



How Many Justified Homicides Occur Each Year?

By Dean Weingarten

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Arizona - -(Ammoland.com)- There is no national tally of justified homicides in the United States. No one collects official statistics on justified homicides, collates them, tracks them and publishes the numbers.

Hold on, you might say. What about the FBI and the Uniform Crime Reports (UCR)?

The FBI first started publishing some numbers on justified homicides in 1991, though they collected data before that. But the numbers are a mere fraction of all justified homicides. First, UCR reports are voluntary; second, the FBI definition of a justified homicide is not based on rulings by a coroner, prosecutor, judge, jury, or court. They are based on an antiquated model of murder that defines most justified homicides out of existence.

The model, which I call the “Progressive Elite” model, has these basic assumptions about criminal homicide and its causes:

The majority of people, except for the elite, are just moments away from committing a criminal homicide. They have poor impulse control and fly into rages which escalate into homicidal rages if a weapon happens to be present. For this reason, only those in the elite, who have become experts in government through the attainment of public office, employment by police agencies, or attendance at ivy league schools, should be allowed access to weapons that might be used when these uncontrollable, emotional fits, strike.

Just a year and a half ago, it was reasonably summarized by David Frum at thedailybeast:

Most gun casualties occur in the course of quarrels and accidents between people who would be described as “law-abiding, responsible gun owners” up until the moment when they lost their temper or left a weapon where a 4-year-old could find it and kill himself or his sister.

The second model, which I call the “Trust the People” model, holds that the vast majority of criminal homicides are committed by a tiny fraction of society, that they are easily identified by

their past history of violence, cultural set, and lack of civilized values and discipline instilled by a stable home life.

John Lott notes that it is the second model that has triumphed:

Actually, as I showed in *More Guns, Less Crime*, about 90 percent of adult murderers have a violent criminal record. About 89 percent of juvenile murderers have a criminal record for serious crimes.

– In 2010, there were 36 accidental deaths involving kids under age 10. Most of those children were also shot by adults with criminal records. Accidental deaths are very small portion of total gun deaths. You can look up the data for other ages or all ages here (<http://webappa.cdc.gov/cgi-bin/broker.exe>). Note that “unintentional” means “accidental.” If you want to look up other issues there, please note that the CDC measures homicides differently than the FBI.

Lott is joined with a well known academic from Harvard, David Kennedy.

A very short summation of David Kennedy’s finding about urban violence is quoted below from the *nhregister*:

While homicides result from a variety of factors, the vast majority are committed by a small, violent and often gang-affiliated segment of society.

“We’re dealing with a tiny distinct, population in the city, and that tiny distinct population of gangs that drives the worst violence can be quiet. But it often doesn’t take much to get it going,” Kennedy said.

Kennedy agrees that most criminal homicide is committed by a small group of offenders with a past history of violence. He also shows that the violence can be significantly reduced by community and police focusing on this small group. To be fair to Mr. Kennedy, whose work I admire, he has noted that his efforts may not have much effect on domestic violence, though I do not have a link to that comment. Here is a link to a David Kennedy interview that gives a good summation of his approach to reducing criminal homicides:

David Kennedy: Innovating New Approaches to Justice (Part II) The FBI uses an extremely limited definition of justifiable homicide.

From the *UCR Handbook04(PDF)*, page 17:

NOTE: Justifiable homicide, by definition, occurs in conjunction with other offenses. Therefore, the crime being committed when the justifiable homicide took place must be reported as a separate offense. Reporting agencies should take care to ensure that they do not classify a killing as justifiable or excusable solely on the claims of self-defense or on the action of a coroner, prosecutor, grand jury, or court.

The following scenario illustrates an incident known to law enforcement that reporting agencies would not consider Justifiable Homicide:

17. While playing cards, two men got into an argument. The first man attacked the second with a broken bottle. The second man pulled a gun and killed his attacker. The police arrested the shooter; he claimed self-defense.

The scenario quoted is a virtual shorthand for the Progressive Elite model. The UCR even goes so far as to direct reporting agencies *not* to take into account the findings of coroners, prosecutors, grand juries or courts about whether a homicide is justifiable or not; only the FBI's extremely limited definition is to be used.

Part of the problem with the FBI reporting of justifiable homicides is that the UCR deals with offenses, not convictions. People are often arrested for an offense prior to an investigation or trial where the determination is made if the homicide were justifiable or not. The results, which often take months or years, are generally not entered in the UCR. Gary Kleck shows that between 5.6 and 13% of reported homicides are justifiable homicides by citizens who are not police.

The rarest, but most serious form of self-defense with a gun is a defensive killing. The FBI does not publish statistics on self-defense killings per se, but it did start publishing counts of civilian justifiable homicides gathered through their Supplementary Homicides Reports program in their 1991 issue. For a variety of reasons, the FBI counts of civilian justifiable homicides represent only a minority of all civilian legal defensive homicides.

I have not found any work that refutes these findings. Those who cling to the Progressive Elite model simply state the FBI numbers as fact.

Here is a newspaper report from Saginaw, Michigan that lends credibility to Gary Kleck's numbers.

From mlive.com:

There were five justifiable homicides in Saginaw from 2000 to 2010, though the Federal Bureau of Investigation only knows that one of those cases was justifiable.

Kleck's percentages equate to actual justified homicide numbers (as determined by prosecutors, grand juries, and courts) as somewhere between 3-7 times as many as reported by the FBI.

Those are only the homicides that are determined to be justifiable. In the United States, about 37.5% of the homicides are unsolved. In Chicago in 2013, the number was 75% unsolved. Most homicides involve criminals killing other criminals. How many of those would be justifiable if solved is unknowable; but clearly some are. It is not hard to believe that someone with a criminal record would just walk away from a justifiable killing, if he feared prosecution

for gun possession, or simply did not trust the police. Those are unknown percentages, but if the number is close to the percentages in solved homicides, then Kleck's estimate of justifiable homicides increases by 60%. Instead of 3-7 times the FBI numbers, we get 5 – 11 times the the FBI reported figures, for 2012 clearance rates.

A recent article from Virginia shows that even justifiable homicides by police (the FBI has a separate category for police justifiable homicides), are severely under reported. From richmond.com:

“It is appalling that no one really knows how many people are shot and killed by police every year in Virginia,” said Tim Lynch, director of the Cato Institute’s Project on Criminal Justice. “When lives are lost, we should know what happened and why. It is the responsibility of state lawmakers and the governor to acquire this data (and related) information and make it available to the public.”

How many justifiable homicides occur in the United States each year?

Nobody knows, but it is some multiple, likely 5-10 times as many as reported in the FBI’s Uniform Crime Reports. The FBI figure was 310 for 2012, of which 258 were shot. So total justified homicides for 2012 would be approximately 1,500 – 3,000.

Clayton Cramer came up with a very similar figure for 1989, where he found that the FBI recorded 236 civilian legal defensive homicides for the year. He arrives at an estimate of Civilian Legal Defensive Homicides (CLDH), essentially the same as justifiable homicides, of 1,538. But this number does not take into account unsolved homicides at all. In 1989, about 30% of homicides were unsolved. If you attribute the same percentage of justifiable homicides to the unsolved homicides, you arrive at a figure of 2,197.

Clayton Cramer based his analysis on an intensively studied week of all homicides reported. The data is a little dated. Total homicides and homicide rates were higher in 1989, the concealed carry movement was just starting, and a number of states have passed Castle Doctrine and Stand Your Ground laws since then. As homicide rates have dropped, the percentage of unsolved homicides has risen. Given those changes, it is interesting that the numbers match fairly closely with what Professor Gary Kleck found.