

A Case Study with Forensic Analysis

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Lee, a 24-year-old college student, killed his parent who had abused him for his entire life. Lee's case can be regarded as a typical example of domestic violence ending up with extreme violence. Most of the characteristics of juvenile killers (Heide, 1992) are evident in Lee's case. His relationship with his parents were filled with conflict and anger and he had struggled with a tremendous feeling of tension, developing the idea that his parents are obstacles who ruined his life and the only way to resolve his inner tension is to kill them. His offense involves expressive aggression, which occurs in response to anger-inducing conditions. He had prepared to commit violence prior to the crime which can be seen by his behaviors such as preparing weapon and arranging the time of the offense. In terms of criminal responsibility, he is responsible for his offense as he did know the nature and quality of the act he was doing and did know he was doing what was wrong.

Key words : parricide, cathartic process, criminal responsibility, forensic analysis

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The present study explored an actual case of parricide that occurred in Korea. First, the present study investigated offender and victim background statistics, including their age, education level, and personality traits. In addition, crime scene behaviors that the offender displayed at the time of the offense were analyzed. Second, the present study looked into existing literature on the nature of parricide and applied previous findings to the current case. Third, the present study explained the motive and behaviors of the offender by applying cathartic process and expressive aggression. Finally, forensic analysis of the offender's criminal responsibility was discussed.

I. Case Summary

Offender Background Characteristics

Lee was 24 years old at the time of offense. He was a sophomore at one of the most famous universities in South Korea. He was living with his parents at the time of offense. He had an older brother (26-year-old), who refused to live with his family. He had served in the air force for two years as most of young males in South Korea do.

He was very introverted and quiet. He did not have any friends; he mostly stayed at home. He was very timid and lacked of social skills.

He had no history of mental illness and no previous criminal convictions.

Victim Characteristics

The victims were his parents. His father was 60 years old at the time of offense, his mother 50. His father used to be a commander in the Marine Corps.

Motive of the Offense

His parents had despised him for his entire life. His father used to beat him when he was a child and his mother called him stupid all the time. His father trained his two sons in a military fashion. His mother used to slap him in the face and beat him with a stick. His parents had wanted him to enter S University (which is the most famous university in South Korea), which he had not been accepted to. He entered another university, and this made his parents ignore and rebuke him even more.

Lee had been angry with his father and mother. He felt that they were not his parents but obstacles who ruined his life. He said his father had always made him miserable. His brother once said "my father was extremely strict; we could never communicate with each other."

Crime Scene Actions

It was 5 O'clock in the morning. Lee had been drinking. His mother was sleeping in the next room and his father in another room. Lee first went to his mother's room and hit her on the head with a hammer. Then he went to his father's room and killed him in the same way. He transported the bodies to the bathroom. With a knife and a saw he cut the bodies into pieces: his father's body into eleven pieces, his mother's ten. He wrapped the pieces with newspapers, put them in ten different plastic bags, and threw them away in ten different locations (e.g., a garbage can in a near park, a garbage dump in a hotel). It took two days for him doing that. He used subway to move from location to location. He cut his mother's hair, put it in a black plastic bag with his father's hair, and threw it away as well. He cleaned the bathroom and bedrooms thoroughly using a detergent. He washed his father's clothes and threw them away in a garbage can outside his house. He spent three days at home after the offense, doing nothing.

A few days later a couple of garbage bags that he had thrown away were found in separate locations. The fingerprints were identified. When the police arrived at Lee's house, he denied committing the crime; he said his parents went to church and never came back. But after blood spots were discovered in

the bathroom, he finally admitted his offense.

At first he said that he committed the offense on the spur of the moment. But it turned out later that he had planned it for two weeks. He even drank in order to overcome the fear of committing the offense. In an interview with a journalist he said that he had believed that it would be a perfect crime.

Psychological Tests

His IQ turned out to be very high (130). A couple of psychiatrists and forensic psychologists examined him after he admitted his offense. They said he was not schizophrenic, but that he was paranoid, depressed, avoidant, and passive-aggressive. They also said that his self-esteem was very low and he was repressing a huge amount of anger.

When Lee was asked to draw a person and a house, he did not (could not) draw anything, which implies no emotional attachment to his family. In projective tests he was found to show fear of his father and hatred for his mother.

The Sentence

At the first trial he got a death sentence. (It should be noted that in South Korea where collectivistic culture is dominant the offender who commits intrafamilial homicide gets punished more severely than extrafamilial

homicide offender does). At the court of final appeal he got a life sentence.

II. Parricide

The Nature of Parricide

Annually, since 1976, 1.5-2.5% of all homicides in the U. S. have been parricides (Ewing, 1997). In Korea the victim was a family member of the offender in 27% of the homicide cases committed in 2005 (강은영 · 박형민, 2008). It has been suggested that most parricides are committed by sons (Green, 1981). Heide (1992) analyzed the FBI Supplementary Homicide Report (SHR) data between 1977 and 1986 and investigated the nature of parricide in the United States. She reported that 1) murdered parents and step-parents are typically white; 2) on average, victims tend to be in their late 40s and 50s, with step-parents younger than parents; 3) the majority of perpetrators are white males; 4) more than 70% of those who killed their parents are younger than 30; and 5) nearly 70% of those who killed mothers are between 20 and 50.

Homicide is frequently the culmination of a long-standing pattern of child and/or spousal abuse (Ewing, 1997). Millaud, Auclair, and Meunier (1996) suggest that family history of violence plays a significant role in parricidal act.

In Korea 44.4% of intrafamilial homicide offenders reported that they had been abused by their parents, mostly by their father (강은영 · 박형민, 2008). Lee's case can be regarded as a typical example of domestic violence ending up with extreme violence.

Intrafamilial homicide is not only a form of domestic violence but often a product of domestic violence (Ewing, 1997). For example, the U.S. Department of Justice (1995) found that 44 percent of wives who killed had been assaulted by their spouse-victims at or around the time of the murder. It has been also estimated that as many as 90 percent of juvenile perpetrators in parricide cases have been abused by the parents they kill (Heide, 1992).

After reviewing juvenile killers, Heide (1992) identified 12 characteristics associated with adolescents who kill their parents:

- 1) A pattern of violence in the family
- 2) Failed efforts to get help
- 3) Failed efforts to escape from the family situation
- 4) Isolation and fewer social outlets
- 5) family situation that became increasingly intolerable
- 6) Increasing feelings of helplessness
- 7) Inability to cope with increasing stress, leading to a loss of self-control
- 8) Adolescents with little, if any, prior involvement with the criminal justice system
- 9) Ready availability of a gun as a major

factor in the homicide

10) Alcohol abuse and/or alcoholism in the home

11) Evidence that the offender may have been in a dissociative state at or near the time of the killing

12) Evidence that the offender and other family members felt relieved by the victim's death

Lee was 24 years old at the time of offense he was not juvenile. However, he had many dependent characteristics which did not make him quite an adult. He was living with his parents at the time of offense, unemployed, and did not have the ability to make his own living. As can be seen above, most of the characteristics of juvenile killers are evident in Lee, except the availability of a gun and alcoholism in the home.

Heide (1992) argues that most of juvenile perpetrators who kill their parents are neither severely mentally ill nor dangerously antisocial. She states that many juvenile perpetrators who kill their abusive parents are "good kids" for the most part they are conforming, do well in school, stay out of trouble, and give no evidence of psychopathology. Their homicidal acts tend to be a response to the brutal abuse they have endured at the hands of those they ultimately kill.

Catathymic Process

Wertham (1937) suggested a concept of catathymic crisis: An irresolvable inner conflict is created by a traumatic experience, followed by extreme emotional tension. The individual, in turn, becomes to believe that violence is the only way to get out; after the violent act is carried out, he finally experiences a feeling of release.

Revitch and Schlesinger (1981, 1989) suggest two forms of catathymic process: acute and chronic. Wertham's conception of catathymic crisis applies to the chronic form. Revitch and Schlesinger suggest that there are three stages of catathymic process: incubation, violent act, and relief. During incubation stage, the offender becomes obsessively preoccupied with the future victim and develops the idea that violence is the only way to resolve his inner conflict. Following the violent act, he often experiences a feeling of inner relief.

In Lee's case, it is hard to tell how long the incubation phase was. However, it is evident that his relationship with his parents were filled with conflict and anger and he had struggled with a tremendous feeling of tension, developing the idea that his parents are obstacles who ruined his life and the only way to resolve his inner tension is to kill them.

Revitch and Schlesinger (1981, 1989) described the characteristics of chronic

Table 1 Characteristics of chronic catathymic process and the application to Lee's case

	Chronic	Lee
Activation of process	Triggered by a buildup of tension/helplessness	Yes
Relationship to the victim	A close relation	Yes
Victim symbolization	Rarely a displaced matricide	Yes
Incubation period	One day to a year	Yes
Level of Planning	Planned	Yes
Method of attack	Violent, but not sudden	Yes
Crime Scene	Less Disorganized	Yes
Sexual Activity	Rare	Yes
Post-mortem behavior	Rarely necrophilia or dismemberment	Yes
Feeling following the attack	Usually a feeling of relief	Unknown
Memory of event	Usually preserved	Yes

catathymic process. Table 1 shows that how these characteristics of chronic catathymic process apply to the Lee's case.

Mental Illness and Parricide

Previous literature has reported some difference in the offender demographics between intrafamilial and extrafamilial homicide. For example, there exists significant difference in offender's mental illness between intrafamilial and extrafamilial homicide offenders. The official crime statistics of South Korea (박승진, 1996) reported that only 1.8 % of all homicide offenders were mentally disabled, while that 20.5% of intrafamilial homicide offenders were mentally disabled.

Millaud et al. (1996) reviewed the data on

parricides and the proportion of these crimes committed by the mentally ill. With regard to diagnoses, paranoid schizophrenia (41.7%) and alcohol/drug abuse (41.7%) were the most prevalent. It is noted that delusions were present in all the patients and especially persecutory delusions (66.7%) were the most prominent. They reported that in most cases delusions played a role in the commission of the parricidal act. Command auditory hallucinations also appear as an important factor.

Lee was a college student and his IQ was 130. The psychiatrists who examined him said he was not schizophrenic, although there were signs of depression and personality disorder. More importantly, any delusions or hallucinations which have been known to play a role in the commission of the parricidal act were not

present. In conclusion, there is no evidence which indicates that Lee's offense was a mere product of mental illness.

Two Types of Aggression and Offender-Victim Relationships in Homicide

Homicidal violence directed toward a family member is widely regarded as the most frightening of all crimes (Ewing, 1997). Indeed, in South Korea, the offender who commits intrafamilial homicide has been punished more severely than extrafamilial homicide offender (최인섭, 1996).

Silverman and Mukherjee (1987) suggest that the social relationship between offender and victim should be a component in the analysis of homicide. In particular, they hypothesize that the intensity levels associated with intimate relationships will be associated with the type of homicide that occurs. The types of aggression proposed by Feshbach (1964) reflect a distinction which can be applied to offender-victim relationship.

Feshbach (1964) suggests that aggression is the basic component in violent crime. He stated that there are two types of aggression: expressive (or hostile) and instrumental aggression. Their goals or the rewards they offer the perpetrator distinguish them.

Expressive aggression occurs in response to anger-inducing conditions, such as insults,

physical attacks or personal failures. The goal is to make the victim suffer. Instrumental aggression begins with competition or the desire for some object or status possessed by another person - jewelry, money, territory. It is usually a factor in robbery or burglary. The thief's goal in a robbery is to obtain the desired object or money. Usually there is no intent to harm. But if someone interferes with the thief's objective, he or she may feel forced to harm that person.

The types of aggression proposed by Feshbach (1964) reflect a distinction which can be applied to offender-victim relationship. It has been studied whether there is an association between expressive or instrumental theme and the relationship between offender and victim more specifically, the offender's target in expressive violence is more likely to be a family member or friend than a stranger, while the offender's target in instrumental violence is more likely to be a stranger (Block, Devitt, Donahue, Danes & Block, 2001). Although some intrafamilial homicides are committed in an instrumental manner, motivated generally by greed (Adams, 1994), the quest for money, by itself, rarely provides a fully satisfactory causal explanation (Ewing, 1997).

Other research supports the notion that intrafamilial violence is equitable to the dynamics of expressive aggression. For example, weapons are used less frequently in parricides than in other homicides, suggesting that many

of these crimes were committed on the spur of the moment by whatever method was available (Hillbrand, Alexandre, Young, & Spitz, 1999). On the other hand, the target of instrumental violence could be anyone who meets a set of conditions, such as possessing the object the offender wants or being vulnerable or available.

Lee's offense was not instrumental: his offense did not aim for material gain. His offense involves expressive aggression, which occurs in response to anger-inducing conditions. His parents had despised him for his entire life. He had been physically abused by both of his parents. He had been angry with his father and mother and he felt that his parents were obstacles who ruined his life. His goal of the offense was clearly to make the victims suffer. As a set of his crime scene actions (hitting parents on the head with a hammer and cutting the bodies into pieces with a knife and a saw) indicate, his offense was an emotion-laden act.

Planning of the Offense and Offender-Victim Relationships in Homicide

Along with the expressive-instrumental theme, whether the offender had planned the offense or not can be strongly related to the offender-victim relationship. For example, Gillis (1986) found that the closer the tie between offender and victim, the more often homicides

were spontaneous. Block et al. (2001) also found that 69.5% of 82 intimate partner homicide cases fell into the category of the unplanned theme.

According to Block (1999), in violent incidents closer to the planned pole of the continuum, the offender had prepared or arranged to commit violence prior to the violent interaction. For example, the offender might have brought a weapon into the interaction or might have arranged for the victim to be unable to escape. The time of the incident, the place, and the choice of weapon tend to be chosen or arranged by the offender.

In the approach of Ressler et al. (1986), the crime scene of an organized offender suggests a carefully planned crime. One of the key characteristics for the 'organized' killer they suggest is forensic awareness such as removal of weapons and fingerprints. Another characteristic is the offender using a kit or equipment specifically for use during the homicide.

In spontaneous violence, the time of the incident, the place, and the choice of weapon tend to be those that happen to be present in the situation. Holmes and De Burger (1988) suggest that the first characteristic of disorganized category of FBI approach is 'Spontaneous offenses'. The crime has been committed suddenly and with no set plan of action for deterring detection. There are no indications that the offender had some sort of

forensic awareness. The disorganized crime scene is described as reflecting an overall sense of disorder; evidence such as blood, semen, fingerprints and the murder weapon are present. The body is left at the site of death and is displayed in open view.

Unlike most of intrafamilial homicides which are committed on the spur of the moment, his offense was carefully planned. He admitted that had prepared to commit violence for two weeks. He had prepared the weapon (a hammer). The time of the incident and the place was carefully chosen by the offender He had arranged the time of the offense (5 in the morning when both of his parents were asleep) for the victims to be unable to escape.

Crime scene behaviors here indicate that he was attempting to hide his crime: He wrapped the body pieces with newspapers, put them in ten different plastic bags, and threw them away in ten different locations. He cut his mother's hair, put it in a black plastic bag with his father's hair, and threw it away as well. Also, forensic awareness is evident: He cleaned the bathroom and bedrooms thoroughly using a detergent, washed his father's clothes, and then threw them away in a garbage can outside his house.

III. Psycholegal Issues: Criminal Responsibility

The M'Naghten standard holds that to establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, he did not know he was doing what was wrong.

With regard to Lee's criminal responsibility, the two questions would be 1) if he did not know the nature and quality of the act he was doing and 2) if he did not know he was doing what was wrong.

Planning

His offense had been carefully planned. He admitted that he had planned it for two weeks. He had chosen his weapon (a hammer). The time of the incident was carefully arranged he chose 5 in the morning when the victims were asleep so they could not escape. He stated that he deliberately drank before the crime to overcome fear of committing the offense. Based on these facts, it is clear that he had prepared or arranged to commit violence prior to the crime; it was never an offense committed spur-of-the-moment. In an interview with a

journalist he said that he had believed that it would be a perfect crime. Therefore it would be reasonable to say he did know the nature and quality of the act he was doing.

Forensic Awareness

His forensic awareness was evident: he cleaned the bathroom and bedrooms thoroughly using a detergent, washed his father's clothes, and then threw them away separately in a garbage can outside his house. What is interesting about cutting the bodies into pieces in forensic evaluation is not just the cruelty of it but it shows the offender's forensic awareness. He wrapped the pieces with newspapers, put them in ten different plastic bags, and threw them away in ten different locations all these behavior show that he tried not to be caught by the police, which effectively means that he did know the nature and quality of the act he was doing and he did know he was doing what was wrong. In addition, when the police arrived at his house, he lied that his parents went to church and never came back and denied his committing the crime, which also indicates that he did know he was doing what was wrong.

Mental Illness

He had no history of mental illness. His IQ turned out to be 130. He was not

schizophrenic, but he was paranoid, depressed, avoidant, and passive-aggressive.

Millaud et al. (1996) reported that delusions play a role in the commission of the parricidal act. But in this case there is no evidence that a delusion played a role in committing the act; he never showed any signs of mental illness and never indicated that a delusion involved in his offense. Command auditory hallucinations, an important factor in parricides (Millaud et al, 1996), were not present in this case.

Therefore, his offense is not a result of mental illness. There is no evidence that at the time of the committing of the act, he was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, he did not know he was doing what was wrong.

In conclusion, he is responsible for his offense as he did know the nature and quality of the act he was doing and he did know he was doing what was wrong.

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부모 살해 사건의 법정심리학적 사례 분석

박 지 선

국립경찰대학

본 논문에서는 24세의 명문대 재학생이 평생 자신을 학대해오던 부모를 잔인하게 살해하고, 사체 훼손 등의 행위를 통해 범행을 은폐하려 했던 실제 한국 부모 살해 사례를 다각도로 분석하였다. 우선, 부모 살해 사건의 가해자들이 전형적으로 갖고 있는 특성을 본 사건의 가해자와 관련시켜 설명하였다. 또한 갈등과 분노로 점철되어 온, 그의 부모와의 평생 동안의 관계에서 비롯된 긴장 상태를 해소하기 위해 부모 살해라는 극단적 수단을 택하게 된 가해자의 심리를 살인에 관한 이론 가운데에서도 정서적 과정(catathymic process) 이론의 적용을 통해 설명하였다. 덧붙여 범행 수법의 잔인성, 범행의 사전 준비와 범행 후 사체 처리 등을 가해자의 표현적 공격의 표출과 치밀한 범죄 계획성의 관점에서 논의하였다. 마지막으로, 가해자가 범죄를 저지를 당시 자신의 행위의 본질과 그 행위의 위법성에 대해 인지하고 있었는지에 관련하여 형사상 책임의 문제에서 본 사건을 분석하였다.

주요어 : 부모 살해, 정서적 과정, 형사상 책임, 사례 분석