



"He's no killer; he was a 'loving, doting dad'": A study of the mental health of the perpetrator of filicide in the context of parental separation & divorce in Victoria Australia

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Summary

- Separation, mental illness & filicide – recent research and cases;
- Problems identifying vulnerable family members;
- This paper attempts to think some of these problems concerning the lack of a sufficient explanatory narrative in these cases (by family members, treating professionals, the courts, the media and the wider community) (see case studies);
- Current problems are identified include recent changes to family law (beg. in 2006), confirming while numbers of children affected may be small, they appear to be growing;
- Final question raised: how to achieve improved recognition of the mental health problems of the perpetrators and of the risks for children as vulnerable family members;



Separation, mental illness & filicide – recent research

- Most prevalent context in incidences of filicide is actual/pending separation from other parent (Polk 1994; Strang 1996; Alder & Polk 2001; Johnson 2002; Mouzos & Rushforth 2003; Johnson 2005);
- Significant numbers of filicide offenders suffer some form of mental illness at the time of the offence (Stroud & Pritchard 2001; Bourget, Grace & Whitehurst 2007);
- BUT according to Mouzos & Rushforth 'the underlying motive behind incidents of filicide are difficult to explain' (2003:3-4);



What we do know is...

- Previous research tends to focus on links between *women's mental health* and violence & abuse by intimate male partners (see, for example, Hegarty & Taft 2001; Taft 2003);
- Evidence suggests treating professionals and also the courts are more attuned to women's motivations and perceptions of mothers who kill children (constructed as either 'mad' or 'bad') (Pearson 1998);
- Media distorts and sensationalises representations of mentally ill offenders that are both exaggerated and ill-informed (Mouzos 1999);
- Hence, signs of mental illness on the part of the perpetrator seem to be dismissed unless they are most dramatic (Mouzos 1999);
- Dangers of accepting data in official police reports - depends on perpetrator showing visible signs of mental illness to police at the time (Mouzos 1999);
- Johnson identified similar tendency for mental health professionals to minimise or ignore signs of perpetrator's mental health issues and also the wider community (2002; 2005);

Separation, mental illness & filicide: Case Study 1 - John Hogan UK



- Liam Hogan (age 6) died of head injuries, and his sister Mia (age 2) suffered broken bones, after falling 50 feet from the balcony of their room at the Petra Mare Hotel in Crete on 15 August 2006;
- The children's father, John Hogan (then 33), was found not guilty of murder by a Greek Court on 23 Jan 2008 and was committed to a psychiatric unit in Athens for a minimum of 3 years after the trial;
- The Greek Court's verdict was based on evidence from two psychiatrists who described him as having suffered an 'earthquake of psychosis' that supported his defence to murder on the basis of insanity;
- On 26 March 2008 a coroner in Bristol, England returned a verdict of 'unlawful killing' after hearing evidence from three witnesses who did not give evidence at the trial in Greece. The coroner found that a consideration of Hogan's mental state was not necessary as 'the facts were abundantly clear that the children were pushed off the balcony';
- On 4 Nov 2008 Hogan won permission to challenge the inquest verdict of unlawful killing at London's High Court;
- Lord Justice Dyson described it as 'a tragic case' and that it was wrong of the coroner to regard Mr Hogan's *mens rea* as irrelevant to his verdict;
- The judicial review hearing will take place in the coming months;



Case Study 2 - Phithak Kongsom NSW (image of Ingrid Poulson)

- In September 2003 Marilyn (age 4) and Sebastian (age 23 mnths) and the children's grandfather, Peter Poulson, died from stab wounds inflicted by their father, Phithak Kongsom, who was later shot by police during a stand-off at the scene, only to die from stab wounds he later inflicted on himself;
- Ingrid and Phithak had separated in June 2003 after a five year relationship;
- Following the separation, Kongsom made threats to harm Ingrid. She applied for an AVO (3 weeks before the killings), which he immediately breached (he left messages on her mobile phone, and a handwritten note on the windscreen of her car warning her he intended to kill both her and himself);
- The breach was reported by her father but apparently no action was taken by police at that time;
- On the night before the killings, Kongsom broke into her home and sexually assaulted her. When she was with police reporting the rape, Kongsom went to the home of the children's grandfather where they were staying, and killed both the children and the grandfather;
- Neither Ingrid Poulson nor police had predicted the children were in danger or that Kongsom was at least a threat to himself.



Two key patterns identified in child homicides:

- Family dispute & child abuse/neglect (Strang 1996:4);
- A high proportion of **filicides** perpetrated by biological father following parental separation/divorce result in the suicide of the offender (the breakdown in the relationship either engenders rage in the offender or depression because he is unable to cope with and accept that the relationship is over) (Strang 1996:6; see also Mouzos & Rushforth 2003).

The Challenge of Disentangling a Narrative: Case Study 3 – Robert Farquharson VIC (1)



- Robert Farquharson was convicted of three counts of murder for killing his three sons, Jai (10), Tyler (7) and Bailey (2) on 5 October 2007;
- The three boys drowned after the car their father was driving veered off the Princes Hwy and went into a damn during an access visit on Father's day 2005;
- In December 2007 Farquharson was sentenced to 3 life sentences without any minimum term;
- Farquharson's application for appeal against conviction lists as many as 31 grounds, and is to be heard in the coming months.

The Challenge of Disentangling a Narrative: Case Study 3 – Robert Farquharson VIC (2)

- Media struggled to locate the event within a sufficient explanatory narrative (eg. no dispute over child contact, no prior history of domestic violence or child abuse);
- Limited physical evidence of motive at the scene;
- Allegations concerning conduct of police who investigated the circumstances of the deaths continued into the criminal trial and now forms the basis of Farquharson's 31 grounds of appeal;
- Public support for and belief in his innocence remains high from members of his family, friends, some members of the legal community;
- NB: Farquharson's supporters launched an internet campaign using Facebook in the aftermath of the trial in a bid to convince others of his innocence and that a 'miscarriage of justice' has occurred.

The Challenge of Disentangling a Narrative: Case Study 3 – Robert Farquharson VIC (3)

- Following the separation, Farquharson diagnosed with and treated for depression. However, this paper argues, his depressive illness was marginalised by his close family friend, Gregory King, who gave evidence of the infamous fish-and-chip conversation, and also those closest to him, Cindy Gambino);
- And by the professionals who treated him following the separation (his counsellor, Popko, and his physician, McDonald);
- And the sentencing judge who also noted this but said that although Farquharson 'had suffered over time from a moderate depressive illness', at the time of the offence he was not 'significantly depressed' and that it was a condition from which he was 'was improving' (*DPP v Farquharson* [2007] VSC 469 at 3208).



From complex contexts to complex subjects/subjectivities:

“Threats to the man’s control and possession of his wife in particular, and in some cases children, appear to be trigger events in many of these scenarios. However, *different men with different identities, different emotions and different objectives are visible in these stories: angry men, men filled with despair, men who have given no previous indications of willingness to use violence, and men who regularly use violence*” (Alder & Polk, 2001:88 author’s emphasis).



Impact of Changes to Family Law & Services System since 2006

- Recent Family Law Amendment (Shared Parental Responsibility) Act of 2006 introduced a model of collaborative divorce with equal shared responsibility and a template of shared parenting;
- As Brown has identified (2007; 2008a; 2008b), it is possible that the legislation and expectations for an amicable separation and an ease of post separation parenting heightened by the legislation might emphasise the idealised divorce and further marginalise those not achieving it;
- While the presumption of 'equal shared parental responsibility' can be rebutted where there is the risk of violence (McInnes 2008), the risk to vulnerable family members who may not come to the attention of treating professionals or the courts might grow.

Aims of the authors' proposed exploratory study

- Is the first to focus on identifying the links between the mental health of the perpetrator of filicide in the context of separation and divorce and the understandings of family members, treating professionals and the courts about the event;
- The pilot will undertake a rigorous and comprehensive examination of all the evidence presented in Victorian cases between 1997 and 2007 in order to identify key factors;
- 3 main data sources will be used:
 - Files held at the Office of the Coroner for the State of Victoria;
 - Files held at the Office of the Director of Public Prosecutions in Melbourne, Victoria;
 - Media accounts of the police investigation of the event and case as it progresses through the courts.
- Methodology – both quantitative and qualitative (content and thematic analysis);
- Future research will involve interview with key stakeholders (statutory and other agency professionals, legal professionals, family members of perpetrators, victims etc.)



How to achieve better recognition of these family crises?

- Through better recognition of the nature of involvement of any statutory or other agencies or private professionals with the families, to then suggest how, with greater knowledge of the potential for mental health issues among separated parents, services might better address the issue;
- One way might be through the mobilisation of a sufficient explanatory narrative that can serve to educate, and raise awareness of this issue, in the media, the courts and the wider community about the vulnerability of separating family members to fatal harm, particularly children.