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# SYMPOSIUM

## STRANGER VIOLENCE: PERSPECTIVES, ISSUES, AND PROBLEMS\*

MARC RIEDEL\*\*

### I. INTRODUCTION

Stranger violence represents one of the most frightening forms of criminal victimization. Conklin<sup>1</sup> and McIntyre<sup>2</sup> have argued that the fear of crime is basically a fear of strangers. It is suggested that people fear the unknown person who commits an unpredictable and violent attack on a vulnerable and innocent citizen going about routine daily activities. The perceptions that the attacker is indiscriminate in his selection of the victim and that the victim can do little to avoid attack or protect himself also elicit fear in society. The urban dweller, in particular, confronts what Silberman refers to as a "startling paradox":

Life in metropolitan areas . . . involves a startling paradox: we fear strangers more than anything else, and yet we live our lives among strangers. Every time we take a walk, ride a subway or bus, shop in a supermarket or department store, enter an office building lobby or elevator, work in a factory or large office, or attend a ball game or the movies, we are surrounded by strangers. The potential for fear is as immense as it is unavoidable.<sup>3</sup>

The fear of crime from strangers has important consequences for life in a civil society. People stay behind locked doors and travel by taxi or car rather than public transportation or on foot to avoid contact with strangers. When people go out, they travel in groups

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<sup>1</sup> J. CONKLIN, *THE IMPACT OF CRIME* (1975).

<sup>2</sup> McIntyre, *Public Attitudes Toward Crime and Law Enforcement*, 374 ANNALS 34 (1967).

<sup>3</sup> C. SILBERMAN, *CRIMINAL VIOLENCE*, CRIMINAL JUSTICE 11 (1978).

and avoid returning to their homes at a late hour. They stay away from cultural and educational events if traveling to a certain section of the city at night is required. Such avoidance behavior represents what economists refer to as "opportunity costs." When people stay home, they are not enjoying the educational and cultural advantages of their community. By restricting with whom they will interact, the general level of sociability decreases. Such responses not only undermine the trust essential for a civil society, but diminish the quality of life as well.<sup>4</sup>

Because of its extraordinary fear-provoking nature and negative implications for the quality of urban life, it might be assumed that stranger violence would be well researched; however, such is not the case. The purpose of this Symposium Issue is to stimulate research on the topic by presenting several articles which provide a descriptive foundation for the topic and to explore the relationship of stranger violence to other more familiar criminological dimensions.

This Article is both introductory and integrative. It is introductory in that it focuses on basic problems such as the incidence and trends in stranger violence, the theoretical status of the topic, and the conceptual issues confronting present and future research. It is integrative in that it weaves some of the major findings and perspectives of the Symposium papers into more general considerations of stranger violence.

## II. THE INCIDENCE OF STRANGER VIOLENCE

### A. STRANGER HOMICIDE

Data on the nationwide incidence and trends in stranger violence are undeveloped. National estimates of the amount of stranger violence, excluding homicide, are available from victimization surveys.<sup>5</sup> Estimates of the number of stranger homicides are available from the Supplementary Homicide Reports (SHR) of the Uniform Crime Reporting Program.

In 1976, the SHR began collecting information on homicide victim/offender relationships. Table 1 shows the distribution of victim/offender relationships in murder and nonnegligent manslaughter from 1976 through 1985.

Table 1 indicates that although murders and non-negligent manslaughters involving strangers decreased from 18.4% in 1976 to

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<sup>4</sup> J. CONKLIN, *supra* note 1; McIntyre, *supra* note 2.

<sup>5</sup> BUREAU OF JUSTICE, U.S. DEP'T. OF JUSTICE, *VIOLENT CRIME BY STRANGERS AND NONSTRANGERS* (1987)(special report).

**TABLE 1**  
**VICTIM/OFFENDER RELATIONSHIP FOR MURDER AND**  
**NONNEGLIGENT MANSLAUGHTER**  
**1976-1985\***

VICTIM/OFFENDER RELATIONSHIPS**				
Year	Family	Friends & Acquaintances	Strangers	Unknown
1976	27.2	54.4	18.4	---
1977	19.4	40.4	13.4	27.0
1978	18.6	37.6	13.5	30.1
1979	16.8	35.2	12.5	35.3
1980	16.1	34.8	13.3	35.8
1981	16.9	37.9	15.5	29.6
1982	18.7	38.3	15.0	28.2
1983	18.7	38.3	15.0	28.2
1984	17.5	39.0	17.6	25.8
1985	17.3	41.3	14.5	26.9

\* Taken from annual editions of CRIME IN THE UNITED STATES.

\*\* Due to rounding percentages may not add up to 100.0%.

13.3% in 1980, they increased to 17.6% in 1984. By 1985, murders involving strangers had again declined to 14.5%.

Murders involving family members decreased from 27.2% to 16.9% from 1975 to 1981, increased to 18.7% in 1982, and decreased to 17.3% in 1985. Homicides involving friends and acquaintances decreased from 54.4% in 1976 to 34.8% in 1980 and increased to 41.3% in 1985. Nationwide, victim/offender relationships in which the relationship was unknown increased from 27.0% in 1977 to 35.8% in 1980, but declined to 25.8% in 1984.

Although homicides involving family and friends and acquaintance homicides reported by the SHR may be valid, the available research suggests that the SHR substantially underreports the incidence of stranger murder and nonnegligent manslaughter. Zahn and Riedel examined the extent of this underreporting by comparing SHR frequencies to the frequencies of a number of variables recorded by the police departments of seven cities: Philadelphia, Newark, St. Louis, Memphis, Dallas, Oakland, and Ashton.<sup>6</sup> Ashton

<sup>6</sup> Zahn & Riedel, *National Versus Local Data Sources in the Study of Homicide: Do They Agree?*, in 32 MEASUREMENT ISSUES IN CRIMINAL JUSTICE (G. Waldo ed. 1983); Riedel, *Nationwide Homicide Datasets: An Evaluation of UCR and NCHS Data*, in MEASURING CRIME: LARGE-SCALE, LONG-RANGE EFFORTS (D. MacKenzie, P. Baunach, & R. Roberg eds.) (forthcoming). To measure the amount of agreement, the homicide frequencies reported by the SHR were divided by the frequencies recorded by the cities' police departments. If the frequencies of the two data sources agreed completely, the agreement

is a pseudonym for a western, non-California city.

Zahn and Riedel examined the amount of agreement between the police department records and the SHR for the variables of sex, race, age of murder victims, and weapon, and they found no consistent reporting pattern.<sup>7</sup> The victim/offender relationship variable, however, reflected a consistent pattern of underreported stranger murders.<sup>8</sup> The city police departments consistently recorded more stranger murders than were reported by the SHR.

The agreement ratios for stranger murders ranged from .071 in Oakland to .968 in Dallas. In other words, the Oakland SHR only reported about 7% of the stranger murders, and the Dallas SHR reported almost 97%. With the exception of Dallas, the agreement ratios were smaller than for either family murders or murders involving friends and acquaintances.

While stranger murders were underreported for the year in the seven cities analyzed, Riedel also found that stranger murders were underreported for six years in Chicago.<sup>9</sup> Using data made available by the Statistical Analysis Center for the Illinois Criminal Justice Information Authority,<sup>10</sup> comparisons were made between Chicago Police Department records of stranger murders and the SHR for the years 1976 through 1981. The results generally supported the seven-city analysis: the agreement ratios ranged from .954 in 1978 to .600 in 1980. As with the seven-city analysis, the ratios for the stranger murder category were the smallest of the three victim/offender categories.

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ratio was 1.000. If the SHR reported a higher frequency than the police, the ratio was greater than one. If the SHR underreported the frequency relative to that recorded by the police, the agreement ratio was less than one.

<sup>7</sup> Zahn & Riedel, *supra* note 6. For the total number of cases, the results suggest that almost all cases of murder and nonnegligent manslaughter were included in the SHR. The difference in the number of cases between the two reporting systems ranged from one in Dallas to nine in Philadelphia. With respect to male victims in the seven cities, for example, the agreement ratios ranged from .947 in Oakland to 1.023 in Newark, thus indicating high agreement. For female victims, there was much less agreement, generally in the direction of overreporting by the SHR. The agreement ratios ranged from .963 in St. Louis to 1.294 in Newark.

In general, there was no consistent reporting pattern. Newark frequently underreported in comparison to the SHR, but this was not always the case. There was some tendency for cities to record larger frequencies than the SHR, but this pattern was also not consistent.

<sup>8</sup> Riedel, *supra* note 6.

<sup>9</sup> M. Riedel, *Stranger Violence: A Theoretical Inquiry* (unpublished manuscript).

<sup>10</sup> The author is grateful to the Illinois Criminal Justice Information Authority for making this data on Chicago homicides available. The data was collected by Carolyn Rebecca Block, Richard L. Block, and Franklin E. Zimring, with the help of the Chicago Police Department.

In his original study of this problem, Riedel concluded that the underreporting of stranger murders is a function of the reporting lag between local police departments and the Uniform Crime Reporting Program.<sup>11</sup> Using a computerized data base of all murders in Memphis from 1974 to 1978, Riedel compared the distribution of victim/offender relationships to a similar SHR distribution. The pattern of agreement was similar to that found later in the seven-city and Chicago data.<sup>12</sup> Riedel also found that stranger murders took longer to resolve, i.e., the time between the criminal event and the identification of its perpetrator was longer.<sup>13</sup> Because of this time lag, when the SHR were completed by police departments each month, the victim/offender relationship information was not available and the case was recorded as being of unknown relationship. These records were then forwarded to the Uniform Crime Reporting Program. If an arrest was made after this reporting of the offense, the victim/offender relationship was recorded in police records. An updated report, however, was not routinely forwarded to the Uniform Crime Reporting Program.

In addition to a reporting lag, the validity of the SHR's classification of homicides is questionable. In one of the few studies of its type, Loftin compared the homicide circumstances classification for the SHR to a classification generated by examining narrative summaries of each of the 196 cases from the files of the Baltimore City Prosecuting Attorney and the Public Information Office of the Baltimore Police Department.<sup>14</sup> The two classifications initially indicated a high degree of consistency. The Baltimore SHR classified 14.3% of the homicide circumstances as robbery and Loftin's coders classified 17.3% of the homicide circumstances as robbery.<sup>15</sup> When the cases were grouped and cross-classified, however, forty-two cases were classified as robbery-circumstance in one or both of the studies; only twenty cases were so classified in both studies. If the three categories are considered (robbery, not robbery, and undetermined), the two classifications agreed in 93 out of 196 cases, which represents only 47% agreement.<sup>16</sup>

Loftin concluded that the classification of robbery-related homicides was not very reliable. He suggested three problems with

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<sup>11</sup> M. Riedel, *Stranger Homicides in an American City* (November 11-14, 1981) (paper presented at the American Society of Criminology Meetings, Washington, D.C.).

<sup>12</sup> See Zahn & Riedel, *supra* note 6.

<sup>13</sup> See M. Riedel, *supra* note 11.

<sup>14</sup> Loftin, *The Validity of Robbery-Murder Classifications in Baltimore*, 1 VIOLENCE AND VICTIMS 191 (1986).

<sup>15</sup> *Id.* at 195.

<sup>16</sup> *Id.* at 196.

the SHR classification. First, categories used by the SHR are mutually exclusive. This situation forces coders to place cases in only one category when more than one category is appropriate. Second, there are no clear rules for coding cases with ambiguous motives. Third, the SHR coders placed significantly more cases in the undetermined category than did the coders used by Loftin. The failure to use an appropriate other-than-robbery category may have a major impact on studies of the correlates of robbery murder.<sup>17</sup>

In their Article included in this Symposium Issue, Loftin, Kindley, Norris, and Wiersema extended the analysis of classification to an examination of victim/offender relationships.<sup>18</sup> By developing and testing the utility of a classification based on attributes of the victim and the offender, Loftin and his colleagues used homicide and SHR cases from the earlier study. Forty-three of the Baltimore homicides were classified as stranger homicides by either the SHR or attribute classification, but only nineteen, or 44%, were classified as homicides with stranger involvement by both classification approaches.

This research suggests that the use of the SHR may neither be accurate nor reliable as an indicator of the nationwide incidence and trends in stranger violence.<sup>19</sup> Although the problem of comparability exists, one alternative is to examine recent studies of homicides in different cities in order to gain an indication of the proportion of homicides involving strangers.

Riedel and Zahn collected detailed homicide data from eight American cities for 1978.<sup>20</sup> All homicide cases were collected in seven cities, and a 50% systematic sample was used in Chicago. Table 2 shows the victim/offender frequencies and percentages for the eight cities. Table 2 indicates substantial variation among the eight cities for the three victim/offender relationship categories. For homicides occurring within the family, the range is the smallest: from 11.2% to 21.1% of total homicides. For homicides involving friends and acquaintances, the figures range from 31.4% in Newark to 58.6% in Memphis. Stranger homicides range from 14.3% in Oakland to 29.0% in Philadelphia. For all eight cities, 23.5% of all homicides involved strangers.

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<sup>17</sup> *Id.* at 201.

<sup>18</sup> Loftin, Kindley, Norris & Wiersema, *An Attribute Approach to Relationships Between Offenders and Victims in Homicides*, 78 J. CRIM. L. & CRIMINOLOGY 259 (1987).

<sup>19</sup> The total number of homicides, based on Return A, crimes known to the police, appear to be accurately recorded. See Cantor & Cohen, *Comparing Measures of Homicide Trends: Methodological and Substantive Differences in the Vital Statistics and Uniform Crime Report Time Series (1933-1975)*, 9 SOC. SCI. RES. 121 (1980).

<sup>20</sup> M. RIEDEL & M. ZAHN, *THE NATURE AND PATTERNS OF AMERICAN HOMICIDE* (1985).

**TABLE 2**  
**VICTIM/OFFENDER RELATIONSHIPS AS REPORTED BY**  
**EIGHT CITY POLICE DEPARTMENTS (1978)**

Victim/ Offender Relationship	Philadelphia		Newark		St. Louis	
	f	%	f	%	f	%
Within Family	46	12.7	13	12.8	27	13.0
Friends and Acquaintances	138	38.1	32	31.4	92	44.4
Strangers	106	29.3	28	27.4	37	17.9
Unknown	72	19.9	29	28.4	51	24.6
Total	362	100.0*	102	100.0	207	100.0

Victim/ Offender Relationship	Memphis		Dallas		Oakland	
	f	%	f	%	f	%
Within Family	16	13.8	44	18.9	11	11.2
Friends and Acquaintances	68	58.6	95	40.8	51	52.0
Strangers	23	19.8	63	27.0	14	14.3
Unknown	9	7.8	31	13.3	22	22.4
Total	116	100.0	233	100.0	98	100.0

Victim/ Offender Relationship	Ashton		Chicago**		Total Cities	
	f	%	f	%	f	%
Within Family	19	21.1	61	14.4	237	14.5
Friends and Acquaintances	38	42.2	206	48.7	720	44.2
Strangers	21	23.3	92	21.7	384	23.5
Unknown	12	13.3	64	15.1	290	17.8
Total	90	100.0	423	100.0	1,631	100.0

\*\* Based on a 50 percent systematic sample.

\* Total percent rounded to 100.0%.

The range of approximately 14% to 29% is consistent with percentages found in the majority of other recent studies using city police records. An examination of victim/offender relationships in Chicago from 1978 through 1981 indicated that stranger homicides ranged from 22.0% in 1978 to 29.6% in 1981.<sup>21</sup> Morgan and

<sup>21</sup> M. Riedel, *supra* note 9.



Kratcoski<sup>22</sup> selected a 50% sample of homicide cases from Cuyahoga County (Cleveland) for the years 1970 through 1979 (N=1,655). These homicide cases were compared to data gathered for the same years on all the non-justifiable homicide cases recorded by the Court of Appeals for the Sixth Circuit in Alabama, a jurisdiction which includes the county and the city of Tuscaloosa (N=99). For 1978-1979, stranger homicides constituted 22% of the homicides in Cuyahoga County, but constituted 40% of the homicides in Tuscaloosa County. The percentage from the ninety-nine cases in the city and the county of Tuscaloosa was the only one to fall outside of the 14% to 29% range mentioned above.

In a study of 569 homicides in Dade County (Miami) Wilbanks found that 11% of the homicides were classified as involving strangers.<sup>23</sup> However, if the categories of citizens killing felons and felons killing citizens, both of which involved strangers, were included, the resulting percentage is 24.9.

In their Article on relational distance and stranger homicide in this Symposium Issue, Silverman and Kennedy found that stranger homicides total 12% to 22% of all homicides.<sup>24</sup> The studies reporting the lower percentages were published before 1975. In their analysis, Silverman and Kennedy used data tapes of all Canadian homicides from 1961 through 1983. In more recent years, stranger homicide increased to a peak of 29% in 1980 and declined to 18% in 1982 and 1983.

In addition to specifying a range, the percentages of stranger homicides from various studies were ranked, and a median was computed. By using the percentages from the eight-city study, data from Chicago police records from 1978-1981, the Morgan and Kratcoski research results, the Wilbanks study, and three of the most recent studies cited by Silverman and Kennedy, it is estimated that the median of stranger homicides in the United States cities surveyed is approximately 22.0%. The Silverman and Kennedy data from 1978 through 1983 shows that the median of stranger homicides in Canada is also approximately 22.0%.

The estimates and ranges cited are approximations for three reasons. First, this analysis presumes that police records are a more accurate source of information of stranger related homicide than SHR data. While the problems of classification and underreporting

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<sup>22</sup> Morgan & Kratcoski, *An Analysis of the Victim-Offender Relationship in Homicide Cases*, 2 J. POLICE & CRIM. PSYCHOLOGY 52 (1986).

<sup>23</sup> W. WILBANKS, MURDER IN MIAMI 35 (1984).

<sup>24</sup> Silverman & Kennedy, *Relational Distance and Homicide: The Role of the Stranger*, 78 J. CRIM. L. & CRIMINOLOGY 272 (1987).

have been discussed with respect to the SHR, there is little information concerning the reliability of police record classifications. It is not known, for example, whether there is agreement among city police departments as to how to classify stranger homicides in police records.

Second, the percentages cited may underestimate the true incidence of stranger homicides in cities. Because of the longer time and additional resources needed to investigate and solve stranger murders, many such homicides remain classified as of "unknown relationship." One of the few efforts examining which homicides are included in the "unknown" category was conducted by Wolfgang.<sup>25</sup> Of the 588 criminal homicides studied by Wolfgang between 1948 and 1952, thirty-eight, or approximately 6%, were unsolved. Of these thirty-eight homicides, 42% were believed to be motivated by robbery. "Because robbery constituted such a high proportion of the unsolved cases, it is probably safe to assume that most of the victims were strangers to their slayers."<sup>26</sup> Wolfgang's study suggests that stranger homicide rates are conservative because a substantial number are included in the unknown relationship category.

Third, estimates of stranger homicide in the cities studied are based on data that are at least four-years old. The most recent United States studies date from 1981 while the most recent data from Canada date from 1983. Although a subsequent section will suggest that stranger homicides are increasing, the most recent data is from 1981. The percentages cited may be an accurate reflection of the incidence of stranger homicides in the United States and in Canada at the time of the research, but, since that time, the proportion of homicides involving strangers could have increased, decreased, or remained the same.

#### B. OTHER FORMS OF STRANGER VIOLENCE

Although it is difficult to obtain a measure of the nationwide incidence of stranger homicide from the SHR, there is general agreement that homicides are the best reported offense.<sup>27</sup> For crimes such as rape, robbery, and assault, the prevalence of under-reporting has served as a stimulus for the development and use of victimization surveys.<sup>28</sup>

A recent report of the Bureau of Justice Statistics describes the

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<sup>25</sup> M. WOLFGANG, *PATTERNS IN CRIMINAL HOMICIDE* (1958).

<sup>26</sup> *Id.* at 292-93.

<sup>27</sup> See R. O'BRIEN, *CRIME AND VICTIMIZATION DATA* (1985).

<sup>28</sup> *Id.*

incidence and characteristics of violent crime, excluding homicides, for different victim/offender relationships.<sup>29</sup> The data was drawn from the 1982-1984 National Crime Survey and consisted of an average sample of 58,000 households and 123,000 individuals, the latter of whom were interviewed twice a year. Series crimes, which are crimes in which there were three or more incidents about which the victim could not provide separate details, were included in the counts as single incidents.

Three victim/offender relationship categories were used. Crimes committed by relatives included crimes by spouses, ex-spouses, parents, and children which were committed against other relatives. The category of acquaintance included casual acquaintances, friends, boyfriends, girlfriends, and other non-related but well-known persons. Strangers were divided into those people completely unknown and those known "by sight only." Offenders were known "by sight only" if the victim never said more than hello to the offender.<sup>30</sup> Of the 57% of the rape, robbery, and assault victimizations committed by strangers, 46% were committed by offenders who were completely unknown to their victim, and 11% were committed by persons known by sight only.<sup>31</sup>

Thirty-one percent of the violent victimizations involved acquaintances.<sup>32</sup> The categories were: casual acquaintances, 14%; non-related, but well-known persons, 6%; friends/ex-friends, 6%; girlfriends and ex-girlfriends, boyfriends and ex-boyfriends, 4%. Relatives composed 8% of the violent victimizations. In 3% of the victimizations, the relationship could not be ascertained. Robbery was the offense most frequently committed by strangers; 77% of the robbery victimizations were committed by strangers. The percentages of stranger involvement for rape (55%), aggravated assault (56%), and simple assault (52%) were very similar.<sup>33</sup>

Violent victimizations involving acquaintances were higher in simple assault (36%), rape (35%), and aggravated assault (30%) than in robbery (15%). Relatives constituted less than 10% of the victimizations for every violent crime in this study.<sup>34</sup>

Although strangers were involved in 57% of the violent victimizations, excluding homicides, in the United States, Sampson found

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<sup>29</sup> BUREAU OF JUSTICE STATISTICS, U.S. DEPT. OF JUSTICE, *VIOLENT CRIME BY STRANGERS AND NONSTRANGERS* (1987)(special report).

<sup>30</sup> *Id.* at 1.

<sup>31</sup> *Id.* at 2.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

that the amount of stranger involvement in Britain was very small.<sup>35</sup> In his study of the relationships of routine activities to stranger violence theory, Sampson used data from a nationally representative survey of England and Wales. This survey, the British Crime Survey, was conducted in 1982. In the survey, one respondent per household who was sixteen years or older, was randomly selected and interviewed, resulting in a final sample of 10,905.

Only about 2% of residents of Great Britain reported being assaulted by a stranger, and less than 1% were robbed, pick-pocketed, or had their purse snatched by a stranger. The probability of suffering a serious personal crime by strangers is, therefore, very low.<sup>36</sup>

Stranger homicides tend to be underreported by the police because of the difficulty in finding and arresting such offenders.<sup>37</sup> As a result, a valid estimate may be somewhat higher than what has been reported. Estimates of stranger involvement in other forms of violence have the opposite problem, as stranger involvement in rape, robbery, and assault is reported more frequently than nonstranger involvement in those offenses.

In a review of the literature comparing victimization surveys to UCR data, Gove, Hughes, and Geerken<sup>38</sup> cite the research by Skogan<sup>39</sup> that indicates a much higher proportion of assaults take place among relatives, friends, and acquaintances than is reported in victimization surveys. Skogan found that police records contain three and one half times more violence than is reported by interview. Similarly, in an LEAA<sup>40</sup> study of rapes cited by the authors, 9% of the rapes in the victimization survey involved nonstrangers while official statistics indicated that 57% of the rapes involved nonstrangers.

### C. CONCLUSIONS

From a review of the available research on the incidence of stranger violence, the following conclusions are warranted. First, the SHR is not a reliable source of information about the nationwide incidence of stranger homicide. Results indicate that there is a reporting lag in providing the Uniform Crime Reporting Program

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<sup>35</sup> Sampson, *Personal Violence by Strangers: An Extension and Test of the Opportunity Model of Predatory Victimization*, 78 J. CRIM. L. & CRIMINOLOGY 327 (1987).

<sup>36</sup> *Id.* at 342.

<sup>37</sup> M. Riedel, *supra* note 11.

<sup>38</sup> Gove, Hughes & Geerkin, *Are Uniform Crime Reports a Valid Indicator of the Index Crimes? An Affirmative Answer with Minor Qualifications*, 23 CRIMINOLOGY 451 (1985).

<sup>39</sup> W. SKOGAN, *ISSUES IN THE MEASUREMENT OF VICTIMIZATION* (1981).

<sup>40</sup> LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, *EXPANDING THE PERSPECTIVE OF CRIME DATA: PERFORMANCE IMPLICATIONS FOR POLICY MAKERS* (1977).

with updated police records on the incidence of stranger homicides. Additionally, the available research indicates problems with accurate classification of robbery murder. Because national statistics underreport stranger homicides, a more accurate indication of the incidence of stranger homicide can be obtained by examining recent city studies of victim/offender relationships.

Second, studies show that stranger homicides in United States cities range from 14% to 29%, with a 22% median. The Canadian study is consistent with the United States results.

Third, recently published victimization survey results indicate that 57% of all rapes, robberies, and assaults involve strangers. Stranger offenders were most frequently involved in robberies (77%) and were responsible for between 52% and 56% of all rapes, aggravated assaults, and simple assaults. By contrast, strangers in Great Britain were involved in approximately 2% of all assaults and less than 1% of all robberies and thefts.

Finally, unlike stranger homicides, other forms of stranger violence appear to be overreported. Research on victimization surveys indicates non-lethal violent offenses involving strangers are more likely to be reported to interviewers than those involving offenders known to the victim.

### III. IS STRANGER VIOLENCE INCREASING?

#### A. STRANGER HOMICIDE

Due to the underreporting of stranger homicides by the SHR, the nationwide incidence of stranger homicide can only be approximated by examining numerous studies of homicides in cities. Efforts to ascertain changes in homicide rates are exacerbated by underreporting. One exception, however, was the detailed information gathered on 12,872 homicides in Chicago from January, 1965 through December, 1981.<sup>41</sup> Figure 1, constructed by the author from the dataset of Chicago homicides, shows the changes in victim/offender relationships from 1965 through 1981.

Figure 1 indicates that, as an annual proportion of all homicides, homicides involving strangers increased to 28.0% in 1970 from 20.0% in 1965 and then declined to 15.4% in 1977. After 1977, the trend was steadily upward, to a maximum level of 29.6% in 1981.

Conversely, the trends for family and acquaintance homicides remained the same or declined during the seventeen-year period.

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<sup>41</sup> Riedel, *supra* note 6.

In 1965 and 1968, family homicides were, respectively, 26.1% and 24.6% of Chicago homicides. By 1981, family homicides had decreased to 10.3%. Likewise, acquaintance homicides have shown a decline after reaching a peak of 53.3% in 1972. By 1981, acquaintance homicides constituted 36.9% of all homicides in Chicago.

Figure 1 indicates a large increase in the number of cases in which the type of victim/offender relationship is unknown. In 1965, only 3.8% of the victim/offender relationships were unknown; by 1981, this figure had increased to 23.2%.

A major problem in determining whether stranger homicide is increasing is the difficulty in generalizing the results from city data. With respect to total homicides, Block suggests:

Chicago is not atypical of other large U.S. cities, either in the amount of homicide or in its general pattern over time. Homicide mortality data for total U.S. metropolitan areas show the same rapid increase in the 1960's, a slower increase in the early 1970's, a brief decline, and then another increase. Further, the patterns of change over time in the number of homicides known to the police in two other large northern cities, Philadelphia and Detroit, are similar to the pattern in Chicago.<sup>42</sup>

In their study of homicides in the Midwest (Cleveland) and the South (Tuscaloosa), Morgan and Kratcoski found that stranger and felony homicides increased from 1970 to 1979, while homicides involving spouses, relatives, and acquaintances remained the same or declined during that time period.<sup>43</sup> Stranger homicides, according to the Midwest data, increased from 14.4% for the 1970-1971 period to 26.6% for the 1972-1973 period. Stranger homicides declined to 20.3% in 1974-1975 and slowly increased to 22.0% by 1978-1979.<sup>44</sup>

Spouse homicides in the Midwest, by contrast, increased from 14.7% in 1970-1971 to 16.4% in 1972-1973. Spouse homicides

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<sup>42</sup> C. Block, *Lethal Violence in Chicago over Seventeen Years: Homicides Known to the Police, 1965-1981*, Statistical Analysis Center, Illinois Criminal Justice Information Authority 5 (1985).

<sup>43</sup> Morgan & Kratcoski, *supra* note 22.

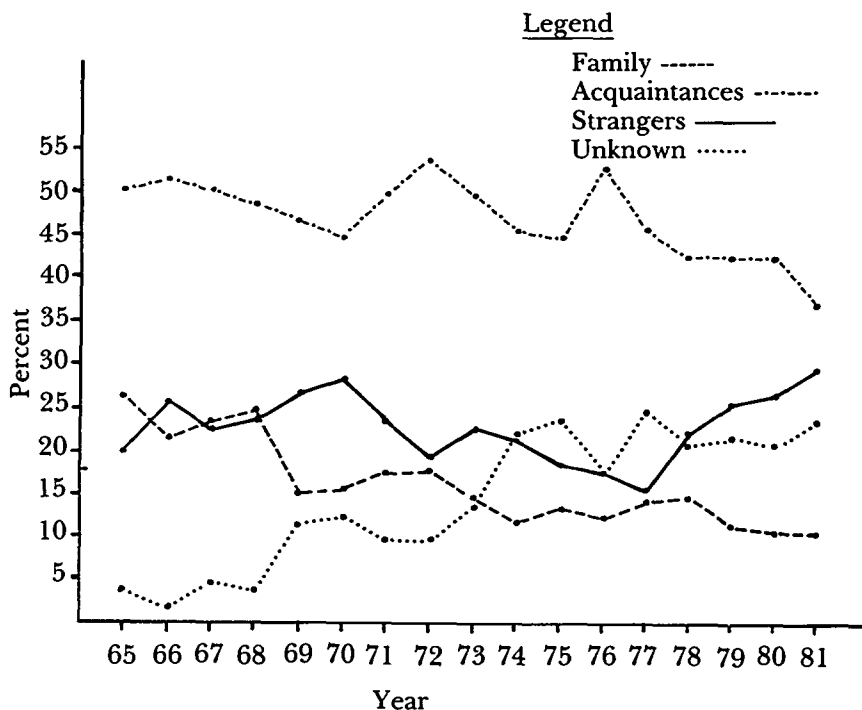
<sup>44</sup> *Id.* at 62.

<sup>45</sup> *Id.* The analysis for stranger homicides indicated a clear decade-long trend toward a greater proportion of stranger homicides (Midwest slope = +.94; South = +.88) and felony homicides (Midwest slope = +1.28; South = +2.81). The authors found a shift in both areas away from spouse homicides (Midwest slope = -1.27; South = -1.58). Acquaintance homicides had a slope of +.01 in the Midwest data and a slope of -.26 in the data from the South. The authors caution that the small number of cases in the data from the South make it difficult to draw definitive conclusions.

<sup>46</sup> Munford, Kazer, Feldman & Stivers, *Homicide Trends in Atlanta*, 14 CRIMINOLOGY 213 (1976)[hereinafter Munford].

<sup>47</sup> *Id.* at 219.

**FIGURE 1**  
**VICTIM/OFFENDER RELATIONSHIPS IN CHICAGO**  
**(1965-1981)\***



\* Source: Unpublished analysis, Illinois Criminal Justice Information Authority, of data collected by Carolyn Rebecca Block, Richard L. Block and Franklin E. Zimring with the help of the Chicago Police Department.

then decreased to 10.2% of all homicides in 1978-1979.<sup>45</sup>

A study conducted by Munford, Kazer, Feldman, and Stivers on 591 Atlanta homicides shows changes in stranger homicide rates over time.<sup>46</sup> This study analyzed homicides for two time periods: 1961-1962 and 1971-1972. Victim/offender relationships were di-

<sup>48</sup> Pokorny, *A Comparison of Homicides in Two Cities*, 56 J. CRIM. L. CRIMINOLOGY & POLICE SCI. 479 (1965). In order to make victim/offender relationships comparable across the two Houston and two Philadelphia studies, these relationships were reclassified into "within family," "other known relationships," "strangers," and "other or unknown."

<sup>49</sup> H. LUNDGAARDE, *MURDER IN SPACE CITY: A CULTURAL ANALYSIS OF HOUSTON HOMICIDE PATTERNS* (1977). The within family homicides increased slightly from 22.9% in 1958-1961 to 31.0% in 1969; homicides involving other known relationships remained approximately the same (51%).

<sup>50</sup> Pokorny, *supra* note 40, at 483.

<sup>51</sup> H. LUNDGAARDE, *supra* note 49, at 231.

vided into three groups: relatives and acquaintances, strangers, and unknowns. In Atlanta, from 1961 to 1962, stranger homicides represented 1.3% of all homicides. By 1971-1972, this figure had increased to 15.0%. While stranger homicides showed an increase, those involving relatives and acquaintances showed a decrease. In 1961-1962, relative and acquaintance homicide accounted for 73.0% of the total; by 1971-1972, Atlanta's percentage decreased to 71.6%. Unlike the Chicago data, the percent of unknown relationships declined. In 1961-1962, the percentage of unknown relationships was 25.7%; by 1971-1972, this figure had declined to 13.4%.<sup>47</sup>

Another way to determine whether stranger homicides have increased is to compare different studies conducted at different times in the same city. Pokorny's<sup>48</sup> data on 423 homicide victim/offender relationships in Houston were compared to similar data from Lundesgaarde's<sup>49</sup> study of 200 homicides in Houston. Pokorny found that, in Houston, stranger homicides comprised 3.3% of all homicides from 1958 through 1961.<sup>50</sup> In 1969, Lundesgaarde's research indicated that stranger homicides had increased to 17.5%.<sup>51</sup>

Similarly, Wolfgang's data on 588 homicides in Philadelphia<sup>52</sup> were compared to a distribution of victim/offender relationships by Riedel and Zahn.<sup>53</sup> Wolfgang found that stranger cases in 1948-1952 constituted 12.4% of all homicides.<sup>54</sup> By contrast, in 1978, Riedel and Zahn found that stranger homicides constituted 29.2% of all Philadelphia homicides.<sup>55</sup>

Silverman and Kennedy discuss the following trends in victim/offender relationships in Canadian homicides from 1961 through 1983 in their Article.

The proportion of stranger homicide rose gradually to a rather dramatic peak in 1980 (29%), followed by an equally dramatic decline in 1982 and 1983 (18%). The low year for stranger homicide was 1967 (15%). The average proportion of stranger involvement in homicide over the twenty-two years was 22%.<sup>56</sup>

Caution must be used in generalizing from the previous limited

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<sup>52</sup> M. WOLFGANG, *supra* note 25.

<sup>53</sup> M. RIEDEL & M. ZAHN, *supra* note 20. Within family homicides declined from 23.0% in 1948-1952 to 12.4% in 1978. Homicides involving other known relationships also declined during this period from 58.2% to 38.4%. In Philadelphia, the percentage of unknown relationships increased from 6.4% to 19.9%.

<sup>54</sup> M. Wolfgang, *supra* note 25.

<sup>55</sup> M. RIEDEL & M. ZAHN, *supra* note 20.

<sup>56</sup> Silverman & Kennedy, *supra* note 24, at 283. (" 'Family' homicide remained relatively stable, while the proportion of spouse/lover homicide has been in steady decline since the 1960s levelling out in the early 1980s. On the other hand, it is the proportion of friends and acquaintances' has been persistently rising since the beginning of the measurement period.").



evidence to postulating a general increase in stranger homicide. First, the only series of data available for more than a few years is limited to Chicago, Cleveland, and Tuscaloosa.<sup>57</sup> Second, it is unacceptable to posit an increase on the basis of two data points separated by an interval of time such as was inferred by this author.<sup>58</sup> Third, the risk of error increases when the two data points are studies done by different researchers at widely varying times in the same city, such as the comparison of homicide studies in Houston and Philadelphia. Finally, the most recent United States data is from Chicago for the year 1981. Examination of the Silverman and Kennedy research in Canada suggests that the proportion of stranger homicides can vary substantially in a short period of time. Stranger homicides decreased from 29% in 1980 to 18% in 1982 and 1983.<sup>59</sup> There is no assurance that a similar development did not occur in the United States.

Minimally, no evidence in studies of United States cities suggests a decrease in the proportion of homicides involving strangers. Results assembled from seven studies in six cities uniformly suggest an increase. There is, however, no general indication of the amount of the increase or the stability of the increase over time.

With the exception of the Atlanta study,<sup>60</sup> the proportion of unknown relationships has increased in the studies reviewed. Given the greater difficulty police have in clearing stranger homicides by the arrest of one or more offenders, the increase in the proportion of unknown relationships may be due to the larger proportion of stranger homicides.

#### B. OTHER FORMS OF STRANGER VIOLENCE

Between 1982 and 1984, 57% of the rape, robbery, and assault victimizations reported to the National Crime Survey involved strangers.<sup>61</sup> In an earlier report covering the years 1973-1979, 59% of all violent victimizations, excluding homicide, involved strangers.<sup>62</sup> Therefore, results from the two National Crime Survey reports suggest that stranger involvement in rape, robbery, and assault have generally remained stable.

During the two time periods covered by the National Crime

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<sup>57</sup> M. RIEDEL, *supra* note 9; Morgan & Kratcoski, *supra* note 22.

<sup>58</sup> Munford, *supra* note 46.

<sup>59</sup> Silverman & Kennedy, *supra* note 24, at 283.

<sup>60</sup> Munford, *supra* note 46.

<sup>61</sup> BUREAU OF JUSTICE STATISTICS, *supra* note 29, at 2, table 1.

<sup>62</sup> BUREAU OF JUSTICE STATISTICS, U.S. DEPT. OF JUSTICE, VIOLENT CRIME BY STRANGERS 1 (1982).

Survey reports, the percentage of stranger rapes declined. In the 1973-1979 period, stranger rapes constituted 65% of all violent victimizations;<sup>63</sup> in 1982-1984, they constituted 55%.<sup>64</sup>

Robbery, aggravated assault, and simple assault rates changed very little between the two time periods. Stranger robbery victimizations increased from 76% to 77% from 1973-1979 to 1982-1984; aggravated assault remained the same (56%); and simple assault decreased from 53% to 52%.<sup>65</sup>

Violent stranger victimizations between 1973 and 1979 showed little change. Total violent stranger victimizations decreased from about 20 per 1,000 population in 1973 to approximately 18 per 1,000 population in 1979.<sup>66</sup>

A related question to the possible increases in stranger crime is whether stranger robberies more often result in homicide. Unfortunately, it is difficult to combine victimization and police data to produce a reliable answer. One obstacle mentioned earlier is that stranger homicides tend to be underreported, while other forms of stranger violence are reported more frequently.<sup>67</sup>

Because a large number of robberies involve strangers, an examination of the ratios of robbery murders to robberies would provide some indirect information about whether stranger involvement in violence has more often resulted in homicide. Cook studied whether robbery violence had increased by using reports of crime known to the police and SHR data from fifty-two of the nation's largest cities in 1968.<sup>68</sup> All cities used by Cook had populations in excess of 250,000. In contrast to media accounts which suggest that robberies are becoming more violent, Cook found that "the estimated ratio of robbery murders to robberies shows no consistent increase during the period 1968-1983."<sup>69</sup> The ratio increased from 1968 through 1973, remained at approximately the same level from 1973 through 1979, and dropped rather sharply after 1979. Although Cook found no evidence that robberies are becoming more violent in general, he suggested that "[p]erhaps a different categorization, for example, focusing on the prior relationships between killer and victim, would exhibit an upward trend during the

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<sup>63</sup> See *supra* notes 61-66 and accompanying text.

<sup>64</sup> BUREAU OF JUSTICE STATISTICS, *supra* note 5.

<sup>65</sup> See *supra* notes 61-62.

<sup>66</sup> BUREAU OF JUSTICE STATISTICS, *supra* note 62 at 2, figure 1.

<sup>67</sup> See *supra* notes 38-40 and accompanying text.

<sup>68</sup> Cook, *Is Robbery Becoming More Violent? An Analysis of Robbery Murder Trends Since 1968*, 76 J. CRIM. L. & CRIMINOLOGY 480 (1985).

<sup>69</sup> *Id.* at 481.

last decade."<sup>70</sup>

#### C. CONCLUSIONS

A seventeen-year series of homicide data from Chicago, a ten-year series from Cleveland and Tuscaloosa, a comparison of two time periods separated by a decade in Atlanta, and comparisons of four studies done at different times in Houston and Philadelphia indicate an increase in stranger homicides. This increase in stranger homicides is further supported by the existence of an increase in the number of homicides of unknown relationship. Because stranger homicides are more difficult to clear by arrest, an increase in homicides of unknown relationships is partially attributable to an increase in stranger homicides. The best that can be said is that there is no evidence that stranger homicides have decreased.

Two national crime surveys conducted at different times suggest that other forms of stranger violence have remained stable or declined slightly. While strangers were involved in 59% of the rape, robbery, and assault victimizations in the 1973-1979 period, this percentage decreased to 57% in the 1982-1984 period.<sup>71</sup> Although it is difficult to determine whether robberies, rapes, and assaults increasingly result in lethal outcomes, Cook's study of the ratios of robbery murders to robberies for the period 1968-1973 suggests that there is no evidence for believing that robberies are becoming more violent.<sup>72</sup> There has been no research extending this conclusion to stranger robbery.

### IV. THEORETICAL ISSUES IN THE STUDY OF STRANGER VIOLENCE

#### A. A PROBLEM OF DEFINITION

An understanding of stranger violence requires knowledge of the cultural, structural, and situational components of social life. Stranger violence is not independent of social influences, as it is nested in and emerges out of the routine social activities of individuals. In short, stranger violence cannot be understood without some conceptual guidelines as to the meaning of the term "stranger."

Researchers have responded in several ways to the problem of defining "strangers." Some have used victim/offender categories, as if the meanings of the various relationships were self-evident.<sup>73</sup> Others have expressly indicated the source of their definitions. For

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<sup>70</sup> *Id.* at 487.

<sup>71</sup> See *supra* notes 61-66 and accompanying text.

<sup>72</sup> See *supra* notes 68-70 and accompanying text.

<sup>73</sup> See Morgan & Kratcoski, *supra* note 22; Pokorny, *supra* note 48; Voss & Hepburn

example, Munford states that "the victim was killed *by a relative or acquaintance* or *by a stranger* if the record so indicated."<sup>74</sup> Homicide studies and victimization surveys commonly define a stranger relationship as one in which there was no prior relationship between the victim and offender.<sup>75</sup>

Although such survey definitions allow the research inquiry to proceed, it is unlikely that a simple extrapolation will be theoretically fruitful. The difficulty in defining stranger relationships as those in which there is no prior relationship is that they are thereby defined in terms of nonstranger categories. Nonstranger relationships, such as family relationships, are defined positively (i.e., husband and wife, sister and brother). Stranger relationships are defined, by contrast, as non-relationships, a situation in which no known previous relationship existed. The theoretical difficulty associated with such a negative definition is similar to the problems encountered with what Parsons has called "residual categories."<sup>76</sup>

Every system, including both its theoretical propositions and its main relevant empirical insights, may be visualized as an illuminated spot enveloped by darkness. The logical name for the darkness is, in general, "residual categories . . ." If, as is almost always the case, not all the actually observable facts of the field, or those which have been observed, fit into sharply, positively defined categories, they tend to be given one or more blanket names which refer to categories negatively defined, that is, of facts known to exist, which are even more or less adequately described, but which are defined theoretically by their failure to fit into the positively defined categories of the system. The only theoretically significant statements that can be made about these facts are negative statements—they are *not* so and so. But it is not to be inferred that because these statements are negative they are therefore unimportant.<sup>77</sup>

Because stranger homicide and violence are defined residually, they tend to be ignored or confounded with other variables when conceptualizing their role in an empirical inquiry. Sampson has noted that "[o]n the empirical side, previous examination of personal victimization has, for the most part, lumped together crimes by acquaintances and crimes by strangers, even though there are no

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*Patterns of Criminal Homicide in Chicago*, 59 J. CRIM. L. CRIMINOLOGY & POL. SCI. 499 (1968).

<sup>74</sup> Munford, *supra* note 46, at 215 (emphasis in original).

<sup>75</sup> For example, see M. WOLFGANG, *supra* note 25, at 205: "'A stranger' is one with whom no known previous contact existed." BUREAU OF JUSTICE STATISTICS, *supra* note 29 at 1: "Crimes by strangers refer to those committed by total strangers, in which the assailant was completely unknown to the victim, and to those in which the assailant was known only by sight." *Id.*

<sup>76</sup> T. PARSONS, *THE STRUCTURE OF SOCIAL ACTION* (2d ed. 1949).

<sup>77</sup> *Id.* at 17-18 (emphasis original).

*a priori* reason to expect that the patterns of stranger crime are necessarily the same as acquaintance crime.”<sup>78</sup>

Among sociologists, Simmel has discussed the need for a positive definition of stranger relationships: “[T]o be a stranger is naturally a very positive relation: it is a specific form of interaction.”<sup>79</sup> Attempts at positive theoretical definitions of stranger relationships are also found in Wood’s “newcomer,”<sup>80</sup> Park’s “marginal man,”<sup>81</sup> and Stonequist’s elaboration of the “marginal man” concept.<sup>82</sup>

The difficulty with the concepts suggested by Simmel, Wood, and Park is that they share assumptions which do not seem consistent with the character of stranger violence. First, implicit in theorizing is the assumption that the stranger must come to terms with the norms and values of the group. The importance of group structure and values in determining whether the stranger-newcomer will be accepted is apparent in Wood’s writing: “The broad determinant throughout is the character of the values about which the group is organized and the degree to which the stranger is adjudged an asset or a liability for the realization of such values, whether they pertain to kinship or to nationality, to expediency or to congeniality.”<sup>83</sup> The stranger arrives after the rules of the interactional game have been established and the players are chosen. Whether the stranger would be allowed to play in this interactional game, whether he wanted to play, and what role, if any, he or she would play, constitute the focus of the theoretical explanation.

A second assumption, which characterizes the writings of Wood and Park more than that of Simmel, is that it is preferable to be a member of a group rather than to be a stranger. For Park, the conflict of cultures expresses itself as a divided self: the old self and the new self.<sup>84</sup> As a result, the marginal man is characterized by “spiritual instability, intensified self-consciousness, restlessness, and *mal-aise*.”<sup>85</sup> While the latter conflicts imply a desire to join the host group, the crisis of the marginal man may be lasting.

Given the importance of group values, it is not surprising that Wood sees the newcomer as engaging himself or herself in the pro-

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<sup>78</sup> Sampson, *supra* note 35, at 327.

<sup>79</sup> G. Simmel, *The Stranger*, in *THE SOCIOLOGY OF GEORG SIMMEL* 402 (K. Wolff ed. 1950).

<sup>80</sup> M. Wood, *THE STRANGER: A STUDY OF SOCIAL RELATIONSHIPS* (1934).

<sup>81</sup> Park, *Human Migration and the Marginal Man*, 33 *AM. J. SOC.* 881 (1928).

<sup>82</sup> E. Stonequist, *THE MARGINAL MAN* (1937).

<sup>83</sup> M. Wood, *supra* note 80, at 284.

<sup>84</sup> Park, *supra* note 81, at 284.

<sup>85</sup> *Id.* at 893.

cess of adaptation to the group. The newcomer has a temporary status at the beginning of a lengthy and complex process.

A stranger who has entered a group for the first time is outside the system of relationships which unite the group, and if he is to be included, these relationships must be extended to him. The ease or the difficulty with which this is done will depend upon the flexibility of the system of relationships, the personal qualities of the interacting individuals, and the presence or absence of extraneous factors which might tend to hasten or retard the process.<sup>86</sup>

While stranger encounters are viewed by Park and Wood as being fraught with anxiety and apprehensiveness, Simmel describes the stranger as a person with a great deal of freedom and success.<sup>87</sup> This freedom is structurally dependent on the development of a money economy.<sup>88</sup> It is no accident that the stranger described in most detail by Simmel is one whose position is important to a money economy: the trader. As Levine has noted, Simmel's strangers are highly successful and are "depicted as a successful trader, a judge, and a trusted confidant."<sup>89</sup>

While the conceptualizations of Simmel, Wood, and Park have been influential in shaping our understanding of strangers, they do not seem to be consistent with the nature of violent stranger encounters. Given the violent and exploitative nature of criminal encounters between strangers, it is not the relationships of the stranger to the group that is important, but the relationship of strangers to each other. When contemporary city dwellers consider the problems of strangers and the violence inflicted by them, they are not concerned with how the stranger might relate to any groups to which they belong. The image of the stranger is one of fear and avoidance, rather than one of acquaintance, acceptance, and understanding.

#### B. ALTERNATIVE APPROACHES

Drawing on interactionist theory, Lofland has developed a concept of stranger relationships which is useful in studying stranger violence.<sup>90</sup> Lofland identifies the major theoretical problem as understanding how strangers interact with one another in an urban

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<sup>86</sup> M. WOOD, *supra* note 80, at 8.

<sup>87</sup> G. SIMMEL, *THE PHILOSOPHY OF MONEY* (T. Bottomore & D. Frisby trans. 1978).

<sup>88</sup> *Id.*

<sup>89</sup> Levine, *Simmel at a Distance: On the History and Systematics of the Sociology of the Stranger*, 10 Soc. Focus 15, 17 (1977).

<sup>90</sup> L. Lofland, *A World of Strangers: Order and Action in Urban Public Space* (1973).

environment in which strangers are an omnipresent fact of life.<sup>91</sup> How strangers relate to groups or whether the status of a stranger is preferable is irrelevant. Rather, the city, "because of its size, is the locus of a peculiar social situation: the people to be found within its boundaries at any given moment know nothing personally about the vast majority of others with whom they share this space."<sup>92</sup> Given the nature of cities, interaction with strangers is a necessity; therefore, the problem is understanding how such interaction can be controlled or minimized.

Lofland suggests that strangers are persons known only by being able to be placed in one or more social categories.

By categoric knowing, I refer to knowledge of another based on information about his roles or statuses, to use the standard sociological jargon. That is, one knows who the other is only in the sense that one knows he can be placed into some category or categories. One knows that the other is a policeman or a whore or a female or an American Indian or a student or a Frenchman or a king, or some combination thereof.<sup>93</sup>

Categoric knowing is the mode by which enough is learned so that a person can form and adjust his or her expectations to interact with stranger-others. On the other hand, "personal knowing" involves learning something about the other's biography, however slight. Personal knowing is being able to recognize someone by name, face, or some other means.<sup>94</sup>

Interaction with strangers in a contemporary urban setting also involves a spatial dimension. Lofland suggests that, in contrast to preindustrial cities, activities in modern cities are more spatially segregated. Certain sections of modern cities are given over to industry, commerce, recreation, and education. With an increase in the importance of specific locations came a change in how strangers were identified. In preindustrial cities, clothes and other modes of appearance identified strangers in terms of social class and occupation.<sup>95</sup> By contrast, contemporary urban dwellers rely on location.

The modern urbanite, then, in contrast to his preindustrial counterpart, primarily uses location rather than appearance to identify the strange others who surround him. In the preindustrial city, space was chaotic, appearances were ordered. In the modern city, appearances are chaotic, space is ordered. In the preindustrial city, a man was what he wore. In the modern city, a man is where he stands.<sup>96</sup>

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<sup>91</sup> *Id.*

<sup>92</sup> *Id.* at 15.

<sup>93</sup> *Id.* at 15.

<sup>94</sup> *Id.* at 16.

<sup>95</sup> *Id.* at 82.

<sup>96</sup> *Id.*

In her ethnographic study of danger in an ethnically mixed housing project, Engle Merry confirms many of Lofland's concepts.<sup>97</sup> The Chinese, the Blacks, and the Whites of Dover Square, the name she gives to a hypothetical housing project, characterize strangers categorically. Where ethnic groups live in uneasy proximity with little communication among themselves, the categories are primarily ethnically linked. Strangers are likely to be perceived as dangerous, unpredictable, and difficult to control. Thus, among the Chinese, who interacted with other ethnic groups the least, Blacks and Whites "all look alike" and are perceived as being dangerous and untrustworthy. Whites, according to Engle Merry, are able to identify some members of other ethnic groups who commit crimes in Dover Square. It is, however, Blacks who are most skilled at drawing distinctions among strangers largely because they interact the most with the various ethnic groups.<sup>98</sup>

In their Article, Silverman and Kennedy apply Black's concept of relational distance<sup>99</sup> to describe the differing degrees of victim/offender relationships.<sup>100</sup> Because people vary in the degree to which they participate in one another's lives, such degrees of participation define intimacy or relational distance.<sup>101</sup> To operationalize the concept of relational distance, Silverman and Kennedy divided homicide victim/offender relationships into four groups which reflect different levels of intimacy. The highest level of intimacy was found within the category of spouses/lovers, followed by family members, friends and acquaintances, and strangers.<sup>102</sup>

Another approach consistent with Lofland's emphasis on spatial dimensions was used by LeBeau in his Article.<sup>103</sup> In addition to interpersonal distance between victim and offender, LeBeau examined spatial distances with respect to stranger and serial rapists. LeBeau found that open or unknown (nonapprehended) offenders remain at large because they execute their assaults in a way which provides little information that can lead to their apprehension. They maximize interpersonal distance because they are predominantly strangers to their victims. The open or unknown offender also frequently makes use of the "blitz" approach by immediately applying threat and force to subdue the victim. Furthermore, if the

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<sup>97</sup> S. MERRY, *URBAN DANGER: LIFE IN A NEIGHBORHOOD OF STRANGERS* (1981).

<sup>98</sup> *Id.* at 160.

<sup>99</sup> D. BLACK, *THE BEHAVIOR OF LAW* (1976).

<sup>100</sup> Silverman & Kennedy, *supra* note 24.

<sup>101</sup> D. BLACK, *supra* note 99.

<sup>102</sup> Silverman & Kennedy, *supra* note 24.

<sup>103</sup> LeBeau, *Patterns of Stranger and Serial Rape Offending: Factors Distinguishing Apprehended and At-Large Offenders*, 78 J. CRIM. L. & CRIMINOLOGY 309 (1987).



open or unknown offenders move their victims, they do so for shorter distances than other single offenders. LeBeau suggests that the former method "tend[s] to minimize geographic distances."<sup>104</sup>

Finally, rather than relying on the use of a positive definition of stranger violence, Sampson uses the existing empirical definition in the testing of theory.<sup>105</sup> When the concept is used in the latter fashion, it not only acts to refine existing theory, but also contributes to an understanding of stranger violence. Perhaps because stranger violence has been defined residually, that lesson has not always been clear:

Most importantly, there are strong theoretical reasons for distinguishing stranger victimizations that derive from the lifestyle-routine activity and opportunity theories originated by Hindelang and colleagues and Cohen and Felson. The explanatory constructs developed, such as routine daily activities, guardianship, target attractiveness, and lifestyle, lead to crucial hypotheses regarding victimization by strangers. For example, the theories predict that an increase in routine activities away from the household increases contact with strangers, thereby decreasing guardianship and increasing stranger victimization risk. On the other hand, family violence and conflict with friends and acquaintances may be simultaneously decreased. Unfortunately, empirical tests of routine activity theory have, to date, used crime rates and victimization rates that aggregate and confound primary and stranger crimes, precluding further refinement of the opportunity model.<sup>106</sup>

In analyzing the results of the British Crime Survey, Sampson found that both micro-level and macro-level risk factors were important in understanding stranger victimization. As hypothesized, lifestyle and routine activity variables relate to stranger violence. Males, younger persons, and single or divorced persons have a significantly higher likelihood of being victims of stranger violence than do females, older persons, and married persons.<sup>107</sup>

Macro-level factors, however, are necessary to fully understand stranger violence. Persons living in areas characterized by high levels of family disruption, a high proportion of single individuals, and large amounts of residential mobility suffer higher than average risks of stranger violence. "Apparently, the anonymity, attenuated guardianship, and lowered surveillance in areas of high residential mobility, unattached singles, and family disruption significantly increases stranger victimization risk, regardless of an individual's lifes-

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<sup>104</sup> *Id.* at 323.

<sup>105</sup> Sampson, *supra* note 35.

<sup>106</sup> *Id.* at 328-29.

<sup>107</sup> *Id.* at 329-56.

type and demographic characteristics.”<sup>108</sup>

### C. CONCLUSIONS

Because stranger violence emerges out of the broader social context of stranger relationships, it is necessary to consider what is meant by the term “stranger.” Previous research has generally defined stranger relationships as those in which there is no prior knowledge of the victim. This negative definition, however, has limitations. Residual definition of stranger relationships leads to a confounding of variables and a conceptual tendency to aggregate stranger violence with violence in which the victim and offender are known to each other. Ignoring stranger violence as a distinct category, as Sampson has indicated,<sup>109</sup> also deprives researchers of an opportunity to test and refine appropriate theory.

Conceptualizations of stranger relationships suggested by Simmel, Wood, and Park have influenced criminological thinking about the phenomenon.<sup>110</sup> Difficulty arises, however, because these conceptualizations focus on the desire and the need for adaptation or assimilation of the stranger to the group.

Instead, conceptualization of stranger relationships useful to a study of stranger violence must focus on the relationship of strangers to each other. Lofland has suggested that strangers are cognitively categorized by urban dwellers on the basis of readily observable social categories such as race, age, and sex. Lofland has also suggested that, in contrast to the dwellers of preindustrial cities, contemporary urban dwellers use location to provide clues about the interactional identity of the stranger.<sup>111</sup>

While there have been efforts to use Lofland’s conceptualization, other writers have provided alternative approaches. Silverman and Kennedy use Black’s concept of relational distance,<sup>112</sup> and LeBeau uses spatial as well as interpersonal distance in his study of rape offenders.<sup>113</sup> Although Sampson leaves stranger violence as an empirical category, he is particularly sensitive to the need to explore the category in order to test and refine the lifestyle and routine activity theory. He finds that while the latter are important in explaining stranger victimization, other macro-level variables which relate

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<sup>108</sup> *Id.* at 349.

<sup>109</sup> See *supra* notes 105-06 and accompanying text.

<sup>110</sup> See *supra* notes 79-89 and accompanying text.

<sup>111</sup> See *supra* notes 90-96 and accompanying text.

<sup>112</sup> See *supra* notes 99-102 and accompanying text.

<sup>113</sup> See *supra* notes 103-04 and accompanying text.

to a broader social context are, in some cases, more important.<sup>114</sup>

## V. STRANGER VIOLENCE, CRIMES, AND CRIMINAL JUSTICE

### A. STRANGER AND FELONY VIOLENCE

A traditional avenue for studying stranger violence is through an examination of patterns of felony homicide, particularly robbery homicide. For example, Zimring and Zeuhl<sup>115</sup> indicate that one of the reasons for studying robbery and robbery violence is that it "is the stranger-to-stranger crime that most frequently results in victim death and injury in the United States."<sup>116</sup>

In his Article, Cook uses NCS and SHR data to examine patterns of robbery violence, including demographic characteristics of victims and offenders, their relationship to each other, location, and type of weapon.<sup>117</sup> Cook's study also examines the causal relationship between robbery and robbery violence.

If robbery murder is an intrinsic by-product of robbery, then it follows that effective programs to reduce the robbery rate will also reduce the robbery murder rate. Alternatively, if robbery murders constitute an etiologically distinct group of events, then there will be no correlation between the rates of robbery and robbery murder, and, consequently, policies directed at one will have little effect on the other.<sup>118</sup>

Cook concludes that robbery murder rates behave as if murder were an intrinsic by-product of the robbery. Therefore, policies affecting robbery rates will also have an impact on robbery murder rates.<sup>119</sup>

Different types of robberies have different probabilities of generating a fatal "by-product." While the age of the victim and the victim-offender relationship are important factors, the type of weapon used is of special significance. Gun robberies are especially dangerous because of the lethality of the weapon, and gun robberies end in murder three times more often than do knife robberies. This ratio is even higher when gun robberies are compared to robberies

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<sup>114</sup> See *supra* notes 107-08 and accompanying text.

<sup>115</sup> Zimring & Zuehl, *Victim Injury and Death in Urban Robbery: A Chicago Study*, 15 J. LEGAL STUD. 1 (1986). In an analysis of criminal homicides for 1963-1973, Curtis constructed a category of "non-primary relationships-mostly strangers" by combining the SHR categories of "known felony type" and "suspected felony type" as an appropriate measure of stranger relationships. L. CURTIS, CRIMINAL VIOLENCE: NATIONAL PATTERNS AND BEHAVIOR (1974).

<sup>116</sup> Zimring & Zuehl, *supra* note 115, at 1.

<sup>117</sup> Cook, *Robbery Violence*, 78 J. CRIM. L. & CRIMINOLOGY 357 (1987).

<sup>118</sup> *Id.* at 358.

<sup>119</sup> *Id.* at 374-75.

utilizing all other types of weapons.<sup>120</sup>

It appears that as a by-product of robberies, many robbery murders have, as Cook suggests, a "Russian roulette" character about them.<sup>121</sup> However, the fact that such random factors exist should not place these examinations beyond the control of the researcher. Factors are considered to be "random" or "chance" as a consequence of the theoretical perspective, the research design, and the data. Thus, while structural and demographic factors are important, situational components make a distinct contribution to understanding stranger violence. Luckenbill's description of the interactional stages in robbery and homicide,<sup>122</sup> Felson's research on aggression and impression management,<sup>123</sup> and Felson and Steadman's study of factors that lead to violence<sup>124</sup> suggest that situational factors make an important contribution to the understanding of the dynamics of violence.

Cook clarifies the distinction between stranger and robbery violence,<sup>125</sup> but the similarities and differences between the two categories have important implications for empirical approaches and theoretical perspectives. The use of felonies and felony homicides as indicators of stranger violence omits a substantial proportion of the relevant cases. Not all stranger homicides are felony related and not all felony homicides involve strangers. In a study of homicide in eight American cities, Riedel and Zahn found that between one-third and one-half of the stranger homicides were not associated with felonies.<sup>126</sup> Riedel, in a study of homicides in Memphis, found that approximately 60% of the stranger homicides were felony related.<sup>127</sup>

For robbery homicides, Block found that approximately 63% of the robbery homicides in Chicago from 1965 through 1981 involved strangers.<sup>128</sup> Twenty percent of the robbery murders involved

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<sup>120</sup> *Id.* at 370-73.

<sup>121</sup> *Id.* at 373-74.

<sup>122</sup> Luckenbill, *Criminal Homicide as a Situated Transaction*, 25 SOC. PROBS. 176 (1977); Luckenbill, *Generating Compliance*, 10 URBAN LIFE 25 (1981); Luckenbill, *Patterns of Force in Robbery*, 1 DEVIANT BEHAV. 361 (1980).

<sup>123</sup> Felson, *Impression Management and the Escalation of Aggression and Violence*, 45 SOC. PSYCHOLOGY Q. 245 (1982); Felson, *Aggression as Impression Management*, 41 SOC. PSYCHOLOGY 205 (1978).

<sup>124</sup> Felson & Steadman, *Situational Factors in Disputes Leading to Criminal Violence*, 21 CRIMINOLOGY 59 (1983).

<sup>125</sup> Cook, *supra* note 68, at 487.

<sup>126</sup> M. RIEDEL & M. ZAHN, *supra* note 20.

<sup>127</sup> M. Riedel, *supra* note 11.

<sup>128</sup> C. BLOCK, *supra* note 42 at 78.

friends and acquaintances, and the remainder were unsolved.<sup>129</sup> For police-classified robbery homicides in Chicago during 1982-1983, Zimring and Zeuhl found that 53% involved strangers. In 24% of the cases, the relationship was unknown.<sup>130</sup>

Although missing data present problems, available research suggests that at least one-third of the stranger homicides are not associated with felonies, and about 20% of the robbery killings involve strangers.<sup>131</sup> Furthermore, slightly more than three-fourths of the robbery victimizations reported by NCS are committed by strangers.<sup>132</sup> While robberies and robbery homicides are approximate indicators of stranger violence, there is a substantial amount of variation not captured by these indicators.

The distinction between stranger and felony violence has important theoretical implications. Richard Block suggests that most homicides develop from situations involving robberies or disputes that begin as assaults or aggravated assaults. "Most killing[s] are the outcome of either an aggravated assault or a robbery which somehow progressed beyond the degree of harm intended by the offender."<sup>133</sup> Consistent with that perspective, Carolyn Rebecca Block indicates that most "homicides are precipitated by some other crime and they are more similar in their characteristics to that other crime than they are to other types of homicide."<sup>134</sup>

There have been several studies by the Blocks within the precipitating crime perspective.<sup>135</sup> In a recent study of 12,872 homicides in Chicago from 1965-1981, Block found that 69% of the homicides began as a fight, brawl, or argument; 17% began as a robbery; 1% began as a rape or a burglary; less than 1% involved contract killings or the rape of a male victim; and 12% were precipitated by unknown circumstances.<sup>136</sup> In an earlier publication on the precipitating crime perspective, Block also drew a distinction between impulsive and instrumental behavior.

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<sup>129</sup> *Id.* at 78.

<sup>130</sup> Zimring & Zeuhl, *supra* note 70 at 9, table 3.

<sup>131</sup> See *supra* notes 126-30 and accompanying text.

<sup>132</sup> BUREAU OF JUSTICE STATISTICS, *supra* note 5, at 1; *supra* note 62, at 2.

<sup>133</sup> R. BLOCK, *VIOLENT CRIME: ENVIRONMENT, INTERACTION & DEATH* 10 (1977).

<sup>134</sup> C. BLOCK, *supra* note 42.

<sup>135</sup> C. Block, *Specification of Patterns Over Time in Chicago Homicides: Increases and Decreases, 1965-1981*, Statistical Analysis Center, Illinois Criminal Justice Information Authority, 1985; C. Block & R. Block, *Patterns of Change in Chicago Homicide: The Twenties, the Sixties, and the Seventies*, Statistical Analysis Center, Illinois Criminal Justice Information Authority, 1980; R. Block, *Homicide in Chicago: A Nine Year Study (1965-1973)*, 66 J. CRIM. L. & CRIMINOLOGY 496 (1976); R. Block & Zimring, *Homicide in Chicago, 1965-1970*, 10 J. RES. CRIME & DELINQ. 1 (1973).

<sup>136</sup> C. Block, *supra* note 42, at iv.

The first model, instrumental action, assumes that the victim and offender are both acting to maximize their benefits and minimize their costs in a dangerous situation. Robbery is analyzed as instrumental action. The second model, impulsive action, assumes noninstrumental behavior. There is no weighing of cost and benefits, only the desire to injure or kill. An instrumental cause may be deeply embedded in the psyche or environment of the offender, but it is assumed that the bar-room brawl or lovers' triangle which results in the death of one of its participants does not often include an instrumental calculation of costs and benefits.<sup>137</sup>

Although the distinction between instrumental and expressive behavior was meant to distinguish two types of homicide, it also opens the possibility that stranger relationships are independent of precipitating crime. An instrumental action leading to robbery may involve strangers or nonstrangers. Similarly, expressive crime may or may not involve strangers.

In a review of recent studies, Carolyn Rebecca Block indicates that there is a difference between a perspective based on precipitating crime and one based on victim/offender relationships:

Thus, these two aspects of the homicide situation—precipitating crime and victim/offender relationship—are different. To use them as if they were interchangeable—to assume, for example, that all homicide between acquaintances is impulsive and all homicide between strangers is instrumental—would be to misrepresent the truth. Of the two aspects, we have found precipitating crime to be by far the more fundamental; it is a basic variable to which everything else, including relationship, is secondary.<sup>138</sup>

It is clear that precipitating crime and victim/offender relationships are different variables. What is difficult to understand is how precipitating crime is the more "fundamental" variable. In the absence of empirical research which clearly differentiates stranger and felony violence and establishes causal priority, such a conclusion is premature.

In the absence of research which assigns causal priority to precipitating crime, another approach determines whether stranger violence differs along important dimensions from felony violence. In their Article, Zahn and Sagi used data from nine American cities to study victim/offender relationships.<sup>139</sup> Their Article classifies victim/offender relationships into: (1) within family; and (2) friend and acquaintance homicides. They also divided stranger relationships into stranger felony and stranger non-felony homicides. Most stran-

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<sup>137</sup> R. BLOCK, *supra* note 133, at 9.

<sup>138</sup> C. Block, *supra* note 42, at 14.

<sup>139</sup> Zahn & Sagi, *Stranger Homicides in Nine American Cities*, 78 J. CRIM. L. & CRIMINOLOGY 377 (1987).

ger felonies involved robberies, while the stranger non-felonies involved a variety of situations.<sup>140</sup>

Stranger non-felony homicides share some characteristics with stranger felony and acquaintance homicides. For example, the offender rates for race and sex indicate that stranger non-felony and stranger felony homicides are more similar than those involving friends and acquaintances. However, stranger non-felony homicides are half as likely to be interracial (21%) than are stranger felony homicides (40%).<sup>141</sup>

Stranger non-felony homicides seem to be distinct along two dimensions: location and number of witnesses. Zahn and Sagi report that 85% of the homicides involving stranger non-felony homicides were committed in public locations, while public locations were used in 66% of the stranger felony homicides and in 50% of the friends and acquaintance homicides.<sup>142</sup> Whether location plays a role in the etiology of stranger homicides, Lundesgaarde's research demonstrates that offenders committing stranger homicides in public are more frequently indicted and more severely sanctioned.<sup>143</sup>

In one of their more unusual findings, Zahn and Sagi discovered that 89% of the stranger non-felony homicides are witnessed by at least one person. Comparisons with other victim/offender relationships indicate that stranger non-felony homicides are more often witnessed by three or more persons than any other kind of victim/offender relationship. Zahn and Sagi suggest that it is as if "there is an absence of any caution in stranger non-felony homicides."<sup>144</sup>

Rather than examine felony homicides, which predominantly involve robbery, Przybylski examined the association between victim/offender relationships and a number of independent variables using information on 4,123 assault homicides between 1976-1983 in the six Illinois counties that constitute the Chicago Standard Metropolitan Statistical Area.<sup>145</sup> The data were taken from the Victim Level Murder file for the years 1976 through 1983.<sup>146</sup> Thirteen per-

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<sup>140</sup> *Id.*

<sup>141</sup> *Id.* at 387.

<sup>142</sup> *Id.* at 388-89.

<sup>143</sup> H. LUNDGAARDE, *supra* note 49, at 140-41.

<sup>144</sup> Zahn & Sagi, *supra* note 139, at 390.

<sup>145</sup> R. Przybylski, *Stranger Murder in the Chicago Metropolitan Area: An Analysis of the Victim-Level Murder File (1987)* (Masters Thesis, Southern Illinois University). This dataset is created and maintained by the Illinois Criminal Justice Information Authority.

<sup>146</sup> *Id.* at 24.

cent of the assault homicides involved stranger encounters.<sup>147</sup>

One of the most important findings in Przybylski's research concerns the interracial component of stranger homicide. By simultaneously examining stranger-nonstranger relationships and the racial composition of the victim and the offender, Przybylski found that stranger homicides were disproportionately interracial. Of the 3,054 intraracial homicides, 12% involved strangers. By contrast, of the 195 interracial homicides, 36% involved strangers.<sup>148</sup> By combining the latter finding with Zahn and Sagi's results, it appears that many stranger homicides are interracial in nature.

It is not surprising that stranger felony homicides, particularly robbery homicides, have an interracial component. As other writers have noted, social and economic inequities play an important role in robbery and robbery homicide dynamics.<sup>149</sup> Thus, white victims are more often in possession of money or property that is coveted by black offenders. In turn, some of these encounters result in the killing of the white victim.

Unfortunately, this explanation does not adequately explain stranger homicides precipitated by fights, brawls, arguments, or other non-felony circumstances. These homicides follow a process of interactional escalation, beginning with some perceived slight or insult, continuing with threats and counter-threats, and terminating in violent death.<sup>150</sup> Zahn and Sagi's finding that stranger non-felony homicides are more frequently witnessed by a greater number of persons is consistent with the hypothesis that, as emotional involvement between victim and offender intensifies, the presence of witnesses is increasingly ignored.

The available research indicates that third parties may play active roles in violent encounters. From interviews with former mental patients, former offenders, and a representative sample of the general population, Felson found that, with males, the presence of third parties increased the severity of violent encounters.<sup>151</sup> In other words, an audience may have a "performance enhancing" function in violent encounters. Felson and Steadman found that third parties more frequently engage in or instigate aggressive acts

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<sup>147</sup> *Id.* at 146.

<sup>148</sup> *Id.* at 60.

<sup>149</sup> See R. BLOCK, *supra* note 133; Cook, *A Strategic Choice Analysis of Robbery*, *SAMPLE SURVEYS OF THE VICTIMS OF CRIME* 173 (1976).

<sup>150</sup> Luckenbill, *Criminal Homicide as a Situated Transaction*, 25 *SOC. PROBS.* 176 (1977).

<sup>151</sup> Felson, *Impression Management and the Escalation of Aggression and Violence*, 45 *SOC. PSYCHOLOGY Q.* 245 (1982).



rather than mediate them.<sup>152</sup> Luckenbill found that the offender learned the meaning of the victim's behavior from inquiries of or statements by bystanders in 21% of the homicide cases examined.<sup>153</sup> The following case illustrates how a bystander can instigate a homicide encounter:

The offender and his friend were sitting in a booth at a tavern drinking beer. The offender's friend told him that the offender's girlfriend was "playing" with another man (victim) at the other end of the bar. The offender looked at them and asked his friend if he thought something was going on. The friend responded, "I wouldn't let that guy fool around with [her] if she was mine." The offender agreed, and suggested to his friend that his girlfriend and the victim be shot for their actions. His friend said that only the victim should be shot, not the girlfriend.<sup>154</sup>

Given the ethnically segregated nature of many private settings in urban areas, it is not surprising that public locations are the setting for certain types of interracial homicides. One way to account for the interaction and conflict between strangers of different ethnic backgrounds is to consider the nature of the public setting in which non-felony stranger homicides frequently occur. In her ethnographic study, Cavan suggests that bars are "unserious" settings, places where the consequences of everyday responsibilities and tasks are temporarily suspended and replaced by play and sociability.<sup>155</sup> In contrast to work settings, unserious settings allow people the freedom to initiate and terminate interaction with others, including strangers. The concomitant consumption of alcohol in these settings may cause the participants to become more willing to make comments or remarks more easily perceived as insulting and requiring a countering remark. When such an encounter is compounded by broader social conflicts based on ethnic differences, violence may readily follow.

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<sup>152</sup> Felson & Steadman, *supra* note 124, at 73.

<sup>153</sup> Luckenbill, *supra* note 150, at 181.

<sup>154</sup> *Id.* at 181.

<sup>155</sup> S. CAVAN, *LIQUOR LICENSE: AN ETHNOGRAPHY OF BAR BEHAVIOR* (1966). Cavan suggests that "unserious" settings are analagous to a "time out" in sporting events in which the rules of the game are suspended while coaches talk to players, walk on the playing field, change equipment, argue, and generally do things which are not permitted during the game. People who are participants in settings like bars, parties, beaches, resorts, and carnivals enter a setting where the consequences that accompany ordinary workday behavior is temporarily suspended. Differentials in social status are held in obedience, and people assume identities which cannot be maintained outside the setting. In general, the limits of acceptable behavior are broader, and a larger variety of deviant behavior is acceptable in unserious settings.

## B. STRANGER VIOLENCE AND THE CRIMINAL JUSTICE SYSTEM

While previous sections have examined patterns of stranger violence in the context of occurrence, it is important to consider what role victim/offender relationships play in the response of criminal justice agencies to a criminal offense. The available research suggests that stranger involvement is an important factor in how the offender is treated at various stages of the criminal justice system.

In a study of decision-making in criminal justice, Gottfredson and Gottfredson suggest three factors play a persistent and major role in most stages of the criminal justice process.<sup>156</sup> In addition to the seriousness of the offense and the prior criminal conduct of the offender, the distinction between the stranger and nonstranger offender heavily influences every major criminal justice decision:

The third strikingly consistent major correlate of the decisions we have reviewed is the prior relationship between the victim and the offender. The major pattern may be stated succinctly: it is preferred that the criminal justice process not deal with criminal acts between non-strangers. Nearly every decisionmaker in the process seeks alternatives for criminal acts between relatives, friends, and acquaintances. The most grave dispositions are reserved continuously for events between strangers. Victims report nonstranger events less frequently, police arrest less frequently, prosecutors charge less frequently, and so on through the system.<sup>157</sup>

A Vera Institute study of felony arrests indicates a substantial difference between strangers and nonstrangers in the processing of robberies.<sup>158</sup> For robbery arrests in which there was a prior relationship between victim and offender, 37% were convicted and 5% were convicted of felony charges. For stranger robbery arrests, 88% of the offenders were convicted and 68% were convicted of felony charges. Stranger robbery offenders were also convicted more often and were sentenced to longer terms. For nonstranger robbery arrests, 21% were given jail or prison sentences, but no offenders received sentences greater than one year. For stranger robbery arrests, 65% were given jail or prison sentences, and 32% received sentences of more than one year.<sup>159</sup>

Lundesgaarde's research on 268 homicides in Houston also indicates that stranger offenders are treated more severely than non-

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<sup>156</sup> M. GOTTFREDSON & D. GOTTFREDSON, *DECISIONMAKING IN CRIMINAL JUSTICE: TOWARD THE RATIONAL EXERCISE OF DISCRETION* (1980).

<sup>157</sup> *Id.* at 331.

<sup>158</sup> VERA INSTITUTE OF JUSTICE, *FELONY ARRESTS: THEIR PROSECUTION AND DISPOSITION IN NEW YORK'S CITY COURTS* (1981).

<sup>159</sup> *Id.*

stranger offenders.<sup>160</sup> He found that, while over 90% of the reported homicides resulted in apprehension of an offender, fewer than 50% of the offenders were negatively sanctioned. Much of the difference can be accounted for by examination of the victim/offender relationships. Thirty-five percent of the friends and acquaintances homicides and over 40% of the homicides involving family members and relatives were "no billed," and either no charge was filed or a charge of "nolle prosequi" was entered. By contrast, only 24% of the stranger homicides were "no billed" out of the criminal justice system.<sup>161</sup>

Stranger homicide offenders were also given harsher dispositions, as compared to other types of victim/offender relationships. They received a mean prison term of 27.9 years, while domestic homicides and friends and acquaintance homicides had mean prison terms of 7.6 years and 10.3 years, respectively.<sup>162</sup>

Lundsgaarde hypothesized that the severity of the penalty for homicides varied inversely with the intimacy of the relationship. In an analysis of Texas law and its implementation, he found that excessive reliance was placed on legal categories such as "malice," "state of mind," "intent," and "motive," the meanings of which were grounded in a custom-laden concept of the "reasonable man." On that basis, if the offender could justify his act to the grand jury as one precipitated by a stimulus from the victim, i.e. self-defense, the behavior was downgraded to a justifiable homicide or murder without malice. Therefore, a man who murdered his wife's lover after catching them together would be "no billed" and released from custody.<sup>163</sup>

Homicides involving strangers are treated differently. First, the violence is generally unprovoked. While violence among intimates might be justified as self-defense, that rationale is not likely to exist for stranger homicides. Second, homicides among strangers are public crimes and raise significant issues concerning maintenance of public order. Because of the need to maintain public order, the state is particularly explicit and severe toward stranger violence.<sup>164</sup>

In their Article, Langevin and Handy use two data sets of convicted homicide offenders.<sup>165</sup> The first data set is a sample of con-

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<sup>160</sup> H. LUNDGAARDE, *supra* note 49, at 232, table XIV.

<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Id.* at 140-41.

<sup>165</sup> Langevin & Handy, *Stranger Homicide in Canada: A National Sample and a Psychiatric Sample*, 78 J. CRIM. L. & CRIMINOLOGY 398 (1987).

victed Canadian homicide offenders from 1978 through 1983 and is taken from Statistics Canada. The second dataset consists of nineteen convicted stranger homicide offenders and eighty-nine offenders who had killed someone known to them.

By comparing stranger offenders to those who killed an acquaintance, Langevin and Handy found that the stranger group more often had a history of unsatisfactory interpersonal relationships and sexual inexperience. Stranger offenders also tended to display sexual anomalies more often than acquaintance offenders. Langevin and Handy also found that convicted stranger offenders were more frequently involved in robbery and sexual assaults. For offenders who knew their victims, the motive was more frequently anger or arguments.<sup>166</sup>

The authors' research on convicted offenders raise a number of interesting hypotheses. For example, they note that the senseless apparently unmotivated killings occur with comparable frequency between stranger and acquaintance offenders.<sup>167</sup> What is unclear is whether that result holds true for offenders at the level of arrest. It is possible that unmotivated killings are a subset of both stranger homicides and acquaintance homicides that are more frequently convicted.

## VI. CONCLUSION

Stranger violence is a problem which, relative to the numbers of persons involved, is disproportionate in its effects. As indicated at the beginning of this Article, stranger crime generates fear through its violent and unpredictable attacks. This fear also has the more generalized effect of degrading the quality of urban life.

There does appear to be a statistical basis for the fear of violent victimization by strangers. Over half of the rapes, robberies, and assaults committed involved strangers. While the Uniform Crime Reporting program indicates that stranger homicides comprise 15% of all homicides reported, a careful and conservative analysis indicates that stranger homicides constitute approximately 22% of urban homicides, while other forms of stranger violence remain stable at between 57% and 59%. Limited evidence suggests stranger homicides are increasing.

Stranger violence is also an important factor in the responses of the criminal justice system. As Gottfredson and Gottfredson suggest, whether the offender and victim are strangers is one of the

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<sup>166</sup> *Id.* at 413-14.

<sup>167</sup> *Id.* at 419-20.

three major factors that affect nearly every major decision in the criminal justice process.<sup>168</sup> This conclusion holds true for homicides as well as for other forms of stranger violence.

From a theoretical perspective, inquiry is hampered not only by an understanding of violence, but also by an understanding of what is meant by the term "stranger." While empirical inquiry can progress with a residual definition, a positive definition must ultimately be given if empirical knowledge is to be integrated into a theoretical perspective.

Stranger violence emerges out of a broader social context where interaction with strangers is a necessary part of the routine daily activities of urban dwellers. Thus, whether strangers are conceptualized in terms of categorical relationships, relational distance, or spatial distance, the definition of stranger relationships must take account of stranger interaction in the broader non-criminal social context.

In considering the relationship of robbery to stranger homicide, it is clear that the former is only an approximate indicator of stranger involvement in homicide. Rather than rely on a perspective that emphasizes the precipitating crime, an alternative perspective focuses on victim/offender relationships. Although the evidence is limited, it does appear that felonies involving strangers differ from stranger non-felony homicides with respect to the location of the offense and the number of witnesses. It also appears that stranger homicides, both felony and non-felony, have a substantial interracial component. While an explanation of these characteristics does not eliminate the need to consider the traditional crime categories, it does suggest that there may be two distinct types of stranger relationships relevant to understanding violence.

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<sup>168</sup> M. GOTTFREDSON & D. GOTTFREDSON, *supra* note 155.