

# Pre-Crime Dangerousness: Forensic and Criminological Analysis of an autopsy case

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## Abstract:

This article addresses the concept of Pre-Crime Dangerousness, a debated and ambiguous topic in forensic medicine and criminology. Defined by Garofalo as the "amount of harm an individual can cause," it highlights the potential for harm before a crime is committed. Other experts, such as Shaw and Heuyer, emphasize the challenges in providing a precise forensic definition and focus on the social harm potential. The study delves into a case involving homicide where the victim was poisoned with psychotropic drugs. Through forensic analyses, including autopsy and toxicological evaluations, and a criminological approach based on De Greeff's three-phase model (ineffective consent, formulated consent, and action), the article explores the interplay between psychological and social factors leading to the crime. The results confirm the involvement of complex psychosocial dynamics, indicating that a deeper understanding of these interactions could help prevent future offenses. The discussion underlines the importance of interdisciplinary collaboration in evaluating and addressing dangerousness before a crime is committed.

## Résumé :

Cet article aborde la notion de dangerosité prédélictuelle, un concept débattu et ambigu en médecine légale et en criminologie. Définie par Garofalo comme étant la « quantité de mal qu'un individu peut causer », elle met en lumière la possibilité de nuire avant même qu'un crime ne soit commis. D'autres experts, comme Shaw et Heuyer, soulignent la difficulté d'en fournir une définition médico-légale précise, en insistant sur le potentiel de nocivité sociale. L'étude examine un cas d'homicide où la victime a été empoisonnée par des psychotropes. À travers des analyses médico-légales, incluant l'autopsie et les évaluations toxicologiques, ainsi qu'une approche criminologique basée sur le modèle en trois phases de De Greeff (assentiment inefficace, assentiment formulé et passage à l'acte), l'article explore l'interaction entre les facteurs psychologiques et sociaux menant à l'acte criminel. Les résultats confirment l'implication de dynamiques psychosociales complexes, indiquant qu'une compréhension plus fine de ces interactions pourrait permettre de prévenir de futurs délits. La discussion met en avant l'importance de la collaboration interdisciplinaire dans l'évaluation et la gestion de la dangerosité prédélictuelle.

**Mots clés :** Pre-Crime dangerousness, criminology, Greeff's model, forensic

## Introduction

The introduction of the notion of Pre-Crime Dangerousness in forensic medicine and psychiatry is a central theme in the analysis of criminal behavior, yet it remains deeply complex and controversial. This concept, which refers to an individual's capacity to cause harm even before committing a criminal act, raises important questions about predicting criminal behavior and its prevention. Historically, Garofalo attempted to define this by referring to it as the “amount of harm an individual can cause,” which highlights the potential threat. In other words, it is not just about evaluating dangerousness after a crime has been committed but rather anticipating the likelihood of criminal action, an approach crucial to violence prevention.

However, the very definition of Pre-Crime Dangerousness is far from being unanimous among experts. Authors like Shaw have emphasized the inherent riskiness of this concept, noting that it can lead to deviations in evaluating individuals and result in potentially unjustified preventive measures. Indeed, the characterization of dangerousness as a “dangerous concept” reflects concerns about judgment errors that may arise from misinterpreting behavioral signals, particularly within the framework of psychiatric diagnosis. This difficulty in precisely defining dangerousness is also echoed by Heuyer, who focuses more on social harm rather than individual dangerousness. He reorients the debate towards the threat an individual poses to social stability, emphasizing the interaction between psychological disorders and social dynamics.

Debuyst, on the other hand, takes a more pragmatic approach by defining dangerousness as the “probability that an individual will commit an offense against persons or property.” While simplified, this definition sheds light on the probabilistic nature of Pre-Crime Dangerousness. In fact, forensic medicine, criminology, and psychiatry do not possess infallible tools to predict with certainty

the transition to criminal action. However, the goal remains to assess risks based on observable criminogenic and psychopathological factors.

This conceptual ambiguity does not diminish the importance of assessing Pre-Crime dangerousness, which plays a fundamental role in preventive strategies and forensic interventions. Forensic psychiatry, in particular, is often at the forefront of detecting warning signs before an individual crosses into criminality. Identifying early indicators, such as psychotic disorders, violent behaviors, or relational dysfunctions, can enable the implementation of crisis management and monitoring measures.

This case illustrates the convergence of criminogenic factors, psychological disorders, and social dynamics that interact to create fertile ground for the transition to criminal action. It also underscores the importance of interpersonal factors and psychological decompensation, which are central elements in the evolution toward violence.

## Methods

The methodology adopted in this study is based on a rigorous forensic examination. The case presented involves a homicide committed by an individual in conjunction with an accomplice, who acted after administering psychotropic substances to the victim. The study includes data from the forensic investigation, toxicological analyses, and psychological and psychiatric observations of the perpetrators both before and after the criminal act.

The forensic analyses, particularly the autopsy and toxicological study, revealed that the victim had been poisoned with a psychotropic substance prior to death. The analysis of the perpetrators' behavior, following a criminological approach inspired by De Greeff's work on criminal acts, provides a framework for understanding the successive phases leading up to the homicide. This criminological model, which consists of three

phases—ineffective assent, formulated assent, and the act itself—is crucial to comprehending the progression of psychosocial mechanisms that result in the commission of a violent crime.

## Results

The findings of this study highlight the complexity of the criminal scheme, revealed through a thorough forensic and criminological analysis. The homicide occurred in a context marked by the interaction of psychological, social, and behavioral factors that facilitated the act. The victim, found near their home, exhibited clear signs of poisoning by a psychotropic substance, confirmed by toxicological results. The absence of signs of physical struggle suggests prior paralysis or immobilization, likely facilitated by the administration of psychotropic drugs, enabling the perpetrators to carry out the crime without resistance.

The forensic analysis provided critical evidence. Fingerprints and other clues found at the scene allowed for the formal identification of the victim, while contextual elements, such as the complex triangular relationship between the individuals involved, revealed a criminal motive driven by psychological and interpersonal tensions. These latent conflicts contributed to the premeditation of the act, which follows De Greeff's three-phase model precisely.

1. **Ineffective Consent Phase:** During this initial stage, the perpetrators began to harbor criminal thoughts in an insidious manner, often unconsciously or barely consciously. In this specific case, the personal and social discontent of the individuals involved acted as fertile ground for the formation of criminal intent. Unresolved interpersonal conflicts, combined with accumulated frustrations, gradually fueled the desire to act.
2. **Formulated Consent Phase:** In this second stage, the perpetrators became aware of their intention to act. They began to structure their criminal plan while being torn between the desire to carry it out and
3. **Acting-Out Phase:** This third and final phase marks the execution of the crime. The perpetrators, in a state of intense psychological crisis, accepted the idea of death and carried out their plan. This state of heightened emotional stress led to a breakdown in their moral judgment, creating a form of dissociation that allowed them to justify and rationalize the violent act. The crime, committed with extreme violence, was the result of a complete breakdown of rational decision-making, where the perpetrators, under the influence of destabilizing psychological factors, chose to act.

## Discussion

Analysis of this case highlights several key aspects of pre-delinquency dangerousness. Firstly, dangerousness cannot simply be viewed as a latent state within an individual. Rather, it arises from a complex interplay of internal factors (psychological and psychiatric) and external factors (social and relational context). This complexity underscores the need to consider both the individual and their environment when assessing the risk of violence.

### 1. Psychological decompensation and psychosocial factors

The signs of psychological decompensation observed in the perpetrators highlight the importance of early detection of emotional and relational disturbances. Research indicates that decompensation, often linked to unresolved interpersonal conflicts, is a key predictor of violent behavior. Consequently, systematic clinical assessment of psychosocial disruptions, especially during periods of

relational stress, could serve as a tool for preventing criminal acts.

## 2. De Greeff's criminological model and dangerousness

De Greeff's model, which structures the development of criminal intentions into three phases (ineffective assent, formulated assent, and acting out), provides an analytical framework for tracking the progressive evolution of dangerousness. Several criminological studies support the notion that a phased conceptualization not only helps understand the emergence of the act but also identifies specific moments for intervention to interrupt this progression.

Indeed, pre-delinquency dangerousness can develop gradually from accumulated frustrations and a sense of powerlessness in the face of personal or social conflicts. Recognizing early warning signs in the initial phases of the model, such as hostile behaviors or relationship breakdowns, could guide clinical and judicial interventions.

## 3. Pinatel's unitary approach

Pinatel's theory postulates that the criminal phenomenon is unitary and integrates the perpetrator and their act into a single dynamic. According to this approach, the tensions between social norms and the decision to act are essential for understanding dangerousness. Recent research confirms this hypothesis by demonstrating that psychosocial tension between the individual and their social environment can lead to the radicalization of violence.

Thus, the analysis of this case shows that preventing crime requires a deep understanding of psychosocial contexts and interpersonal relationships in which the individual evolves.

## 4. Interdisciplinary approach

The integration of multiple disciplines is crucial for assessing pre-delinquency dangerousness. Approaches combining forensic medicine, psychiatry, and criminology

allow for exploring the links between mental disorders, relational dynamics, and criminal behavior. In this sense, the implementation of interdisciplinary assessment protocols would allow for the early identification of individuals at risk and the proposal of tailored management strategies.

## 5. Pre-Crime Dangerousness: A Historical Perspective

In the name of prevention, the penal system in the Third Republic of France began to focus heavily on the concept of dangerousness, especially concerning repeat offenders. This notion marked a shift in penal policy, prioritizing the exclusion of individuals deemed as persistent threats to society. The rise of recidivism, particularly petty crime, became a central issue. Recidivists—habitual criminals like thieves or vagabonds—were increasingly viewed as irredeemable dangers to public order.

In 1885, the French government passed a law that condemned multirecidivists to transportation, effectively exiling them to colonies such as Guyana or New Caledonia. This punishment was based not only on the crime committed but also on the perceived inherent danger posed by the individual's personality and past behavior. The goal was to protect society by removing individuals who were seen as incapable of reform, thus introducing the concept of "pre-crime" punishment.

The law reflected a broader societal fear of incorrigibility, where the habitual offender was perceived as beyond rehabilitation. This shift was part of a larger movement toward preventive justice, where penal measures were applied based on the presumed future threat of an individual rather than solely their past offenses.

As a result, the penal system adopted a dual approach: punishment for past actions and preventive measures for future threats. This concept of dangerousness, rooted in fear of recidivism, set the stage for modern debates

about pre-crime punishment and the balance between individual rights and societal protection. The pre-crime logic led to the exclusion of those deemed irreparable threats, laying the groundwork for more contemporary discussions on risk-based criminal justice practices.

This preventive approach, while intended to safeguard society, led to serious humanitarian and legal consequences. Many individuals were wrongfully deemed irredeemable based on assumptions about their "dangerousness," leading to unjust punishments. The exiling of recidivists to colonies often resulted in horrific living conditions, forced labor, and high mortality rates. These penal colonies became infamous for their brutality, with prisoners subjected to harsh climates, disease, and mistreatment. Moreover, this policy of pre-crime exclusion ignored opportunities for rehabilitation, fostering a system that punished individuals based on potential future actions, creating a legacy of injustice that has since been widely criticized in modern criminological and human rights discourses.

## Conclusion

The forensic medical examination of this case highlights the need for a **holistic approach to pre-delinquency dangerousness**.

Understanding the psychological and social dynamics that lead to criminal behavior is crucial for implementing effective preventive measures. **De Greeff's phases** provide a valuable framework for comprehending the development of criminal intent, emphasizing the importance of early intervention at each stage.

**Close collaboration between forensic medicine and criminology** is necessary to identify early warning signs of dangerousness, not just on an individual level, but also within interpersonal relationships and the broader social context. Pre-delinquency dangerousness, while challenging to define, can be anticipated through in-depth analysis of contextual factors

and the psychological trajectories of at-risk individuals.

It is important to note that Pre-Crime Dangerousness policies can go terribly wrong, as demonstrated by historical French precedents, leading to unjust punishments, harsh conditions in penal colonies, and a disregard for rehabilitation, resulting in significant humanitarian and legal consequences.

**Further research is required** to refine assessment tools and develop intervention strategies tailored to these specific contexts.

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