

REGINA v SAMANTHA FORD
SENTENCING REMARKS OF MR JUSTICE EDIS
CENTRAL CRIMINAL COURT

16th August 2019

Samantha Ford, you pleaded guilty to killing your twin children by drowning them in the bath. The pleas were entered on the basis of diminished responsibility which means that these were offences of manslaughter, not murder.

Those pleas were accepted by the prosecution on the basis of expert psychiatric evidence obtained by the prosecution and the defence.

The fact that you are to be sentenced for manslaughter by reason of diminished responsibility means that the sentences to be imposed on you reflect the fact that, if you had not been ill, you would not have killed your children. I do not accept that this means that you were not to blame for what you did, but your culpability is much less than it would be if you were not ill. If you were not ill, the sentences would be life imprisonment with very long minimum terms.

It is agreed between the three doctors who have given evidence that your mental state was a result of your personality, and also of the stresses which were caused by the ending of your marriage by your husband. By reason of your nature and history you were very fearful of being abandoned, and less able to cope with that than other people.

But these killings were in no way your husband's fault. He had come to the conclusion that he wanted to divorce you and he told you this. He was determined not to change his mind. He did not want to have any contact with you. This does not mean that he is responsible for the deaths of the children. They are your responsibility and yours alone.

It is agreed that you developed a depressive illness which became associated with particular features of your personality, which are described in different terms by different doctors. It is agreed that this substantially impaired your ability to form a rational judgment, although there is a dispute about whether it also impaired your ability to exercise self- control. It is agreed that this abnormality played a part in causing you to act as you did.

I conclude that despite the depressive illness you were still able to choose what to do.

What you chose to do was to drown the children, and then move them to their bedroom where you arranged their bodies in their beds, and set off to drive to Beachy Head where you intended to kill yourself. You left a note, later found by the police, in the kitchen which said "Please forgive my crazy mind".

The horror of what happened does not need any explanation by me. Anyone with any imagination can envisage for themselves what must have happened in that bathroom. Jake and Chloe were aged 23 months, and may have had some awareness. It is unlikely that they died simultaneously. It must have taken some time, and required real determination.

The loss of these two young lives is a tragedy which will haunt their father and other members of two families for the rest of their lives. I accept that it will also haunt you, because you loved the children.

By comparison, these may seem small details, but I need to mention some things which are relevant to your level of self-control on that terrible day. You were conducting Google searches about a number of things, including death by drowning that afternoon, while the children were with other members of the family. You had killed the children within about half an hour of their return to you by their grandparents. That is confirmed by the timing on CCTV of you leaving the house after doing so. You had killed them, dried them, dressed them, and placed them back in their beds: the bodies facing away from each other towards the wall. You wrote a note and quickly left. You then drove safely to Beachy Head, in control not only of yourself but your car. You filled it with petrol during the journey, and paid for the fuel. You decided not to kill yourself and not to jump off the cliff, although that had been your plan. On your journey away from the cliff in your car, you decided to drive into the rear of a truck in a suicide attempt, which you survived. When the police spoke to you, you knew what you had done.

I have decided that your illness did substantially impair your ability to make rational judgments, but it did not additionally affect your ability to exercise self-control. On the contrary, this was very controlled behaviour, and not impulsive or frenzied. You had been considering doing this for some time, as your Google searches demonstrate. I am sure that you had made your plan by the time the children came home to you and that you then put it into effect. This means that, ill as you were, you spoke to your parents while having these intentions, and took them from their grandparents when you did not have to. You only had to say what was in your mind, but you did not. This is relevant to culpability.

You decided that you had no wish to live, and that your children were so much a part of you that this meant that they too had to die. It is clear from the messages which you sent to your husband, trying to keep the family unit together, that you were becoming ill, but also that you were very angry. There is no doubt in my mind that your anger and distress was principally focussed on the loss of your family unit, but there is also some evidence of your concern about the financially adverse consequences of decisions made by your husband on you. This is understandable and normal in itself, but it is relevant to understanding what thoughts were going through your mind on the 26th December 2019.

I agree with Dr. Joseph that the Victim Personal Statement of Mr. Ford is an important piece of evidence in the case and note that the factual contents of it were not challenged. I have also read with care your letter to me which describes the enormous loss you have caused to your self and also, to your credit, says

“I feel so much guilt that not only I have lost Chloe and Jake, but so has Steven, their grandparents aunts and uncles, cousins and friends. For this I am so sorry.”

I accept that you did intend to kill yourself, and that you attempted to do so in the crash. In deciding to kill your children and yourself, I am sure that you had thoughts of the effect this would have on Stephen Ford, with whom all the psychiatrists say you were preoccupied. You knew it would devastate him and I am sure that this was one reason why you did it. As Professor Mezey said, anger and depression can go together and work to the same end. She agrees that anger was present but says that it would not, on its own, have caused the killing. I agree with that. The law partially excuses killings done by reason of depression, but anger is no excuse at all. A fair view of the whole of the evidence before and after the killings supports the view that your anger with your husband was a significant contributory factor in causing them. It would not have caused them if you were not

ill, but it cannot be ignored. This is a finding of fact for me rather than a matter of expert opinion, as Professor Mezey said.

I accept that you still are a serious risk of suicide.

THE GUIDELINE

The Guideline requires me to assess the extent to which you retain responsibility for what you did, even though mental illness played a part in what you did. The psychiatrists disagree about this, but in the end it is a matter for me to decide. I am grateful to all the doctors for their help.

The level of mental illness from which you suffered meant that you were not deluded, but that your mental functioning was impaired. You understood the nature and consequences of what you were doing. I do not accept that you killed because you heard voices in your head which commanded you to do so. If that had been happening, you would have told the medical services from whom you were trying to get help before 26th December about it. The telephone schedule submitted on your behalf shows the efforts you made to get help, and the number of conversations there were during which, if it were the case, you could have said that you were hearing voices which were telling you to kill your children. No-one has any record of anything like that being said. It may be that you were really describing a sensation of hearing your own voice telling you what to do, as Professor Mezey suggests. It is relevant to culpability that despite this occurring over a period of time, you did not tell anyone that the children were in danger from you. It is obvious from what you did that your depression did not develop into the kind of catatonic depression in which the patient is unable to do anything. In the absence of catatonic or psychotic symptoms, your illness might properly be described as “moderate” by some clinicians and “severe” by others, but it was plainly a serious mental illness.

You had repeatedly sought medical treatment before this happened, but unfortunately nothing had yet been achieved. The evidence of these attempts to get help is very strong, and this, I find, does mitigate your position.

These findings mean that the level of mental illness was such that you retained a significant degree of responsibility. I have concluded that your responsibility is in the lower end of the medium category of blame.

The fact that there are two victims is relevant to the sentence as a very significant factor. The other aggravating features are already reflected in the assessment of retained responsibility which I have just made.

You are, of course, of good character and I have read the character references supplied by people who think well of you. They confirm your love for your children and the serious consequences for your mental state of the departure of your husband. Again, these matters are all fully reflected in the assessment of retained responsibility.

FINDINGS ABOUT THE CRITERIA FOR HOSPITAL ORDERS AND LIMITATION DIRECTIONS

You are suffering from a mental disorder and I am considering making a Hospital Order and I therefore first turn to review all the sentencing options available.

Your medical condition makes it appropriate for you to be detained in a hospital for medical treatment and appropriate treatment is available. Professor Mezey considers that you are suffering from a continuing depressive illness which requires treatment. Dr. Husain also proposes treatment.

Dr. Husain has told the court that if I make a Hospital Order or a prison sentence with a limitation direction, arrangements have been made for your immediate admission to the hospital.

I am satisfied that you do not pose a risk of harm to the general public. I am not satisfied that you present a risk of serious harm to Mr Ford. Any such finding would simply be speculation in the absence of evidence. This means that I cannot impose a restriction under s41 of the MHA 2003 alongside a Hospital Order under section 37. Dr. Joseph and Professor Mezey were in agreement about this, although both thought that a restriction under s41 was really required to address other aspects of the case.

If I impose a Hospital Order without a restriction the Responsible Clinician could order your discharge from hospital at any time. Dr. Husain is quite pessimistic about the prospects of treatment and it may be that a clinician could come to the conclusion that you have either recovered or that no treatment is available in a hospital in the relatively near future.

Having regard to all the means of dealing with you, I consider that a prison sentence with a s45A limitation direction is the most suitable.

I do consider that a sentence is required with a penal element. These offences are too serious, and your level of retained responsibility too great, for any other course. I am satisfied that this type of sentence will enable the management of your psychiatric condition during the term of the sentence.

SENTENCE

You are entitled to full credit for your pleas of guilty.

Before giving you credit for the pleas of guilty, I take a sentence towards the bottom of the medium guideline range, but I must increase that because there were two victims.

The sentence of the court is that there will be concurrent sentences of 10 years imprisonment on each count, with the hospital and limitation direction which I have just explained. That direction is an order under the Mental Health Act 1983 and the Victim Surcharge does not apply.

The Limitation Direction which I make is as follows

1. Instead of being removed to and detained in a prison you will be removed to and detained in the Walmer Ward, Trevor Gibbens Unit, Maidstone, Kent; and
2. You will be subject to the special restrictions set out in s41 of the 1983 Act.

What this means is that you will be detained in a hospital as long as necessary. If and when it is no longer necessary and if your sentence has not expired you will be transferred to prison. Once in prison you will serve the remainder of the sentence which I have imposed.

If you are discharged from hospital before the halfway point in your sentence, you will serve the prison sentence until that point when you will be released on licence. At that point you will be subject to the conditions of that licence and of your discharge from hospital.