

The allegation of “insurmountable fear” in a crime perpetrated in the municipal police force

DOI: 10.46981/sfjvh3n1-004

Received in: February 14th, 2022

Accepted in: March 1st, 2022

Bernat-Noël Tiffon Nonis

Doctor

Professor of Criminal and Forensic Psychology

Institution: Universitat Abad Oliba–CEU

Address: Calle Bellesguard, n°30. 08022 Barcelona (Spain)

E-mail: btiffonn@uao.es

1 INTRODUCTION

In cases of subjects involved in blood crimes, there are sometimes unique situations in which the alleged victim plays the opposite role of alleged aggressor or is involved as an accomplice in the perpetration of the offense.

The casuistry that is presented here deals with the psychological evaluation of a female subject, implicated as co-author of the alleged murder of her sentimental partner but who, and for the sake of her defense, claimed insurmountable fear with respect to the other alleged co-author (male) and establishing herself in her criminological role as alleged victim.

The three-way protagonist of said crime worked in the Municipal Police of a municipality of more than 1.5 million inhabitants.

The insurmountable fear alleged by the subject was motivated by the alleged threat uttered by the other co-author investigated in the case, who told her that he was going to harm her two daughters and herself if she did not agree to his requests in relation to a brawl that took place at home with his sentimental partner (murder victim).

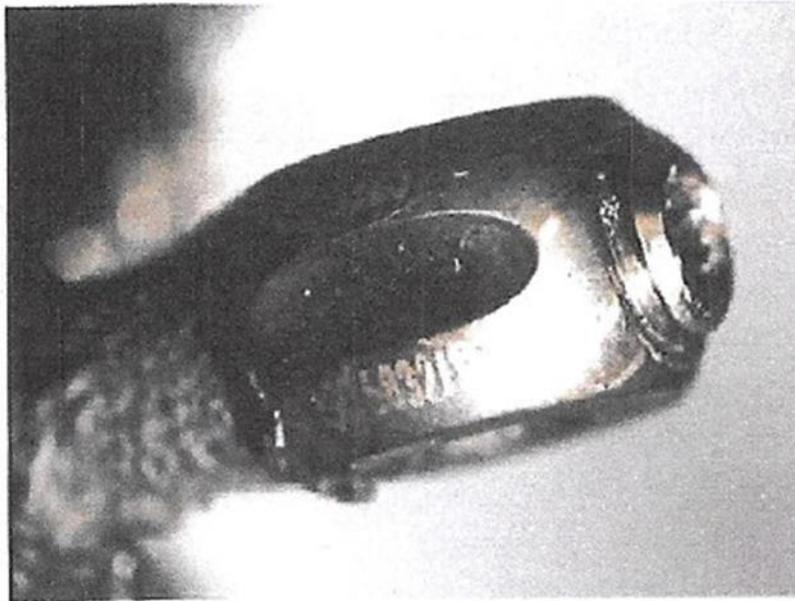
According to the findings of the sentence, the victim died at the home of the subject and, later, her body was deposited in the trunk of her vehicle, transferred to a nearby mountain and then doused with gasoline and incinerated.

A few days later, the Police located the remains of the burnt out vehicle. There were few biological remains of the victim. However, the victim could be identified thanks to a code appearing on a prosthetic screw that was inserted when she underwent spinal surgery. Once said code was identified, the name and surnames of the victim were identified and the police began to investigate the people connected with her.

Photo detailing the state of the vehicle after the fire



Photo detailing the victim's prosthetic screw



2 METHOD

A directed clinical interview (or anamnesis) was carried out on the alleged co-perpetrator who was evaluated by this writer, videos were viewed of the statements from the alleged co-perpetrators taken in the court and the Medical-Forensic reports were reviewed of the psychological and/or psychiatric evaluations carried out on the two allegedly implicated.

Likewise, psychological tests were administered in order to be able to assess the scope of the clinical-symptomatic phenomenology of the psycho-emotional state of the subject with respect to her presumed traumatic reaction derived from the threats she reported receiving from the other defendant.

3 RESULTS

The subject was administered the following set of psychological tests (the most notable among many others administered): the Millon Clinical Multiaxial Inventory (MCMI-IV, 2018) and the Davidson Trauma Scale (DTS) (1997).

It should be noted that the tests were conducted at the prison where she remained admitted under a preventive inmate regime, awaiting trial by the Jury of the Provincial Court.

The test results are as follows:

INVENTARIO CLÍNICO MULTIAXIAL DE MILLON-IV									
RESUMEN DE LAS PUNTUACIONES Y PERFIL									
CÓDIGO DE PUNTUACIONES MÁXIMAS =2A 7 8A					INVALIDEZ (V) = 0				
AJUSTES DE LAS TASAS BASE = A/CC					INCONSISTENCIA (W) = 6				
VALIDEZ		Puntuación			Perfil de las tasas base				
		PD	TB		0	35	75	100	
Índices modificadores					Bajo	Medio	Alto		
Sinceridad	X	41	50						
Deseabilidad social	Y	13	59						
Devaluación	Z	14	61						

PERSONALIDAD		Puntuación			Perfil de las tasas base				
		PD	PC	TB	0	60	75	85	115
Patrones clínicos de la personalidad					Estilo	Tipo	Trastorno		
Esquizoide	1	12	65	68					
Evitativo	2A	16	74	82					
Melancólico	2B	12	47	59					
Dependiente	3	10	51	60					
Histriónico	4A	2	14	13					
Tempestuoso	4B	6	33	36					
Narcisista	5	2	25	24					
Antisocial	6A	0	11	0					
Sádico	6B	3	30	30					
Compulsivo	7	19	79	71					
Negativista	8A	13	68	69					
Masoquista	8B	8	46	59					
Patología grave de la personalidad									
Esquizotípico	S	11	52	61					
Límite	C	6	36	44					
Paranoide	P	14	86	82					

PSICOPATOLOGÍA		Puntuación			Perfil de las tasas base				
		PD	PC	TB	0	60	75	85	115
Síndromes clínicos					Presente		Prominente		
Ansiedad generalizada	A	8	51	60					
Síntomas somáticos	H	6	50	60					
Espectro bipolar	N	3	22	30					
Depresión persistente	D	15	59	69					
Consumo de alcohol	B	0	34	0					
Consumo de drogas	T	2	61	62					
Estrés posttraumático	R	12	81	73					
Síndromes clínicos graves									
Espectro esquizofrénico	SS	13	72	68					
Depresión mayor	CC	14	69	75					
Delirante	PP	8	88	73					

The validity indices present scores in statistical normality, which suggests that the psychological and/or psychopathological profile obtained is genuine for the personality of the examined subject.

In relation to the scales belonging to the area of anxiety and/or post-traumatic stress disorder, the scores are within statistical normality.

Grossman's Facets suggest that the subject presents personality traits of a paranoid, avoidant and compulsive type and that it would be compatible with her current state of institutionalized prison in which she found herself immersed at the moment of the administration of the psychological tests (the test was administered in October 2018 and 17 months had passed since the murder was perpetrated, in May 2017).

**INVENTARIO CLÍNICO MULTIAIXIAL DE MILLON-IV
FACETAS DE GROSSMAN CON LA PUNTUACIÓN MÁS ALTA**

FACETAS DE GROSSMAN	Puntuación	Perfil de las tasas base			
		PD	PC	TB	0 35 75 100
Paranoide P					Interpretable
Expresivamente defensivo P.1	7 96 90				
Cognitivamente desconfiado P.2	4 80 75				
Dinámicas de proyección P.3	9 99 96				
Evitativo 2A					
Interpers. aversivo 2A.1	7 87 93				
Autoimagen alienada 2A.2	5 69 75				
Contenido vejatorio 2A.3	5 74 80				
Compulsivo 7					
Expresivamente disciplinado 7.1	6 75 75				
Cognitivamente constreñido 7.2	4 29 34				
Autoimagen responsable 7.3	9 99 85				

PUNTUACIONES DE LAS FACETAS DE GROSSMAN

	PD	PC	TB		PD	PC	TB
1 Esquizoide				6B Sádico			
1.1 Interpers. desvinculado	6	89	85	6B.1 Expresivamente precipitado	2	42	40
1.2 Contenido escaso	7	82	75	6B.2 Interpers. desagradable	1	43	60
1.3 Temperamentalmente apático	4	60	65	6B.3 Arquitectura eruptiva	0	25	0
2A Evitativo				7 Compulsivo			
2A.1 Interpers. aversivo	7	87	93	7.1 Expresivamente disciplinado	6	75	75
2A.2 Autoimagen alienada	5	69	75	7.2 Cognitivamente constreñido	4	29	34
2A.3 Contenido vejatorio	5	74	80	7.3 Autoimagen responsable	9	99	85
2B Melancólico				8A Negativista			
2B.1 Cognitivamente fatalista	5	48	50	8A.1 Expresivamente resentido	6	88	80
2B.2 Autoimagen inútil	3	65	75	8A.2 Autoimagen descontenta	6	68	70
2B.3 Temperamentalmente afligido	6	71	80	8A.3 Temperamentalmente irritable	0	15	0
3 Dependiente				8B Masoquista			
3.1 Expresivamente pueril	4	49	48	8B.1 Autoimagen desmerecedora	5	64	64
3.2 Interpers. sumiso	4	79	75	8B.2 Arquitectura invertida	5	71	70
3.3 Autoimagen inepta	3	46	45	8B.3 Temperamentalmente disfórico	7	75	70
4A Histriónico				S Esquizotípico			
4A.1 Expresivamente dramático	0	31	0	S.1 Cognitivamente circunstancial	3	35	45
4A.2 Interpers. buscador de atención	1	15	15	S.2 Autoimagen disociada	4	57	63
4A.3 Temperamentalmente inconstante	3	34	36	S.3 Contenido caótico	7	90	80
4B Tempestuoso				C Límite			
4B.1 Expresivamente impetuoso	3	52	60	C.1 Autoimagen inestable	4	61	65
4B.2 Interpers. eufórico	1	22	20	C.2 Arquitectura disgregada	3	52	60
4B.3 Autoimagen sobreestimada	4	56	60	C.3 Temperamentalmente lábil	1	31	20
5 Narcisista				P Paranoide			
5.1 Interpers. explotador	0	26	0	P.1 Expresivamente defensivo	7	96	90
5.2 Cognitivamente expansivo	4	52	60	P.2 Cognitivamente desconfiado	4	80	75
5.3 Autoimagen admirable	1	50	60	P.3 Dinámicas de proyección	9	99	96
6A Antisocial							
6A.1 Interpers. irresponsable	0	21	0				
6A.2 Autoimagen autónoma	1	37	30				
6A.3 Dinámicas de irreflexión (paso al acto)	0	27	0				

In relation to the test that assesses the intensity of psychopathological trauma, the Davidson Trauma Scale - DTS - (Davidson et al., 1997) was administered, and the results are as follows:

Davidson Trauma Scale —DTS— (Davidson & cols., 1997).	
17 ítems of 5 response alternatives	
Instrument that collects the frequency and severity of the symptoms of Post-Traumatic Stress Disorder (PTSD) and that corresponds to the symptoms collected for the diagnosis according to the DSM-IV-TR.	
TRAUMA THAT THE SUBJECT CLAIMS:	
<i>“My situation of total helplessness and injustice in the face of events that for me have been traumatic and I have been the victim. Instead, I have been treated as guilty and fingers have been pointed at me as if I had knowledge or was the author of such acts. As the days have passed, I have been finding out without any choice but to draw my conclusions from what happened and making a double victimization of myself, day after day. My situation today is as if they had killed me in life”.</i>	
Test date: 19.09.2017	
Frequency Scale	56/68
Severity Scale	62/68
Direct Scale Total Score Obtained	118/136
STATISTICAL SIGNIFICANCE	POSITIVE
Significant cutoff point	According to the Manual “ <i>Basic Instruments for the Practice of Clinical Psychiatry</i> ” by Bobes, González, Sáiz, Bascarán and Bousoño from Editorial Novartis Farmacéutica, S.A. (2000), it is noteworthy that: <i>“The authors propose as a cut-off point for the total score of the scale, 40”.</i>

The test was administered in September 2017 (four months after the murder was committed, in May 2017) and the subject gave a total direct score of 118 out of a total of 136; a score which suggests that the subject presents symptoms compatible with stress and/or reactive traumatic anxiety with respect to an adverse or contingent event/s; as established by Davidson et al. (1997).

4 DISCUSSION

1. The psychometric results obtained closest to the date when the events occurred (Davidson's DTS) show scores that are significantly more compatible with the alleged events in which the subject refers to acting with “insurmountable fear”; although she does record in writing a traumatic situation of injustice with respect to the murder accusation that she was facing at that time.
2. The psychometric results obtained as a result of the administration of the MCMI-IV do not present clinical relevance from the sphere of anxiety or traumatic psychoemotional reaction. It does present relevance in paranoid-avoidant personality traits and that can be contextualized in the coexistence framework of the prison institutionalization process.
3. In relation to the accreditation of "insurmountable fear" that the subject claimed, with Forensic Psychology it is difficult to prove through the administration of psychological tests. This

difficulty lies in the non-existence of psychological tests that gather items of valid quality that can measure and/or explore said psychic condition.

4. In line with the above, and from the juridical-legal point of view, it was not possible to accredit in the plenary hearing with the Jury of the Provincial Court, the point that alleged “insurmountable fear” as a defense.

5. Due to this, the subject was finally convicted of the crime of murder.

6. From the context of all the above, and although the discipline of Forensic Psychology has presented important and great professional advances, it lacks highly specific tests that explore areas that the Legal System contemplates, such as in this case, the concept of “insurmountable fear”.

Keywords: insurmountable fear, police force, psychological evaluation, murder, psychological trauma.

REFERENCES

- Bobes, González, Sáiz, Bascarán & Bousoño (2000). *“Instrumentos básicos para la práctica de la Psiquiatría Clínica”*. Editorial Novartis Farmacéutica, S.A. Madrid.
- Millon, T.; Grossman, S. & Millon, C. (2018). *“Manual MCMI-IV. Inventario Clínico Multiaxial de Millon-IV”*. Madrid. Pearson Educación.
- Tiffon, B.-N. & cols. (2019). *“Atlas Práctico-Criminológico de Psicometría Forense (Volumen I): Asesinatos”*. J.M. Bosch Editor. Barcelona.