



Psychiatry & Behavioral Sciences Section – 2007

I25 Familicide in the Elderly: Mercy or Murder?

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After attending this presentation, attendees will understand specific issues relevant to familicide, what issues should be assessed in familicide perpetrated by elderly caregivers, and what to expect as an expert witness assessing trial competency and criminal responsibility in these types of cases.

This presentation will impact the forensic community and/or humanity by addressing an emerging and important topic often neglected in forensic mental health assessment. There are important ethical and jurisprudence considerations in these types of cases. Little has been written on this topic. This presentation will be informative and stimulating for all those attending.

A 76-year-old man with no criminal history wakes one morning and kills his wife with whom he has lived amiably for over 45 years. He loads a pistol and shoots her in the head at point blank range while she rested in her bed. He then proceeds to an adjoining bedroom and kills his elderly sister who has resided with the couple for some time. The elderly man unloads the pistol, places it carefully on the kitchen table, and calls his daughter on the phone, informing her of the things he has done “for the good of all” involved. When the police arrive at the scene of the killings, they find the suspect who candidly admits that he pulled the trigger, killed his wife and sister, and felt totally justified in doing so. He would later tell police in detail how his wife suffered from medical ailments that caused her pain and discomfort. He also elaborated on his sister who had progressively deteriorated over the years and was diagnosed as suffering from dementia of the Alzheimer’s type. The elderly male suspect was arrested and booked on charges of two counts first-degree murder, in this case, constituting a capital offense in a death penalty state.

The presentation will provide up-to-date findings about the phenomenon of “mercy killings” in the elderly, a topic receiving greater attention in the media and apparently, not as rare as one would expect. Specific attention will be focused on factors such as depression, dementia, late onset post-traumatic stress disorder, and life-long substance abuse. In the case example described above, the specific issues of trial competency and criminal responsibility emerged. These findings will be presented in detail. In addition, neuropsychological testing and a neuropathology report of the defendant (he died in jail custody) will be presented and discussed. Finally, issues relevant to jurisprudence in these types of cases will be reviewed. In particular, specific issues relevant to the prosecution of such cases (e.g., the reluctance of prosecutors to bring these cases to trial) will be reported. Ethical issues will be discussed such as pressure on evaluators to find elderly defendants Not Guilty by Reason of Insanity so that the case can be quietly disposed of by agreement between defense counsel and prosecution.

With an aging population across the United States, trends are emerging that reveal people living longer with various levels of infirmity while decreased resources to care for these elderly persons are strained beyond their limits. The burden of caregiving for the elderly is a well-understood and documented reality. As the population continues to age, the authors contend that there will be an increased numbers of familicide carried out by overly stressed primary care givers in the home. Many of these caregivers will be elderly spouses, significant others, and siblings who have their own health issues to manage. Under such stress, deterioration in mental health due to normal cognitive decline, as well as depression and dementia will emerge. Understanding the complexities of these types of cases and preparing to assist the courts as expert evaluators in these types of cases is an important focus for the forensic evaluator.

Familicide, Dementia, Caregiver Burden