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## **The mind in the courtroom: on forensic mental health reports in judicial decision-making about guilt and sentencing in the Netherlands**

Es, R.M.S. van

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R.M.S. VAN ES

The mind in the courtroom

Forensic mental health reports (FMHRs) serve to inform the court whether a mental disorder was present at the time of the offense, whether this disorder affected the defendant's behavior at the time of the offense, how this disorder may affect future behavior, and to advise on possible treatment measures. An FMHR has an important function in the court's decisions about criminal responsibility and sentencing, but is irrelevant for decisions about guilt. We currently know very little about how FMHRs are used in these decisions. This dissertation applied quantitative and qualitative research methods to study the use and effects of FMHRs in judicial decisions about guilt and sentencing in the Netherlands. Experimental vignette studies among students showed that presence of an FMHR unwarrantedly increases the likelihood of a guilty verdict. Judges indicated that they did not recognize this in practice, but could not rule out such an effect either. Cooperation with the evaluation, type of disorder, advice on criminal responsibility and risk were relevant in decisions about sentencing. As such, sentencing decisions regarding a mentally disordered defendant remain complicated. This dissertation provides a first insight into the role of FMHRs in judicial decisions in the Netherlands, and generates avenues for further research.

*This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'Criminal Justice: Legitimacy, Accountability and Effectivity'.*



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