Observance of the Probative Value of the Psychiatric Forensic Expertise - Guarantee of Avoiding Judicial Errors in Criminal Proceedings

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Abstract: Psychiatric forensic expertise is a type of evidence with a high degree of scientificity and, also a high degree of objectivity and credibility, which places it at the top of the evidence hierarchy in criminal proceedings. The practice of the courts reveals, a series of cases in which the conclusions of the psychiatric forensic examination were not taken into account at the time when the court issued a verdict, considering that the grounds on which the expertise was eliminated as relevant evidence in those cases is sometimes debatable. This article analyses the probative value of forensic psychiatric expertise from the perspective of the conflict that arises in judicial practice between the principle of scientificity of the evidence and the principle of sovereignty of the judge in assessing the evidence. It analyses the effects that scientificity has on the judge's actual possibility of assessing conclusiveness of the expertise by comparison with other evidence. The conclusions we formulate at the end of our analysis are that the psychiatric forensic expertise has the greatest probative force among all the evidence that could attest to the mental state of the victim or the accused; this evidence can be disregarded by the court at the time of ruling only if there is evidence with equal probative value to combat it; ordering new evidence by the court (supplements to expertise, new expertise, objections, requesting clarifications from the expert) to verify the credibility of the conclusions of the initial expertise should be done only after ensuring a framework that guarantees the compliance with the principle of scientific management of evidence.

Keywords: *Forensic psychiatric expertise, probative force, hierarchy of evidence, scientificity of evidence, judicial errors.*

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1. Introduction

The forensic expertise, as a means of proof, is ordered by the court when the clarification of the aspects of the case requires a volume or a type of knowledge that the parties, the court, the prosecutor, witnesses or other persons involved in the proceedings do not have, which involve studies or professional experience focused on the issue that needs to be clarified at a level that far exceeds that of a person without such specialized training (Damian et al., 2019). The appeal to a specialized third party (Sandu, 2019), made by the court itself, by ordering the evidence, implies the recognition of the scientific superiority of the expert (regarding the issue that is given to him by the court for analysis) as compared to all other participants in the trial and of the need to involve such a professional in the process of solving the case, involvement without which the solution cannot be reached or considered just.

Within the broader category of evidence, forensic psychiatric expertise has a number of features that make this evidence decisive in determining the guilt of the perpetrator or the consequences of his act. When it concerns the perpetrator, psychiatric expertise aims to establish his discernment, as an essential condition for determining criminal liability and prosecution, and when it targets the victim, the expertise may aim to determine the victim's discernment (important in establishing the possible concurrent fault of the victim with that of the perpetrator or for determining the credibility of the victim in revealing the facts that are the subject of the criminal investigation), as well as the consequences of the crime on the victim's psyche (depending on which possible circumstances to aggravate the criminal liability are assessed) (Scripcaru et al., 2002).

Unlike other types of expertise, the specificity of psychiatric forensic expertise is given by two elements which, from the point of view of its probative force as a means of proof, raise a series of particular discussions. First of all, the performance of the psychiatric expertise is not limited (as in the case of the vast majority of other types of expertise) only to the specific circumstances of the case, but there are also taken into account elements prior to the crime, some of which are sometimes placed at a great distance from the date the crime was committed. We are referring to the medical history of the examined person, which can present a decisive importance in establishing the mental state of the examined subject (Ostovari & Baltaga, 2019). These elements of precedence somewhat exceed the scope of the investigations carried out by the investigative body or the court (Sandu,

2017), whose competence is focused on solving the specific case of the investigation or trial, but for the medical team performing the psychiatric forensic expertise are part of the imperative of professional activity. Second, the forensic expert is able, by applying the specific investigation methodology, to detect non-apparent behaviors, simulated behaviors (Ionașcu, 2020) and elements of the psyche of the investigated person that are harder or even impossible to detect by a person without specialized training.

The effect of these two specific elements of the psychiatric examination procedure impacts on its probative force, especially in those cases where the courts disregard the conclusions of the expertise and remove them from the evidence that is the base for the arguments supporting the ruling. In the specialized literature ("Report", 2018) attention was drawn to the ignorance or disregard, by the judicial body that orders the performance of the expertise, of the scientific rigors of performing the psychiatric expertise, not making available to the medical team the medical history of the person examined or providing incomplete information regarding the deed and the circumstances of its commission, which obliges the forensic institution to procure the necessary documents through its own procedures, a very difficult procedure and sometimes even blocked by the refusal of medical units to release the requested documentation, either by invoking confidentiality or by asserting a lack of legal obligations in this regard towards the institution carrying out the expertise. This focus of the judicial investigative body exclusively on the specific issue of the crime, sometimes ignoring the medical history of the person under medical investigation and the imperative to support the work of the forensic committee in this regard, can be a source of judicial errors, not necessary due to possible errors in the conclusions of the expert report, but especially because the premises for drawing these conclusions with a limited degree of certainty are created. This is the case in situations where the conclusions of the expert were removed from the resolution of the case not because they did not meet the objectives set by the court, but because in the motivation of the conclusions expressions such as "possible" or "likely" were used (Court of Bucharest Call, 2013).

Regarding the possibility of the forensic expert to detect simulated behaviors, non-apparent conditions or other elements related to the psyche of the person who is subjected to the expertise, with relevance for the investigation in question, and which may remain hidden from a non-specialist, unfortunately the practice of courts reveals, as noted in the literature (Nicholson & Norwood, 2000), situations in which the elements of

the expertise brought into question new information, relevant for determining the condition of the expert, but the court eliminated them because they were not strictly limited to the stated objectives, being considered inappropriate observations as they concerned elements on which the court had not requested the expert's opinion (Ploiești Court of Appeal, 2008).

Since there are cases in the practice of criminal courts when rulings do not take into account the psychiatric judicial expertise, the issue of its probative force is raised in relation to the sovereignty of the judge in assessing the evidence. As a starting point in our analysis, we show that in criminal process there are a number of principles that govern the matter of evidence: 1. hierarchy of evidence, 2. corroboration of evidence, 3. administration of evidence directly by the court, 4. sovereignty of the judge in assessing the evidence. All these principles must be observed cumulatively, in order to achieve an act of justice with a high degree of confidence. Since the principle of the hierarchy of evidence is related to the credibility of the evidence, and credibility raises the issue of the principle of evidence scientificity when talking about psychiatric forensics, our analysis will aim to correlate the principle of scientificity with the other principles listed above, in what regards the psychiatric forensic expertise.

2. Between theory and practice - an integrative perspective

It is generally considered (Bucharest Court of Appeal, 2016) that the scientificity of the psychiatric forensic expertise turns it into an evidence with a high degree of relevance for adopting a solution in the case pending before the court, because the expertise is far superior to witness statements, influenced by the subjectivism of human perception or memory impairment following the passage of time (Bucharest Court of Appeal, 2019), and even superior to documents, when they emanate from the parties or from other persons, but which do not attest to the facts in a scientific manner (Bucharest Court of Appeal, 2010). In addition, it has been observed in the practice of courts (Moinești Court, 2012; Tecuci Court, 2010) that the probative power of the psychiatric forensic expertise can even regulate the procedural attitude of the parties who, faced with conclusions obtained by scientific methods, tend to give up characteristic subjectivism due to their disputed position and to accept (in whole or in part) the conclusions of the experts, without further contesting them.

However, there are situations in the practice of courts (Coman, 2019) when the conclusions of the psychiatric forensic expertise are

challenged or contradicted, leading to their elimination and failure to take them into account when making a decision by the court. Among the situations that generate the elimination of the conclusions from the evidentiary assembly, we can enumerate the following: between the moment of submitting the expertise to the case file and the moment of pronouncing the solution, new evidence appears, which reveals new situations, not considered at the time of the expertise; the conclusions of the expertise are not corroborated with other evidence from the file or are contradicted by other evidence; the parties challenge the conclusions of the expertise with various arguments.

Regarding the emergence of new evidence, which reveals new aspects of the crime and the mental position of the parties involved, especially the party who was the subject of the expertise, we reiterate the above, in the sense that for the medical team performing the psychiatric forensic expertise it is essential to know all the details and circumstances involved with committing the crime, both in rem and in personam, therefore one of the most important steps that the investigative body can take at the time of requesting the expertise is precisely to give correct and complete information to the forensic team. In such situations, if the new information that appears during the criminal investigation or judicial investigation is likely to affect the conclusions of the expertise, then apparently the procedural way to solve such an incident in the course of the procedure is to perform a supplement to the psychiatric forensic expertise (art. 180 C. proc. Pen.), but not to eliminate the expert's conclusions.

On the other hand, however, the expertise supplement involves the formulation of new objectives, to which the expert was not initially required to respond, and the answers to these new objectives of the expertise supplement should not, at least in theory, change the conclusions regarding the previously analyzed objectives, since art. 180 para. 1 C proc. pen. establishes that the supplement to the expertise will be available only when it is found that the expertise is not complete. In such a case the specifics of forensic psychiatric expertise become apparent, because, most often, the expertise has, as its sole objective, to establish the discernment of the party who was the subject of the expertise, therefore there is a tendency in the practice of courts not to request re-examination of initial findings, in relation to the new elements discovered. In such situations, it is chosen, precisely in order to avoid contradicting the original objectives and to maintain procedural rigor, to request clarifications from the expert, either in writing or by hearing the expert before the court. Moreover, art. 180 para. 1 C. proc. pen. establishes that the supplement to the expertise may be ordered only if

the deficiencies in the initial expert report cannot be remedied by hearing the expert, which makes this hearing mandatory prior to the completion of a supplement to the expertise. Although the legislator's solution was imposed by the rigors of the principle of celerity that governs criminal proceedings, as we will show below, it comes into conflict with the rigors of the principle of scientificity of the psychiatric forensic expertise.

Another reason for the courts to request clarifications from forensic experts is the case where the parties' pleas present a position of skepticism towards the validity of the conclusions of the expertise. In many cases, these are merely interpretations stemming from the procedural position of the parties, which should not affect the probative value of the expertise, but in order to meet the rigors of the principle of the right to defense, the courts assimilate these claims with real ambiguity and require clarifications from the expert.

This procedural variant has, in turn, a number of drawbacks because, although it satisfies the rigors of the criminal procedure, it does not satisfy the rigors of the principle of scientificity, which governs the manner of conducting expert evidence, and therefore does not satisfy, implicitly, the rigors of evidence administration. The performance of the psychiatric forensic expertise presupposes the existence of an adequate framework in which this expertise can be performed (Dalby & Clavner, 1997), and the solemn and contradictory environment of the court hearing procedure may even be an impediment in this regard. Second, the psychiatric forensic expertise is performed by a medical team, in which the role of each member of the medical team is essential in obtaining a test with a high degree of credibility (Iudici et al., 2015), and the procedure of hearing only one member of this team, in the procedural framework of the court hearing, without being given the opportunity to consult with other team members, may be likely to violate the principle of scientificity. In addition, the mere formulation of opinions on the mental state of the party subjected to the expertise before the court and only by interpreting new elements, but in the absence of repeated interview with the party involved, by applying specific interview procedures, may also lead to only partially scientifically based conclusions, while still being considered that the expertise has a “probative value that is superior to the statements of a witness who has specialized technical knowledge” (Bucharest Court of Appeal, 2009). In the literature (Udrescu, 2018) was argued the thesis that in these situations the forensic expert will be assimilated, as a procedural position, to the witness, but this assimilation has the disadvantage of removing the expert from the scientific area and translating him to the subjective area specific to any witnesses

hearing , although the clarifications the expert provides during his hearing will be assimilated to the findings of the expertise and will acquire the same degree of probative force as a scientific evidence, not a hearing of witnesses.

The optimal solution seems to be, in this case, the performance of a new expertise (art. 181 C. proc. Pen.), and if the conclusions of the first expertise are contradicted by the conclusions of the second, the request of an opinion from the superior forensic committee (art. 24 para. 1, OG nr. 1/2000). But even in this case there may be discussions, also generated by the principle of scientificity, which gives probative force to the psychiatric forensic expertise. First of all, art. 181 para. 1 C. proc. pen. again imposes the condition of performing a new expertise only if the doubts of the court or the parties cannot be overcome by hearing the expert. Another situation is the one when, apart from the expertise ordered by the court or the criminal investigative body, the parties also present an extrajudicial expertise, the conclusions of which contradict (or only partially support) the conclusions of the judicial expertise. Comparing a judicial expertise with an extrajudicial one raises the issue of degrees of scientificity, since, at least at a theoretical level, both are carried out with the same professional and scientific rigor, and in practice, some of the persons performing extrajudicial expertise are co-opted in medical teams for conducting psychiatric forensic examinations, when there is a need to co-opt external specialists to the forensic medicine institute team performing the expertise, either due to the professional probity of the co-opted person or due to the lack of staff of the institution to which the expertise was ordered ("Report", 2018).

In reality, as it is shown in the literature (Stoel et al., 2013), there are several degrees of scientificity, therefore there are several levels of probative force of the same type of expertise, the main argument being made in this regard is that the judicial expertise is performed by a medical team, while the extrajudicial expertise is usually performed by a single expert. The discussion is of interest from the point of view of the right to defense. When the conclusions of the psychiatric forensic expertise are contradicted by those of the extrajudicial expertise, the jurisprudence is constant in not recognizing probative force to the extrajudicial psychiatric forensic expertise, giving it the value of an official document administered during the ordinary procedure (MacCoun, 1998). Article 181 para. 1 C. proc. pen. states that a new expertise will be ordered only if there are ambiguities in the conclusions of the expert or if there are inconsistencies or ambiguities between the content and the conclusions of the expertise, without regulating the path to follow in case these inconsistencies occur between two different expertise, one of which is judicial and one of which is extrajudicial, but all the legal

texts invoked above expressly state that when the expertise is performed by an institution, then this institution will appoint a committee to conduct the expertise, which seems to exclude from the outset the extrajudicial psychiatric forensic expertise, as it is considered that independent experts cannot guarantee the establishment of a committee to perform the expertise. Moreover, art. 4 of GO no. 1/2000 stipulates that “forensic institutions are the only health units that perform, according to the law, forensic evaluations, forensic expertise, as well as other forensic works”, therefore the law, by principle, does not recognize probative force to a psychiatric forensic expertise except if it was performed in a forensic institute.

On the other hand, the opinion was supported, even in the jurisprudence of the Romanian Constitutional Court (CCR, 2016), according to which scientificity subsists even when the expertise is extrajudicial, because the element that guarantees scientificity to the expertise is the fact that the person performing the expertise was attested as an expert, therefore, on the basis of this decision of the Constitutional Court, we can conclude that it is discriminatory for professionals who perform such expertise to impose a hierarchy between experts based not on their professional competence, but exclusively on the status of the one asking for the expertise to be made (more precisely, the higher status of the body of criminal investigators or the court as compared to the parties).

As regards the observance of the right to defense, as a corollary of the right to a fair trial, the discussion is of particular importance, because if the conclusions of the psychiatric forensic expertise and those of the extrajudicial expertise contradict each other, the court may not request an expert examination from the superior forensic committee. As the conclusions of the extrajudicial expertise have the probative value of an ordinary document, insofar as there is no evidence in the file that contradicts the conclusions of the judicial expertise, other than the extrajudicial expertise, the court cannot order another judicial expertise. Of course, it is possible to request an expertise supplement, but when the sole purpose of the expertise is to establish discernment, the supplement is not justified. Regarding the admissibility of objections to the psychiatric forensic expertise, based on the conclusions of the extrajudicial expertise, there is an impediment generated by the nature of the objections, which represent (Englich et al., 2006) methodological criticisms brought to the performed expertise that criticize the scientific methodology of executing the psychiatric forensic expertise, criticisms that, once clarified, give the measure of the scientificity of the evidence (in other words, they definitively clarify whether the evidence was administered in compliance with the rigors of its

specific scientific methodology). Insofar as the only criticism made against the psychiatric forensic expertise is that it has dissonant conclusions in relation to the extrajudicial expertise, given that both expertises should, in theory, have equal probative value from a scientific point of view, but do not criticize the methodology used in conducting the expertise, then these claims do not have, practically, the character of objections and cannot be retained as such in the case, respectively they will not be submitted for consideration to the forensic institution that performed the judicial expertise.

3. Correlation of the principle of scientificity with other principles that govern evidence in criminal proceedings

Next we will examine the way in which the principle of scientificity, which governs the psychiatric forensic expertise, correlates with other principles governing the administration of evidence in criminal proceedings, which will be the starting point to argument about the probative force of the forensic psychiatric expertise from the perspective of the guarantees it provides to parties that they will be subject to a fair trial.

Scientificity presupposes (Ennis & Litwack, 1974) conducting the expertise in accordance with a specific methodology, of objective, non-subjective research of the psyche of the investigated person, this methodology guaranteeing that the conclusions reached are correct, well argued and any possibility of doubt was eliminated precisely by observing the specific methods of scientific investigation.

The hierarchy of evidence implies that not all pieces of evidence have the same probative force, some of the evidence being considered to be not only more useful in solving the case, but also more credible than others (Ghirdoveanu & Hărăboiu, 2017). From the perspective of the hierarchy of evidence, the psychiatric forensic expertise has the greatest probative force due its scientificity, compared to other evidence (documents issued by parties, witnesses etc.). Therefore, when it is not taken into account, the reasons leading to this cannot be aimed at the fact that it does not corroborate with other evidence in the file (because those have a high degree of subjectivity - except for official documents -, unlike the expertise, which has an increased degree of objectivity, due to its scientificity), but the fact that there are procedural elements in the manner of conducting the expertise that affect its scientificity.

The principle of corroborating evidence presupposes that one piece of evidence alone cannot form the basis of a court decision, and that it must be supported by other evidence in the file (Good, 1960). The question is

what will be the fate of the psychiatric forensic expertise if its findings do not corroborate with other evidence in the file or if it is contradicted by other evidence (which are not another expertise). If the conclusions of the psychiatric forensic expertise are not corroborated with other evidence, the correct solution is not to eliminate the expertise at the time of the ruling, but rather to administer additional evidence, assuming that the scientific evidence, precisely due to specific methods of investigation, reveals the truth with a high degree of certainty, in the case of the psychiatric forensic expertise, this being the only means by which one can detect simulated behavior or hidden, non-apparent psychic processes, by which the examined person could mislead non-specialists. In other words, the elimination of the conclusions of an expertise can be done only by administering evidence with a similar degree of scientificity, which could justifiably contradict it.

The principle that imposes the administration of evidence directly by the court presupposes that the court must not only order the administration of evidence, not only supervise the administration of evidence and not only ensure the administration of all evidence under its control, thus making the judge a guarantor of the right to a fair trial, but also involves the the court interacts with the evidence on file *ex propriis sensibus* (through the judge's own senses) (Mareş, 2015). As noted in the doctrine (Slobogin, 1998), when witness statements or hearings of the parties do not corroborate the conclusions of the expertise, the tendency of judges is to trust more the evidence administered by them directly than a report submitted to the case file by an expert, a psychological tendency considered to be natural up to a point, but prejudicial in the sense that the judge is not an expert, and cannot detect the simulated behavior or the signs of psychiatric impairment as well as an expert.

The principle of direct administration of evidence gives the judge sovereignty in assessing the evidence as to its usefulness, relevance and plausibility, as well as which of the evidence will be retained when ruling and which will be eliminated, and therefore any action undertaken when administering the evidence must provide the specific framework for the administration of that particular evidence, in the case of the psychiatric forensic expertise this being the appropriate scientific methodological framework. We cannot fail to note that such a framework is not ensured, for example, in the case of a hearing of the expert before the court, a situation in which the expert cannot use scientific methodology to prove beyond any doubt one conclusion or another, respectively, when matter are brought to his attention that were not taken into account in carrying out the initial expertise, because he cannot apply scientific methods in the solemn setting

of the court hearing, nor may he refuse to answer the court's requests and questions. Moreover, the forensic expert heard is a representative of the committee that performed the expertise, according to art. 179 para. 2 C. proc. pen., and during the hearing he does not have the possibility to consult with the other members of the expert committee.

4. Conclusions

Psychiatric forensic expertise has the highest probative value among all the evidence that could attest to the mental state of the victim or the accused person, precisely because of the scientificity that marks the manner of administration of this evidence. The supplement to the expertise, the objections and the request for clarifications addressed to the expert must be made in a framework that ensures the scientificity of formulating the answers, which is not the procedural framework marked by the contradictory nature of the parties during a court hearing. The expert must not be involved in the contradictory procedure between the parties, but must be maintained in an atmosphere of detachment and objectivity, guarantors of scientificity, otherwise the purpose of administering the evidence becomes superfluous.

The conclusions of the psychiatric forensic expertise can be disregarded when ruling only if there is evidence with equal probative value to combat it. Such evidence, due to the effect of the principle of scientificity, can only be another expertise.

References

- Coman, A. Forța probantă a raportului de expertiză în procesul penal, 2019. <https://www.juridice.ro/649822/forta-probanta-a-raportului-de-expertiza-in-procesul-penal.html>
- Decizia nr. 787/15.12.2016 referitoare la excepția de neconstituționalitate a dispozițiilor art. 172 alin. (4) și (10) din Codul de procedură penală. *Monitorul Oficial al României*, 192,2017, Martie 17.
- Decizia civilă nr. 1436/10.02.2009, Curtea de Apel București. available from <http://www.rolii.ro/hotarari/58ab23b3e490090c4c000958>
- Decizia penală nr. 200/R/02.02.2010, Curtea de Apel București. available from <https://www.avocatura.com/speta-9901-penal-vatamarea-corporala-din-culpa-art-184-cp.html>
- Sentința penală nr. 62/15.02.2013, Curtea de Apel București. Available from <https://legeaz.net/spete-penal-curtea-de-apel-bucuresti-2016/infractiuni-de-coruptie-legea-15-02-2013-y4d>

- Decizia penală nr. 158/29.01.2016, Curtea de Apel București. <https://legeaz.net/spete-penal-curtea-de-apel-bucuresti-2016/evaziune-fiscala-legea-241-2005-29-01-2016-wmy>
- Decizia penală nr. 579/25.04.2019, Curtea de Apel București. <http://www.rolii.ro/hotarari/5cf08807e490091c18000096>
- Decizia penală nr. 264/10.03.2008, Curtea de Apel Ploiești. Available from, <https://www.juridice.ro/98184/curtea-de-apel-ploiesti-sinteze-de-practica-judiciara-online-2009.htm>
- Dalby, J. T. and Clavner, E. L. (1997). *Applications of psychology in the law practice: A Guide to relevant issues, practices, and theories. General Practice, Solo & Small Firm Section, American Bar Association.*
- English, B., Mussweiler, T. and Strack, F. (2006). Playing dice with criminal sentences: The influence of irrelevant anchors on experts' judicial decision making. *Personality and Social Psychology Bulletin*, 32(2), 188-200. <https://doi.org/10.1177/0146167205282152>
- Ennis, B. J. and Litwack, T. R. (1974). *Psychiatry and the presumption of expertise: Flipping coins in the courtroom. California Law Review*, 62(3), 693. <https://doi.org/10.2307/3479746>
- Ghirdoveanu, I. A., and Hărăboiu, F. (2017). Probele, mijloacele de probă și procedeele probatorii în procesul penal. <https://www.juridice.ro/535174/probele-mijloacele-de-proba-si-procedeele-probatorii-in-procesul-penal.html>
- Good, I. J. (1960). *Weight of evidence, corroboration, explanatory power, information and the utility of experiments. Journal of the Royal Statistical Society: Series B (Methodological)*, 22(2), 319-331. <https://doi.org/10.1111/j.2517-6161.1960.tb00378.x>
- Ionașcu, C. O. (2020). *Expertiza (examinarea) medico-legală psihiatrică asupra victimei minore și evaluarea (examinarea) psihologică judiciară a victimei minore. Revista Pro Lege*, 2, 76-89.
- Iudici, A., Salvini, A., Faccio, E., and Castelnuovo, G. (2015). *The clinical assessment in the legal field: an empirical study of bias and limitations in forensic expertise. Frontiers in Psychology*, 6, 1-9. <https://doi.org/10.3389/fpsyg.2015.01831>
- Sentața penală nr. 368/21.09.2012, Judecătoria Moinești. <http://www.rolii.ro/hotarari/58a00e96e49009f82100226d>
- Sentața civilă nr. 328/08.02.2010, Judecătoria Tecuci. <https://www.jurisprudenta.com/jurisprudenta/speta-og3frdp>
- Simona, Damian & Diac, Madalina & Iov, Tatiana & HUNEA, Iuliana & Bulgaru-Iliescu, Diana. (2019). Particularities of Medical Education in the Field of Forensic Toxicology. Studying Dangerous Chemical Agents in Forensic Research. *Revista Romaneasca pentru Educatie Multidimensionala*. 337-344. 10.18662/rrem/194.

- MacCoun, R. J. (1998). *Biases in the interpretation and use of research results. Annual Review of Psychology*, 49(1), 259-287.
- Mareș, M. (2015). *Mai există principiul nemijlocirii probelor în procesul penal?* <https://www.juridice.ro/369702/mai-exista-principiul-nemijlocirii-probelor-in-procesul-penal.html>
- McAuliff, B. D., & Bornstein, B. H. (2012). Beliefs and expectancies in legal decision making. *Psychology, Crime and Law*, 18(1), 1-10.
- Nicholson, R. A. and Norwood, S. (2000). *The quality of forensic psychological assessments, reports, and testimony: Acknowledging the gap between promise and practice. Law and Human Behavior*, 24(1), 9-44.
- Ostovari, P., and Bltaga, V. (2019). *Specificul expertizei medico-legală psihiatrică. Vector European*, 1, 19-22.
- Ordonanța Guvernului nr. 1/2000 privind organizarea activității și funcționarea instituțiilor de medicină legală. *Monitorul Oficial al României*, nr. 996, 10.11.2005.
- Legea br. 135/2010 privind Codul de procedură penală. *Monitorul Oficial al României*, nr. 486, 15.07.2010.
- Raport asupra activității rețelei de medicină legală în anul 2018. <https://www.legmed.ro/doc/dds2018.pdf>
- Scripcaru, G., Astărăstoae, V., Boișteanu, P., Chiriță, V., and Scripcaru, C. (2002). *Psihiatrie medico-legală*. Iasi, Polirom.
- Sandu, A. (2019). *The Social Construction of the Profession of Probation Counsellor: An Analysis of the Instrumental and Institutional Framework. Journal of Social Service Research*, 45(2), 220-240
- Sandu, A. (2017). *Assessing the Training Needs in Probation and Restorative Justice*. Prezentat în cadrul 4th Central & Eastern European LUMEN International Scientific Conference on Education, Sport & Health
- Slobogin, C. (1998). Psychiatric evidence in criminal trials: To junk or not to junk. *William & Mary Law Review*, 40(1), 1-56.
- Stoel, R. D., Dror, I. E., and Miller, L. S. (2013). *Bias among forensic document examiners: Still a need for procedural changes. Australian Journal of Forensic Sciences*, 46(1), 91-97.
- Udrescu, D. (2018). Bonisch, independența experților.... <https://www.juridice.ro/598422/bonisch-independenta-expertilor-cu-ne-bis-in-idem-si-principiul-securitatii-juridice-sau-cat-de-departe-poate-merge-expertul-consilier-parte.html>