



VISION
Violence • Health • Society

Evidence synthesis on legal records: challenges and adaptations

Gendered dimensions of homicide defences: a systematic review

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Background: homicide defences in criminal law

Homicide defence: Person A is accused of killing Person B. A raises a defence, such as that they killed B to save their own life.





Background: Gender Biased Homicide Defences





Background: the relationship between gender bias in homicide defences and gendered killings

- **Excusing men who kill women**
- **Criminalising women who defend against abuse**
- **Allowing defences based in homophobia, transphobia, discriminatory gender stereotypes**

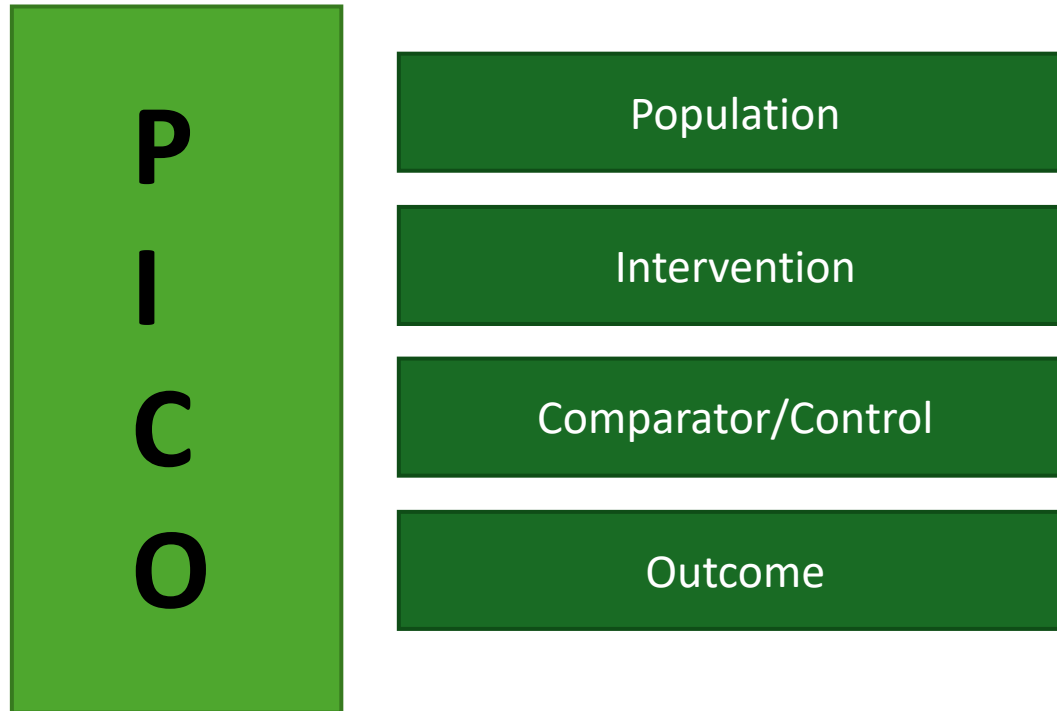


We faced multiple challenges and needed several adaptations

Review step	Challenge
Select a research framework (PICO, PECO, SPIDER, SPICE)	No existing framework aligns with law or law records
Electronic bibliographic database searching	Law databases don't interface with systematic reviews (no MeSH terms, limited Boolean searching, Refworks only for a key law database)
Title and abstract screening	Many law records lack abstracts
Full text screening	Length and structure of law records
Data extraction	Length and structure of law records
Quality appraisal	Existing appraisal tools aren't aligned with law records

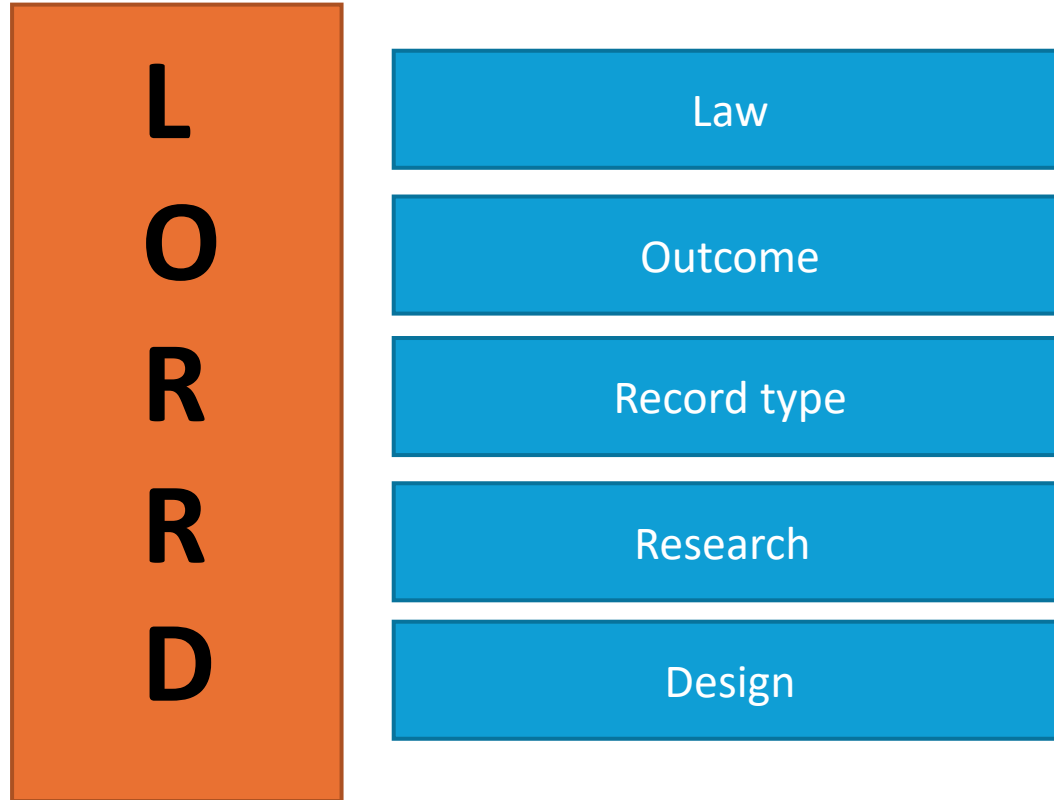


Challenge one: existing frameworks don't fit law





Adaptation: 'Law PICO' (LORRD)



Challenge two: the nature of legal records

Ex: 'standard' SR records



Mental illness, gender and homicide: A population-based descriptive study

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ABSTRACT

In England and Wales, a lifetime history of mental disorder is recorded in almost a third of homicides but mental illness as a defence in homicide cases has recently come under review. In this study, we aimed to compare the social, criminological and clinical characteristics of women and men convicted of homicide and secondly, to understand how pathways through the judicial system differ by gender of the perpetrator, characteristics of the offence and mental illness. A cross sectional study of 4572 convicted homicide perpetrators in England and Wales 1997–2004 was performed. Significantly more women who had committed homicide had a lifetime history of mental illness and were more likely to be mentally ill at the time of offence compared to men. Women more often received non-custodial sentences, whether or not they had mental illness. If the victim were a child or other relative, the courts were more lenient with women. Gender and the presence of mental illness both influence the characteristics of homicide and outcome of the legal process in the UK. Our findings suggest that all perpetrators of homicide should have a psychiatric assessment pre-trial. Psychiatrists need to rate risk objectively in a gender blind way when providing psychiatric reports to be used as evidence in court.

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1. Introduction

Worldwide, violent crime is rarely committed by women (UN, 2000). Women who commit such offences were not thought to pose the same degree of risk to society as men who commit violent crime; in part because their victims are usually their own children or

offence. Swatt and He (2006) examined situational factors in intimate partner homicides in Chicago, reporting that women more often experienced physical injury prior to the homicide and were more likely to use a knife to kill their victims than men, suggesting a defensive reaction as a result of previous abuse (i.e. battered women's syndrome). A recent study by Hakkanen-Nuholm et al. (2009) analysed offences



Challenge two: the nature of legal records

Ex: 'standard' law journal articles

Burke, A.S. (2002). Rational Actors, Self-Defense, and Duress: Making Sense, Not Syndromes, out of the Battered Woman. *North Carolina law review*, 81 (1), 211-316.

the recommended rational actor approach preserves the importance of objective standards when justifying defensive force. Moreover, an emphasis upon objective standards when applying criminal defenses reconciles the existing tension between the treatment of battered women in the duress and self-defense contexts. Viewed as rational actors and not psychologically impaired, battered women who defend themselves against their batterers have stronger normative claims that their conduct was necessary than battered women who appease their batterers by victimizing third parties.

INTRODUCTION	213
I. OVERVIEW OF THE BATTERED WOMAN SYNDROME AND ITS APPLICATION TO CLAIMS OF SELF-DEFENSE	220
A. <i>The Prevailing View of the Battered Woman</i>	221
B. <i>Battered Woman Syndrome and Self-Defense</i>	225
1. Traditional Elements of Self-Defense	226
2. The Resort to the Battered Woman Syndrome Theory	230
II. FLAWS IN THE BATTERED WOMAN SYNDROME THEORY	232
A. <i>Flawed Research on Battered Woman Syndrome</i>	232
B. <i>Poor Fit Between the Battered Woman Syndrome Theory and Self-Defense</i>	240
C. <i>Refusal to Apply to Duress Claims Demonstrates Result-Oriented Acceptance of Theory</i>	247
1. Traditional Law of Duress	251
2. Extension of Battered Woman Syndrome to Duress Claims	253
III. AN ALTERNATIVE EXPLANATION FOR WHY BATTERED WOMEN STAY AND THE IMPLICATIONS UPON CRIMINAL DEFENSES	266
A. <i>An Alternative Understanding of Battered Women</i>	267
B. <i>Battered Women Who Kill and Self-Defense</i>	273
1. Necessary Force is Justified Force	274
2. An "Objective" Contextualization of the Reasonableness Standard	286
3. Application of the Standard	295
C. <i>Advantages of Viewing Battered Women as Rational Actors</i>	299
D. <i>Battered Women as Rational Actors and the Defense of Duress</i>	308
CONCLUSION	314



Adaptations: expanded legal team





Adaptations: developing law specific materials

Guide to data extraction, Corsi SR1

Are homicide defences gendered in content or application?

I. General guidance

- 1. Qualitative data**
- 2. The research question**
- 3. The level of specificity required**

II. Guidance regarding completing the fields in the extraction table

- 1. Jurisdiction**
- 2. Study Type**
- 3. Study Approach**
- 4. Name and type of homicide defence**
- 5. Applicable criminal law(s)**
- 6. Judicial Decision(s) cited**
- 7. Date(s) of codification(s) of legislation and/or judgments**
- 8. Data type**
- 9. Time period data covers**
- 10. Method of measurement of the gendered dimensions to homicide**
- 11. Study characteristics**
- 12. Outcome(s) of study**
- 13. Key quote(s)**



Adaptations:
more time





Questions? Comments?

Interested in validating 'Law PICO?'



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