

# **THE LAW REFORM COMMISSION OF VICTORIA HOMICIDE PROSECUTION STUDY: THE IMPORTANCE OF CONTEXT**

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ANYONE DEVELOPING STRATEGIES FOR PREVENTION OF HOMICIDE MUST begin with an understanding of how homicides occur: hence 'the importance of context'. In this paper, the author will discuss the two main contexts in which homicides occur: the domestic killing, and the killing arising out of a (non-domestic) argument. Two-thirds of female victims of homicide died in a domestic killing, and over two-thirds of women accused of a homicide killed in this context. The single largest group of homicides involving males, on the other hand, was the non-domestic argument; 40 per cent of male victims were killed in the course of such a dispute, and it provided the setting for one-third of all prosecutions of men charged with a homicide (compared with the one-quarter of prosecutions of males for a domestic homicide).

It is the author's argument that gender is central to an analysis of how these homicides occur. It provides the fundamental context within which other significant factors operate—social, emotional, socio-economic. Recognition of the importance of gender has a number of implications for preventive strategies, which will be referred to later in this paper.

This paper will draw on statistical data collected by the author for the Law Reform Commission of Victoria's (LRCV) recently published study of homicide prosecutions (LRCV 1991a). The author hopes to provide a picture

of how such killings are occurring in Victoria, and then to refer to some possible prevention strategies. The tables appear at the end of this paper. Tables 1 to 15 can also be found in the LRCV *Homicide Prosecution Study* (1991a). Tables 16 to 19 were compiled from the LRCV data but have not previously been published.

### **The Law Reform Commission of Victoria Homicide Prosecution Study: An Overview**

The Victorian Director of Public Prosecutions' (DPP) files of all homicides prosecuted between 1981 and 1987 (other than those for culpable driving causing death) were examined. The study thus involved 302 accused people and 259 victims, or 319 accused-victim pairs. Most of the analysis involved these pairs.

The factors recorded (wherever possible) included gender, age, ethnicity, marital status, occupation, prior criminal history of accused and victim, and features of the homicide itself such as the context in which it arose, relationship of accused and victim, and the method and location of killing.

#### *Gender*

It should come as no surprise to hear that most accused and most victims were male (85.8 per cent of accused (pairs data),  $n = 271$ ; and 72.2 per cent of victims,  $n = 228$ ). The predominance of males is found in most violent crime (*see* Wallace 1986; Connell 1987). Males killed a male victim in 62 per cent of cases—the largest category. The smallest category was females killing a female victim (4 per cent) (*see* Table 1).

#### *Age*

Again, it was not unexpected to find that most accused were young—aged between seventeen and thirty (62.4 per cent). The modal age for male accused was the early twenties. The pattern for women was more irregular, with the largest group aged between twenty-six and thirty (*see* Figure 1).

About half of the victims were aged between sixteen and thirty-five, but 12.3 per cent were children aged under sixteen, and almost two-thirds of this group was aged five years or less.

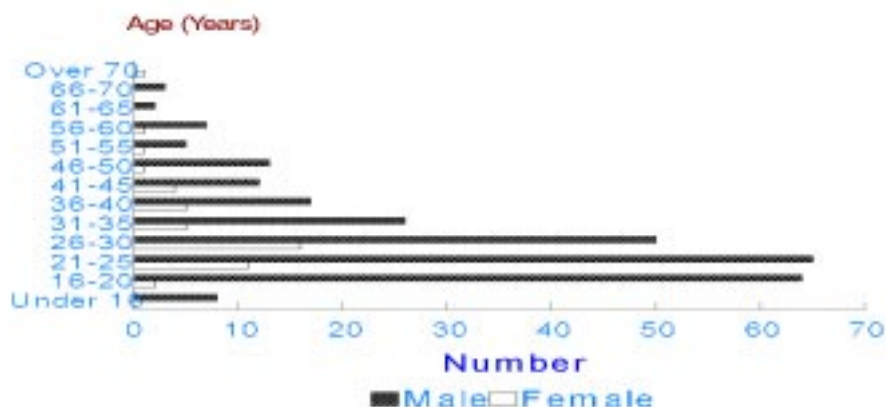
Comparison of killings by age and gender shows interesting differences: the picture is one of young males killing similar-aged victims (males aged seventeen to thirty-nine killed victims in the same age group in around half of all male killings) and of females killing children (40 per cent of victims were aged nine or under) or adults (usually men) (*see* Tables 2 and 3).

#### *Charges and results*

Most accused were charged with murder (at least 75.5 per cent). At the end of the day just under one-quarter (18.3 per cent) received murder convictions: 42.9 per cent were convicted of manslaughter and 17.2 per cent were acquitted.

Figure 1

**Age of Male and Female Accused**



*Relationships*

By now it is well-known that stranger-homicides are relatively rare. In the LRCV study (1991a) around one-third of victims and accused had a family or sexual relationship, one-quarter were acquaintances or friends, and one-quarter were strangers (see Table 4).

As Table 4 shows, men were more likely to kill an acquaintance or friend or stranger (59.9 per cent compared with 17.1 per cent of women’s killings). Women were most likely to kill a family member (68.2 per cent compared with 21 per cent of males’ killings).

For male accused, 12.5 per cent of the incidents involved a spouse or former spouse. For females, however, the figure was around one-quarter—23.4 per cent. The victim was a child of the accused in one-third (36.2 per cent) of killings by women, but only 2.6 per cent of male killings.

From the victim perspective, if a woman is to be the victim of a homicide, she is most likely to be killed by her spouse or former spouse. One in three women killed were the victim of a spouse or former spouse (36.3 per cent; 44.3 per cent if killings by sexual partners are included) (see Table 5), compared with 5.7 per cent (or 8.8 per cent) of men. Women were, however, considerably less likely than men to be killed by an acquaintance or by a stranger.

*Context*

In the LRCV research a ‘context’ classification was assigned to each case. This represented the significant circumstances which were interpreted as motivating or underlying the offence and depended very much on the information available on the DPP file. The context might be different from that suggested at first by the parties’ relationship. For instance, a man might

kill a family member in their home—this might be a 'domestic' killing, or might be found to have occurred in a dispute over drug dealing or robbery.

Most homicides occurred either in a domestic context ('domestic'—31.3 per cent) or in the course of an argument ('argument'—30.7 per cent) (*see* Table 6). The domestic context here means arising out of a domestic relationship, that is between people living together as a family or between people relating as a family although living apart. The domestic context therefore includes spouses, children, brothers and sisters, and estranged spouses/lovers, provided the domestic relationship was the context of the homicide. The 'argument' context was used where the dispute was not considered to be domestic or to have arisen from sex-rivalry (*see* LRCV 1991a).

Again there are striking differences depending on the gender of the accused. Women were accused of domestic homicides in 70.2 per cent of all cases involving a female offender compared with 24.6 per cent of men, whilst men were accused of killing in the context of a (non-domestic) argument in 34.2 per cent of cases, compared with 10.6 per cent of women (*see* Table 7). 'Domestic' and 'argument' were thus the two significant context categories for men. Domestic was far and away the most prominent category for female accused.

It should be noted that about 20 per cent of all homicide offenders commit suicide before coming to trial. These are obviously not included in the LRCV statistics, but most of these murder-suicides occurred in a 'domestic' context, and most of the offenders were male (LRCV 1991b).

It is instructive to look then at the context in which victims died. Women were most likely to be victims of a domestic homicide. Of the eighty-eight female victims, fifty-seven (64.8 per cent) were killed in a domestic context. Of the 228 male victims, only forty (17.5 per cent) died in a domestic homicide, whilst ninety-three (40.8 per cent) died after an argument, and thirty (13.2 per cent) in the course of a robbery (*see* Table 8).

### *Location*

For the whole group studied, just over half ( $n = 167$ ; 52.4 per cent) of the killings took place at the victim's and/or accused's premises (*see* Table 9). And where this was the location, the homicide most frequently took place in the bedroom ( $n = 53$ ; 31.7 per cent) or the lounge room ( $n = 31$ ; 18.6 per cent). For female accused, 80.9 per cent of their killings took place in such private premises—not surprisingly, given the high proportion of homicides falling in the domestic and family categories. Women also fell victim to homicide in private premises (70.5 per cent). This may be compared with 47.4 per cent of males accused and 44.7 per cent of male victims—again not surprisingly, given the contexts in which it has been found that males commit homicide.

In fact, in 60.2 per cent of cases, women victims were killed in their own home (including a home they shared with the accused). Breaking this down further, 44.3 per cent of women victims were killed in the home they shared with the accused. The reality that women have most to fear from their own intimates is further emphasised by the finding that only 18.2 per cent of women victims were killed in public spaces, compared with 31.1 per cent of male victims.

Men were likely to kill at the victim's premises (20.2 per cent), at premises they shared with the victim (19.1 per cent) or in the street (14.3 per cent). Women, however, most commonly killed in premises they shared with the victim (53.2 per cent) (usually in the bedroom). In 14.9 per cent of cases, women killed in their own home, and in 12.8 per cent of cases at the victim's premises, again usually in the bedroom. These differences reflect the higher proportion of killings by women which involve a close family member as victim. No female accused killed her victim in the street, in contrast with the significant proportion of men who did.

Men were almost invariably the perpetrators of killings in public open spaces—streets, bushland, parks, vacant lots—and in public toilets. Victims at these locations were also predominantly male (n = 69; 81.2 per cent of victims killed in these locations).

The two major groups of homicide—those occurring in a domestic context and those arising out of an argument—can now be examined in more detail.

## **Domestic Homicides**

### *How domestic homicides can arise — some case examples*

V = victim, A = accused

Case 1: V and A (husband, aged 41) were having a domestic argument in the kitchen. V threw coffee over A and threatened him with a knife. A became angry and strangled her. Self-defence was not an issue as A did not believe V was capable of hurting him with a knife.

*Result:* manslaughter conviction.

Case 2: V (aged 38) and A (husband, aged 47) had had a troubled marriage and did not live together all the time. They were known to have been involved previously in violent exchanges. The disputes increased when V allegedly told A that she had been having an affair and wanted to separate. On the morning in question, V ordered A to leave their home and allegedly insulted him. A then shot her, although he denied intending to kill her.

*Result:* Murder conviction.

Case 3: Incident occurred after a domestic argument over the television and stereo being played. A (boyfriend, aged 24) grabbed V (18) by the hair and punched her in the head. A then realised he had seriously injured her and took V to hospital, where she died.

*Result:* A was acquitted of homicide.

Case 4: A and his wife wanted to bring up their children in strict Moslem manner. However V, their eldest daughter, rebelled against this. She left home several times, and then told her parents she was going to live in a country town near her boyfriend. However, her parents discovered she was in fact living with her boyfriend in Melbourne. They went to the house and, after a heated argument, A stabbed V

with his pocket knife. A said that V had dishonoured the family.

*Result:* A was convicted of manslaughter.

Case 5: V and A had been married in Turkey—it was an arranged marriage. The couple came to Australia to live with V's parents. The wife, V (aged 16), was unhappy with the marriage and tried to leave home. She went to a friend's home. A came after her; they had a dispute and A stabbed her. V's family had felt dishonoured by her wanting to leave; they had ceased contact with friends next door when they suggested that V was unhappy and might leave. A originally denied the killing; however provocation was raised at the trial.

*Result:* A was convicted of manslaughter.

Case 6: V (husband) and A had been married a short time. Their relationship had always been very violent, both being known to have engaged in violent exchanges. On this night, another fight began. V and A were alone in their kitchen, and V sustained a stab wound to the throat. The Crown alleged that A inflicted the wound during a fight; she was unable to remember, but believed that V slipped and wounded himself. At the trial A said she used the knife in self-defence.

*Result:* A was acquitted.

### *Relationships*

One hundred of the 319 homicides included in this study were categorised as domestic—almost one-third. Fifty-four of these were between spouses or sexual partners (including former spouse/partners) and twenty-four involved the offender's child. A man who committed a domestic homicide was most likely to have killed a spouse/partner, while a woman was almost equally likely to have killed her partner or her child (*see* Table 10). These differences clearly warrant further examination. Different dynamics are presumably operating when a partner is killed and when a child is killed.

### *History of violence*

It is not always going to be the primary concern of an investigating officer to inquire into the background of a domestic killing. Identifying the offender is not usually a problem, and it will not necessarily be seen as relevant to ask whether the offender was known to have been violent before. *Absence* of such evidence is therefore not conclusive of the state of the parties' relationship. Nonetheless, in 55 per cent of the domestic homicides in this study it was known that there had been violence in the past, by one or both parties (*see* Table 11). It was known that 38.8 per cent of male accused and 18.2 per cent of female accused were previously violent to their victim. It was also known that for 12.1 per cent ( $n = 4$ ) of female accused, the victim had previously been violent towards her, as was the case for 10.4 per cent of male accused.

Looking at the victims, the gender differences are important. Almost half (47.4 per cent) of all female victims of domestic homicide had previously suffered violence from the accused. Of the male victims, 12.5 per cent had previously been

victimised, but 22.5 per cent were known to have been violent towards the offender, and in 20 per cent of cases both parties had previously been violent, compared with 7 per cent of female victims (*see* Table 12).

### *Women*

Women accused of a domestic homicide killed their child in 51.5 per cent of cases (n = 17), and a spouse/partner in 42.4 per cent of cases (n = 14). The numbers are small but in all but four of the cases involving a spouse/partner there was a known background of violence, mostly involving either the victim's violence or violence between the parties. In three cases where violence had occurred the victim was known to have been violent to the accused (LRCV 1991a, Table 39).

None of the women prosecuted for the homicide of a spouse/partner was convicted of murder; six were convicted for manslaughter. Five of these argued provocation and/or self-defence at their trial. Indeed, it is likely that some cases where a female offender has clearly acted in self-defence are filtered at an earlier stage and not prosecuted at all, as found by Polk (1991).

Where the victim was the woman's child, the accused was known to have been violent in the past in three out of seventeen cases (17.6 per cent). This is a small proportion of cases but illustrates the importance of ascertaining the involvement, if any, of police or Community Services Victoria. A study by Goddard (LRCV 1991b, p. 36) found significantly more violence between parents of abused children presenting at the Children's Hospital than occurred between parents of non-abused children, suggesting that protective services should be alert to the risk of child abuse where there is violence between adults in the home.

The seventeen cases of children killed by their mothers involved children aged nine years and under. Three cases involved women killing a new-born baby after an unplanned and unwanted pregnancy.

Case 7: A, aged 19, was pregnant, but concealed the fact from everyone but the natural father. She thought of getting an abortion, but never managed to arrange it. A delivered the baby herself in her bedroom, in the early hours of the morning, and then suffocated it. At no stage had A planned to kill it.

*Result:* conviction for infanticide.

These cases all resulted in infanticide convictions and a non-custodial sentence. Of the remainder, four were convicted of manslaughter, and the rest were either acquitted, not proceeded with, or found not guilty on the grounds of insanity (one involving the deaths of the three children of the accused). Women convicted of infanticide (for which the child must be under twelve months) would almost invariably receive a non-custodial sentence.

### *Men*

Of the domestic killings by men, 59.7 per cent involved a spouse/partner (forty out of sixty-seven) (*see* LRCV 1991a, Table 40). In 50 per cent of these

cases there was a known history of prior violence by the accused against his victim. The accused killed his own child/step-child in seven cases (10.4 per cent). In four of these cases it was known that the accused had previously been violent to the child.

Jealousy, or a proprietary attitude to the victim, is a common theme in domestic killings by men. The statement found in so many police files is, 'if I can't have her, then no one else will'. Polk and Ranson (1991), in their study of coronial files, identified two types of cases: the man who kills the younger female partner who has rejected him, and the older man who kills his partner as part of his own suicide plan. In each instance the woman is regarded as property—in the first case to be killed when she threatens to assert her autonomy, and in the second to be 'taken with him' in death. The latter category is not likely to appear in prosecution files and did not in the LRCV study. However, the former is a well-recognised pattern. In many cases the accused states that his wife said she was having an affair or that she taunted him with her lovers (*see* Case 2 above). In some instances an affair will be independently confirmed but in others, with the woman dead, there is only the accused's assertion (*see* Wallace 1986, p. 100). Although combined with a religious motivation, Case 4 also illustrates such proprietariness in attitude to a daughter, particularly in relation to her sexuality.

### *Methods*

In the general homicide group, guns (36.4 per cent) and knives ('sharp instrument'—25.7 per cent) were the most common methods of killing for both men and women. (This data tends to understate the gun usage—almost two-thirds of murder-suicides involved a gun.) Men used guns in preference to knives and women preferred knives to guns. In domestic killings this preference is also seen (*see* Table 13).

Women accused of killing a spouse/partner mostly used a knife or gun (92.9 per cent; thirteen out of fourteen cases). Women always used some sort of weapon. This may suggest either that women choose their method to take account of the greater strength of the intended victim, or that women's assaults by (say) fists are generally not fatal. It may also reflect in some instances a greater determination on the part of the woman to kill. This may of course indicate either premeditation, or an apparently excessive use of force, which may make it difficult for the woman to rely on defences such as provocation or self-defence (*see* Polk 1991, p. 18).

Women who killed their children used sharp instruments, fists/feet and drowning. The largest single category here, however, was the miscellaneous group which included smothering of new-born babies and over-medication.

Men accused of killing their spouse/partner in a domestic homicide most commonly used a firearm (42.5 per cent; seventeen out of forty) or sharp instrument (25 per cent; ten out of forty), but fists and feet ('bashing' n = 6) and strangulation (n = 5) were also used.



### *Employment*

As other studies have found, both victims and accused involved in homicide were largely drawn from the lower socio-economic groups (*see* LRCV 1991a p. 18; Wallace 1986, p. 38). For the cases where current employment status was known, 40.1 per cent of both victims and accused were employed, and 37.2 per cent of accused and 17.7 per cent of victims were unemployed. This is an extremely high rate of unemployment. In 1986, 4.8 per cent of the Victorian male population over fifteen years was unemployed. The remainder (22.7 per cent of accused; 42.1 per cent of victims) were not in the paid workforce, being students, on pensions, home duties and so on (*see* Tables 14 and 15).

The higher unemployment rate for accused, compared with the high 'not in paid employment' for victims presumably partly reflects the proportion of women and children being killed. Most victims and accused whose usual occupation was given were in unskilled work or skilled trade/clerical work.

Much the same proportion of accused in the general homicide group and the domestic homicide group were found to be specifically unemployed (LRCV 1991a, Table 14). However more received pensions or benefits or were involved in 'domestic duties', presumably in part reflecting the higher proportion of women charged with domestic homicides.

In domestic homicides the percentage of unemployed among accused was around seven times the national average (LRCV 1991b, p. 19). The percentage of people accused of domestic homicide who were either unemployed or not in the paid workforce was more than double (70 per cent compared with 29.7 per cent).

It could therefore be useful to examine the extent to which sex roles and domestic stresses leading to physical violence might be exacerbated by greater daily proximity of family members and/or tensions generated by financial difficulties of unemployment. Economic pressure and social isolation may also limit options such as leaving a relationship, and may restrict access to counselling services.

### **Fatal Arguments: Homicides Arising out of Non-Domestic Disputes**

Around one-third of killings in the LRCV study (1991a) occurred in the context of a non-domestic argument.

#### *Relationship with victim*

Ninety-three men killed in the 'argument' context and almost all their victims were also male (eighty-nine victims or 95.7 per cent male victims). Most of these male victims were acquaintances or friends (43.8 per cent) or strangers (37.1 per cent) (*see* Table 16).

Few women responded with fatal violence in the context of a non-domestic argument. The five who did killed a male known to them in three instances, and a stranger in two cases (one male and one female). The author will discuss the male offenders only in the following section.

### *Methods*

Where the relationship between the (male) accused and the victim was one of acquaintance/friend, the homicide usually involved either a firearm or a sharp instrument (usually knife) (n = 14; 35 per cent each). Where the victim was a stranger, the methods most commonly used were sharp instrument (n = 12; 35.3 per cent), fists and feet ('bashing' n = 11; 32.4 per cent) and firearm (n = 8; 23.5 per cent) (*see* Tables 18 and 19).

The overall numbers are small but the significance of bashing, or brawling, in relation to stranger killings may raise questions about the intentionality of the killing and about a possible correlation with alcohol consumption on both sides.

### *Alcohol*

Alcohol was known to have been consumed within the previous twelve hours—by either accused or victim or both—in at least two-thirds of cases where men were prosecuted for killing in the course of a dispute (*see* Table 17). This is considerably higher than in the total homicide group, where 47.6 per cent of accused and 39.5 per cent of victims were known to have been drinking (LRCV 1991a, Table 22).

Where the victim was an acquaintance/friend alcohol was known to have been taken by the accused during the last twelve hours in 65 per cent of cases. Where the victim was a stranger the proportion was 67.6 per cent. Where the victim was an acquaintance, alcohol consumption appears to have been most relevant for knife killings (twelve out of fourteen cases). Where the victim was a stranger, alcohol consumption appears relevant where a weapon was used, but not as obviously so for bashings (*see* Tables 18 and 19). The significance of alcohol consumption and violence calls for further examination.

### *Location*

It will be recalled that for the total group studied, just over half (52.4 per cent) of the killings (47.4 per cent of killings by male accused) took place at the victim's and/or accused's premises. Just under half of the killings by men of an acquaintance/friend in the course of a non-domestic argument occurred in the accused or victim's premises (n = 17; 42.5 per cent). In fifteen out of these seventeen cases it was known that the accused had been drinking. However, of the stranger-killings, only 5.9 per cent occurred in such premises: 26.5 per cent (n = 9) occurred in licensed premises and 29.4 per cent (n = 10) in the street. In most of the cases where alcohol consumption was known, the accused was known to have been drinking in the previous twelve hours.

The patterns can be seen by looking at some of the scenarios as they actually arose.

Case 8: The prosecution case was that an argument developed (in A's lounge) which resulted in V kicking A in the groin. Both men had been drinking. A then retaliated by stabbing V. A alleged that V lunged

on the knife with which A meant only to scare him. V was a karate expert so there was also a question of self-defence.

*Result:* The judge directed the jury to find A not guilty of murder for want of evidence of intent. A was acquitted.

Case 9: A believed V, a friend, was responsible for the theft of his money. A borrowed a rifle and intended to take V on a short car ride during which he would intimidate him with the gun. A's brother accompanied them. When A held the gun at V's head it went off, killing V. The two brothers initially fabricated a story but then insisted it was an accident.  
*Result:* Convicted of manslaughter.

Case 10: A and V were previously unknown to each other and had an argument in a hotel about dogs. A invited V outside to settle it. V pulled a knife on A. A disarmed him and stabbed V four times. Both were affected by liquor. V had a number of prior convictions involving violence.  
*Result:* A was convicted of manslaughter.

Case 11: V and his nephew were drinking in the town hotel. Nephew (N) allegedly made a racist remark to A (an Aboriginal). A's brother then hit N several times. V and N left the hotel but were followed by a group of Aboriginal people. A's brother attempted to hit N again, while A allegedly landed one blow to V's head. V fell heavily to the ground and was fatally injured. Several witnesses identified A.

*Result:* A was acquitted.

The cases examined here seem to fall into two main groups:

- the killing of a friend, or at least someone known, at home, after a few drinks, over a trivial disagreement, or in the context of the breakdown of a friendship; and
- the killing of someone met for the first time, perhaps in a pub, the killing occurring in the pub or out in the street after a challenge.

## **Understanding Homicide**

Gender relations clearly provide the setting in which most homicides occur. Prevention strategies must begin by taking account of the strikingly disproportionate number of males prosecuted for homicide. They must take account of the ways in which male offenders are seen to have behaved faced with domestic relations and with confrontation with their peers. Masculinity and violence is as yet little researched. Why men respond with fatal physical aggression in these contexts calls for urgent examination.

Structural factors such as unemployment, poverty and inequality, which impose severe stresses on people and their relationships, may lead to violent behaviour and must obviously be addressed. However, both men and women are subjected to these factors, whilst it is primarily men who in fact commit homicide. Nonetheless, the high levels of unemployment and generally low

socioeconomic status of most accused and victims found in this study make it clear that they must be included in any proposal for preventive strategies.

There are aspects of masculinity which contribute significantly to the problems of violence by men. For example, the importance placed on the control and ownership of a spouse or partner is clearly seen in many male spousal homicides (*see* Wallace 1986, p. 98). The woman who decides the relationship is over or who is believed to have taken a lover is a common victim in the homicide files. In Wallace's (1986) New South Wales study almost half of all spouse killings by men occurred when the woman was leaving or had already left. This does not appear at all as a factor in killings by women. Wallace (1986, p. 100) also found around 12 per cent of spouse-killings (virtually always with the wife as victim) to have been motivated by sexual jealousy—frequently without any evidence of infidelity. Why this male possessiveness produces such lethal violence must, as Polk and Ranson (1991) argue, 'constitute a major focal point for future research and theory on the issue of homicide'.

Then there is the use of violence to solve conflict. Many studies have found this to be a primarily masculine trait (*see* National Committee on Violence 1990). The resort to violence in disputes, even over trivial matters, is clearly seen in the 'argument' group of cases discussed earlier. It is also an element in the domestic killings by men faced with a dispute in the home.

Whilst women make up a very small proportion of offenders, there are clear differences in the contexts in which they kill. Around one-third of their killings involved a spouse or partner, and one-third their own child. In the killing of a spouse or partner, there is likely to be a background of violence by the victim—again calling, in such cases, for further examination of this male violence. Where a child has been killed, one issue may be social isolation and lack of family support, a factor which has been identified in other studies. This underlines the importance of providing adequate counselling and support services which are accessible and cater for both English and non-English speaking women.

A starting point in an examination of gender relations should be the understanding that personal life and collective social arrangements are fundamentally linked (discussed by Connell 1987, p. 17). The gender relations operating in the wider society are functions of the gender relations in the family, which are in turn responses to those social structures. As the LRCV noted in its report, reducing violence in the home is inextricably linked with reducing violence in society:

a violent society reflects the structure of relationships acted out in the hidden world of many homes (LRCV 1991b, p. 21).

Any attempt to deal with violence, in the home and in the wider community, must involve a challenge to the present meaning of masculinity—its apparent reliance on control and its connection with violence. Proposals have included education programs, parent training and so on (*see* National Committee on Violence 1990). This is obviously a long-term project and will involve changing role models of men and of women in the family, in schools and so on. More

fundamentally, it will require change to the actual status of men and women in society, and a challenge to patriarchy.

More immediate strategies should probably be aimed at homicides where there are predictors—warning signals—and at weapons. Strategies should also take into account that women are most at risk of being killed by members of their own household.

The LRCV made a number of recommendations for preventing or reducing the number of domestic homicides.

- *The police response:* Men who kill their partner in a domestic context have, in a significant number of cases, done so in what appears to be the culmination of a history of violent assaults on her. Strategies aimed at identifying assault when it first occurs, and stopping it, are therefore crucial. These include:
  - developing police protocols which ensure police attendance, and that police treat assaults in the home as serious crime. North American studies such as that of Sherman and Berk (1984) suggested that early and decisive police intervention reduced the risk of further assaults and prevented the escalation of violence. More recent replication studies have revealed more complex scenarios, and their findings must be carefully examined.
  - training police in the patterns of domestic violence and its connection with homicide.
  
- *The weapon:* Firearms were used in around 40 per cent of domestic killings by men, and around 38 per cent of all homicides by men. Similar patterns have been found in other studies of homicide. The LRCV found an initial reluctance on the part of police to confiscate weapons found in relation to domestic assaults. This is despite the fact that police have the power to seize any weapon used in the commission of an offence. Since 1988 police have had specific power to seize any firearm found once an intervention order has been granted. The LRCV recommended in its Report that removal of any gun found should be mandatory.

Other recommendations dealt with follow-up by police of domestic assault incidents, clarification of police powers of entry, development of police information systems, services for victims and for offenders, and availability of personal alarm systems for women at risk of continuing domestic violence.

It is clear that, where a gun is used by an assailant, it is considerably more likely to kill than other weapons (LRCV 1991b, p. 16). The gun's capacity to cause serious injury is greater, it has a greater range than, for instance, a knife or fist, it requires little physical strength, is less easily warded off, and can be used at a distance. The circumstances of a number of killings occurring in the course of an argument, and some domestic killings, suggest assaults which went further than intended—that death itself was not necessarily in contemplation. Where a gun is the weapon at hand, death is so

much more likely to result from an angry, thoughtless reaction. Any moves to the greater control of guns must be a step towards reduction in the homicide rate. The motivation behind the trigger finger must nonetheless continue to be a primary target for research.

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## Appendix A

*Table 1*

**Gender of Victim and Accused**  
(see LRCV Table 6)

Victim	Male	Accused Female	Total
Male	196 (86.0) (72.3)	32 (14.0) (71.1)	228  (72.2)
Female	75 (85.2) (27.7)	13 (14.8) (28.9)	88 (27.8)
Total	271 (85.8)	45 (14.2)	316 (100.0)

Note: Gender of victims in three victim-offender pairs was not known.

*Table 2*

**Age of Male Accused by Age of Victim**  
(see LRCV Table 3)

Age of Victim	Age of Accused					Total
	16 and under	17–25	26–39	40–60	Over 60	
Infant 0–1	—	3	1	—	—	4 (1.5)
Child 2–9	—	2	—	—	—	2 (0.7)
10 to 16	6	8	2	3	—	19 (7.0)
17 to 25	4	39	17	2	—	62 (22.8)
26 to 39	—	35	46	9	1	91 (33.5)
40 to 60	3	22	17	18	2	62 (22.8)
Over 60	2	13	8	7	2	32 (11.8)
Total	15 (2.2)	122 (44.9)	91 (33.5)	39 (14.3)	5 (1.8)	272 (100.0)

Table 3

**Age of Female Accused by Age of Victim**  
(see LRCV Table 4)

Age of Victim	Age of Accused				Total
	17–25	26–39	40–60	Over 60	
Infant 0–1	4	3	1	1	9 (19.1)
Child 2–9	—	10	—	—	10 (21.3)
17 to 25	2	3	—	—	5 (10.6)
26 to 39	4	5	2	—	11 (23.4)
40 to 60	2	5	3	—	10 (21.3)
Over 60	1	—	1	—	2 (4.3)
Total	13 (27.7)	26 (55.3)	7 (14.9)	1 (2.1)	47 (100.0)

Table 4

**Relationship of Victim to Accused, by Accused's Gender**  
(see LRCV Table 8)

Relationship of Victim to Accused	Accused		Total
	Male	Female	
Spouse (inc. former spouse)	34 (12.5)	11 (23.4)	45 (14.1)
Parent	7 (2.6)	2 (4.3)	9 (2.8)
Child	7 (2.6)	17 (36.2)	24 (7.5)
Other family	9 (3.3)	2 (4.3)	11 (3.5)
Sexual partner (inc. former sexual partner)	9 (3.3)	5 (10.7)	14 (4.4)
Sexual rival	5 (1.8)	—	5 (1.6)
Work	6 (2.2)	—	6 (1.9)
Residential	18 (6.6)	1 (2.1)	19 (6.0)
Criminal associates	4 (1.5)	—	4 (1.3)
Police officer while arresting accused	1 (0.4)	—	1 (0.3)
Acquaintance/Friend	76 (27.9)	2 (4.3)	78 (24.5)
Stranger	87 (32.0)	6 (12.8)	93 (29.2)
Other/Not known	9 (3.3)	1 (2.1)	10 (3.1)
Total	272 (85.5)	47 (14.5)	319 (100.0)



Table 5

**Relationship of Victim to Accused, by Victim's Gender**  
(see LRCV Table 9)

Relationship of Victim to Accused	Victim		Total
	Male	Female	
Spouse/Former spouse-separated (inc. de-facto)	13 (5.7)	32 (36.3)	45 (14.3)
Parent	8 (3.5)	1 (1.1)	9 (2.9)
Child	8 (3.5)	14 (15.9)	22 (7.0)
Other family	8 (3.5)	2 (2.3)	10 (3.2)
Sexual partner/Former sexual partner	7 (3.1)	7 (8.0)	14 (4.5)
Sexual rival	5 (2.2)	—	5 (1.6)
Work relationships	5 (2.2)	1 (1.1)	6 (1.9)
Residential	17 (7.5)	2 (2.3)	19 (6.0)
Criminal associates	4 (1.8)	—	4 (1.3)
Police officer while arresting accused	1 (0.4)	—	1 (0.3)
Acquaintance/Friend	64 (28.2)	14 (15.9)	78 (24.8)
Stranger	81 (35.7)	12 (13.6)	93 (29.5)
Other/Not known	7 (2.7)	3 (3.4)	10 (2.8)
<b>Total</b>	<b>228 (72.1)</b>	<b>88 (27.9)</b>	<b>316 (100.0)</b>

Number of missing observations = 3.

Note: The gender of the victim was not known in two cases involving children and in one 'other family' case.

Table 6

**Primary Offence Context**  
(see LRCV Table 34)

Context	No.	%
Domestic	100	31.3
Sex-rivalry	7	2.2
Argument	98	30.7
Drug related	4	1.3
Robbery	36	11.3
Sexual assault	4	1.3
Other violent crime	5	1.6
Contract killing	5	1.6
Police in course of duty	1	0.3
Other	59	18.5
<b>Total</b>	<b>319</b>	<b>100.0</b>

Table 7

**Primary Context of Offence by Gender of Accused**  
(see LRCV Table 36)

Context	Male	Female	Total
Domestic	67 (24.6)	33 (70.2)	100 (31.3)
Sex rivalry	7 (2.6)	—	7 (2.2)
Argument	93 (34.2)	5 (10.6)	98 (30.7)
Drug related	4 (1.5)	—	4 (1.3)
Robbery	33 (12.1)	3 (6.4)	36 (11.3)
Sexual assault	3 (1.1)	1 (2.1)	4 (1.3)
Other violent crime	4 (1.5)	1 (2.1)	5 (1.6)
Contract killing	3 (1.1)	2 (4.3)	5 (1.6)
Police in course of duty	1 (0.4)	—	1 (0.3)
Other	57 (21.0)	2 (4.3)	59 (18.5)
<b>Total</b>	<b>272 (85.3)</b>	<b>47 (14.7)</b>	<b>319 (100.0)</b>

Note: Use of data from victim-offender pairs may affect small cells, for example the four drug 'pairs' represent three separate cases. Two cases involved one accused and one victim each, while the third involved two accused and one victim.

Table 8

**Primary Context of Offence by Gender of Victim**  
(see LRCV Table 37)

Context	Male	Female	Total
Domestic	40 (17.5)	57 (64.8)	97 (30.7)
Sex rivalry	5 (2.2)	2 (2.3)	7 (2.2)
Argument	93 (40.8)	5 (5.7)	98 (31.0)
Drug related	4 (1.8)	—	4 (1.3)
Robbery	30 (13.2)	6 (6.8)	36 (11.4)
Sexual assault	1 (0.4)	3 (3.4)	4 (1.3)
Other violent crime	5 (2.2)	—	5 (1.6)
Contract killing	4 (1.8)	1 (1.1)	5 (1.6)
Police in course of duty	1 (0.4)	—	1 (0.3)
Other	45 (19.7)	14 (15.9)	59 (18.7)
<b>Total</b>	<b>228 (72.2)</b>	<b>88 (27.8)</b>	<b>316 (100.0)</b>

Table 9

**Location of Offence by Gender of Accused**  
(see LRCV Table 27)

Location	Male	Female	Total
<i>Victim's and/or Accused's Premises</i>			
Bedroom	34 (12.5)	19 (40.4)	53 (16.6)
Lounge	27 (9.9)	4 (8.5)	31 (9.7)
Kitchen	12 (4.4)	4 (8.5)	16 (5.0)
Bathroom	7 (2.6)	2 (4.3)	9 (2.8)
Hallway	6 (2.2)	—	6 (1.9)
Verandah	1 (0.4)	—	1 (0.3)
Garden/grounds	14 (5.2)	1 (2.1)	15 (4.7)
Garage	5 (1.8)	—	5 (1.6)
Street	2 (0.7)	2 (4.3)	4 (1.3)
Other premises (unspecified)	10 (3.7)	6 (12.8)	16 (5.0)
Tent/hut/shed	4 (0.7)	—	4 (1.3)
Door/window	7 (2.6)	—	7 (2.2)
Sub-Total	129 (47.4)	38 (80.9)	167 (52.4)
<i>Other</i>			
Home of other	7 (2.6)	2 (4.3)	9 (2.8)
Place of work of victim and/or accused	13 (4.8)	1 (2.1)	14 (4.4)
Licensed premises	17 (6.3)	2 (4.3)	19 (6.0)
Unlicensed premises	1 (0.4)	—	1 (0.3)
Prison/police cell	2 (0.7)	—	2 (0.6)
Psych. inst/other hospital	1 (0.4)	—	1 (0.3)
Premises robbed	2 (0.7)	—	2 (0.6)
Street	39 (14.3)	—	39 (12.2)
Car/truck	2 (0.7)	—	2 (0.6)
Other public open space	37 (13.6)	2 (4.3)	39 (12.2)
Public toilets	7 (2.6)	—	7 (2.2)
Other building	4 (1.5)	—	4 (1.3)
Other	11 (4.1)	2 (4.3)	13 (4.1)
Sub-Total	143 (37.9)	9 (19.3)	152 (47.6)
Total	272 (85.3)	47 (100.0)	319 (100.0)

Table 10

**Relationship of Victim to Accused in Domestic Killings  
by Gender of Accused  
(see LRCV Table 35)**

Victim	Accused		Total
	Male	Female	
Spouse/former spouse/spouse-separated	34 (75.6) (50.7)	11 (24.4) (33.3)	45  (45.0)
Sexual partner/former sexual partner	6 (66.7) (9.0)	3 (33.3) (9.1)	9  (9.0)
Parent	6 (100.0) (9.0)	—	6  (6.0)
Child	7 (29.2) (10.4)	17 (70.8) (51.5)	24  (24.0)
Other family	7 (77.8) (10.4)	2 (22.2) (6.1)	9  (9.0)
Residential	6 (100.0) (9.0)	—	6  (6.0)
Acquaintance/friend	1 (100.0) (1.5)	—	1  (1.0)
Total	67 (67.0)	33 (33.0)	100 (100.0)

Table 11

**History of Domestic Violence by Gender of Accused**  
(see LRCV Table 38)

History	Male Accused	Female Accused	Total
Previous domestic violence or threats by accused against victim	26 (81.3) (38.8)	6 (18.7) (18.2)	32  (32.0)
Previous domestic violence or threats by victim against accused	7 (63.6) (10.4)	4 (36.4) (12.1)	11  (11.0)
Both parties previously involved in domestic violence exchanges	8 (66.7) (11.9)	4 (33.3) (12.1)	12  (12.0)
Accused violent towards others	2 (100.0) (3.0)	—	2  (2.0)
No known history of violence	24 (55.8) (35.8)	19 (44.2) (57.6)	43  (43.0)
<b>Total</b>	<b>67</b> (67.0)	<b>33</b> (33.0)	<b>100</b> (100.0)

Table 12

**History of Violence in Domestic Killings by Gender of Victim**  
(see LRCV Table 41)

History	Male victim	Female victim	Total
Previous domestic violence by accused against victim	5 (12.5)	27 (47.4)	32 (33.0)
Previous domestic violence by victim against accused	9 (22.5)	1 (1.0)	10 (10.3)
Both parties previously violent	8 (20.0)	4 (7.0)	12 (12.4)
Accused violent towards others	1 (2.5)	1 (1.8)	2 (2.1)
No known history of violence	17 (42.5)	24 (42.1)	41 (42.3)
<b>Total</b>	<b>40</b> (41.2)	<b>57</b> (58.8)	<b>97</b> (100.0)

Note: In three cases, the sex of the victim was not known.

Table 13

**Method of Killing in Domestic Cases by Gender of Accused**  
(see LRCV Table 33)

Method	Male	Female	Total
Firearm	26 (81.3) (38.8)	6 (18.8) (18.2)	32  (32.0)
Sharp instrument	21 (65.6) (31.3)	11 (34.4) (33.3)	32  (32.0)
Blunt instrument	5 (83.3) (7.5)	1 (16.7) (3.0)	6  (6.0)
Fist/feet	9 (90.0) (13.4)	1 (10.0) (3.0)	10  (10.0)
Strangulation	5 (100.0) (7.5)	—	5  (5.0)
Drowning	—	3 (100.0) (9.1)	3  (3.0)
Other	1 (8.3) (1.5)	11 (91.7) (33.3)	12  (12.0)
Total	67 (67.0)	33 (33.0)	100 (100.0)

*Table 14*

**Current Employment Status of Victims**  
(see LRCV Table 10)

Status	No.	%
Employed	97	40.1
Unemployed	43	17.7
Not in paid workforce (pensioner, retired, student, etc)	102	42.1
Not known	77	—
<b>Total</b>	<b>319</b>	<b>100.0</b>

Note: the 'not known' cases have not been included in the calculation of percentages.

*Table 15*

**Current Employment Status of Accused**  
(see LRCV Table 12)

Status	No.	%
Employed	108	40.1
Unemployed	100	37.2
Not in paid workforce (pensioner, retired, student, etc)	61	22.7
Not known	50	—
<b>Total</b>	<b>319</b>	<b>100.0</b>

Note: the 'not known' cases have not been included in the calculation of percentages.



Table 16

**Context of Homicide: Arguments  
Male Accused: Relationship to Victim**

Relationship	Victim Sex		Total
	Male	Female	
Acquaintance/Friend	39 (43.8%)	1 (0.25%)	40 (43%)
Stranger	33 (37.1%)	1 (0.25%)	34 (36.6%)
Residential	9 (10.1%)	1 (0.25%)	10 (10.8%)
Non-immediate family	2 (2.3%)	—	2 (2.2%)
Criminal associate	3 (3.4%)	—	3 (3.2%)
Other	1 (1.1%)	1 (0.25%)	2 (2.2%)
Not known	2 (2.3%)	—	2 (2.2%)
Total	89 (95.7%)	4 (4.3%)	93 (100%)

Table 17

**Context: Argument  
Male Accused  
Use of Alcohol in Last Twelve Hours by Victim and Accused**

Accused	Victim			Total
	Yes	No	Not known	
Yes	47 (74.6)	8 (12.7)	8 (12.7)	63 (67.7)
No	9 (69.2)	2 (15.4)	2 (15.4)	13 (14.0)
Not known	4 (23.5)	4 (23.5)	9 (52.9)	17 (18.3)
Total	60 (64.5)	14 (15.1)	19 (47.4)	93 (100.0)

Table 18

**Context: Argument  
Male Accused  
Victim Relationship: Acquaintance/Friend  
Alcohol Use in Last Twelve Hours**

Method of Killing	Yes	No	Not known	Total
Firearm	5	3	6	14 (35%)
Sharp instruments	12	—	2	14 (35%)
Blunt instrument	3	—	—	3 (7.5%)
Fists/Feet	4	—	—	4 (10%)
Other	2	2	1	5 (12.5%)
Total	26 (65%)	5 (12.5%)	9 (22.5%)	40

*Table 19*

**Context: Argument**  
**Male Accused**  
**Victim Relationship: Stranger**  
**Alcohol Use in Last Twelve Hours**

Method of Killing	Yes	No	Not known	Total
Firearm	7	1	—	8 (23.5%)
Sharp instruments	8	1	3	12 (35.3%)
Blunt instrument	2	—	—	2 (5.9%)
Fists/Feet	6	3	2	11 (32.4%)
Burning	—	—	1	1 (2.9%)
Total	23 (67.6%)	5 (14.7%)	6 (17.6%)	34