statistical significance of changes in rates and differences in characteristics of homicide victims were determined with chi-square tests [9], using the 5% level of significance.

### *Procedures for Ruling a Homicide as Justifiable*

The approach and procedures are identical whether the assailant is a civilian or LEP, the latter most often an on-duty police officer (*vide infra*). Complete autopsy and indicated toxicologic studies are carried out in all cases to determine the precise cause of death and to acquire factual details essential for accurately recreating the fatal incident. If and when it is established that death resulted from the purposeful or negligent act of some person other than the victim, a ruling of "homicide" is made.

The findings of the Coroner as to the cause and manner of death are communicated to the municipal law director (suburbs) or to the police prosecutor (city). This legal official, after reviewing the Coroner's ruling, autopsy report, toxicologic findings, and reports of police investigation, issues a decision as to the justifiability or nonjustifiability (culpability) of the homicide. If the overall circumstances are not sufficiently clearcut for the law director or police prosecutor to determine culpability or nonculpability, the case is presented to the Grand Jury for its consideration. If they do not return a True Bill of Indictment, the homicide is ruled "justifiable." Should the Grand Jury indict the assailant, the case is transferred to the County Prosecutor. Homicides in this category remain classified as culpable even though the defendant may ultimately be acquitted on the basis of the jury's belief that the slaying was warranted ("justified") by the circumstances surrounding the lethally traumatizing incident.

## **Results**

### *Characteristics of the Study Group*

The total number of JHs which occurred in city, suburbs, and county for each of the five-year intervals is listed in Table 1. Three characteristics of JH are revealed by these data. First, victims of JH are almost always adults. Only three (0.5%) of our victims had not yet attained their fifteenth birthday, which reflects the fact that children are rarely involved in activities for which they may be justifiably slain. Second, victims of JH are predominantly male. No women were justifiably slain in the suburbs, and only thirteen (2.2%) were victims in the city. Third, justifiable slayings in our community are a phenomenon of the city. While the number of these incidents increased in the suburbs over our study interval, particularly in the final decade, the numbers and rates are small compared to those for the city. Thus, the overwhelming majority of JH victims (580 or 90.3%) in our county were city males age fifteen and older. This group forms the primary focus of our study.

### *Temporal Patterns: Long-Term Trends*

*County: Age-Adjusted Rates of All Victims of JH and CH*—During the 25 years encompassed in this study, the Cuyahoga County Coroner's Office investigated and certified 5725 homicides, of which 642 (11.2%) were ruled "justifiable." Figure 1*a* and *b* depict the age adjusted rates of culpable and justifiable homicides for the 5 time intervals investigated. (The age adjusted rate corrects for shifts in population age.) The county CH rate rose significantly from an initial value of 4.6 per 100 000 to a maximum of 17.2 (during 1973 to 1977) before decreasing to 16.5 in the last 5-year interval. CH rates in the city and suburbs in-



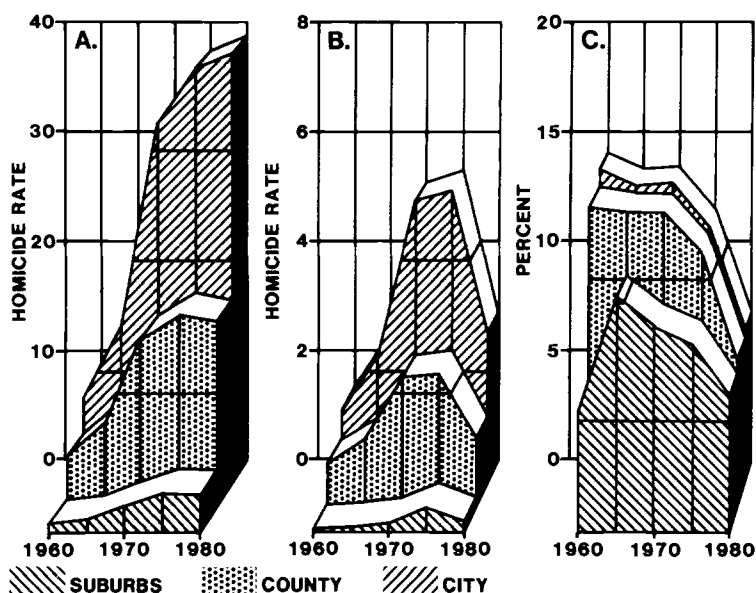


FIG. 1—Age adjusted homicide rates and percent justifiable homicides: (a) culpable homicide rate (victims/100 000); (b) justifiable homicide rate (victims/100 000); (c) percent of all homicides which are justifiable homicides. Note different scales for homicide rates for CH and JH.

creased throughout the entire study interval, and city rates were consistently tenfold greater than corresponding suburban rates.

JH rates for the county increased significantly from a baseline level of 0.7 per 100 000 to 2.4 in the fourth period. Similar time trends were seen in JH rates for city and suburbs with those in the city much greater at all time periods. Although JH rates have somewhat paralleled those seen in CH, the percentage of JH in the overall homicide toll has declined (Fig. 1c).

*City: Age Adjusted Rates of Male Victims of JH and CH by Race*—The age adjusted JH rates by race and sex are given in Table 1 for the city, suburbs, and county for the 5 time periods of our study. Age adjusted JH rates were consistently greater for city, nonwhite males (Fig. 2a). Initially the nonwhite male rates were more than tenfold greater than that for the white males, but they fell to 2.4-fold greater in the most recent time interval. Nonwhite city male rates of CH increased from an initial base of 31.6 victims per 100 000 to a maximum of 119.8 during 1973 to 1977 before decreasing to 107.3 in the final time interval (Fig. 2b). Culpable homicide rates for city white males increased continually throughout the time span of our study from age adjusted rate of 3.4 to 37.2 victims per 100 000. They showed no decline in the most recent 5-year interval. In the initial period (1958 to 1962), the CH rate for nonwhite city males was eightfold greater than that for white city males. However, by the end of the study it had fallen to 2.9-fold greater. The observed changes in rates of both JH and CH in city males reflect the increased level of violence in the city starting in the mid-sixties and continuing into the late seventies. Nonwhite rates have declined in the most recent period, reducing the gap between white and nonwhite homicide rates.

*City: Age Adjusted Rates of Male Victims of JH by Race and Assailant Type*—Four-hundred and twenty (72.4%) city male victims of JH were slain by civilians; one fifth (19.8%) of these victims were white and four fifths (80.2%) nonwhite. As depicted in Fig. 3a, rates for nonwhite males increased from a baseline level of 6.0 per 100 000 and peaked in the 1973 to

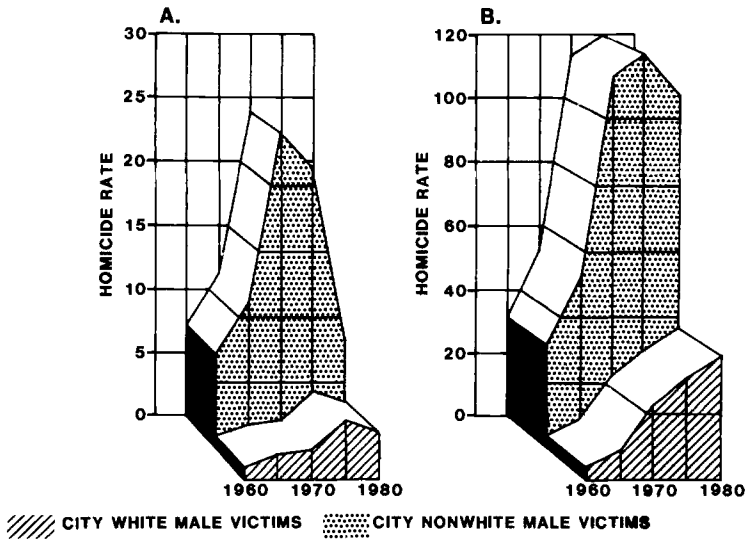


FIG. 2—Age adjusted homicide rates for city males: (a) justifiable homicide rates (victims/100 000); (b) culpable homicide rates (victims/100 000). Note different scales for homicide rates for JH and CH.

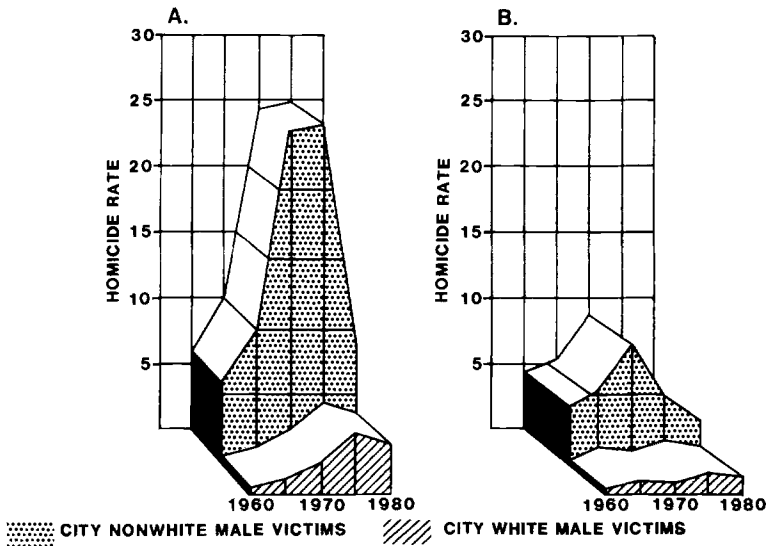


FIG. 3—Justifiable homicide rates for city males (age adjusted for males 15 years and older): (a) civilian assailants (victims/100 000); (b) law enforcement personnel assailants (victims/100 000).

1977 interval at 24.9 before dramatically falling in the last period to 8.3. Rates for white males increased from 0.5 to 4.4 before decreasing in the final time interval.

One-hundred-sixty victims of JH were killed by LEP; slightly less than one fourth (23.8%) of the victims were white and the remainder (76.2%) nonwhite. Peak rates for city nonwhite males (Fig. 3b) occurred between 1968 and 1972 before dropping to 3.0, a level lower than

the baseline value. Rates for white males increased from a baseline rate of 0.5 to a maximum of 1.5 for 1973 to 1977, before decreasing slightly in the last interval to a level of 1.2. As a result of the small numbers of victims, these JH rate changes are not statistically significant.

As observed previously, the percent of JH in the overall homicide toll has decreased throughout the entire study period (Fig. 1c). Inasmuch as the percent of victims of civilian assailants has remained nearly constant (white 9.7 to 14.8% and nonwhite 19.0 to 21.6%, except during the last time interval when the percentage dropped to 7.7%), the decline in percent largely reflects a decreased number of JH by LEP, from roughly 13 to roughly 3%.

*City: Age-Specific Rates of Male Victims of JH and CH by Race*—Age-specific rates for city males showed similar patterns for JH and CH for the 5 time intervals, demonstrating shifts to victims of younger ages with increasing homicide rates (Fig. 4). During the last 15 years of the study, peak rates of JH usually occurred in younger age groups than CH. Highest overall age-specific rates of both JH and CH occurred in city nonwhite males during the interval 1968 to 1972: a JH rate of 55.1 for nonwhite males aged 15 to 24 years and a CH rate of 278.4 for nonwhite male victims aged 25 to 34 years. Highest rates for white city males occurred in the most recent time interval: a JH rate of 9.6 for white males aged 25 to 34 and a CH rate of 67.5 in those aged 35 to 44 years.

*Temporal Patterns: Short-Term Trends*

*County: JH and CH Victims*—Figure 5 depicts the percent of county JH and CH victims by hour of day (Fig. 5a), day of week (Fig. 5b), and month of year (Fig. 5c). Both JH and CH increased in frequency during the afternoon and evening hours, remained high during the 3-h period before and after midnight, and then fell to lower levels in mid-morning. Similar patterns of JH and CH were observed for differing days of the week, both increasing on

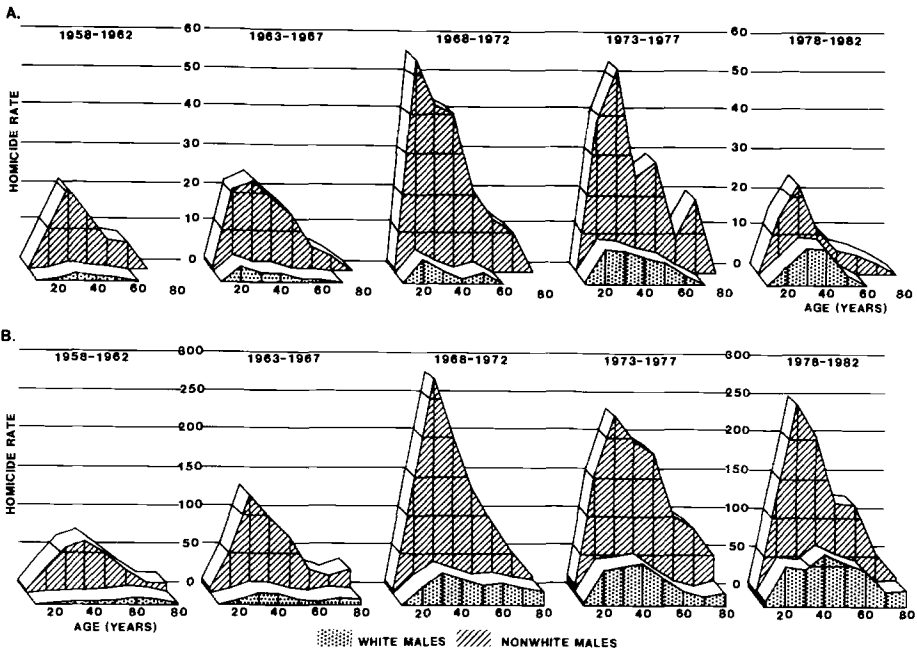


FIG. 4—Age-specific homicide rates for city males: (a) justifiable homicides (victims/100 000); (b) culpable homicides (victims/100 000). Note different scales for homicide rates for JH and CH.

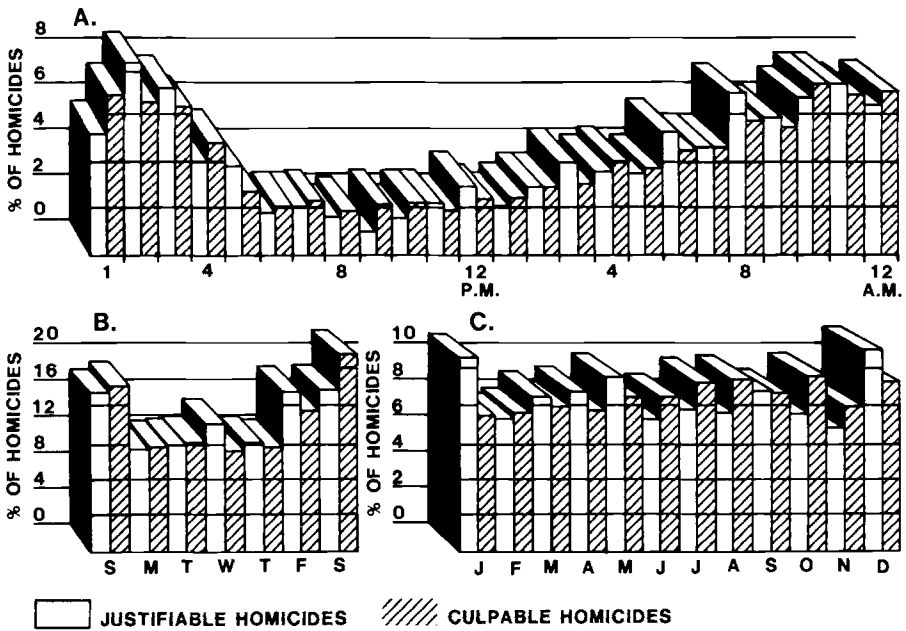


FIG. 5—Temporal patterns of justifiable and culpable homicide: (a) hour of day; (b) day of week; (c) month of year.

Fridays, Saturdays, and Sundays. The distribution of JHs and CHs did not differ significantly in terms of the month of the year.

These similar temporal patterns are reflections of the fact that JH and CH are interrelated facets of community violence, the decedents in the former representing perpetrators and the decedents in the latter victims of criminal violence.

*City: JH Victims by Assailant Type*—The number of victims of JH by civilians was compared to those of LEP for time of day, day of week, and month of year. For all three temporal measures, JH by civilians more closely resembled the patterns of CH. When the assailants were LEP, relatively more homicides occurred from 3 a.m. to 3 p.m. and during weekdays. No differences in the months of the year were discernible between the two assailant groups.

#### Circumstances

*Culpable Homicide*—Most CH victims are killed by relatives, friends, or acquaintances during or after a quarrel [10]. Although such killings are per se felonies, they are designated “nonfelony” homicide to indicate that they occurred in the absence of the commission of another crime. In contrast, CH by a stranger is frequently of the felony type, that is, associated with another crime (for example, robbery, rape, kidnapping). During our entire study interval, rates of CH perpetrated during or following a quarrel, as well as those associated with another felony, increased for both white and nonwhite city male victims.

*Justifiable Homicide by Civilians*—In 415 to 420 JHs by civilians, the homicide was the act of a solitary assailant. Five episodes occurred in which city nonwhite males were killed by two assailants (two nonwhite males in three incidents and a nonwhite male and female in the other two). Table 2 presents the race and sex of solitary assailants of city male JH victims. Most (87.0%) of the JHs by civilians were intraracial. Nearly three fourths (75.4%) were perpetrated by males. The assailant was a woman in 102 (24.6%) of these homicides, only 6 of which were interracial.



TABLE 2—*Circumstances of justifiable homicide, number and percent.*

	Civilians		Law Enforcement Personnel	
	WM	NWM	WM	NWM
RACE AND SEX OF CITY MALE JH VICTIMS KILLED BY SOLITARY ASSAILANT				
WM	61(73.5)	41(12.3)	8(88.9)	20(58.8)
WF	13(15.7)	4 (1.2)	0 (0.0)	0 (0.0)
NWM	7 (8.4)	204(61.4)	1(11.1)	14(41.2)
NWF	2 (2.4)	83(25.0)	0 (0.0)	0 (0.0)
LOCATION OF JH INCIDENT				
Street or highway	11(11.3)	41(12.2)	10(26.3)	33(27.0)
Bar, hotel, restaurant	31(37.3)	107(31.8)	14(36.8)	48(39.3)
Home, apartment, boarding house	34(41.0)	153(45.4)	7(18.4)	22(18.0)
Other	7 (8.4)	36(10.7)	7(18.4)	19(15.6)
TYPE OF ASSAILANT FOR CITY MALE JH VICTIMS KILLED BY SOLITARY ASSAILANT				
Spouse	10(12.0)	46(13.9)	0 (0.0)	0 (0.0)
Relative/nonspouse	3 (3.6)	13 (3.9)	0 (0.0)	0 (0.0)
Other <sup>a</sup>	70(84.4)	273(82.2)	9 (100)	34(100)
acquaintance	31(63.3)	78(41.3)	...	...
stranger	18(36.7)	111(58.7)	...	...
subtotal	49	189	...	...
Total	83	332	9	34 <sup>b</sup>

<sup>a</sup>Categorized as acquaintance or stranger after 1970.

<sup>b</sup>Two victims in one incident.

JHs by civilians, unlike those by LEP, occurred most frequently in the home, apartment, or boarding home, reflecting the fact that a larger fraction of the assailants were acquaintances and relatives, most commonly a spouse (Table 2). Similar percentages of white and nonwhite victims were slain by relatives. The majority of the victims were not relatives of their assailants. Starting in 1970, such assailants were classified as either an acquaintance or stranger. A significantly higher proportion of white male victims were slain by an acquaintance.

Most victims of JH by civilians were killed during or following a quarrel (white male victims 45.5%; nonwhite male victims 44.2%) or during the commission of a felony (white male victims 31.1%; nonwhite male victims 35.3%). Over the five time intervals, these subgroups of JH showed patterns similar to those of the corresponding subtypes of CH.

*Justifiable Homicide by LEP*—In contrast to civilian perpetrated JHs, the majority of JHs by LEP did not entail solitary assailants. Two or more LEP were present at 114 of 156 incidents of JH. In some of these affrays, several officers discharged their weapons. In others, a single officer used his firearm while being actively supported by his "partner(s)."

For the purpose of this study, these homicides are considered as involving multiple assailants. The complexity of the circumstances surrounding these slayings is reflected in Table 3, which lists the LEP by number of assailants (single versus multiple), assailant race (white, nonwhite, and "combined"), organization, and finally by victim race. The roster of assailants includes city and suburban police, deputy sheriffs, private security guards, FBI agents, and various "combinations." Of these 6 groups, most were members of the Cleveland Police Department (CPD). Only in 42 of 156 situations did the LEP consist of a solitary assailant. Half of these slayers were private security guards, and more than one fourth were off-duty police officers. No victims were slain by women LEP, reflecting the fact that the relatively

TABLE 3—Justifiable homicides by law enforcement personnel for city male victims by type of assailant, 1958–1982.<sup>a</sup>

Assailant	CPD		Suburban PD on Duty	Deputy Sheriff	Private Security Guards	FBI	Combination	Victims		Total
	On-Duty	Off-Duty						WM	NWM	
Single:										
WM	6	8 <sup>b</sup>	1	0	12	0	0	8	20 <sup>b</sup>	28 <sup>b</sup>
NWM	1	4	0	1	9	0	0	1	14	15
Subtotal	7	12	1	1	21	0	0	9	34 <sup>b</sup>	43 <sup>b</sup>
Multiple:										
WM	83 <sup>c</sup>	1	1	0	1	0	4 <sup>d</sup>	26	64 <sup>c</sup>	90 <sup>c</sup>
NWM	9	1	0	1	1	0	0	0	12	12
WM and NWM combined	11	0	0	0	0	1	0	3	9	12
Subtotal	103	2	1	1	2	1	4 <sup>d</sup>	29	85 <sup>c</sup>	114 <sup>c</sup>
Total	110	14	2	2	23	1	4 <sup>d</sup>	38	119 <sup>b,c</sup>	157 <sup>b,c</sup>

<sup>a</sup>Three victims not included.

<sup>b</sup>Two victims in one incident.

<sup>c</sup>Includes three victims in Glenville Riot.

<sup>d</sup>Combinations include: two victims CPD off-duty and on duty; one victim CPD off-duty aided by two civilians; one victim FBI and CPD on-duty.

small number of women police officers seldom found themselves in circumstances which required the use of deadly force.

In contrast with the fact that the bulk of the JHs by civilian assailants were intraracial, nearly three fifths (58.6%) of JHs by LEP were interracial. The major reason for the preponderance of interracial homicide is the fact that the racial composition of the CPD has not been proportional to the city's population. Records of race and sex of CPD personnel are not available before 1980. At that time the composition of the department was as follows:<sup>3</sup> white male 81.5%, nonwhite male 13.0%, white female 2.8%, and nonwhite female 2.7%. The numerical imbalance is presumed, in part, to have been modified by assignment of officers to special police units, districts, and patrol "zone" cars on a racial basis.

Victims of JH by LEP were most often slain on the street or highway while engaged in committing crimes, resisting arrest, or by an officer in self-defense. Frequently more than one of these circumstances were present.

#### *Characteristics of Victims of JH*

Within each JH victim group, that is, victims of civilian assailants on the one hand and those slain by LEP on the other, there were no significant racial differences with respect to age, marital status, or blood-alcohol level. However, there were several significant differences between these two victim groups. Victims of JH by LEP were younger, more often unmarried, and less likely to have a positive blood-alcohol concentration compatible with intoxication (see Table 4).

#### **Discussion**

This investigation of JH over a period of a quarter century in one urban community permits insights into long-term trends not recognizable in surveys of shorter duration. The study

TABLE 4—*Characteristics of justifiable homicide victims, number and percent.*

Assailant	Civilians		Law Enforcement Personnel	
	WM	NWM	WM	NWM
<b>AGE DISTRIBUTION OF CITY MALE JH VICTIMS KILLED BY CIVILIANS AND LEP (IN YEARS)</b>				
15-24	26(31.3)	94(27.9)	17(44.7)	62(50.8)
25-34	26(31.3)	99(29.4)	10(26.3)	31(25.4)
35-44	17(20.5)	72(21.4)	5(13.2)	14(11.5)
45-54	13(15.7)	48(14.2)	3 (7.9)	7 (5.7)
55-64	1 (1.2)	16 (4.7)	3 (7.9)	5 (4.1)
65+	0 (0.0)	8 (2.4)	0 (0.0)	3 (2.5)
<b>MARITAL STATUS OF CITY MALE JH VICTIMS KILLED BY CIVILIANS AND LEP</b>				
Single	25(32.1)	115(37.2)	17(48.6)	64(59.3)
Married	32(41.0)	146(47.2)	14(40.0)	35(32.4)
Divorced	20(25.6)	40(12.9)	4(11.4)	7 (6.5)
Widowed	1 (1.3)	8 (2.6)	0 (0.0)	2 (1.9)
<b>BLOOD-ALCOHOL LEVELS FOR CITY MALE JH VICTIMS KILLED BY CIVILIANS AND LEP</b>				
Number tested	79(95.2)	304(90.2)	36(94.7)	118(96.7)
Number positive	59(74.7)	196(64.2)	20(55.6)	59(50.0)
Number 0.10% +	54(68.4)	162(53.0)	14(38.9)	44(37.3)

<sup>3</sup>R. Bolton, Detective, City of Cleveland Police Department, personal communication, May 1984.

also compares and contrasts JH by civilians and by LEP and relates them to trends in justifiable and culpable homicide rates.

A study of homicide in Cuyahoga County by Bensing and Schroeder [5] over 30 years ago recorded an average annual homicide rate of 6.8 per 100 000 population, compared with a value of 5.3 for the baseline interval of the current study (1958 to 1962) [7]. During the 7-year period covered by Bensing and Schroeder, 157 (23.7%) of the homicides were ruled justifiable (indicating a county-wide rate of 1.6). This percentage is greater than that noted during any time period of our study, perhaps reflecting an earlier phase of the continuing decline in the role of JH in the overall homicide toll (Fig. 1c). Of their 122 victims of civilian JH, 25 (20.5%) were white and 97 (79.5%) were nonwhite. Of the 35 victims slain by police, all were male, 9 (25.7%) were white, and 36 (74.3%) nonwhite. Their ratios of white to nonwhite victims of both civilian and LEP JH are almost identical with those in our investigation.

A study of homicide in Philadelphia by Wolfgang [10] covering the period 1948 to 1952 documented an overall annual rate of 6.1 victims per 100 000, a figure comparable to that in Cuyahoga County reported by Bensing and Schroeder. However, of the 625 homicides in Philadelphia, only 37 (5.9%) were ruled "noncriminal." Civilians committed 23 of these homicides and the remainder, 14 (37.8%), were perpetrated by police. Differing definitions of JH hamper direct comparison of data for the two urban areas. However, it is of interest that many of the CHs which Wolfgang designates "victim precipitated homicide" share characteristics of our civilian JH. While JH is clearly victim precipitated, the classification and adjudication of homicides in which the victim plays the major initiating role vary in differing jurisdictions.

Our study demonstrates that rates of JH in Cuyahoga County started to increase in the mid-sixties and continued to increase into the late seventies before declining recently. Civilian perpetrated JHs constituted the majority of these tragedies (72.4%) over our quarter-century study period. During the same time, the rates of CH increased to an even greater extent, so that the percentage of JH in the overall homicide toll diminished. This decrease reflects proportionate decline in JH by LEP since, until the last interval, rates of JH by civilians maintained a roughly constant percentage of CH rates.

The trends in overall homicide rates in Cuyahoga County have been consistent with those in other U.S. metropolitan counties [7]. During the sixties, homicide mortality increased 80% in the United States, in large part the result of an increase in the number of young males killed by firearms. Homicide now ranks among the 5 leading causes of death in the U.S. for persons between 1 and 44 years of age [11].

Jason et al. [12] proposed a typology of homicides, differentiating those that occurred independent of the commission of another crime (primary homicides) from homicides which took place in association with some other felony (secondary homicides). Using the data from the FBI's Uniform Crime Reporting Program covering the years 1976 to 1979, primary homicides were 3.7 times more prevalent than the secondary type, and over 75% involved family members or acquaintances compared to but 25% of secondary homicides. Primary homicides were more frequently intersexual and intraracial, and the victims were significantly younger. Victim and offender ages were similar to one another in primary homicides and dissimilar in the secondary variety. On the basis of these findings, the authors concluded that the two types of homicide were epidemiologically dissimilar.

The present study demonstrates several differences between JH by LEP and those committed by civilians. Victims killed by LEP were younger, more often unmarried, and less apt to have a positive blood-alcohol level indicative of intoxication. More were killed on the street or highway and fewer in houses, apartments, or boarding houses. Most JHs by LEP occurred in self-defense when the victim was either committing a crime or resisting arrest. These fatalities exhibit characteristics of secondary homicide. The victims have characteristics of secondary homicide offenders. While some of the civilian JHs were related to felonies instigated

by the victim, most occurred during or immediately following a quarrel. In the majority of these incidents, the assailant was either a relative or an acquaintance. Civilian JHs are a mixture of primary and secondary homicide types. Those occurring during or after a quarrel are primary homicides (often victim precipitated) and have features of the most prevalent type of CH. Felony associated JHs by civilians are similar to JHs by LEP and are of the secondary homicide type. JH rates surveyed in this study were not found to be correlated with those of CH in a simple one-to-one relationship, possibly since both contain mixtures of homicide subtypes in differing proportions. Nevertheless, the rates of JH and CH are associated and are manifestations of the overall level of community violence.

It is an inescapable fact that the long-term trends of lethal community violence demonstrated in this and other studies are manifestations of profound perturbations of society. Several different factors have been proposed [7,8,13-18] as contributing to the recent epidemic of violence. These include, but are not limited to, the following:

1. The weakening of traditional family, religious, and moral values. Manifestations include the rising rates of child and spouse abuse and divorce. The latter has created large numbers of single parent families.
2. Increased numbers of youths and young adults resulting from larger cohort sizes following the second world war—the “baby boom” generation. The rapid increase in the size of this age group has resulted in increased unemployment and stressful competition for limited resources. The larger cohort sizes are coincident with the maximum increases in homicide.
3. Alienation of the young. This has resulted from social disorganization, deterioration of neighborhoods, and anomie within urban communities. It has been accompanied by increased migration and social mobility and by increased abuse of drugs.
4. A “subculture of violence” fostered by the traditions of a frontier society and by national and international conflicts. The mass media have provided increased exposure to the use of violence as a means of solving problems.
5. The ready availability of firearms, particularly handguns. Increased production, importation, and ownership of firearms has been accompanied by an increase in the national firearm homicide rate and the proportion of homicides by firearms.

### Summary

Rates of justifiable homicide (JH) in Cuyahoga County, Ohio, dramatically increased starting in the mid-sixties and continuing into the late seventies before subsequently declining. A similar pattern was observed for county culpable homicide (CH) rates, but the percentage of JH in the overall homicide toll declined over the period 1958 to 1982.

The majority of JH victims were city males, aged 15 years and older, with higher homicide rates in nonwhites. Most of the victims were slain by solitary civilians of the same race, one fourth of whom were women. Similar percentages of white and nonwhite victims of civilian JH were killed by relatives, most commonly a spouse. A majority of victims were killed by nonrelatives, most by acquaintances for white male victims, most by strangers for nonwhites. The victims of JH by law enforcement personnel, unlike those slain by civilians, were younger, more often unmarried, and less likely to have a positive blood-alcohol level indicative of intoxication. Relatively more were killed on street and highway and fewer in houses, apartments, or boarding houses.

JH and CH showed some similarities in temporal patterns: long-term trends in overall and age-specific rates for city white and nonwhite male victims; and short-term trends of the homicidal incidents (time of day, day of week, and month of year). These relationships resulted primarily from the greater similarities of CH and civilian JH, which constituted 72.4% of all JH.

Civilian JH rates remained a roughly constant percent of CH until our last 5-year interval. In contrast, victims of JH by LEP decreased as a percent of CH victims throughout the entire

25-year time span of the study. The decrease was in equivalent fashion for white and non-white victims during the study period. These findings suggest that characteristics of JH by LEP are similar for the 2 racial groups.

#### Acknowledgments

We are indebted to Ms. Cyndee Richards of the Biology Department and Mrs. Marlene Orlando of the Coroner's Office for secretarial skills, Mrs. Elizabeth Tidwell and Mr. James Wentzel, both of the Coroner's Office, for preparation, respectively, of the tables and graphic art work, and Detective Robert Bolton of the Cleveland Police Department for information relating to police personnel.

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