

1970

## The Criminality Level of Incarcerated Murderers and Non-Murderers

Gordon P. Waldo

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Gordon P. Waldo, The Criminality Level of Incarcerated Murderers and Non-Murderers, 61 J. Crim. L. Criminology & Police Sci. 60 (1970)

This Criminology is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

# CRIMINOLOGY

## THE "CRIMINALITY LEVEL" OF INCARCERATED MURDERERS AND NON-MURDERERS

GORDON P. WALDO

The author is Director of the Southeastern Correctional and Criminological Research Center and Assistant Professor of Criminology at Florida State University. He received his undergraduate degree in psychology from the University of North Carolina and his M.A. and Ph.D. in sociology from Ohio State University. The author formerly worked for the North Carolina Department of Correction, and for the North Carolina Board of Correction and Training. He was on the faculty at the University of Southern California prior to his current position.

This study compared 621 incarcerated murderers with a group of incarcerated non-murderers in terms of previous incarcerations and adjustment on previous sentences served. It was determined that murderers were less likely than non-murderers to have been previously incarcerated and this difference was maintained when controlled for race, age, and intelligence. For those who had been previously incarcerated, adjustment on previous sentences was analyzed and it was found that murderers were less likely to have had escapes or infractions than non-murderers. This differential was maintained when controlled for race and number of previous incarcerations; however, one of the second order tables failed to reach statistical significance. When the murder group was divided into four categories of homicide there was an inverse relationship between the seriousness of the degree of homicide and the percentage having no previous incarcerations. The basic conclusion of the study is that in terms of the indicators utilized, the incarcerated murderer would appear to have a lower "criminality level" than the incarcerated non-murderer.

Social scientists and practitioners in the criminal justice system have been interested for a long time in homicide and the murderer. As Wolfgang indicates, "More professional literature has appeared on homicide than on any other specific criminal offense, perhaps because murder has traditionally been viewed in most cultures as the most serious form of violation of collective life."<sup>1</sup>

### RECENT TRENDS

In the United States today several recent trends concerning homicide and the treatment of the murderer increase the theoretical and pragmatic importance of the topic. First, the homicide rate in the United States has had a gradual decrease over the past three decades. In 1933 the homicide rate in the United States was 9.6 per 100,000 population, whereas in 1963 the rate had been cut by more than half to 4.5 per 100,000.<sup>2</sup> The homicide

rate, however, has been increasing rapidly since 1963 with rates of 4.8, 5.1, 5.6, 6.1, and 6.8 for the years 1964 through 1968. It is too early to determine if this is a true change in the long range homicide trend or simply a chance fluctuation or an artifact of the data and reporting system.<sup>3</sup>

Second, states appear to be abolishing the use of capital punishment at a faster pace than the homicide rate is declining. The 1968 report on executions published by National Prisoner Statistics indicates that thirteen states have either abolished capital punishment entirely or have abolished it except for a few unusual circumstances.<sup>4</sup> In recent years many additional states

<sup>3</sup> It has been suggested that the decrease in the homicide rate between 1933 and 1963 is partially explained by more efficient and effective medical treatment of the victim. This seems plausible since there has been an increase in the rate of assault over this same period. Even this lower rate, however, may be considered rather high when compared to some of the Scandinavian countries or Great Britain, where the rate is approximately one-tenth of the United States' rate. See Item BE 50-E964, E965, E980-E999, Thirteenth Issue, DEMOGRAPHIC YEARBOOK, UNITED NATIONS PUBLICATION 398-471 (1961). As taken from WOLFGANG, *STUDIES IN HOMICIDE op. cit.* 285-286.

<sup>4</sup> 42 NATIONAL PRISONER STATISTICS, EXECUTIONS:

<sup>1</sup> WOLFGANG, *STUDIES IN HOMICIDE*, vii (1967).  
<sup>2</sup> For homicide rates in the United States, see publications for respective years of the FBI UNIFORM CRIME REPORTS FOR THE UNITED STATES. For a discussion and interpretation of homicide statistics, see SUTHERLAND AND CRESSEY, *PRINCIPLES OF CRIMINOLOGY* 32-41 (7th ed. 1966).

have contemplated legislative abolition and some will probably be successful in the near future.

Third, there is presently an attempt to have the issue resolved through judicial rather than legislative channels by having capital punishment declared "cruel and unusual punishment" and therefore unconstitutional.<sup>5</sup> The judicial approach will likely continue as a feasible course for advocates of the abolition of capital punishment until the issue is resolved by the United States Supreme Court.

Fourth, changes in the actual use of the death penalty are more striking than changes in the homicide rate or laws concerning capital punishment. In the United States in the period 1930-39, the mean number of executions per year was 167, in 1940-49 it was 128, in 1950-59 it was 72, and in 1960-65 it was 31.<sup>6</sup> In 1966 there was only one execution, in 1967 there were two executions, and in 1968 and 1969 there were no executions.

#### PURPOSE OF THE STUDY

It appears likely that the death penalty, if not completely abolished, will certainly be invoked much less frequently in the future than it has been in the past. As indicated, this reduction in the use of capital punishment is occurring at a more rapid pace than the corresponding reduction in the homicide rate. Since the crime of "murder" accounted for 86 per cent<sup>7</sup> of the executions in the United States between 1930 and 1969, this differential in the speed at which the homicide rate and the use of capital punishment are declining points to the importance of an examination of the "criminality level" of the murderer. The "criminality level" of the murderer is no longer of interest only to academicians, but is a very practical and pragmatic issue as well. It is clear that if the murderer is no longer executed, then the prison

community, and eventually society at large, has an interest in his "adjustment" and "level of criminality".

The present study is a comparison of the "criminality level" of incarcerated murderers with incarcerated non-murderers. "Criminality level", as used in this paper, refers to the consistency and depth of involvement in crime and anti-social behavior. It is operationally defined in terms of three criteria: the extent of previous incarcerations, the prevalence of infractions during previous incarcerations, and the prevalence of escapes during previous incarcerations. Several relevant variables are controlled in comparing the "criminality level" of murderers and non-murderers, as measured by these indicators.

There appear to be two slightly different perspectives in the literature concerning the "criminality level" of the murderer. Many writers in this area have taken the position that the murderer is primarily a first offender and that his crime of homicide is his only real conflict with the legal system. Other writers have contended that the murderer is not a first offender and that in reality he has had many conflicts with the law, but has perhaps been able to avoid incarceration prior to the crime of murder. Since the data in this study deal only with incarcerated inmates, this issue cannot be resolved in the present paper. It is hoped, however, that some information can be obtained which examines a slightly different perspective of the "criminality level" of the murderer. It is felt that the present study makes a contribution to the literature concerning the "criminality level" of the murderer for three reasons: (1) a comparison group of non-murderers is utilized, (2) several relevant variables which might have produced a spurious relationship are controlled, and (3) adjustment on previous sentences is examined as an indirect measure of the "criminality level" of the murderer.

#### REVIEW OF THE LITERATURE

In 1926, Brearley reviewed the census report on state and federal prisons and stated that 71 per cent of the murderers were first offenders, while 56 per cent of the remainder of the prison population were first offenders.<sup>8</sup> He concluded that "the typical slayer is not, therefore, a person who has been "hardened" by years of anti-social

<sup>8</sup> BREARLEY, HOMICIDE IN THE UNITED STATES 85 (1932).

1930-1967 32, (1968). For a discussion of capital punishment see JOHNSON, CRIME, CORRECTION AND SOCIETY 441-454, (2nd ed. 1968), and RECKLESS, THE CRIME PROBLEM 528-534, (4th ed. 1967). The entire issue of 15 CRIME AND DELINQUENCY (1969), is devoted to several aspects of capital punishment.

<sup>5</sup> RUBIN, *The Supreme Court, Cruel and Unusual Punishment, and the Death Penalty*, 15 CRIME AND DELINQUENCY 121-131, (1969), *Killing the Death Penalty*, TIME MAGAZINE, (July 7, 1967), and BICKEL, *Death Penalty Litigations*, NEW REPUBLIC, (August 19, 1967).

<sup>6</sup> NATIONAL PRISONER STATISTICS, EXECUTIONS: 1930-1967, *op. cit.*, 7.

<sup>7</sup> *Ibid.* 7. This figure is computed from the totals in Table 1.

behavior—he is far more likely to be a first offender.”<sup>9</sup>

In a study at Joliet Penitentiary, Tulchin found that 72 per cent of the whites, 70 per cent of the southern-born Negroes, and approximately 50 per cent of the northern-born Negroes were first offenders.<sup>10</sup> He also indicated that among the recidivists, 14 per cent of the whites, 21 per cent of the southern-born Negroes, and 32 per cent of the northern-born Negroes had only one previous commitment. Dublin and Bunzel stated that 74 per cent of the men and 90 per cent of the women in their study were first offenders. They add a note of caution, however, by stating, “. . . methods of identification are inadequate and many prisoners classified as first offenders may have had previous criminal records which were not detected, or they may have been arrested and convicted previously without having been sentenced to a penal institution.”<sup>11</sup>

Cassidy made a personality study of 200 murderers and concluded that 62 per cent of his group were first offenders.<sup>12</sup> In a study of the Canadian murderer, Topping states that 15 out of 15 murderers in 1942 were first offenders (100 per cent), 30 out of 32 in 1946 (94 per cent), and 11 out of 18 in 1947 (61 per cent), and that similar results were found for other years.<sup>13</sup>

In a study of 92 Wisconsin murderers sentenced to life imprisonment, Gillin refers to the murderer as typically being a first offender.<sup>14</sup> He states that 70 per cent had no prison record and that approximately 50 per cent had no record of court appearances or arrests. Palmer made a study of 51 New England murderers and found that 67 per cent had never served a previous sentence, although at least ten of the first offenders had been in some previous conflict with the law.<sup>15</sup>

Indirect support for this position is also found in some of the parole success studies of murderers and non-murderers. Stanton found during a three year observation period that 14 per cent of the

murderers and 41 per cent of the non-murderers were involved in delinquencies.<sup>16</sup> He states, “. . . considering both the overall delinquency and new conviction rates, parolees who had been convicted of murder are better risks than parolees who had been convicted of all other offenses.”<sup>17</sup>

In addition to the success of murderers on parole, Stanton offers more direct support for the contention that the murderer is more likely to be a first offender:

In this study fifty six (89 per cent) of the sixty-three persons convicted of first degree murder and 417 (81 per cent) of the 514 convicted of second-degree murder had no previous felony convictions.<sup>18</sup>

These figures probably overstate the true situation, however, because only those murderers who were paroled are included.

Turning to the other side of the issue, several writers contend that the murderer is not a first offender and that he has had several conflicts with legal authorities. For example, in a study of 22 men convicted of first degree murder, Banay found that only 18 per cent had not served at least one previous sentence.<sup>19</sup>

One of the most recent studies on homicide, by Morris and Blom-Cooper in England, supports this position.<sup>20</sup> Their findings indicate that only 21 per cent of those convicted for capital murder and 45 per cent of those convicted for non-capital murder had no previous convictions. (When their figures are recomputed for the total group, 41 per cent of both capital and non-capital murderers had no previous convictions.) They state: “The Home Office Research Unit Report on Murder, published in 1961, cast some doubts . . . on the view . . . that murder is for the most part a solitary blot on a hitherto unblemished character.”<sup>21</sup>

Wolfgang’s study of the Philadelphia murderer

<sup>16</sup> STANTON, *Murderers on Parole*, 15 CRIME AND DELINQUENCY 152 (1969).

<sup>17</sup> *Ibid.*, 152-153. See also *Uniform Parole Reporting, One Year Experience*, NCCD RESEARCH CENTER, NATIONAL COUNCIL ON CRIME AND DELINQUENCY (1968), and *An Analysis of Convicted Murderers in Massachusetts: 1943-1966*, MASSACHUSETTS DEPARTMENT OF CORRECTION (1968).

<sup>18</sup> *Ibid.* 154.

<sup>19</sup> BANAY, *A study of 22 Men Convicted of Murder in the First Degree*, 34 J. CRIM. L. 106-114 (1943).

<sup>20</sup> MORRIS AND BLOM-COOPER, *A CALENDAR OF MURDER: CRIMINAL HOMICIDE IN ENGLAND SINCE 1957* (1964).

<sup>21</sup> *Ibid.* 281.

<sup>9</sup> *Ibid.* 86.

<sup>10</sup> TULCHIN, *INTELLIGENCE AND CRIME* 100-101 (1939).

<sup>11</sup> DUBLIN AND BUNZEL, *Thou Shalt Not Kill: A Study of Homicide in the U.S.*, 24 SURVEY GRAPHIC 130 (1935).

<sup>12</sup> CASSIDY, *Personality Study of 200 Murderers*, 2 JOURNAL OF CRIMINAL PSYCHOPATHOLOGY 297 (1941).

<sup>13</sup> TOPPING, *The Death Penalty in Canada*, 284 ANNALS 157 (1952).

<sup>14</sup> GILLIN, *Social Backgrounds of Sex Offenders and Murderers*, 14 SOCIAL FORCES, 239 (1935).

<sup>15</sup> PALMER, *A Study of Murder* 21 (1960).

is the most comprehensive study of homicide to date.<sup>22</sup> He arrived at a much lower percentage of first offenders than most of the other studies cited. Only 47 per cent of the whites, and 32 per cent of the Negroes in his study were first offenders. It should be noted that Wolfgang was working with data from the police arrest file and therefore his figures are not directly comparable with many of the other studies which used either conviction or incarceration statistics in their analysis.

#### METHODOLOGY

In the present study the word "murderer" is operationally defined as any male adult processed through the North Carolina Prison Reception Center for a crime in which a life was taken. This definition includes the crimes of first degree murder, second degree murder, manslaughter and involuntary manslaughter (labeled negligent manslaughter or second degree manslaughter in some jurisdictions). Some critics may object to the inclusion of involuntary manslaughter with first degree murder, and on the surface this objection has some merit. In practice, however, there is frequently a very fine line between any of these homicide categories and this line may be crossed quite easily by the prosecuting attorney, the jury, or the defendant in the process of "copping a plea" in "bargain justice".<sup>23</sup> Since only a small portion of the total sample (8 per cent) are involuntary manslaughter cases, it was not felt that this would have any major impact on the study. In order to avoid as many arbitrary decisions in classification as possible, it was decided to include all of the above categories of homicide for purposes of this study. Since there are differences in these categories which demand further study, however, the separate categories of homicide are also examined.

The cohort of cases used in this study consists of every inmate who fits into the definition of "murderer" who was admitted to the Reception Center from January 1, 1959, until September 1, 1961.<sup>24</sup> This time period yielded 194 white and 427 Negro males who were compared with a group

of "non-murderers" from the remainder of the prison population arriving at the Reception Center in the same time period as the murderers in the study.<sup>25</sup> This comparison group was selected by using the case in the card file which immediately followed each homicide case. Since cases were filed alphabetically by year, it was felt that this would yield a reasonably random sample of non-murderers in the prison population.<sup>26</sup> If the case immediately following a murderer was also a murderer, then the next two non-murderer cases were used.

The data were analyzed using contingency tables and percentage differences with chi-square being computed as a test of statistical significance. Multivariate analysis was used and the data were physically partialled into second order tables for further elaboration.

#### FINDINGS

A general preview of the findings of this study indicates that murderers were less likely to have been previously incarcerated than non-murderers in the prison population and this differential was maintained when the data were controlled for race, age, and measured intelligence. When adjustment on previous sentences was analyzed, fewer murderers who had served previous sentences had infractions and escapes than non-murderers who had served previous sentences. This differential was maintained when controlled for race and number of previous incarcerations; however, one of the second order tables failed to reach statistical significance. When the data for the homicide group were divided into the four different degrees of homicide (first degree murder, second degree murder, manslaughter, and involuntary manslaughter) there was an inverse relationship between the seriousness of the degree of homicide and the percentage of those having no previous incarceration.

#### Previous Incarcerations of Murderers and Non-murderers

The findings of this study are presented in Tables 1 through 12. The data in Table 1 indicate that the murderer is less likely to have been pre-

<sup>22</sup> WOLFGANG, PATTERNS IN CRIMINAL HOMICIDE 168-184 (1958).

<sup>23</sup> STANTON, *op. cit.* 154.

<sup>24</sup> All female offenders are excluded from the study. In the United States, as in most countries, homicide is predominately a male offense. For an interesting analysis of sex differences in homicide see VERKHO, *Static and Dynamic Laws of Sex and Homicide*, in WOLFGANG, *STUDIES IN HOMICIDE*, *op. cit.* 36-44.

<sup>25</sup> Escapes were excluded from this group because the very fact that they were processed on an escape sentence automatically meant they were recidivists. This would have given a bias that efforts were made to avoid.

<sup>26</sup> Since cases were filed separately by race, this procedure also led to an equal number of non-murderers and murderers being selected by race.

TABLE 1

PERCENTAGE OF PREVIOUS INCARCERATIONS FOR  
MURDERERS AND NON-MURDERERS

	No Previous Incarcerations	1 or 2 Previous Incarcerations	3 or more Previous Incarcerations	Total Percent	Total Cases
Murderers	62	21	17	100	621
Non-Murderers	38	27	35	100	621
Total Cases	..	..	..	...	1242

$\chi^2 = 79.20$ ; Degrees of Freedom = 2;  $p < .001$ .

viously incarcerated than the non-murderer. Of those incarcerated for murder, 62 per cent had not served a previous sentence as contrasted with only 38 per cent in the non-murderer group who had not served a previous sentence. In contrast, among murderers only 17 per cent had served 3 or more previous sentences, whereas 35 per cent of the non-murderer group had served 3 or more previous sentences. The relationship in Table 1 is statistically significant beyond the .001 level. This relationship is maintained when several important factors are controlled.

### 1. Race Controlled

Race is an antecedent attribute which has a well-documented relationship with homicide rates.<sup>27</sup> In an attempt to clarify the relationship between murder and previous incarcerations, the impact of race is examined. When race is controlled in Table 2, we find by examining the total columns that Negroes are disproportionately represented among those incarcerated for homicide (194 whites and 427 Negroes). This is in agreement with previous studies and statistics on homicide. Since Negroes are also overrepresented in many other crime categories we might have anticipated a racial difference in terms of previous incarcerations with Negroes having a higher percentage of previous incarcerations for both murderers and non-murderers. A slight difference in this direction was obtained among murderers with whites having 66 per cent with no previous incarcerations compared to 60 per cent for Negroes. There was only one percentage point difference, however,

<sup>27</sup> For example, see RECKLESS, *op. cit.*, 103-108 and 255-265. See also WOLFGANG, *STUDIES IN HOMICIDE*, *op. cit.* 8.

between whites and Negroes in the non-murderer category (38 per cent vs. 37 per cent).

The data in Table 2 indicate that although there is a difference in the absolute volume of murder by race, only slight differences are found in terms of previous incarcerations when race is controlled. For whites, 66 per cent of the murderers had not served a previous sentence, while only 38 per cent of the non-murderers had no previous incarcerations. For Negro murderers, 60 per cent had served no previous sentence, as compared to 37 per cent in the Negro non-murderer group. The original relationship between murder and previous incarcerations remains basically unchanged when race is held constant. The difference in previous incarcerations between murderers and non-murderers is not explained by racial distinctions.

### 2. Age Controlled

Another antecedent variable which might affect the original relationship between murder and previous incarcerations is age. If non-murderers are significantly older than murderers they have had more opportunities for becoming involved with the law and being incarcerated in the past simply as a result of the age differential. An examination of the mean age of the two groups would

TABLE 2

PERCENTAGE OF PREVIOUS INCARCERATIONS FOR  
MURDERERS AND NON-MURDERERS BY RACE

	No Previous Incarcerations	1 or 2 Previous Incarcerations	3 or more Previous Incarcerations	Total Percent	Total Cases
White					
Murderers	66	20	14	100	194
Non-Murderers	38	28	34	100	194
Total Cases	..	..	..	...	388
Negro					
Murderers	60	21	19	100	427
Non-Murderers	37	27	36	100	427
Total Cases	..	..	..	...	854

$\chi^2 = 31.76$ ; Degrees of Freedom = 2;  $p < .001$ .

$\chi^2 = 48.26$ ; Degrees of Freedom = 2;  $p < .001$ .

cast doubts on this explanation since the murderer is not younger but older than the non-murderer. (Murderer mean age = 33.48, non-murderer mean age = 28.70, critical ratio = 7.30;  $p < .001$ .)<sup>28</sup>

Since mean scores sometimes hide differences within groups, the data presented in Table 1 are partialled into six age categories to determine if the original relationship was maintained with age controlled. The results of this partialling are shown in Table 3. An examination of the total columns indicates that murderers are under-represented in the three youngest age categories and overrepresented in the three oldest age categories, as we would have anticipated based on the mean differences between murderers and non-murderers. As we would also expect, an examination of the percentages in the six subcategories indicates that as age increases for both murderers and non-murderers, the percentage of those who have not been previously incarcerated decreases.<sup>29</sup> For murderers the range is from 91 per cent for those age 19 or under to 46 per cent for those age 46 or over. For non-murderers, the range is from 68 per cent for those 19 or under to 24 per cent of those 46 or over.<sup>30</sup>

Further examination of Table 3 indicates that the difference in previous incarceration between murderers and non-murderers is greater in some age categories than others. The greatest percentage difference between murderers and non-murderers with no previous incarcerations (38 per cent) is found in the age group 30-34. For all age groups, however, the original relationship between homicide and previous incarcerations was maintained and was statistically significant, and the percentage differences tended to increase slightly over those found in the original relationship. Rather than the relationship between murder and previous incarcerations disappearing, it would appear that the strength of the relationship is increased when age is held constant.

<sup>28</sup> This difference in age is in agreement with most statistics on age of offenders. See RECKLESS, *op. cit.* 103.

<sup>29</sup> This finding concerning the direct relationship between age and previous incarceration is not in agreement with Wolfgang's analysis of police records in which he found virtually no difference by age. WOLFGANG, PATTERNS IN CRIMINAL HOMICIDE, *op. cit.* 182.

<sup>30</sup> The gradient is not as perfect among non-murderers with the age group 35-45 having the lowest percentage (21 per cent). The general trend is well pronounced, however.

TABLE 3  
PERCENTAGE OF PREVIOUS INCARCERATIONS FOR  
MURDERERS AND NON-MURDERERS BY AGE

	No Previous Incarcerations	1 or 2 Previous Incarcerations	3 or more Previous Incarcerations	Total Percent	Total Cases
Age 19 and Under					
Murderers	91	6	3	100	68
Non-Murderers	68	24	8	100	118
Total Cases	..	..	..	...	186

$\chi^2 = 13.23$ ; Degrees of Freedom = 2;  $p < .01$ .

	Age 20-24				
Murderers	73	20	7	100	107
Non-Murderers	47	32	21	100	148
Total Cases	..	..	..	...	255

$\chi^2 = 18.65$ ; Degrees of Freedom = 2;  $p < .001$ .

	Age 25-29				
Murderers	62	21	17	100	99
Non-Murderers	25	34	41	100	106
Total Cases	..	..	..	...	205

$\chi^2 = 28.15$ ; Degrees of Freedom = 2;  $p < .001$ .

	Age 30-34				
Murderers	63	20	17	100	105
Non-Murderers	25	20	55	100	99
Total Cases	..	..	..	...	204

$\chi^2 = 36.50$ ; Degrees of Freedom = 2;  $p < .001$ .

	Age 35-45				
Murderers	51	21	28	100	126
Non-Murderers	21	26	53	100	100
Total Cases	..	..	..	...	226

$\chi^2 = 22.78$ ; Degrees of Freedom = 2;  $p < .001$ .

	Age 46 and Over				
Murderers	46	30	24	100	116
Non-Murderers	24	18	58	100	50
Total Cases	..	..	..	...	166

$\chi^2 = 17.80$ ; Degrees of Freedom = 2;  $p < .001$ .

### 3. Intelligence Controlled

Measured intelligence is another variable which should be controlled in testing the spuriousness of the relationship between murder and previous incarcerations. It could be argued that if murderers are more intelligent than non-murderers

TABLE 4  
PERCENTAGE OF PREVIOUS INCARCERATIONS FOR  
MURDERERS AND NON-MURDERERS BY  
INTELLIGENCE

	No Pre- vious In- car- era- tions	1 or 2 Pre- vious In- car- era- tions	3 or more Pre- vious In- car- era- tions	Total Per- cent	Total Cases
IQ 69 and Under					
Murderers	60	26	14	100	125
Non-Murderers	42	26	32	100	117
Total Cases	..	..	..	...	242

$\chi^2 = 12.56$ ; Degrees of Freedom = 2;  $p < .01$ .

	IQ 70-79				
Murderers	56	20	24	100	143
Non-Murderers	33	26	41	100	114
Total Cases	..	..	..	...	257

$\chi^2 = 14.53$ ; Degrees of Freedom = 2;  $p < .001$ .

	IQ 80-89				
Murderers	61	20	19	100	169
Non-Murderers	40	27	33	100	146
Total Cases	..	..	..	...	315

$\chi^2 = 13.90$ ; Degrees of Freedom = 2;  $p < .001$ .

	IQ 90-99				
Murderers	68	22	10	100	108
Non-Murderers	29	29	42	100	122
Total Cases	..	..	..	...	230

$\chi^2 = 39.65$ ; Degrees of Freedom = 2;  $p < .001$ .

	IQ 100 and Over				
Murderers	70	14	16	100	76
Non-Murderers	43	28	29	100	122
Total Cases	..	..	..	...	198

$\chi^2 = 12.30$ ; Degrees of Freedom = 2;  $p < .01$ .

they might have been able to avoid detection or incarceration on previous offenses, and this factor would explain the differential in previous incarcerations between murderers and non-murderers. Once again an examination of the mean scores would lead us to doubt this explanation since non-murderers have a higher mean I.Q. than murderers. (Murderer mean I.Q. = 81.74, non-murderer mean I.Q. = 84.41, critical ratio = 2.96,  $p < .01$ ).<sup>31</sup>

When the data are partialled into five I.Q. categories the results are shown in Table 4. An inspection of the column totals in this table shows there are more murderers than non-murderers in the three lowest categories of I.Q., and the reverse is true for the two highest I.Q. categories. The percentage differences are not as great in some of the I.Q. categories as in the original relationship in Table 1; however, they all go in the expected direction and are statistically significant. It should be noted that the I.Q. categories which have the greatest percentage differences between murderers and non-murderers on previous incarcerations are the two highest I.Q. categories—especially the I.Q. category 90-99, rather than the lower I.Q. categories. Based on the data in this table, it would seem that the original relationship obtained between murder and previous incarcerations cannot be explained as a result of variations in measured intelligence.

#### Infractions on Previous Incarcerations

Thus far the data have indicated that the murderer appears to have a lower "criminality level" than the non-murderer, as measured by whether or not the individual has been previously incarcerated. Another indirect indicator of the "criminality level" of the two groups would be a measure of their adjustment on previous incarcerations.<sup>32</sup> Those cases in our two groups which have served previous sentences are now examined to determine whether or not there are any differences between murderers and non-murderers in terms of their adjustment on previous sentences, as measured by escapes and infractions.

Table 5 contains data on murderers and non-

<sup>31</sup> This finding is supported by Wolfgang who states ". . . most assaultive offenders have been shown to have significantly lower mean I.Q.'s than property offenders, and certainly lower than the general population." WOLFGANG, *STUDIES IN HOMICIDE*, *op. cit.* 9.

<sup>32</sup> It should be emphasized that all data dealing with infractions and escapes pertain to *prior incarceration and not the current sentence being served.*

murderers who had served previous sentences and shows the percentages for both groups with and without infractions. In the murderer group, 84 per cent of those who had served a previous sentence had no infractions as compared to 69 per cent in the non-murderer group. This difference, while not great, is in the expected direction and is statistically significant.

### 1. Race Controlled

When the data in Table 5 are broken down by race, we find that the percentages are all going in the expected direction and are statistically significant. (See Table 6) Fewer murderers than non-murderers had infractions for both whites and Negroes. There is very little difference in infractions within the murderer group by race; however, in the comparison group of non-murderers, 62 per cent of the whites as compared to 72 per cent of the Negroes had no infractions on previous sentences.

### 2. Number of Previous Incarcerations Controlled

A factor which would have an obvious affect on whether or not an inmate had infractions on previous sentences would be the amount of time or the number of previous sentences he had served. The longer the time or the more sentences he had served, the greater the potential risk factor for incurring infractions. The more accurate measure would probably be the length of time served on previous sentences; however, these data were not readily available, therefore number of previous sentences was utilized as a control variable. Table 7 shows the percentage of murderers and non-murderers who had infractions on previous sentences divided into those who had served "1 or 2" sentences and those who had served "3 or more" previous sentences. As we would predict, a

TABLE 5  
PERCENTAGE OF INFRACTIONS ON PREVIOUS SENTENCES  
FOR MURDERERS AND NON-MURDERERS

	No Infractions	Infractions	Total Percent	Total Cases
Murderers	84	16	100	237
Non-Murderers	69	31	100	387
Total Cases	..	..	...	624

$\chi^2 = 18.00$ ; Degrees of Freedom = 1;  $p < .001$ .

TABLE 6  
PERCENTAGE OF INFRACTIONS ON PREVIOUS SENTENCES  
FOR MURDERERS AND NON-MURDERERS  
BY RACE

	No Infractions	Infractions	Total Percent	Total Cases
Whites				
Murderers	85	15	100	67
Non-Murderers	62	38	100	120
Total Cases	..	..	...	187
Negroes				
Murderers	84	16	100	170
Non-Murderers	72	28	100	267
Total Cases	..	..	...	437

$\chi^2 = 11.31$ ; Degrees of Freedom = 1;  $p < .001$ .

$\chi^2 = 7.83$ ; Degrees of Freedom = 1;  $p < .01$ .

higher percentage of both murderers and non-murderers in the "3 or more" previous sentences category had infractions than in the "1 or 2" previous sentences category. The murderer, however, had fewer infractions than the non-murderer in both categories of previous sentences and the percentage differences between murderers and non-murderers is only slightly reduced from the original relationship in Table 5. Both of the second order tables are statistically significant but the chi-square values are not great.<sup>33</sup>

### Escapes on Previous Incarcerations

Escapes on previous sentences are also examined for murderers and non-murderers as a measure of "criminality level".<sup>34</sup> Table 8 shows the percentage of murderers and non-murderers with and without escapes on previous sentences. For murderers 90 per cent had no escapes on previous sentences while 79 per cent of the non-murderers had no escapes on previous sentences. This difference was statistically significant at the .001 level.

<sup>33</sup> If Table 7 is further subdivided into more than two categories of previous sentences, the same general pattern of distribution is maintained. Several of the categories fail to reach statistical significance, however, due to the limited number of cases involved.

<sup>34</sup> It should be noted that an "escape" in the North Carolina Prison system is most often a "walkaway" or "run" from a road camp having minimum or moderate security, not a "break" from a closed maximum security institution.

1. Race Controlled

When we control for race we note that there is only a slight difference between Negro murderers and non-murderers in terms of escape, 92 per cent and 86 per cent having no escapes; however, this is in the expected direction and does reach statistical significance at the .05 level. (See Table 9) There is a greater difference between white murderers and non-murderers than found between the two groups for Negroes with 85 per cent of white murderers having no escapes while only 65 per cent of white non-murderers had no escapes on previous sentences. This relationship was significant at the .01 level. It should be noted that race is perhaps more important than type of

TABLE 7

PERCENTAGE OF INFRACOCTIONS ON PREVIOUS SENTENCES FOR MURDERERS AND NON-MURDERERS BY NUMBER OF PREVIOUS SENTENCES

	No Infractions	Infractions	Total Percent	Total Cases
1 or 2 Previous Sentences				
Murderers	97	3	100	129
Non-Murderers	86	14	100	168
Total Cases	..	..	...	297
3 or More Previous Sentences				
Murderers	69	31	100	108
Non-Murderers	55	45	100	219
Total Cases	..	..	..	327

$\chi^2 = 9.85$ ; Degrees of Freedom = 1;  $p < .01$ .

$\chi^2 = 5.29$ ; Degrees of Freedom = 1;  $p < .05$ .

TABLE 8

PERCENTAGE OF ESCAPES ON PREVIOUS SENTENCES FOR MURDERERS AND NON-MURDERERS

	No Escapes	Escapes	Total Percent	Total Cases
Murderers	90	10	100	237
Non-Murderers	79	21	100	387
Total Cases	..	..	...	624

$\chi^2 = 12.80$ ; Degrees of Freedom = 1;  $p < .001$ .

TABLE 9

PERCENTAGE OF ESCAPES ON PREVIOUS SENTENCES FOR MURDERERS AND NON-MURDERERS BY RACE

	No Escapes	Escapes	Total Percent	Total Cases
White				
Murderers	85	15	100	67
Non-Murderers	65	35	100	120
Total Cases	..	..	...	187
Negro				
Murderers	92	8	100	170
Non-Murderers	86	14	100	267
Total Cases	..	..	...	437

$\chi^2 = 8.57$ ; Degrees of Freedom = 1;  $p < .01$ .

$\chi^2 = 4.32$ ; Degrees of Freedom = 1;  $p < .05$ .

TABLE 10

PERCENTAGE OF ESCAPES ON PREVIOUS SENTENCES FOR MURDERERS AND NON-MURDERERS BY NUMBER OF PREVIOUS SENTENCES

	No Escapes	Escapes	Total Percent	Total Cases
1 or 2 Previous Sentences				
Murderers	98	2	100	129
Non-Murderers	90	10	100	168
Total Cases	..	..	...	297
3 or More Previous Sentences				
Murderers	81	19	100	108
Non-Murderers	71	29	100	219
Total Cases	..	..	...	327

$\chi^2 = 8.10$ ; Degrees of Freedom = 1;  $p < .01$ .

$\chi^2 = 3.61$ ; Degrees of Freedom = 1;  $p < .10$ .

crime in terms of predicting escapes on previous sentences.<sup>35</sup>

<sup>35</sup> This differential in escape rates by race is consistent with findings of the Federal Bureau of Prisons in FEDERAL PRISONS, A REPORT OF THE WORK OF THE FEDERAL BUREAU OF PRISONS 1953 AND 1954. See also LOVING, STOCKWELL, AND DOBBINS, *Factors Associated with Escape Behavior of Prison Inmates*, 23 FEDERAL PROBATION 49-51 (1959).

TABLE 11

PERCENTAGE OF PREVIOUS INCARCERATIONS FOR FOUR CATEGORIES OF HOMICIDE

	No Previous Incarcerations	1 or 2 Previous Incarcerations	3 or more Previous Incarcerations	Total Percent	Total Cases
First Degree Murder	49	28	23	100	94
Second Degree Murder	58	24	18	100	194
Manslaughter	66	19	15	100	278
Involuntary Manslaughter	74	7	19	100	55
Total Cases	..	..	..	...	621

$\chi^2 = 15.61$ ; Degrees of Freedom = 6;  $p < .02$ .

### 2. Number of Previous Incarcerations Controlled

Table 10 shows the percentage of murderers and non-murderers who had escapes on previous sentences when the number of previous sentences is controlled. As expected, for murderers and non-murderers, the more previous sentences served, the more individuals who had one or more escapes. The non-murderer group still had more escapes than the murderer group in both the "1 or 2" previous sentences category and the "3 or more" previous sentences category. In the latter category, however, the data failed to reach statistical significance.<sup>36</sup>

### Sub-Classifications of Homicide

When the four separate categories of homicide are examined, (first degree murder, second degree murder, manslaughter, and involuntary manslaughter) an inverse relationship is found between the seriousness of the degree of homicide and the percentage of those having no previous incarcerations. (See Table 11) The more serious the offense, the lower the percentage having no previous incarcerations. Only minor differences are found when race is controlled and there is no indication of racial discrimination as far as seriousness of homicide charge is concerned.<sup>37</sup>

<sup>36</sup> When Table 9 is subdivided into more than two categories of previous sentences, the same general pattern prevails. Several of the categories failed to reach statistical significance, however, due to the limited number of total escapes.

<sup>37</sup> Tables on race for separate types of homicide are not shown.

TABLE 12

PERCENTAGE OF PREVIOUS INCARCERATIONS FOR FIRST DEGREE MURDERERS AND NON-MURDERERS

	No Previous Incarcerations	1 or 2 Previous Incarcerations	3 or more Previous Incarcerations	Total Percent	Total Cases
First Degree Murderers	49	28	23	100	94
Non-Murderers	38	27	35	100	621
Total Cases	..	..	..	...	741

$\chi^2 = 6.81$ ; Degrees of Freedom = 2;  $p < .05$ .

At least two explanations can be advanced for this differential in previous incarcerations by seriousness of homicide offense. The most obvious explanation is that those who commit the most serious or the most heinous form of homicide (first degree murder) are indeed those who are most "criminally inclined" as measured by our indicators. A less obvious explanation is one that might be developed from the "labelling" approach to deviance.<sup>38</sup> This explanation would argue that whenever a person is involved in a homicide, those who have a previous record are more likely to be charged and prosecuted for a more serious offense and have less chance of getting their sentence reduced in the process of "bargain justice" than those without a previous record. Unfortunately the data available in this study do not permit us to resolve this issue.

In spite of the differential which exists by homicide category, it should be noted that even for the most serious degree of homicide (first degree murder), which has the lowest percentage of cases with no previous incarcerations, the percentages are still higher than those for the comparison group of non-murderers. (See Table 12) In the first degree murderer category, 49 per cent had no previous incarcerations as compared to 38 per cent in the non-murderer group. The difference is statistically significant at the .05 level. If we compare the non-murderer group with each of the other three categories of homicide, the percentage differences become even greater and reach a higher level of statistical significance.

<sup>38</sup> For one discussion of the labelling approach to deviance see BECKER, *OUTSIDERS; STUDIES IN THE SOCIOLOGY OF DEVIANCE* (1963).

## SUMMARY AND CONCLUSIONS

This study examined a group of 621 murderers and a comparison group of non-murderers in a prison population. It was found that murderers were less likely than non-murderers to have been previously incarcerated. This difference was maintained when controlled for race, age, and intelligence. Adjustment on previous sentences was analyzed, and it was found that for those who had served previous sentences, murderers were less likely to have had escapes and infractions than non-murderers. This differential was maintained when controlled for race and number of previous incarcerations; however, one of the second order tables failed to reach statistical significance. When the homicide group was subdivided into four types (first degree murder, second degree murder, manslaughter, and involuntary manslaughter) there was an inverse relationship between the seriousness of the degree of homicide and the percentage of those having no previous incarcerations.

The basic conclusion of this study is that in terms of the indicators utilized, the murderer would appear to have a lower "criminality level" than the non-murderer in the prison population. A note of caution, however, should be introduced. This article has not attempted to resolve the issue of the extent of the murderer's previous involvement in crime. Whether or not the murderer is a first offender or a recidivist depends to a large extent on what we mean by "first offender" and the point in the criminal justice system at which we collect our data. This paper was concerned with a comparative analysis of murderers and non-murderers in the prison system. Future studies should address the issue of the "criminality level"

of the murderer by comparative examination of murderers and non-murderers at different levels (arrest and conviction statistics) in the criminal justice system.<sup>39</sup>

There is also the problem that because of the nature of the act of murder and the manner in which public officials and the general public react to this crime, the murderer is more likely to be committed to an institution as a first offender while violators falling into some of the other crime categories are less likely to be committed until after they have had several contacts with the law. This does not necessarily mean, however, that offenders in these other crime categories are any more likely to have a record of previous *incarceration* prior to their present sentence, but simply to have had more *contacts* with the criminal justice system. Future research should examine this issue.

It is the author's contention that the general public is most concerned with the incarcerated murderer who has been released, or is about to be released, to "prey on society"; not those who have police records or other criminal involvements who have never been incarcerated. As far as trends in the reduction of the use of capital punishment are concerned, it is certainly the incarcerated murderer, not the murderer who appears in arrest statistics but goes no further through the system, who is most affected. From the data presented in this study, it would seem that the incarcerated murderer has a lower "criminality level", and upon his release offers no more threat to society—perhaps less—than other incarcerated offenders.

<sup>39</sup> The subject has not yet been sufficiently explored to accept without question the assumption made by Wolfgang. "Rates vary, of course, according to the official level chosen, but for general theorizing purposes these differences are not serious impediments." WOLFGANG, *STUDIES IN HOMICIDE*, *op. cit.* 3.