

# AMERICAN HOMICIDE

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# 5

## CONFRONTATIONAL HOMICIDE

*“To fight is a radical instinct; if men have nothing else to fight over they will fight over words, fancies, or women, or they will fight because they dislike each other’s looks, or because they have met walking in opposite directions.”*

—George Santayana, Spanish-born American philosopher, poet, and humanist, 1863–1952

*“The night of the fight, you may feel a slight sting. That’s pride fucking with you. Fuck pride. Pride only hurts, it never helps.”*

—Marsellus, *Pulp Fiction*

### Chapter Outline

Introduction	Girls, Women, and Confrontational Homicide
Victim Precipitation	Investigative Considerations
Honor Contests	Summary
Road Rage	Key Terms
Audience	Discussion Questions
Alcohol	Try This
Physiology	

### Student Learning Outcomes

- Students will be able to discuss factors observed in confrontational homicide situations.
- Students will be able to describe the higher rate of confrontational homicide compared to other types of homicide.
- Students will be able to explain the role of alcohol in violent encounters.
- Students will be able to discuss the influence of audience in confrontational violence.
- Students will be able to explain the hypothesized dynamic of honor contests.

## INTRODUCTION

The largest category of murder is that involving a conflict or confrontation between nonintimates. Almost half of all homicides are preceded by a fight or argument. Male-on-male homicides arising from such friction are the most common homicide situation. The lethal event may result from a brief, albeit emotionally charged, encounter or be a culmination of long-standing animosities. While not exclusively the province of men, **confrontational homicide** is overwhelmingly synonymous with men reacting to perceived slights, threats to honor, or encroachment on something that one or both view as theirs. The so-called contest of honor results in innumerable fights and significant numbers of homicides in the United States and in cultures around the world. This has been true throughout history. Consider the news reports of an argument erupting into a violent confrontation at a party or the theater shooting in Tampa where a former police officer shot another moviegoer over texting. A disagreement over the last beer results in a friend shooting another friend.

Kenneth Polk is credited with applying the term confrontational homicide to these types of argument-related killings. The FBI does not categorize confrontational homicide as such. We are left to make reasoned deductions as to the percentage of homicides this type of killing represents. We know that for *known* circumstances, killings resulting from arguments top the list. “Of the murders for which the circumstance

surrounding the murder was known, 41.8 percent of victims were murdered during arguments (including romantic triangles) in 2010” (FBI, 2011, n.p.). This is followed by felony-related murders at 23.1%. For cases with unknown circumstances, the percentage was 35.8. Evidence would also suggest that many of the unknown-cause homicides resulted from circumstances that could be characterized as exhibiting confrontational dynamics. It is also likely that a number of the gang killing homicides would fit under the rubric of confrontational homicide.

Polk (1994) examined murders in Victoria, Australia, between the years 1985 and 1989, and while the rate then and now is well under that of the United States, he found similar dynamics in murders involving men. The perceived slight, the public location, and the frequent involvement of alcohol mix for a rapidly escalating violent situation that may end in homicide. Polk’s observations also support the approach that the victim–offender relationship and dynamics resulting in a death should be examined as a social interaction affected by a number of factors that we examine in this chapter.

Schwartz (2010) notes,

Nearly half of all homicides committed by men or women were preceded by some sort of argument or fight, such as conflict over money or property, anger over one partner cheating on another, severe punishment of a child or abuse of a partner, retaliation for an earlier dispute, or a drunken fight over an insult or other affront. (p. 283)

Felony-related homicides follow in frequency for men, then “other,” and finally gang related as motives. For women, “other” follows fight, then felony related, and finally gang related.

We have noted elsewhere in the text that aggravated assaults and aggravated batteries are often indistinguishable from homicide save for one element—someone dies. An offender may have intended his target to die, but through poor aim, intoxication, or dumb luck, the victim escapes death. Again, note that we do not address the ultimate charge that any given prosecutor might levy, just the violent assault against another person.

## VICTIM PRECIPITATION

A touchstone of homicide research is Marvin Wolfgang's 1958 study of homicides in Philadelphia between 1948 and 1952. Wolfgang's resulting book, *Patterns in Criminal Homicide*, contains a chapter on victim-precipitated homicide. In a murder so labeled, the victim contributes in some significant way to his eventual death. Perhaps this is starting the initial argument or confrontation that, though not intended, leads inexorably to a lethal act. Wolfgang saw this element as the victim using the first physical violence. In his study, Wolfgang found that 26% of the 588 homicides he studied were victim precipitated. Wolfgang also found that victims had previous arrest records in 62% of the victim-precipitated cases compared with 42% in cases he classified as non-victim precipitated. Also notable was that the offenders in victim-precipitated cases were less likely to have previous arrests compared to non-victim precipitated. A portion of Wolfgang's observations about this category of homicide concerned the public's general sympathy toward a victim and fear of the offender. He points out that, given the study results, these feelings are perhaps often misplaced.

Given the importance of provocation in determining charge level, Wolfgang's homicide study and others that followed are important and have practical implications for investigators as they work to comprehensively describe a lethal event and for prosecutors as they consider

the appropriate charge and sentence recommendation if a conviction results. While Wolfgang's study did not recognize words alone as sufficiently provocative to classify a homicide as victim precipitated, other studies have.

It is important *not* to read **victim precipitation** as *victim blaming*, which occurs at times in the criminal justice system and its response. Provocation is generally considered, in the legal sense, to involve a measure of culpability. Victim precipitation is a social science observation related to the cause of a violent interaction. This fact is further complicated from a research standpoint as well as an investigative one because we may not be able to accurately know the victim's words, actions, or mind-set. The offender may assert that he feared for his life, and a homicide may be placed into a category of self-defense, which may effectively remove it from later research consideration as a criminal homicide. The offender's assertion may certainly be false and intended as manipulation by a psychopath (Porter & Woodworth, 2007), though the psychopath tends toward an instrumental use of violence.

Victim precipitation may have a further practical value in underscoring the efficacy of providing conflict resolution training to young people, batterer intervention courses for offenders in intimate partner violence situations, and anger management therapy for persons identified through multiple arrests for violent crimes. We believe that school-based social-awareness training for young people regarding the dynamics of

### Why Would They Do It?

#### Confrontation in Movie Theater Leads to Homicide

An afternoon movie matinee in a Florida theater unexpectedly turned deadly when an argument between two men resulted in a shooting. According to police reports, Chad Oulson, a 43-year-old father, and his wife Nicole were seated and watching movie previews while Chad was texting with their daughter. Another movie patron, Curtis Reeves, a 71-year-old retired police captain, complained about the texting to Oulson and left the theater to alert employees. When Reeves returned to his seat, Oulson turned around in his seat to ask whether Reeves had reported him to the manager, and the confrontation continued and escalated. During the argument, Reeves shot Oulson and his wife. Oulson died from his injuries while his wife received a non-life-threatening injury to her hand from the same bullet that killed her husband. Reeves, who had no prior criminal record, was charged with second-degree homicide and aggravated battery, and the case was set for a jury trial. Reeves asserted that he acted in self-defense. The prosecution decided to seek a life sentence.

confrontational violence holds promise for averting or diffusing some escalating confrontations. Much as Glasser's "reality therapy" (1965) focused on the immediate behavior and what to do differently, we propose that such a training for adolescents and teens be based on brief, concrete steps they can take to move away from what could become a violent interaction. This is challenging given the rapid escalation so many such instances take. Nonetheless, if there is an awareness created in the mind of a young person that an incident can always go quickly out of control, some percentage may have enough presence of mind to summon a response that takes them away from the dynamic.

Past violent behavior can be a predictor of future violent behavior, to an extent (Farrington, 1989). This assertion fits with the finding of a significant number of victims having a previous criminal record. Notable would be a record of violent offenses as it is logical to assume that the actions taken that preceded the lethal assault likely affect someone "primed" for violence more so than someone less inclined to respond violently to provocation. A criminal record is not always present in a homicide victim or offender. The use of a criminal past as a proxy for homicidal capability is suspect.

## HONOR CONTESTS

Male-male homicides by juveniles or adults are often triggered by seemingly insignificant events. The affront may be a minor physical encounter, perhaps a bump or shove, or it may not be physical at all, perhaps just a look or "mean mugging."

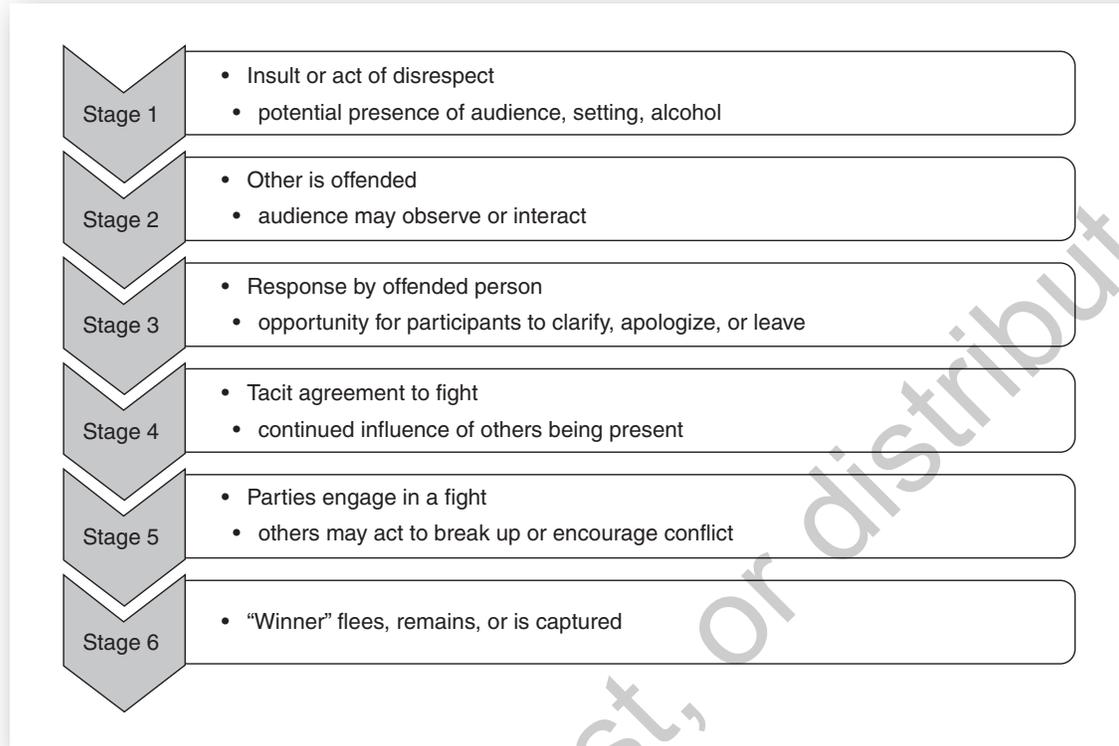
These events likely take place around people or in public, such as a party or at a bar where other young men are present. The public humiliation can lead to what Daly and Wilson (1988) called "an escalated showing-off contest" (p. 176).

The role of an audience of other young men seems to have an amplifying effect on the emotions and feelings of the individual(s), such that there is a need to respond with a show of "manhood." Polk (1994) views this situation as one in which the individuals mutually agree to the forthcoming aggression. Whether the slight was intended or accidental, the audience causes one or both participants to feel a pressure to posture. The interaction escalates through words and gestures to a physical altercation that may incorporate weapons if they are available. While neither person may have had the initial intention to kill anyone, the dynamic of the situation carries the *context* to a lethal conclusion. Males may act out their concept of masculinity by an aggressive response to establish or reestablish reputation or save face in different settings, such as the street, school, or a social event, which vary the influence of others who are present.

David Luckenbill (1977) examined a group of homicides in his notable effort to explain why murders happen. Luckenbill's analysis of the male *character contest* of Goffman's (1967) earlier description involved six distinct stages that two individuals progress through in a dance to maintain or save face. Luckenbill asserted that these contests involved "a consensus among participants that violence was a suitable if not required means for settling the contest" (p. 177). He termed this progression a **situated transaction**.

### Shooting Outside Strip Club Leaves Man Dead

In Portland, Oregon, an argument inside a strip club among several bar patrons spilled into the parking lot, where one man was killed and a woman was injured. Witnesses reported that two men were involved in a dispute inside the bar that involved one man's girlfriend. The men did not know each other. After leaving the bar and going to the parking lot, the gunman, 30-year-old Bradley O'Rourke, shot the victim, 33-year-old Anton Hill, one time in the head and shot his girlfriend in the arm. The defendant then fled the scene on foot. He was arrested days later and charged with murder with a firearm, attempted murder, and first-degree assault. Police did not believe the incident was gang related and were investigating whether the confrontation resulted from a fight over a woman.

**Figure 5.1** Luckenbill's Situated Transaction

The first stage is one in which an offense (to face) is committed. To move to stage two, the other party must interpret the offense as such. This may be self-evident based on past interactions between the two (rehearsals) or by asking nearby friends or persons in the setting (audience). The third stage finds the aggrieved responding in kind to save face. Stage four results if the pair comes to a "working agreement" that the contest will escalate. Note that one or the other may misinterpret the challenge, counter-challenge, or accept the "implicit agreement to violence." The audience may play a significant role in each stage but perhaps especially here, when there is an important opportunity to deescalate the conflict or egg on one or both participants. Stage five is the physical altercation itself. Stage six finds the now offender remaining, fleeing, or being held by members of the audience.

At each stage of Luckenbill's model, either or both of the participants could, of course, disengage. There can be an apology, a clarification of what was meant, an appeal to audience members to mediate, or perhaps a decision to simply leave the location. On many occasions, a

participant who leaves is merely going to get a weapon. Alternatively, after leaving, the participant becomes more convinced that he has lost face and that to remain with this status is intolerable. He then travels back to reengage the contest, or this "rehearsal" becomes a template for a future event that may end in lethal violence.

A number of researchers point out that the six-stage model is not a description of all such argument-based homicides. Brookman and Maguire (2004) contrast the confrontational homicide, for example, with the revenge homicide, which may have also begun as a conflict between two men but took on more advance planning. And while Luckenbill did not purport that it be a comprehensive analysis, the model is important in illustrating that many homicides of this nature are frequently mutual affairs in which each person has (albeit perhaps very brief) opportunities to deescalate or absent himself. We prefer to envision the stages three-dimensionally and with the addition of branching decision points where the various actors in the event make choices that can alter the many potential outcomes of the affront event.

A number of criminological theories have been tried out as a fit for explaining the **honor contest**. **Routine activity theory** would point to the victim–offender dyad being in a place and at a time where various factors combine to facilitate the homicide. **Subcultural theory** may contribute the idea that a violent physical response is accepted or expected in the group or neighborhood. **Strain theory** situates the men in an economic setting that rules out societally acknowledged success but still lets the individual save face by achieving status in the form of street credibility through violence. Within a seemingly straightforward concept of male confrontational aggression are many elements examined through social psychology to explain the dynamics of honor contests.

## ROAD RAGE

Contemporary society knows the phenomenon of road rage all too well. The ubiquitous cell phone use (and now texting) may contribute a significant dynamic in the frequency of such events. While research shows males predominate as perpetrators of road rage, victims may be more evenly distributed gender-wise (Asbridge, Smart, & Mann, 2003). Age was also found to have wide variation, with the exception of few elderly drivers. As with many psychological phenomena, it is important to draw a distinction between acts of frustration and anger that consist of hand gestures, honking horns, or shouting and acting physically, such as braking aggressively, unsignaled and aggressive lane changing, steering at another vehicle, or instigating a physical confrontation. Some incidents involving unintended or careless acts behind the wheel may escalate into confrontation and unnecessary violence, most often between men. The U.S. Department of Transportation (USDOT), the American

Automobile Association (AAA), and others have conducted studies about aggressive driving and traffic accidents. These groups have consistently shown the link between such behavior and the outcomes of accidents, injuries, and fatalities.

There has been some examination between psychiatric distress and road rage incidents. Smart, Asbridge, Mann, and Adlaf (2003) found that those individuals who are or have been more involved in road rage incidents (victim or offender) show greater signs of psychiatric distress than those who have not. The offenders had higher levels of distress. In at least this study, it was observed that road rage incidents occurred with men who had never been married, those who were living in urban areas, those with a higher level of education, and those between the ages of 30 and 39. Aggressive driving and road rage tend to be exhibited by younger drivers. As with many behaviors and crimes, there is lesser occurrence as people age. This is one of several reminders that while gender and age of individuals involved in road rage incidents are not surprising as associated factors, they are not the only factors.

For many people, getting behind the wheel of a car can trigger feelings of stress, anxiety, or hostility (Ayar, 2006). This, in turn, may cause drivers to use their vehicles in an aggressive manner. There is little doubt about the millions of accidents and likely thousands of deaths traceable to road rage over the years. This is also not a phenomenon unique to the United States. Road rage also rivals alcohol as a significant factor in traffic fatalities. The amount of time spent driving as well as the driving environment have an impact on some drivers' stress levels. A person's individual factors are also related to the emotions experienced and actions taken when behind the wheel. Techniques in stress reduction and time management can ameliorate driver aggression. These techniques are clearly appropriate for driver education courses.

### Road Rage Incident Ends in Stabbing Death

Two truck drivers from Wisconsin engaged in a heated confrontation over their CB radios. The incident escalated with the truckers trying to cut each other off on the highway. They pulled over to the side of the road and began a physical altercation that led to trucker David Seddon, a 49-year-old man, pulling out a knife and repeatedly stabbing Alan Lauritzen, 40 years old, in his chest. Seddon drove off and left the unconscious man bleeding on the side of the road, but the incident had been witnessed by other drivers. Seddon was charged with and convicted of first-degree murder for the incident. The judge sentenced him to 25 years in state prison.

Roberts and Indermaur (2008) distinguished two types of road rage incidents, criminal and noncriminal. Criminal road rage includes assaults and vehicle damage; noncriminal road rage includes verbal abuse, obscene gestures, flashing lights, horn honking, and tailgating or aggressive braking. Road rage and many honor contest homicides exhibit the concept of homogeneity, the tendency of victims and offenders to share behavioral and demographic characteristics. Roberts and Indermaur analyzed demographics, experience driving, and aggressive road tendencies to determine the prevalence of homogeneity. With these factors in mind, the researchers found in their research that the odds of criminal road rage repetition were almost 6.5 times greater for males than females. The study identified young males of lower socioeconomic status as being more likely to perpetrate road rage behavior. This correlated with low temper control and being prepared to use violence when they were provoked. It was also noted that individuals who said they had been victims of road rage were quite likely to be road rage offenders themselves.

## AUDIENCE

As mentioned earlier, an important aspect of confrontational violence often present is that of an audience. Whether there are casual bar patrons, family members at a BBQ, or peers on the playground at school, the actions to encourage or discourage an incident from escalating have been found to be significant (Hughes & Short, 2005). Polk (1997) observes, "Understanding the nature of the interactions that link victims, offenders, and bystanders in unfolding homicide scenarios may prove theoretically richer than focusing on what may be the unanswerable question of 'who started it?'" (p. 141). The "chorus" can have a strong influence on the direction an interaction takes (Toch, 1969).

To this list of victims, offenders, and bystanders, we add location as another important factor in confrontations. Miethe and Regoeczi (2004) have done much to further our understanding of the situational factors found in a homicide event. An argument at work over a questionable call in yesterday's sports event is tangibly different from being bumped into or insulted in a bar. Social constraints present in some public settings are not present in casual settings. The

internal restraints may also be weakened by the use of alcohol, the presence of peers or intimates, and the tone of a crowd.

Conflict can also take the form of a group confrontation. This introduces additional dynamics. Notable is the degree of anonymity that individual group members may feel within the larger group or mass of people. Verma (2007) discusses ways to prevent violent situations, such as riots, mobs, violent protests, and confrontational religious celebrations. Complications are added in the application of rational choice when taking confrontation from the individual to a larger scale. While the group may be destructive and irrational, each person within the group is a rational person who is guided by his or her own self-interest. Understood in this way, there may be techniques for preventing or mitigating large-scale disturbances. Appeals to individual rationality or calm may be effective. Pointing out individual accountability or culpability may influence how many assess remaining in a group intending to be disruptive.

Riots and mobs can, in some ways, be seen through the lens of confrontational homicide. Group behavior due to some type of confrontation can also be an example of behavior that gets taken too far. Calm, rational heads would prevail, but the situation is not conducive to that. If those individuals involved were thinking rationally, then the situation most likely would not escalate to violence. The confrontational violence takes some smaller scale issue and magnifies it and leads to unnecessary and irrational behaviors. Mob actions usually add the quality of shared responsibility, which may psychologically equate to no responsibility.

In many instances, gang violence is directed toward a rival gang or gang member who has threatened or shown disrespect to the "honor" of the gang that assaults someone. When a person joins a gang, he often identifies so strongly with the gang that it becomes the primary aspect of his persona. That person's world and reality is about representing the gang through acts of allegiance, including acting tough or becoming violent. This can maintain or elevate his status in the gang as well as show the expected allegiance. Gang confrontations, perhaps even more than bar fights and other interactions, can be explained in terms of Luckenbill's (1977) situated transactions.

An audience, such as one at a sporting event, can be quite boisterous. European soccer match crowds have been excited to the point of lethal violence in contemporary settings. Lynch mobs remain a clear example of the rationalization mentality that groups bent on avenging a perceived or real crime or affront to a community member may have. Frontier justice may not have been stopped very often by the iconic movie image of the western sheriff standing firm in front of the mob intent on hanging the jail's inmate, especially if the townspeople had just left the saloon.

## ALCOHOL

The link between alcohol and aggressive behavior is well established. The involvement of alcohol in crime generally is noted by various monitoring programs, such as the Drug Use Forecasting (DUF). As a public policy matter, the use of alcohol by young people, including minors, continues to merit significant attention. There continue to be studies regarding the impact of alcohol or drug use on both behavior, generally, and criminal behavior, specifically. Reduced inhibitions, increased aggressiveness, and dulled sensitivity to the immediate physical effects of violence clearly results in many bad outcomes. Drug use has not been documented in as many homicide events as alcohol. The relative prevalence of alcohol may, in part, be an artifact of other behaviors and lifestyle issues correlated with alcohol abuse.

While it may not be possible to exactly state the degree of causal relationship between alcohol and violence, we note the high incidence of alcohol involvement in homicide and other crimes (Markowitz, 2001). Problem-oriented policing relies on an examination of underlying causes of crime to construct strategies and programs to address more than the symptoms of those crimes (Goldstein, 1977). If law enforcement and others note a high incidence of crimes such as DUI, vandalism, and disorderly intoxication arrests all in close proximity to one or more bars, further examination would be warranted. If, upon further examination, a temporal linkage to peak patronage and subsequent closing time created a clear link between the bar business and crimes, law enforcement organizations would adopt several tactics to address the

apparent underlying problem. This might include contacting the business directly to request that more bouncers be used, a taxi program for intoxicated patrons, or even a warning about the risk to the bar owner's liquor license. Later analysis to determine whether the various crimes and signs of disorder had lessened would be a satisfactory assessment outcome with direct application to a real-world problem.

Drinking alcohol affects the behaviors of victims, which may put them at a greater risk to be victimized. Alcohol-related violence is a public health problem in many countries. The longtime acceptance of alcohol use impedes certain strategies to address the violence associated with use. This difficulty was long evident in the efforts to address driving under the influence of alcohol in the United States. While society's acquiescence to drunk driving has finally waned, the perhaps less apparent problem of *drunk fighting* is not clearly considered a major public health issue. What has been established in the literature, though, is an association between the geographic density of businesses that serve alcohol and violence rates (Grubestic & Pridemore, 2011). Spatial analytic techniques can refine less specific charting of assaultive crimes around alcohol establishments. Grubestic and Pridemore (2011) point to several studies that "suggest that the environmental characteristics in and around bars, including staff organization, intoxication of patrons and people remaining around bars after closing can influence levels of violence onsite or nearby" (p. 10). They go on to comment on the "propensity for patrons to hang out . . . after closing" and say that "social control mechanisms are weakened" (p. 10). Their work notes that the association of alcohol outlets and violence holds even when controlling for other factors.

In an opinion article on the prevalence of male violence in Australia following the death of a sports figure, Flood (2004) examined violence at bars and pubs in Sydney between 1998 and 2000. According to the article, which references its data from the New South Wales Bureau of Crime Statistics and Research, there were 1,100 assaults reported at licensed premises in Sydney during those years. The article indicated that violent assaults outside of pubs in Australia are a regular weekend occurrence. Most of the noted violence involved a male offender and a male victim, and drinking was typically involved as a factor. Flood, a research fellow with the Australia Institute,

found that violence was more likely to occur in those places that had a higher proportion of males, especially strangers. The piece suggests some steps to reduce some violence, such as enforcing liquor laws that address serving intoxicated people and training security staff.

## PHYSIOLOGY

As you read the chapter, you may be waiting to hear something about testosterone. Aren't men simply more aggressive and violent because of those chemicals in their system? Aggression can be verbal or physical, and it can take the form of socially acceptable competition, violent assault, or even the "covert manipulation" of passive-aggressive behavior (Bernhardt, 1997). Aggression and violence are not the same, and aggression need not progress to violence. This same observation has been made about the relationship among frustration, stress, and aggressive reactions.

Testosterone and low serotonin levels have been linked to aggressive behavior in various species. Steroid use has been blamed for aggressive action as well (Bernhardt, 1997). In addition to chemical influences on behavior, the overall development of the brain is implicated as well. The prefrontal cortex is identified as the area of the human brain that regulates social behavior. Risky behavior may not be accurately identified as such until after the maturation of this part of our brains. This development may not occur until age 25. The U.S. Department of Health and Human Services notes that this timetable of development may explain why some adolescents act the way they do. The executive functions of the human prefrontal cortex include things such as our ability to pay attention, gauge the consequences of behavior, control impulses, deal with emotions, and other issues of self-control. These aspects of cognition seem to be clearly implicated in risk-taking behavior, such as confrontations.

Most crime is, in fact, committed by men. While there are many factors that contribute to this fact, the neurochemistry of the male has remained implicated as one factor (George, 1997). Chemicals occurring naturally or introduced artificially as well as brain development may be some of the catalysts when considering confrontational homicide and incidents involving male honor, pride, or protection.

## GIRLS, WOMEN, AND CONFRONTATIONAL HOMICIDE

While there is no lack of contemporary research about criminality by women and girls, the focus on violent crime remains of keen interest (Kruttschnitt, Gartner, & Hussemann, 2008). There has been reported, in recent years, an increase in violence used by girls and women in the commission of crimes on others, both male and female. The accuracy of this assertion is debated, with some finding little change in overall rates of violent crime while acknowledging some nuanced differences (Kruttschnitt et al., 2008). Whether this trend is an artifact of more violence in society, the predictable fallout of the women's rights movement (Adler, 1975), or various other factors remains under study and debated. Perhaps the erosion of the protective patriarchal effect in U.S. society simply leads to an increased willingness to arrest, prosecute, and incarcerate girls and women.

More than a decade ago, Carter (1999) talked about girls in gangs and concluded that girls are "stepping to the forefront, selling their own drugs, making their own decisions, and avenging their own wrongs" (p. 22). Some of this interest is manufactured by the media approach to sensational stories. Sensational, in this case, are the criminal acts seen as breaking from traditionally accepted female behavior. Given the 24/7 news cycle and the traditional predilection of the media to cover female-committed crime, it is understandable that many in the public view the purported demise of women as nonviolent with alarm. Women commit acts of violence for various reasons (Kruttschnitt & Carbone-Lopez, 2006). As with most issues in criminology, the explanation of violent offending by females is not a simple one.

History is replete with examples of violent acts by women. We see incidents in which many girls and women turn to resolving disputes in violent ways, similar to what we have come to expect from males. Conclusions from crime data are in disagreement as to whether female behavior is more violent or societal expectations have shifted to allow for less "lady-like" actions. Kruttschnitt et al. (2008) assessed data about female offenders at a California women's prison. Relative to a study from 40 years prior that also examined violent offending by women, the authors explained,

Fewer women are acting alone in the commission of a violent crime (particularly in the case of assaults), gun use has increased in homicides and more women report that a need for money or drugs, or both, motivated their crime. (p. 31)

While availability of longitudinal data calls into question whether we have seen a trend of increasing female involvement in crime generally, incarceration statistics do show an increase in the proportion of female inmates. While males are in no danger of being eclipsed in the commission of crime, the use of violence, or the volume of incarceration, the trends for females are disturbing and need the close attention of policymakers as well as researchers.

Girls and women do participate in confrontational homicide. While women make up a relatively small percentage of homicide offenders and even fewer confrontational homicide offenders, their participation in such crimes deserves research. Some researchers maintain that the gender gap in violent offending is narrowing based on relatively larger decreases in male offending, as opposed to an actual significant increase in female violent offending (Lauritsen, Heimer, & Lynch, 2009). Looking into the factors and possible policy actions to reduce this violence is important. Later in the book, we examine intimate partner violence and the impact on

women and their involvement as victims and occasionally offenders.

## INVESTIGATIVE CONSIDERATIONS

Given the number and percentage of homicides arising from arguments or fights, investigators should note some factors often present that may help in solving cases. Douglas, Burgess, Burgess, and Ressler (2013) list several factors in their well-known *Crime Classification Manual*. The victimology includes “a high incidence of young-adult, blue-collar or unemployed, male victims with a lower education level. The offender is known to the victim. The victim commonly has a history of assaultive behavior and of using violence to resolve his problems” (p. 183).

Crime scene indicators frequently noted include a scene that is “spread out, demonstrating signs of offender and victim movement as well as signs of struggle. It is random and sloppy” (Douglas et al., 2013, p. 185). Their research also found that the weapon used in the assault was often brought to the scene by the ultimate offender. He brought the weapon because of his “predisposition to assaultive behavior” (p. 185). This makes the weapon one of opportunity, even if the offender leaves briefly to acquire his weapon and return. The method or cause of death often relies on this availability, with weapons such as firearms, sharp objects, and blunt objects being the most common.

### Why Would They Do It?

#### Two Women Found Guilty of Manslaughter in Beating Death of Another Woman

In January 2014, 23-year-old recent college graduate Kim Pham was fatally beaten by two other women outside a nightclub in Huntington Beach, California. Witnesses testified that Candace Brito, 27, and Vanesa Zavala, 26, repeatedly kicked Pham in the head while she was on the ground outside of the club. The witness testimony indicated that Pham threw the first punch in the altercation after a verbal confrontation began because a friend of Brito and Zavala bumped into someone from Pham’s group of friends inside the bar. During the trial testimony, Brito testified that the fight scene was a chaotic one, with many men around the scene who appeared to be helping Pham but who did not seem to be trying to stop the fight. Brito asserted that she acted in self-defense, but the jury convicted both defendants of manslaughter. After the verdict, the prosecutor in the case urged people to heed the lesson of the sad case and to walk away from these types of confrontations.

Often, the victim is unarmed, his body is left at the scene, and the offender makes no attempt to conceal his victim.

Douglas et al. (2013) also say that the precipitating argument or conflict is the “cause of the dispute” (p. 184). They state that “the killing can

be a spontaneous or delayed reaction” (p. 184) to the dispute. It is often found that both offender and victim have a history of violence. Because the assault is frequently spontaneous, there may be witnesses, and they may know important information about the offender.

## SUMMARY

Confrontational homicides are understood, generally, as arising from a seemingly trivial matter, occurring in a public place, often with an “audience,” between younger males, and involving alcohol (Brookman, 2003). Completely understanding such events is challenging given the absence of the victim’s account.

Instances of confrontational homicide are with us in everyday life. When we consider the ample opportunities for frustration that can lead to aggression, it is possible for everyone to envision confrontations. There are a number of factors implicated in confrontational situations and, ultimately, confrontational homicide. Luckenbill’s situated transaction is formed on the basis of mutually agreed-upon “contests.” There may have been the rehearsals of previous friction between the two parties. Both victim and offender may have backgrounds that include assaults and criminal charges. Aggravating factors may be present, including alcohol or an audience.

While police and investigators are not always interested in the antecedents of a fight, investigation of homicide always involves an interest in motive. Investigating based on the theoretical construct of the confrontational homicide can yield evidence of motive and identification of potential suspects. Combining the investigative approach utilizing multiple investigators to quickly canvass a homicide scene with the insight that witnesses would have been aware of a rapidly escalating minor altercation can yield beneficial results.

Some offenders, overcome with the reality of a killing, remain at the scene. Some call 9-1-1 themselves to report the incident. Some offenders leave the scene in a panic or after the result of the outcome they intended. Some are held by bystanders until law enforcement arrives.

Education programs in the K–12 setting can take the form of both social awareness and driver education training. Such training can sensitize young people not only to the dynamics of confrontational violence but the quick and sometimes deadly consequences of reacting to trivial friction, especially when alcohol is involved.

Death comes as a surprise to many. Among the most frequently surprised are those who become embroiled in the confrontational dynamics leading to what is known as confrontational homicide. If people could foresee what was to come, wouldn’t they avoid it? Entering into the agreement for confrontation is not necessarily agreeing to the potentially lethal outcome.

From a theoretical perspective, subcultural violence and differential association theory can partly explain violent responses. The expectations of peers and saving face in front of an audience often have a multiplier effect on the emotions driving the behavior of the combatants. Educational approaches focused on immediately diffusing an honor contest, audience mitigation of such contests, the impact of alcohol on behavior, and early driver awareness of dangerous practices may yield a reduction of confrontational violence and homicide.

## KEY TERMS

Confrontational homicide 62

Victim precipitation 63

Situated transaction 64

Honor contest 66

Routine activity theory 66

Subcultural theory 66

Strain theory 66

## DISCUSSION QUESTIONS

1. How should researchers consider the factors in a homicide situation so that they can determine if the killing was confrontational?
2. How can we reduce the potential for homicide and violence attributed to confrontational situations? What are the policy implications?
3. Why is it said that confrontational homicide is a man's crime?
4. Describe and discuss the effects audience can have on violent confrontations.
5. What role does alcohol play in violence?

## TRY THIS

Examine homicides in your local jurisdiction for the last year. Try to determine which homicides you might classify as confrontational if you were a researcher. List and discuss the factors that led you to classify the homicides in this way.

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