

MENTAL DISORDERS AND CRIME: AN INTRODUCTION TO CLINICAL CRIMINOLOGY

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The importance of criminological research is increasing nowadays. Crime is the most dangerous form of deviance and has the most severe social consequences. Combating crime would not be conceivable without the theories and knowledge of criminology. The application of theoretical knowledge in practice should be promoted in criminological research. The manifestations of crime as a socially negative and legal phenomenon are widespread, and social deviations can have completely different forms of manifestation. This is clearly supported by the findings of clinical criminology that evolved from the concept of classical criminology. Clinical criminology is a theoretical and practical study of the personality of a criminal who has committed a criminal offence in a state of mental incapacity or diminished mental capacity, and an approach to determining preventive measures and means..

Keywords: *criminal offence, mental disorders, criminology, clinical criminology.*

INTRODUCTION

Crime prevention, control of social processes and overcoming their negative consequences is not only a criminological and legal issue. It is also a social, economic, and political issue (Kriminoloģija, 2004). Research in the field of criminal behaviour is carried out both by legal scientists and representatives of psychology, medicine, sociology, psychiatry, and other sciences.

Criminal behaviour is a socially destructive activity that causes harm both to society as a whole and to an individual personally. It must be acknowledged that criminologists have three most common opinions about crime: 1) crime shows the traditional values and ethics of society; 2) crime reflects the needs of representatives of social and political power; 3) crime is an act of the prevailing public morality and belief (Quinney, 1975). In practice, the criminogenic situation in the country and crime trends significantly reveal the overall quality of life, show the state of social morbidity and anomalies, and serve as a kind of moral barometer of the society.

Theory is a set of science-based findings that gives a unified systemic picture of the regularities of existence, as well as

the basic ideas of certain branches of science. It should be accepted that theories are one of the means by which knowledge is accumulated. On the other hand, the application of knowledge in practice takes place by practicing it, and experimentation is an inevitable part of this process (Roga-Vailza, 2021). Scientific studies confirm that the development of criminal behaviour is influenced by the upbringing of an individual, the functioning of the family and interpersonal relations, with environmental factors and different features acting in parallel (Moffit *et al.*, 2005, Rutter, 2006). There is no doubt that a person becomes a criminal for various reasons. There are a number of factors that influence the behaviour of individuals. A person's addiction to alcohol, drugs, gambling, unemployment, lack of professional skills and work experience, insufficient education, low level of empathy, inability to tackle his/her own problems independently, influence of bad friends, etc. is the reason for a person to choose a criminal life path (Judins, 2011). So the causes of crime are projected onto a particular person. The personality of a criminal should be perceived as a complex system in which various elements integrate to form a whole: social status, social role and functions, moral and psychological elements. There is a stereotypical belief in Latvia that criminal behaviour is merely a social phe-

nomenon and the reasons for it lie in economic conditions. It must be recognised that criminals do not form a homogeneous group. In fact, criminal behaviour is not only linked to the deterioration of socio-economic conditions. Crime statistics data in Latvia show that criminal offences are mainly committed by men aged 18 to 49. Women's criminal behaviour is recorded to a lesser extent. The study of individual differences in perpetrators of criminal activity is of particular importance. In this aspect, persons with mental disorders who have committed a criminal offence are a specific problem.

It is acknowledged by criminology that there may be various reasons for committing a criminal offence, sometimes they are hidden behind mental health problems, attention deficit and hyperactivity disorder (ADHD), antisocial behaviour that, if untreated, prevents an individual from socialising in society. For example, at the beginning of the disease, persons tend to commit less harmful offences (administrative offences), but as the disease progresses (often despite treatment) — criminal offences provided for in the Criminal Law (Loseviča and Losevičs, 2022). The medical impairment must be directly linked to the offence. Several studies have estimated that the prevalence of ADHD among male inmates ranges from 15% to 50%, and as high as 40% among female inmates. Legal studies on offences conducted in Great Britain show that 14% are long-term, which also poses a greater risk of repeated crime (Anker *et al.*, 2021). Recidivism among persons with mental health problems and sane criminals is also similar. On average, 20–30% commit criminal offences again.

The aim of the study was to provide a general insight into the content of clinical criminology and approaches to crime prevention. The research tasks were to describe the content of clinical criminology and its historical development; analyse the legal framework for medical coercion; and outline criminological perspectives. Mental disorders and illnesses are unique features of the body that distinguish a person from others (Loseviča and Losevičs, 2022). It should be admitted, on the one hand, that there is enough evidence that there are people with mental disorders among the offenders. On the other hand, summarising the results of the studies carried out worldwide, it should be concluded that mental disorders cannot be regarded as the only reasons for committing an offence, and personalities suffering from mental disorders are not doomed to committing an offence. These disorders are more “internal”, a subjective reason and background, which, under the influence of external, adverse conditions, contribute to the commission of an offence. In itself (alone), a mental disorder or a specific diagnosis does not affect or explain criminal behaviour or committing an offence (Strika, 2009).

CRIMINOLOGICAL ASPECTS

Since the beginning of science, criminologists have been trying to explain the relationship between personality-defining data and criminal behaviour, and they are also

looking for ways to mitigate and prevent manifestations of criminal behaviour. Criminology is the science about crime, its causes and conditions that contribute to it, about the personality of a criminal, about a victim, on crime control and prevention methods. Crime prevention has been recognised as an important means of promoting public security. For example, in the Treaty of Lisbon crime prevention is mentioned as one of the key elements in establishing and maintaining an area of freedom, security and justice. Importance of crime prevention is also emphasised in the Stockholm Programme.

Modern criminology is a science that is always open to exploring new directions, evaluating other sciences, acquiring and implementing a new methodology (Young, 2011). In the course of the development of criminology, extensive theoretical and empirical material has been accumulated in criminology of the world countries, which characterises the study of the personality of a criminal and provides preventive measures for his/her resocialisation. Clinical criminology reveals legal medical aspects. Mental illness or any other mental disorder is, firstly, only a signal to raise the question of criminal sanity or mental incompetence and, secondly, it is basic information that is used together with other sources of information to draw conclusions on a human ability to deliberately and with the will to control his/her behaviour during illegal activity (Sitkovskaja, 1998). Therefore, the connection of criminology with other legal sciences, especially criminal law, criminal procedure law, forensic psychiatry, forensic psychology, forensic medicine should be emphasised.

The study focuses on assessing the criminological aspect. The following general and special methods of legal knowledge are used by the author to learn about phenomena and regularities of criminological reality: summary analysis of special and legal literature, descriptive method, studying the research subject in detail, and statistical data processing method. The study is based on the conclusions made in various studies, the findings of scientists and specialists. Taking into account the broad research spectrum of criminology, the author uses findings and opinions from various branches in the study. Such study is relevant and important because it shows the results of the work of various researchers.

CLINICAL CRIMINOLOGY: CONCEPT AND COMPREHENSION

Health is a state of full physical, mental and social well-being and not merely the absence of disease or incapacity. Mental health is a state of well-being in which an individual exercises his/her abilities, copes with ordinary life situations, can work productively and is able to contribute to society (Mental health: strengthening our response, 2018). The mental health of society is an essential condition for building a stable, safe and well-being society. Mental disorders affect the human population in various forms and intensity during its lifetime. It is noted that impulsive aggress-

sion is characterised by an inability to regulate affects as well as aggressive impulses. This aggression is associated with other mental disorders, including depression, suicidal behaviour, and substance abuse (Seo *et al.*, 2008). Studies show that both the COVID-19 disease causes long-term consequences in terms of mental disorders and the burden of the pandemic generally increases the frequency of mental disorders (Taquet *et al.*, 2021).

The pandemic worldwide and also in Latvia has led not only to healthcare overload, but also to the economic crisis and severe social tension: people are concerned about their health and life, as well as their well-being. Due to the pandemic, the frequency of mental disorders in humans has increased. The Ombudsman has pointed out in the 2021 report that it cannot be denied that in the last two years, overcoming the COVID-19 infection has been a major challenge for different institutions, including psychiatric institutions, because a large number of people with mental disorders stay in them for a long time. Certain people can feel and experience this time more acutely according to their state of health (Latvijas Republikas tiesībsarga 2021. gada ziņojums, 2022). The spread of the COVID-19 infection and its consequences can be considered as one of the biggest challenges of the 21st century on a global scale. Three years after the start of the COVID-19 pandemic, concerns about mental health and substance abuse remain high, with 90% of adults in the US believing that the country is facing a mental health crisis, according to a recent KFF/CNN poll. The pandemic has affected public mental health and well-being in many ways, including isolation and loneliness, job loss and financial instability, as well as illness and grief (Panchal *et al.*, 2023)

In the case of a criminal offence, the public danger or threat of mental illness or personal retardation (oligophrenia in the degree of debility — in modern terminology “mental retardation”) is assessed. The term “dangerous” in jurisprudence is interpreted as a social and legal concept related to the assessment of an object or activity from the point of view of endangering a person, property or interests (Latviešu–angļu, angļu–latviešu juridisko terminu vārdnīca, 2009). The disorder must be directly linked to the offence(s). It is recognised that the proportion of mentally ill and mentally retarded is high. Various studies have revealed that up to 58% of criminals were diagnosed with psychiatric disorders (Robins and Helzer; Andrews and Bonta). The proportion of mentally ill and mentally retarded persons in the prison population is high (Buchanan and Wootton, 2017). The rates of serious mental illnesses were also disproportionately high — 7% of men and 14% of women suffered from psychosis (Singleton *et al.*, 1998). It is known from the experience of forensic psychiatrists in Latvia that about 75% of persons examined in forensic psychiatric examinations are found to have some mental disorders or mental retardation. In Latvia, only 19% of these persons are recommended to be found insane. In the world, on average, 10% of offenders examined are found insane (Strika, 2009).

The author points out that clinical criminology is not a traditional direction of crime research and prevention. It seeks an approach to treating a consciousness of a criminal and influencing his/her future behaviour. Focusing on re-education and resocialisation of a criminal, deterring the criminal from criminal tendencies protects society more effectively than harsh punishments. Over the last two decades, empirical evidence has increasingly supported the view that it is possible to reduce reoffending rates by rehabilitating offenders rather than simply punishing them. In fact, the pendulum’s swing back from a pure punishment model to a rehabilitation model is arguably one of the most significant events in modern correctional policy. This comprehensive review argues that rehabilitation should focus both on promoting human goods (i.e. providing the offender with the essential ingredients for a “good” life), as well as reducing/avoiding risk (Ward and Maruna, 2007).

Clinical criminology is a direction in criminology linked to the study of the biological and mental features of a criminal and the development of medical and psychological measures for the prevention of crime (Big Law Dictionary, 2011). The mentioned sub-branch is clearly closely linked not only to the legal nature (criminal law, criminal procedure), but also to the medical one. The following definition of a mentally ill person has been offered: “A person is mentally ill or retarded, not intoxicated, with character or age-specific features, perversions. Mental disorders and illnesses are unique characteristics of the organism that distinguish a person among others.” (Loseviča and Losevičs, 2022). Clinical criminology combines traditional criminology, psychology, and sociology. The clinical criminology aims to establish a criminological diagnosis that explains a criminal’s antisocial behaviour in order to prescribe treatment that will help him/her adjust to life in society. In addition, in order to better understand criminal behaviour of criminals with mental disorders and to choose the most suitable form of help, correction or treatment for them, a functional approach, the assessment of risk factors, needs and individual characteristics should be preferred in the study of these individuals (Daffern and Howells, 2002). The Senate has emphasised in several judgments that a person’s public danger is not a medical criterion and whether a person is dangerous to society must be assessed by the court, taking into account both a person’s state of health and other factual circumstances of the particular case (Apkopojums par medicīniska rakstura piespiedu līdzekļu piemērošanas problēmjaūtājumiem Senāta nolēmumos (2017–2020).

A personality of a criminal — a mentally ill person who has committed a criminal offence — is the central interest of clinical criminology. Within its framework a criminal as an individual, his/her peculiarities and social problems are studied, and ways to return an individual to society — to treat him/her — are sought. A wide range of treatment measures is required. A psychiatric approach is not always the most appropriate. For example, in the United States of America, efforts to improve treatment are focused on continuity of care both in prison and in the community. The im-

portance of rehabilitation is undeniable, borrowed as it is from the wider medical literature, the term rehabilitation invokes, forms many, images of clinicians in white lab-coats surgically rewiring bad brains into good (Ward and Maruna, 2007).

Clinical criminology is based on the concept of “dangerous state of a criminal” — an ability of a person to commit a criminal offence. The concept of the dangerous state of a criminal was developed in the end the 19th century by the Italian scientists Raffaele Garofalo and Enrico Ferri, arguing that a criminal should not be punished, but a dangerous state should be eliminated (Criminology, 2005). These researchers created this concept and abandoned the principle of criminal liability, guilt as the basis of criminal liability (when a specific criminal offence becomes criminally liable), indicating that it is not the judicial authorities, but a clinical expert (a psychologist or psychiatrist) who plays a key role. Thus, they are trying to explain crime as a manifestation of disease and treating it as a medical issue which society is not responsible for (as well as human subconscious impulses). Italian researcher Benigno Di Tullio has contributed to the development of clinical criminology. In his work *Principles of Clinical Criminology and Forensic Psychiatry*, based on the constitutional features of the body structure, as well as the concepts of the mentally ill criminal, he tried to develop appropriate preventive measures for the correction of criminal tendencies. In later attempts to act on personality and change it scientists, adherents of clinical criminology, used psychoanalysis, electricity, lobotomy, thalamotomy, medication treatment, and castration. A person remained in custody until a medical board found no loss of the dangerous state.

The contribution of a French professor, criminologist Jean Pinatel is of significance. J. Pinatel has developed clinical effect measures for criminals (real and potential). Analysing personality, criminal anamnesis, attitude towards the law with the help of various surveys, he offered to assess personality, reveal a “dangerous state”, and draw up a re-education plan that would result in a radical change of personality from socially dangerous to pro-socially oriented (Mucchielli, 2017). Clinical effects subsequently are: diagnosis, forecast and re-education. The clinical approach to crime and offender research is far from exhausted. It exists and is evolving, although it is increasingly taking social factors into account.

It is recognised in case-law that when determining a compulsory measure of a medical nature and its type, a person’s state of health and the risk, that he/she may commit an act in the future that will cause harm to himself/herself or the interests of other persons and society, must be assessed. Clinical criminology aims to establish a criminological diagnosis that explains a criminal’s antisocial behaviour in order to be able to cure — develop a treatment that will help him/her adjust to society. Rehabilitation is a value-laden process involving a delicate balance of the needs and desires of clinicians, clients, the State and the public (Ward and Maruna, 2007). A modern approach to the fundamental

principles of resocialisation of the criminal are: 1) the principle of risk — the extent and content of resocialisation of an offender is subordinated to the level of risk of repeated criminal offence; 2) the principle of needs — resocialisation professionals focus on the circumstances of an offender’s criminal behaviour, or factors that can be changed; and 3) the principle of suitability — it ensures the conformity of the content of resocialisation and the methods of its application to the individual characteristics of an offender. It is recognised in the decision in case No. SKK-[F]/2020 that when predicting a person’s future behaviour, the person’s previously committed offences, the facts related to them and the circumstances of their commission should be taken into account and analysed. In addition, the most effective compulsory measure of a medical nature must be chosen, namely, one that provides a person with the opportunity to receive psychiatric help, prevents the recurrence of harmful activity, thus guaranteeing public safety, and which is not more restrictive than is necessary to achieve the aims set.

It is recognised in criminology that a criminal offence and its subject at the individual level are the most important elements of the subject of criminology. Criminologists point out that criminal behaviour can be fully understood by evaluating the processes that form a single whole — biological, social, psychological factors (including personality traits), as well as the context of the situation in which a criminal offence is committed. One can talk about the personality of a criminal only if a specific person has committed a criminal offence, performed an illegal act. The personality of a criminal as an object of criminological research, in terms of content and forms of expression, is a much broader concept than the subject of a criminal offence. According to the criminal law theory, elements of the subject of a criminal offence are as follows:

- Natural person — Latvian citizens, non-citizen, foreigner or stateless;
- A person who has attained the age of criminal liability — a person who, on the day of the commission of a criminal offence, has attained fourteen years of age may be held criminally liable;
- Criminally sane person — a person who was able to understand and control his/her actions at the time of committing an offence.

A person who is in a state of diminished mental capacity can also be the subject of a criminal offence. According to the Criminal Law, if a person, at the time of the commission of a criminal offence, due to mental disorder or mental disability, was not able to understand his/her acts fully or control them, that is, was in a state of diminished mental capacity, the court may reduce the punishment to be adjudged or release such person from punishment, according to the actual circumstances of the offence. The court shall apply compulsory measures of a medical nature as set out in the law for a person who has been found to have diminished mental capacity (Krimināllikums, 14. pants).

The mental element in crime reflects the relationship between a person's will and an offence committed by him/her. According to the first paragraph of Section 8 of the Criminal Law, a person who has committed a criminal offence deliberately (intentionally) or through negligence may be found guilty of it. The Supreme Court in its decision in case No. SKK-696/2014 stated that awareness of the harmfulness of an act or omission means that a person at the time of committing a criminal offence understands the actual circumstances of the offence and the harmfulness of what has been committed to interests protected by law. The perpetrator understands that his/her act or omission is unauthorised. The awareness of the harmfulness of the criminal offence is determined by the subjective characteristics of a person — life experience, erudition, education, general level of culture, and legal awareness.

Criminologists are interested only in those factors related to the illegal behaviour of an individual, in circumstances that determine and form a pattern of antisocial behaviour. Traditionally, two groups of features are included in the criminological typology system: 1) features that describe the potential and character of personality deforming features; and 2) features that reveal the process of personality formation (Kriminoloģija, 2004). The danger of a person to society is a concept to be assessed. As stated by the Senate, it is initially evaluated by experts, a specialist doctor, and a council of doctors, but the final evaluation is given by the court. In particular, an expert opinion is important evidence in the case. However, the court must evaluate all the circumstances in their entirety. It is reasonable to point out that mental disorders create specific issues for the judicial and legal system. Evija Strika, a forensic expert in psychology, emphasised that finding out the relationship between criminal behaviour and mental disorders and the presence of a mental disorder at the time of committing a crime naturally leads to several legal consequences: 1) how mental disorders affect the behaviour of an offender during the commission of the crime and, therefore, to the question of the degree of offender's criminal liability; 2) to the question of his/her ability to understand the charge against him/her and to understand what is happening in court; 3) to the further delay, treatment or correction of his/her criminal behaviour (Strika, 2009).

LEGAL FRAMEWORK FOR DETERMINATION OF A COMPULSORY MEASURE OF A MEDICAL NATURE

Most researchers recognise the complexity of the legal nature of compulsory measures of a medical nature and that this issue is negotiable. Compulsory measures of a medical nature, according to their legal nature, are a social and legal security measure, the essence of which is the compulsory treatment of a mentally ill person who has committed a criminally illegal act and a person's mental state causes danger (Nazarenko, 2008). The application of compulsory measures of a medical nature is a legal instrument that ensures the provision of psychiatric assistance to a person, in addition, when choosing the type of compulsory measure of

a medical nature, the opinion of a person himself/herself and his/her guardian does not bind the court, it is the duty of judges to choose and determine a compulsory measure of a medical nature that is the most effective in the specific case, namely, which:

- provides a person with the opportunity to receive psychiatric assistance;
- prevents a relapse of harmful activity, thus guaranteeing public safety;
- is not more restrictive than is necessary to achieve the objectives set (Apkopojums par mediciniska rakstura ..., 2021).

According to the general opinion, the nature of compulsory measures of a medical nature is focused in two directions, both to the safety of mentally ill persons and to the protection of society. A compulsory measure of a medical nature is an institute of criminal law — a set of legal norms that determine the response of the state to the harmful offences of persons who, due to mental illness or mental disorders, cannot be punished for the offences committed (Tiesu prakse kriminālprocesā ..., 2011/2012). In accordance with the first part of Section 68 of the Criminal Law, such compulsory measures of a medical nature may be determined for persons who have committed the offences set out in the law, but who suffer from a mental disorder and have been found to be mentally incapable or have diminished mental capacity: 1) outpatient medical treatment in a medical institution; 2) medical treatment of a general type in a psychiatric hospital (ward); and 3) medical treatment under guard in a specialised psychiatric hospital (ward). Limiting a person's freedom of action is not the purpose of a compulsory measure of a medical nature, but a side effect of the implementation of compulsory treatment measures.

In accordance with Section 592 of the Criminal Procedure Law and Section 69 of the Criminal Law, a court shall determine a compulsory measure of a medical nature provided for in Section 68 of the Criminal Law for a person who has committed a criminal offence while in a state of mental incapacity, or who, after committing of a criminal offence or the rendering of a judgment, has fallen ill with such mental disorders that have taken away his or her capacity to understand his or her actions or to control such actions, if such person, on the basis of the nature of the committed offence and his or her mental condition, is dangerous to society. The following three conditions shall be taken into account when determining a compulsory measure of a medical nature and the type of medical institution: 1) the nature of the offence committed; 2) mental illness (condition); and 3) danger of a person to society (Krimināllikums, 2004, 69. pants, pirmā un otrā daļa). According to the Criminal Procedure Law, the court of first instance controls the execution of the decision. The summary of court information statistical data for 2015–2021 can be seen in the graphic (Fig. 1).

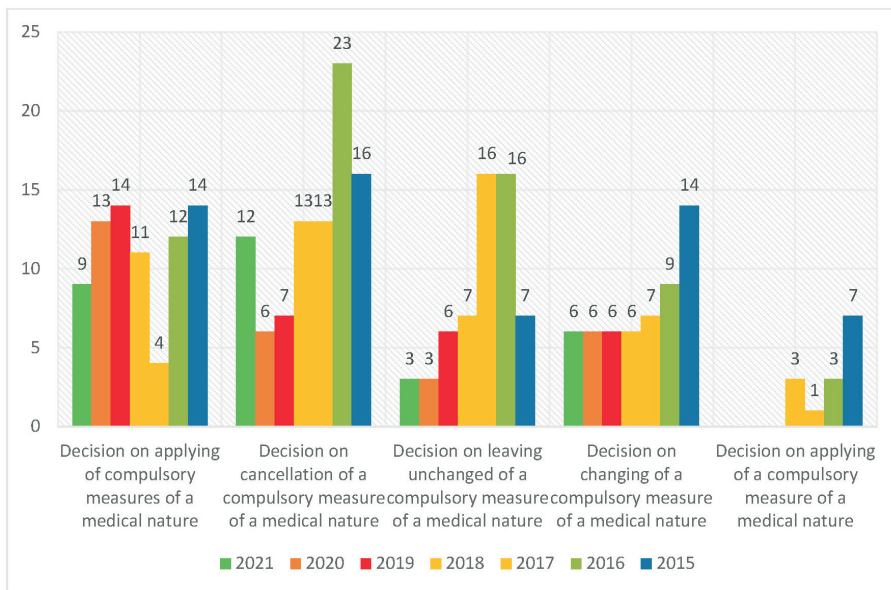


Fig. 1. Decisions on applying, cancellation, leaving unchanged of compulsory measures of a medical nature (2015–2021).

The application, control, change, and cancellation of compulsory measures of a medical nature are regulated by the Criminal Law and the Criminal Procedure Law. The purpose of determining and applying compulsory measures of a medical nature is not to punish a person for committing a harmful offence. Taking into account that a compulsory measure mentioned is not a criminal punishment, its legal content and the competence of the persons involved must be examined outside the provisions of the Criminal Law and the Criminal Procedure Law. Finding that the prison population includes a large number of persons with mental disorders and the mentally retarded, as well as knowing that early intervention risk groups for children and young people (with behavioural disorders) can reduce the risk of delinquency in the future, the border between psychiatry and criminal justice disappears (Kudeikina and Loseviča, 2021). A person who is subject to any of the compulsory measures of a medical nature is also a patient. Treatment of a patient in the case of mental and behavioural disorders is regulated by the Medical Treatment Law.

According to the laws and regulations, there are two grounds for cancellation of a compulsory measure of a medical nature: 1) a person has recovered; and 2) a person's state of health has otherwise changed to the extent that it is no longer dangerous to society. If a person has not recovered or his/her state of health has changed, but he/she is still dangerous to the society, then the application of a compulsory measure of a medical nature must be continued. A feature that distinguishes a person from other patients is socially dangerous: a) the nature of the illness or disorder determines the probability of repeated offence (it is not determined, for example, by character traits, poverty, desire to drink) or b) due to a mental defect, supervision is required for prevention of repeated offence. A socially dangerous mentally ill person is not a person with deformed legal consciousness who has a high risk of reoffending, but there is a high probability of repeated exacerbation of mental illness/state decompensation/unconscious/impulsive behav-

our, under the influence of which a person will with a high probability commit a repeated offence (Loseviča and Losevičs, 2022).

Studies in the field of anti-criminogenic medicine are still ongoing (Loseviča un Losevičs, 2022). Several studies support the hypothesis that precisely the type of impulsive aggression is associated with serotonergic hypofunction. Impulsive aggression plays a role in the manifestations of violent behaviour and criminal behaviour, and is considered an important psychopathological symptom of several mental disorders (Linnoila and Virkkunen, 1992; Coccaro and Siever, 2000). A biomarker that explains and predicts the development of criminal behaviour in the future is defined as a future perspective in criminology. There is a burgeoning scientific and ethical literature on biologically predicting and preventing crime. This literature typically investigates the use of biomarkers — such as genes or brain scan results — to predict the likelihood that an individual will engage or re-engage in criminal activities (Singh *et al.*, 2013), and the use of biological interventions — such as brain-active drugs-to prevent an individual from offending or reoffending (e.g., Chew *et al.*, 2018). These are important and controversial issues on which we believe progress is being made. Biomarkers are biological correlates of specific behavioural state or conditions that can be used to objectively index the presence of the behaviour in question. Potential biomarkers for conduct disorder and antisocial behaviour include low resting heart rate (Ortiz and Raine, 2004), prefrontal deficits (Raine, 2002), low serotonin (Moore *et al.*, 2002), and reduced P₃₀₀ event-related-potential amplitudes (Iacono *et al.*, 2002). For example, a meta-study that examined 20 separate research findings found that a low serotonin level significantly contributes to aggressive behaviour, regardless of the type of crime and mental health problems (Seo *et al.*, 2008). Analysing violent crime, Norwegian specialists Iver Myrsterud and Dag Viljen Poleszynski write that the traditional social scientific view focuses on the psychosocial factors of the environ-

ment. Researchers point to new environmental factors that can contribute to violent behaviour, for example, a decrease in the nutritional value of food, which can directly lead to hypoglycaemia (a sudden drop in blood glucose), food allergies, new harmful substances (heavy metals, synthetic materials, etc.) increase in concentration in the atmosphere (Mysterud and Poleszynski, 2008). American studies showed that hypoglycaemia was detected in 80–85% of violent criminals. Young people who have committed violent crimes often suffer not only from hypoglycaemia, but also from food allergies or food intolerances. Heavy metals (cadmium, copper, lead, manganese, etc.) are associated with affective aggression. American research reports that 86% of abusers had raised heavy metal concentrations in their hair. Admittedly, this is essentially a new field of research into the determinants of violent crime.

The author points out that a viable and dynamic science of criminology should be developed in Latvia. The impact of crime on the state, society and individual should be studied. Such research opportunities should be promoted among both practitioners and scientists. Comparative criminological research data shall be more widely used. These criminological studies should be promoted. Using the knowledge and findings of foreign scientists, the potential of national criminology is promoted, improved, and developed (Kipāne, 2017).

The author supports the proposal “to define the criteria of the state of ‘socially dangerous, mentally ill/retarded person’” (Loseviča and Losevičs, 2022). The character of the danger is the qualitative indicator of the evaluable feature, which indicates the nature of threat. This follows from the importance of the public relations threatened by the offence. Analysing the concept of social danger, *Dr. iur* Aleksejs Loskutovs and Andrejs Judins write: “Danger is a feature of any activity that people evaluate negatively and that is socially reprehensible. This point of view corresponds to the ideas of the doctrine of natural rights, which emphasise the compliance of legal life with such legal requirements arising from human nature. According to this theory, law derives its authority from justice, human reason, and conscience. Danger (social danger) is a basic feature of every criminal offence, which means that a criminal offence causes damage or poses a danger to public interests” (Loskutovs and Judins, 2001). The legislator criminalises offences that threaten the most important values — a person's life, health, freedom, general security and public order, the vital interests of the state and the surrounding environment.

CONCLUSION

1. In circumstances of the globalisation of modern crime, the importance of criminological research is only increasing. The application of theoretical knowledge in practice should be promoted in criminological studies.
2. Clinical criminology is a theoretical and practical study of the personality of a criminal who has committed a

criminal offence in a state of mental incapacity or diminished mental capacity, and an approach to determining preventive measures and means. Its aim is to study persons who have committed a crime in order to diagnose their behaviour, to predict how it will develop in the short term, and prescribe treatment to ensure that their behaviour diagnosis prevents a person from reoffending. There is a need to promote the level of well-being of individual, opportunities to realise their abilities and contribute to the life of society.

3. Two approaches can be used in the process of predicting recidivism:
 - a) prospective (related to prospects in the future) — based on data on the characteristics of previously arrested offenders;
 - b) retrospective (directed to the past, a review of past events) — based on the study of the personality and its behaviour, carried out using the facts and circumstances of a criminal offence.
- Crime as a socially negative and legal phenomenon is widespread, as well as social deviations may have completely different manifestations. In the case of a criminal offence, the state of mental illness or mental retardation is evaluated as a social danger. A holistic approach should be used — a man and environment — in the research process of a criminal's personality. Not only the legal aspects, but a set of information about the biological, psychological, social, cultural, spiritual values and mental health of life should be systemised in the process of personality cognition. It follows that information should be gathered on the interaction between the individual and the environment, and in the criminological scope, measures of a legal nature should be formulated to help, to make the manifestations of the dangerous state disappear. Cooperation between law enforcement officers, medical workers and social workers should be promoted in the process of prevention (elimination, mitigation) of the dangerous situation,
- In the context of the formation and prevention of crime, the assessment of the consequences of the COVID-19 pandemic should be studied in order to identify the dangerous state in time and identify the risks of recidivism.
- The author points to the perspective of biomarkers in criminology in the future — identifying biological relationships between specific behavioural states that can be used to index the presence of criminal behaviour.

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GARĪGI TRAUČĒJUMI UN NOZIEDZĪBA: IEVADS KLĪNISKAJĀ KRIMINOLOĢIJĀ

Pasaules valstu kriminoloģijas zinātnē ir uzkrāts plašs teorētisks un empīrisks materiāls, kas raksturo noziedznieka personības izpēti un sniedz preventīvos pasākumus noziedznieka resocializācijai. Mūsdienās kriminoloģisko pētījumu nozīme arvien pieaug. Pretdarbība noziedzībai nebūtu iedomājama bez kriminoloģijas zinātnes teorijām. Noziedzība ir visbīstamākā no deviācijas izpausmēm un rada vissmagākās sociālās sekas. Noziedzības kā sociāli negatīvas un tiesiskas parādības izpausmes ir plašas, un sociālajām novirzēm var būt pilnīgi atšķirīgas izpausmes. To pamato klīniskās kriminoloģijas atziņas, kas attīstījās no klasiskās kriminoloģijas koncepcijas. Kriminoloģijā atzīts, ka noziedzīga nodarījuma izdarīšanai var būt dažādi cēloņi, dažkārt to pamatā ir garīgās veselības problēmas, uzmanības deficīta un hiperaktivitātes traucējumi, antisociāla uzvedība, kas neārstēta neļauj indivīdam socializēties sabiedrībā. Pētījumi liecina, ka psihiski slimo un garīgi atpalikušo īpatsvars ir augsts. Dažādos pētījumos atklāts, ka līdz pat 58% noziedznieku diagnosticēti psihiska rakstura traucējumi. Slimības traucējumiem ir jābūt tiešā saistībā ar nodarījumu. Pētījuma mērķis ir sniegt vispārēju ieskatu klīniskās kriminoloģijas saturā un pieejas noziedzības novēršanai. Kriminoloģiskās realitātes parādību un likumsakarību izziņai tiek izmantotas vispārējās un speciālās juridiskās izziņas metodes: speciālās un juridiskās literatūras avotu referatīvā analīze; aprakstošā metode, detalizēti pētīt pētījuma priekšmetu, statistiskā datu apstrādes metode. Pētījuma bāze ir dažādos pētījumos izdarītie secinājumi, zinātnieku un speciālistu atziņas. Klīniskā kriminoloģija ir teorētiska un praktiska tāda noziedznieka personības izpēte, kurš noziedzīgu nodarījumu izdarījis nepieskaitāmības vai ierobežotas pieskaitāmības stāvoklī, un prevencijas pasākumu un līdzekļu noteikšana. Klīniskā kriminoloģija apvieno tradicionālo kriminoloģiju, psiholoģiju un socioloģiju. Tā neatspoguļo tradicionālo noziedzības novēršanas pieeju. Klīniskā kriminoloģija pamatota uz 19. gs. izstrādāto koncepciju “noziedznieka bīstamais stāvoklis”. Koncepcijas autori R. Garofalo un E. Ferri noziedzību izskaidroja kā slimību (medicīnisku problēmu), norādot, ka noziedznieks ir nevis jāsoda, bet jālikvidē bīstamais stāvoklis. Nozīmīgi ir franču zinātnieka Ž. Pinatēla izstrādātie klīniskās iedarbības mēri noziedzniekiem. Klīniskās kriminoloģijas mērķis ir noteikt kriminoloģisko diagnozi, kas izskaidro noziedznieka antisociālo uzvedību, lai nozīmētu ārstēšanu, kas palīdzēs pielāgoties dzīvei sabiedrībā. Kriminoloģiskajos pētījumos ir jāsekmē teorētisko atziņu pielietošana praksē. Noziedzīga nodarījuma gadījumā ir vērtējama sabiedriskā bīstamība psihiskas slimības vai garīgas atpalicības gadījumā. Noziedznieka personības izpētes procesā jāizmanto kopveseluma pieeja — cilvēks un vide. Personības izziņas procesā nepieciešams sistematizēt ne tikai tiesiskos aspektus, bet informācijas kopumu par dzīves bioloģisko, psiholoģisko, sociālo, kultūras, garīgo vērtību un garīgo veselību. Tas nozīmē — apkopot informāciju par indivīda un vides mijiedarbību, savukārt kriminoloģiskajā tvērumā formulēt tiesiska rakstura pasākumus, kā neitralizēt bīstamības stāvokļa izpausmes. Bīstamības stāvokļa novēršanas procesā jāveicina sadarbība starp tiesībsargājošo iestāžu darbinieku, medicīnas darbinieku un sociālo darbinieku. Kā nākotnes perspektīvu kriminoloģijā var iezīmēt biomarkieri, kas izskaidro un prognozē noziedzīgas rīcības attīstību nākotnē.