

## **A Survey of the Police Use of Hypnosis in Australia**

Kevin M. McConkey  
Macquarie University

and

Peter W. Sheehan  
University of Queensland



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### Introduction

Although the use of hypnosis for forensic purposes has been noted in rare instances since the late nineteenth century (e.g., see Laurence & Perry, 1983), this use has increased dramatically since the early 1970's (e.g., see Arons, 1967; Block, 1976; Hibbard & Worrying, 1981; Kline, 1983; Reiser, 1974, 1976, 1980; Reiser & Neilsen, 1981; Udolf, 1983). This increase in forensic hypnosis occurred initially in the United States (e.g., see Orne, 1979; Reiser, 1980), and has spread to countries such as Canada (e.g., see Bélanger, Laurence, & Perry, 1984; Brown, 1985; Millard, 1982), the United Kingdom (e.g., see Barnes, 1982; Gibson, 1982), New Zealand (e.g., see R. v. McFelin, 1985), and Australia (e.g., see Burrows, 1983; Grant, 1977; Judd, Judd, & Burrows, 1985; Le Page & Goldney, 1987; Peate, 1984; Prins, 1987; Watkins, 1982).

Here, we report a survey of the Police use of hypnosis in Australia. Initially, however, we provide background information on the major issues and existing data from overseas and Australia. The use of hypnosis to refresh the memories of witnesses or victims of crime and the subsequent tendering of hypnotically obtained information to courts of law has stimulated substantial debate about a number of scientific, professional, and legal issues. Although it is beyond the scope of this report to consider these issues in detail, we make brief comment on the issues as they relate to the Australian context.

In terms of scientific issues, the essential questions concern the impact of hypnosis on an individual's memory and on the confidence that the individual places in the "remembered" material (for relevant reviews, see American Medical Association, 1985; Krass, Kinoshita, & McConkey, 1987; Orne, Soskis, Dinges, & Orne, 1984; Sheehan, in press; Smith, 1983). In Australia, the scientific issues have been investigated in both

laboratory (e.g., McConkey & Kinoshita, in press; Sheehan & Tilden, 1983, 1984) and applied (e.g., Sheehan, Andreasen, Doherty, & McCann, 1986) settings. These investigations have indicated that although hypnosis may lead to an increase in the amount of material that is reported, some of that material may be correct and some of it incorrect. Further, hypnosis may lead individuals to be especially confident of the material that they report irrespective of its accuracy (Kross et al., 1987; Sheehan, in press).

In terms of professional issues, the essential concern is the qualifications that are required for the practice of forensic hypnosis. Is it appropriate, for example, for hypnosis to be used in the forensic setting by psychiatrists or psychologists and/or by Police officers (for relevant comment, see Ault, 1979; McConkey & Sheehan, 1987; Monaghan, 1981; Peate, 1984; Perry & Laurence, 1982; Prins, 1987; Reiser, 1980, 1984)? In five States (Queensland, Victoria, Tasmania, South Australia, and Western Australia) the use of hypnosis is regulated by legislation, and that legislation essentially indicates that hypnosis should be used only by a psychologist, a medical practitioner, a dentist, or a "prescribed person" (viz., someone approved to use hypnosis under certain conditions). There is, however, ambiguity concerning the precise status of forensic hypnosis in some States (McConkey & Sheehan, 1987). Laying this ambiguity aside, when forensic hypnosis is being considered a "decision needs to be made as to whether hypnosis sessions will be conducted by trained Police Officers in the art of hypnosis, or by qualified medical practitioners or psychologists" (Peate, 1984; p. 7).

In terms of legal issues, the essential concerns are the admissibility and reliability of hypnotically influenced testimony (for relevant reviews, see Alderman & Barrette, 1982; Barry & Spurgeon, 1982; Carter, 1982; Creager, 1981; Diamond, 1980; Kirby, 1984; Margolin,

1981; Mickenberg, 1983; Odgers, in press; Plotkin, 1984; Purnell, 1981; Reiser, 1986; Ruffra, 1983; Worthington, 1979). In Australia, these issues have been considered by legal scholars (e.g., Australian Law Reform Commission, 1983; Freckelton, 1987; "Hypnotism in", 1986; Odgers, in press; Purnell, 1981) and by some courts (e.g., R. v. Geesing, 1984, 1985; R. v. Green, 1983; R. v. Knibb, 1987; R. v. Speechley, 1982; Van Vliet v. Griffiths, 1978). These considerations have indicated that a number of complex matters surround hypnotically influenced testimony. These matters relate, for instance, to the field of expertise, the matter of common knowledge, evidence regarding credibility, and the ultimate issue rule (for discussion of these matters, see Freckelton, 1987; Odgers, in press). In essence, it seems that the Australian legal system has not articulated the rules of evidence related to hypnotically influenced testimony, and has not yet fully comprehended the relevance of the psychological factors (e.g., emotional arousal, original encoding of material) that may influence the impact of hypnosis on memory.

Kirby (1984) stated that "hypnotism for police investigation has arrived in Australia. The question is how far we should let it go" (p. 154). This statement underscores a need for formal data to be collected about the extent to which forensic hypnosis is occurring in Australia. Such data may help the Australian criminal justice system to gain a perspective on the formal consideration of the issues concerning forensic hypnosis. Inferences about the nature and extent of forensic hypnosis and the perceived value of its use by criminal justice personnel have had to be drawn largely from the reports in the media (e.g., see Choueifate, 1986; Fortescue, 1983; Hardie & Holland, 1986; "Hypnosis may", 1986; "Hypnotist seeks", 1984; Morris & Walker, 1985; Murray, 1986; "Police call", 1983; Roberts, 1983; Warnock, 1985; "Witnesses in", 1987).

In these reports, the statements that are attributed to Police officers and others appear to indicate an increased interest in and use of forensic hypnosis over recent years, at least in some States (McConkey, Roche, & Sheehan, 1987). For instance, Murray (1986) reported that a Police officer had said that "about 32 people were placed under hypnosis" in New South Wales in the previous year; that "witnesses, rather than victims, are the preferred subjects because they tend to see and hear more than they realise during crimes"; and, that the use of hypnosis "had resulted in crimes being solved that would not have been solved by normal investigations" (p. 6). More dramatically, Fortescue (1983) reported that a Police officer in New South Wales had indicated that all information is "recorded somewhere in the subconscious and we can get at it through hypnosis", and that "in two years [he had] worked on 300 subjects, [who were] the witnesses to or victims of crimes including rape, hit-and-run, indecent exposure and murder" (p. 3); elsewhere, this Police officer was reported as having "used hypnosis to solve more than 300 crimes" ("Hypnotist to", 1984; p. 3).

To date, relatively little reliable information appears to be available about the use of hypnosis to refresh the memory of witnesses or victims of crime in Australia. Further, because of the variability in investigative and legal procedures and in the evaluation of the use of hypnosis, only limited information can be obtained from various overseas analyses of forensic hypnosis (e.g., see Block, 1976; Diggett, 1982; Kroger & Douc e, 1979; Reiser, 1976, 1980; Reiser & Nielsen, 1981; Schafer & Rubio, 1978; Stratton, 1977). Most relevant in this regard are the analyses that were conducted by Reiser (1980) and Reiser and Nielsen (1981). These analyses involved initial and additional data, respectively, that were gathered from 400 hypnosis sessions conducted by members of

the Los Angeles Police Department. The data indicated that in 80.2% of 378 cases some additional information was obtained during hypnosis, in 90.7% of 161 cases the information was seen as accurate, in 67.5% of 372 cases the information was seen to be valuable to the investigating officers, and in 65.0% of 120 cases the information was seen to contribute to the solution of the case. Although such data appear impressive, a number of issues can be raised about their meaning. These issues include the effect on the validity of the data of the wording of the questions, the method of data collection, and the reliability of the estimates that were made. It is perhaps also important to recognize that the data may reflect the perceptions of individuals who had a particular interest in the procedures that they were applying, and do not necessarily reflect information that was based on an independent evaluation of the hypnosis sessions and information obtained during hypnosis. Indeed, other work conducted in the Los Angeles Police Department provided contradictory data, and challenged, rather than reinforced, the apparent value of forensic hypnosis (Sloane, 1981). Overall, the information from formal analyses of data collected in applied settings overseas does not greatly assist in increasing our understanding of the potential costs and benefits of forensic hypnosis as it is practiced in Australia.

Accordingly, our research was conducted to provide precise and relevant data about the Police use of hypnosis in Australia. It is our hope that these data will allow more informed decisions to be made about hypnosis, the use of which appears to be increasingly popular in criminal investigations, and the consequences of which could become a matter of considerable controversy in Australian courts of law. Further, it is our hope that the data will assist in the formulation of precise guidelines for the practice of hypnosis in the forensic setting throughout Australia.



## **Method**

The research involved establishing cooperation with Police departments, constructing the questionnaire, and conducting the survey.

### **Establishing Cooperation**

The first step toward establishing formal cooperation with Police departments throughout Australia involved contacting the National Police Research Unit (NPRU) for advice and assistance with the research. After obtaining endorsement of the research by the NPRU, the second step involved contacting the NPRU Liaison Officer in each Police department. Police departments varied in the nature of their responses to this contact. Some indicated that they were eager to provide assistance and immediately offered cooperation; others indicated that they would consider providing assistance and requested additional information; and, some indicated that they would not provide assistance. We provided any information that was requested, and because we felt it was important to work closely with as many Police departments as possible, we established personal contact with relevant personnel in the Police departments. Specifically, cooperation was established with the Police departments in Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia, and the Northern Territory. In the Australian Capital Territory, the Australian Federal Police were "unable to assist" because of "other competing operational pressures", and because they "do not, as a matter of routine, use forensic hypnosis as an investigative tool, principally due to the perception that the evidence obtained using such techniques is unreliable".

### **Constructing the Questionnaire**

Police departments themselves were especially constructive in suggesting areas that the survey could address, and offered a wide range

of questions for possible inclusion in the questionnaire. The final construction of the questionnaire was an iterative process that involved detailed consultation with criminologists, survey methodologists, and Police departments. The aim of this process was to construct an instrument that canvassed a range of practical issues and policy matters concerning forensic hypnosis, and that could provide data that would highlight the extent and nature of forensic hypnosis and its perceived value in criminal investigations. Substantial time was allowed for Police departments to consider draft versions of the questionnaire, and it was not unusual for a Police department to obtain comment from its criminal investigators, medical practitioners, psychologists, prosecutors, and research personnel before providing a response. The final version of the questionnaire, entitled "Survey of Police Use of Hypnosis", was sent for distribution on May 29, 1987.

Overall, the questionnaire aimed to obtain information about a range of policy and practical matters concerning the use of hypnosis by Police in Australia. In the questionnaire, Section A dealt with general descriptive information, Section B dealt with opinions and matters of policy, and Section C dealt with issues relevant to individuals who had been the hypnotist in a Police investigation. The questionnaire was marked "Confidential", and respondents were instructed that they should not write their names on it. The respondents were informed that their responses would be collated with the responses of other Police department personnel who completed the questionnaire, and that a report would be prepared on the basis of all the information that was received. The respondents were asked to answer each question that was relevant to them, and were told that they could answer most of the questions by circling one or more numbers and answer other questions by writing on

the lines provided. The questionnaire informed the respondents that they could contact either author personally if they had any inquiries.

### **Conducting the Survey**

We considered that it was most appropriate to survey only those Police department personnel who had interest in or experience with forensic hypnosis, and who were located in criminal investigation, medical, psychological, and legal sections of Police departments. Following discussion with Police departments, it was anticipated that between 20 and 40 relevant individuals in each of the States would be suitable respondents. To most effectively obtain access to the sample that the survey was intended to reach, Police departments employed their own internal procedures to determine and gain the cooperation of those personnel who had particular interest in and experience with forensic hypnosis, and could serve as potential respondents. Police departments varied in the way that they preferred the survey materials to be distributed; the survey materials consisted of an envelope that contained the questionnaire and a reply-paid envelope addressed to the first author. For New South Wales, Tasmania, South Australia, Western Australia, and the Northern Territory, we sent the requested number of survey materials to the individual who was responsible for the distribution to potential respondents. For Queensland, we sent the survey materials that were already addressed to potential respondents to the individual who was responsible for distribution. For these six States, a cover note was included by the respective Police departments before the survey materials were distributed and each State was asked to inform us about the number of questionnaires that were distributed. For Victoria, we had been given the names and addresses of potential respondents by the Police department, and we distributed the survey materials together with

a cover note directly to them. All potential respondents were requested to complete and mail the questionnaire in the reply-paid envelope by June 26, 1987.

### **Results and Discussion**

The data reported are based on the questionnaires that were completed and returned by July 31, 1987. The data were analyzed and a draft report was sent to the NPRU Liaison Officer in each Department and to Police department personnel who had assisted directly with the construction and distribution of the questionnaire (August, 1987). The present report includes our consideration of comments that were made on the draft report by Police departments by September 30, 1987.

In this report, the data are considered for Sections A, B, and C of the questionnaire. For the most part, the quantitative data are presented in the tables. A summary description and interpretation of those quantitative data together with representative qualitative data are presented in the text.

#### **Section A: Descriptive Information about Respondents**

Table 1 presents descriptive information about the respondents. Overall, 116 out of the 184 individuals who were sent the questionnaire completed Sections A and B; thus, the overall response rate was 63.0%. In terms of qualitative data, 78 of the 116 respondents offered additional comment, and this additional comment was often provided in a detailed fashion; thus, 67.2% of the respondents provided qualitative data. The overall response rate, together with the detail that was provided in the qualitative comments, reflects a substantial commitment of selected Police personnel to the survey, and a clear recognition of its relevance to their interests.

In summary of the total sample of respondents, most were males who

were around 40 years of age and who had about 20 years of service. The large majority of the respondents were Police officers who held the rank of Sergeant or above, and who were involved in criminal investigation. A small minority of the respondents, however, were medical practitioners or psychologists within Police departments. The potential respondents were selected by Police departments for their interest in or experience with policy or practical matters concerning forensic hypnosis. We assume that the potential respondents are representative of relevant personnel, and we assume that the 63.0% who completed Sections A and B of the questionnaire are representative of the possible sample in each State.

Of the 116 respondents, only 6 (5.2%) indicated that they had been a hypnotist in a Police investigation, and completed Section C of the questionnaire. These respondents came from four States and were all males. Their average age was 41.5 years ( $SD = 6.92$ ), and their average length of service was 16.3 years ( $SD = 8.5$ ). Because of the small number of individuals who completed Section C, we do not identify their States, ranks, or units/sections. There was 1 Police officer from one State; 2 Police officers from a second; 2 medical practitioners from a third; and, 1 Police officer who was also a psychologist from a fourth State.

The small number of the respondents to Section C may indicate that relatively few individuals in Police departments have used hypnosis in an actual investigation. Given media reports on forensic hypnosis and the comments made to us either in personal discussion or in correspondence sent to us about the research, however, it may have been that some individuals who have used hypnosis as part of an investigation either did not receive or chose not to respond to the questionnaire. There are indications, for example, that psychiatrists and psychologists who are

outside Police departments have been called on to act as hypnotists in particular investigations; it may have been that these individuals were not asked to complete the questionnaire. Laying these issues aside, the individuals who did respond to the questionnaire provided a wealth of valuable information about forensic hypnosis.

### **Section B: Opinions and Matters of Policy**

Legislation. Table 2 presents the number of respondents who indicated that hypnosis was regulated by legislation in their State. Although most respondents in NSW (58.4%) and the NT (80.0%) were aware that legislation relevant to forensic hypnosis does not exist in their States, the majority of the respondents in QLD (77.8%) and WA (76.5%), and approximately half of the respondents in VIC (42.9%) and TAS (43.8%) were not aware that such legislation does exist for them. Laying aside the ambiguity that may exist in some States about the precise relevance of legislation to forensic hypnosis (McConkey & Sheehan, 1987), it appears that only in SA (65.0%) is it generally known that relevant legislation is in place. Accordingly, Police departments in States where relevant legislation does exist could usefully acquaint their members of that fact.

Department policy and guidelines. Table 3 presents the number of respondents who agreed with particular policy and guideline statements. Across all Police departments, the majority of the respondents (78.4%) considered that their department should have a policy that hypnosis should be used. In accordance with this view, the large majority of the respondents also considered that their department should have specific guidelines for hypnosis (92.2%), and that a particular person should co-ordinate any use of hypnosis (86.2%). Qualitative comment offered by the respondents, highlighted a general attitude of a need for caution and

the informed application of hypnosis. For instance, "hypnosis cannot take the place of normal and standard investigative techniques, and therefore needs to be strictly controlled in Police usage"; and, "it would be prudent to ensure that legislated powers are in force which would safeguard all parties involved [in the hypnosis session]". Consistent with the notion that maximal protection should be afforded to those involved, some respondents pointed to the value of individuals outside Police departments being used to conduct the hypnosis sessions. For instance, "I believe [hypnosis in Police investigations] should be strictly controlled by an independent body"; and, "I believe [hypnosis] should be conducted by an independent hypnotist - neither Police nor defence".

In terms of guidelines, the qualitative comments indicated a strong recognition of the need for consistency in procedures. For instance, "documented procedures should be followed by the hypnotist", and "hypnosis should be performed with proper guidelines". There was, however, some comment which indicated that although guidelines need to be developed, they should not be overly restrictive. For instance, "because [the use of hypnosis] depends largely on the circumstances of each particular case, ... no hard and fast guidelines should be formulated. There needs to be room for discretion". The issues of basic policy, specific guidelines, and responsible coordination would appear to be central for Police departments throughout Australia to consider, and one might suggest that this be done in a formal and relatively uniform fashion.

The hypnotist. Table 4 presents the number of respondents who considered that individuals with particular types of training should serve as hypnotists. Most support was given to the notions that medical practitioners (39.7%) and psychologists (47.4%) should serve as

hypnotists. Outside NSW (84.2%), relatively little support was given for the notion that Police officers should serve as hypnotists (e.g., 0.0% in SA, and 14.3% in VIC). In QLD (27.8%), NSW (0.0%), and VIC (7.1%) there was even less support for the notion that "lay hypnotists" (i.e., individuals who are not qualified as health professionals) should conduct forensic hypnosis sessions; in TAS (37.5%), SA (22.7%), and WA (23.5%) there was more support for the notion that "lay hypnotists", rather than Police officers, should conduct forensic hypnosis sessions. A substantial amount of qualitative comment was offered on who should serve as the hypnotist in a Police investigation. Some respondents indicated that "any person may serve as hypnotist in Police investigations provided they have been departmentally qualified to do so (i.e., have attended a course on legal aspects and use of forensic hypnosis)". Others expressed particular positions quite strongly. For example, "hypnosis should be carried out by Police"; "the person actually carrying out the hypnosis should be a Police officer"; and, "I strongly believe that the needs of the victims should be taken into account and a qualified psychologist or such - someone who has the welfare of the victim uppermost - should conduct the hypnosis".

Although there was a general view that forensic hypnosis sessions should be conducted by "duly qualified people", the respondents differed about the nature of those qualifications and training. Nevertheless, there appeared to be a convergence of views on the need for "standard credentials for all hypnotists used in Police related matters", because of a desire "to be certain of the professional competence of the practitioner". One respondent perhaps captured the essence of comments along these lines when he stated: "The credibility of the hypnotist is of paramount importance to the Police. It should always be able to be accepted by the courts with confidence, and it should in no way be



associated with the obvious and right desire of Police to see an offender convicted".

The question of who should serve as a hypnotist in a Police investigation may depend in part on the legislation that exists in the relevant State, and on the personnel who are available to conduct forensic hypnosis sessions. Nevertheless, the views that were expressed strongly in the survey are consistent with the views of major civilian and military law enforcement agencies in the USA that forensic hypnosis sessions should be conducted by medical and psychological personnel who are specifically trained in hypnosis and who have an appreciation of legal and investigative issues (e.g., see Ault, 1979; Day, 1980; Plotkin, 1984).

Skills of the hypnotist. Table 5 presents the number of respondents who considered that particular skills were needed by hypnotists in Police investigations. The majority of the respondents considered that the hypnotist should have training in psychology generally (75.0%), and additional training in hypnosis specifically (89.7%). Somewhat less than half of the respondents (37.1%) considered that the hypnotist should have training in medicine, and somewhat more than half (56.0%) considered that the hypnotist should have training in methods of investigation. Importantly, however, the large majority of the respondents (87.1%) considered that the hypnotist should have an understanding of Police methods of investigation.

Qualitative material pointed to the need for a convergence of competencies in matters related to hypnosis and matters related to investigative procedures. The importance of skills or an understanding of methods of investigation to the success of a forensic hypnosis session was seen in a large number of the comments. Also, there was substantial concern expressed about the potential psychological risks and therapeutic

issues that may arise and be inappropriately handled when hypnosis sessions are conducted by individuals who are untrained in therapy. The view that a Police officer is trained most appropriately to conduct forensic hypnosis sessions tended to be couched in terms of his or her investigative competence. For instance, "a Police officer [has] knowledge of witnesses, crimes, and rules of evidence"; "[a Police officer] has the skill to ask questions correctly, [so] the worst Police officer will be much more effective than the best professional from any field".

In contrast to this view, however, some concern was expressed that Police officers were not trained to handle individuals who were at psychological risk or who were experiencing a therapeutic dilemma. For instance, one respondent commented about the "vicarious liability of Police departments should any ill effects be claimed by the person hypnotized". Another commented on the need to have a medical practitioner "assess any possible detriment to the person" before hypnosis was used by anyone. Yet another commented that he felt that "hypnosis should only be conducted after the person - particularly a victim - is thoroughly screened and counselled". Further, a number of the respondents commented on "the danger of hypnosis being used if it was authorized to be used on a subject who may have a severe psychological reaction to its use". One of these respondents argued strongly that "some form of policy needs to be adopted on a national basis regarding whether the victims of serious crimes are to be hypnotized, as psychological damage/trauma may result if those victims relive or recall their experiences"; and, another provided an example of such a reaction in a rape victim (for a discussion of psychological risks in forensic hypnosis, see Gravitz, 1985; Orne, 1979; Turco & Scott, 1982).

Laying aside the potential risks, the therapeutic impact of hypnosis

was noted especially by a number of the respondents. For instance, "recently, a witness gained great relief from stress and is undergoing continuing counselling. A most important factor in criminal investigation is care and rehabilitation of victims and witnesses". In summary, these concerns were perhaps summarized most usefully by the respondent who stated: "We must be sure before using hypnosis that the victim will not suffer any emotional effects from the use of hypnosis. I feel this is why the use of a trained psychologist by the Police in these matters is important".

Overall, these data would appear to suggest that either a Police officer who was also a psychologist, or a medical practitioner or psychologist who worked within the Police department would be the most appropriate individual to conduct forensic hypnosis sessions. In addition to considering formulation of policy along these lines, however, Police departments might also consider the potential value of using medical practitioners or psychologists outside the department who have specific training in hypnosis and who also have an understanding of legal and investigative issues.

Type of crime. Table 6 presents the number of respondents who considered that hypnosis should be used in the investigation of various crimes. The majority of the respondents considered that hypnosis should be used in the investigation of most serious crimes, such as murder (87.9%), manslaughter (87.9%), serious or violent assault (87.9%), rape and other types of sexual assault (87.9%, and 79.3%), incest and child sexual abuse (81.9%), armed robbery (84.5%), arson or bombing (87.9%), kidnap or abduction (91.4%), and blackmail or extortion (84.5%). Just over half of the respondents considered that hypnosis should be used in investigations of possession or use of drugs (60.3%), and perhaps this is

because it is not clear who would be the subject of the hypnosis in this type of crime. The results relating to murder are perhaps especially interesting. Some respondents had reservations about hypnosis being used in murder investigations. Given that murder is frequently a crime that leaves very few witnesses, one might have expected that the demand for the use of hypnosis would be higher for murder than for other types of crime. There may well be a perception, however, that the use of hypnosis may complicate matters when the case comes to trial, and this may lead to a degree of reluctance to use hypnosis in some circumstances.

Across virtually all of the crimes, there was some variation in the responses that came from different States. Most obviously, WA appeared to adopt a more conservative approach to the use of hypnosis than did any of the other States. Across the States, the data indicated that NSW (68.4%) and TAS (75.0%) gave lower acceptance rates for the use of hypnosis in other types of sexual assault, although it was accepted for rape (84.2% in NSW, and 87.5% in TAS). This may reflect a certain reluctance in these States to expose victims of particular sexual assaults to potentially traumatic experiences. It is appropriate to note that when responding affirmatively to the question whether hypnosis "should be used" in the investigation of these types of crimes, a number of the respondents additionally indicated that they (correctly) interpreted "should" as meaning that the crime was serious enough for hypnosis to be considered in the investigation, and not as meaning that hypnosis would be used as a matter of routine in all serious crimes.

Respondents offered valuable qualitative comment on their knowledge of or experience with hypnosis in the investigation of various types of crime. For instance, one respondent provided detail on the "great investigational assistance" of hypnosis in "bank hold-ups all of which are

traumatic for the victims who in many instances do not recall such things as facial features, jewellery, tattoos, etc., because the offender/s do not spend a great deal of time committing the offence". This suggests a perception that hypnosis can be especially useful in helping people to recall very detailed features. Another respondent commented that he would like to see more use of hypnosis with "victims who in many cases 'block' an offence from the mind, particularly in cases of rape, child abuse, etc." and added that he had "dealt with elderly female rape victims who have never acknowledged the fact they were sexually abused, and without this evidence many offenders cannot be charged". This suggests a perception that hypnosis can be valuable in helping to retrieve memories that are blocked by emotion, or that are difficult for other reasons to acknowledge without some psychological assistance.

The use of hypnosis in major crimes is consistent with the data from overseas concerning the types of criminal investigations in which hypnosis has been used (e.g., Reiser, 1980; Sloane, 1981), and is consistent with a viewpoint expressed locally (e.g., Prins, 1987). However, as one respondent commented, the potential use of hypnosis should perhaps not be narrowly delimited to particular crimes, but rather "senior officers should have availability to expert advice on the use of hypnosis in all matters of Police duties."

Type of subject. Table 7 presents the number of respondents who considered that hypnosis should be used with different types of subjects. The respondents did not differ in terms of whether hypnosis should be used with males (88.8%) and females (91.4%), but did differ in terms of whether hypnosis should be used with adults and juveniles, and with victims, witnesses, suspects, and defendants. In essence, the majority of the respondents considered that hypnosis should be used with adult

victims (88.8%) and witnesses (87.9%). Somewhat fewer respondents considered that hypnosis should be used with juvenile victims (70.7%) and witnesses (70.7%). These data may reflect the view that children can require more cushioning, as it were, from unhappy memories than adults. Fewer than half of the respondents considered that hypnosis should be used with adult suspects (37.9%) and defendants (31.9%), and about one-quarter of the respondents considered that hypnosis should be used with juvenile suspects (26.7%) and defendants (25.0%). These data may reflect the view of a particular need for caution when dealing with those under suspicion.

There was some variation in the responses that came from different States about the use of hypnosis with adults. Most obviously, WA appeared to adopt a more conservative approach to the use of hypnosis with adults than did any of the other States. One respondent perhaps conveyed the essence of views on this matter when he stated: "I believe hypnosis should be used mainly in relation to witnesses and victims to obtain further information regarding a crime which the person may be subconsciously aware of and cannot recall. Its use on suspects and offenders should be limited to very rare cases where the person is suspected of blocking certain occurrences from his memory."

The type of person on whom the respondents considered that hypnosis should be used appeared to be determined mainly by the attributes and characteristics of the person, such as his or her psychological and legal status. Police departments might therefore usefully specify the psychological and legal issues that are considered to be relevant before a decision to use hypnosis with a person is made. There have been media reports of forensic hypnosis being used with young children (e.g., "Hypnosis bid", 1984), and the potential for psychological

harm inadvertently occurring in such cases needs to be considered. There have also been media reports of at least the intent to use hypnosis with suspects (e.g., Macey, 1986). The legal difficulties that may arise from such use need also to be established (for a discussion of the use of hypnosis with suspects and defendants, see Mutter, 1984; Nardi, 1984; Warner, 1979; for a discussion of the use of hypnosis with juveniles, see Grossberg, 1985).

Decision to use hypnosis. Table B presents the number of respondents who agreed that the decision to use hypnosis should be made under different conditions. The respondents varied substantially in their agreement about the conditions under which the decision to use hypnosis should be made. About two-thirds of the respondents considered that the decision to use hypnosis should be made when all leads are exhausted (62.1%), and when no other evidence is available (64.7%). The majority also considered that the decision to use hypnosis should be made when the subject has apparently forgotten what happened (75.9%), and when the subject knows more than he or she thinks (62.9%). This is consistent also with the implications of the qualitative data that were associated with the use of hypnosis in different types of criminal investigations. Only a small minority of the respondents (12.1%) considered that hypnosis should be used as a routine procedure.

The use of hypnosis to get at material that is purported to be "stored in the subconscious" of the subject may create a situation in which substantial pressure could be placed on the subject and confabulation could occur (for examples of such situations, see Diamond, 1980; Kirby, 1984; Orne, 1979). Although some respondents made a distinction between the use of hypnosis for "investigative" versus "evidentiary" purposes, it is not clear how such a distinction is made in advance of the

use of hypnosis (for a discussion of some of the factors that may influence a decision to use forensic hypnosis, see Hibler, 1984).

Qualitatively, respondents indicated that the decision to use hypnosis should be made "for any offence where the use of hypnosis may assist in the solving of that offence where standard, investigative procedures have been unsuccessful or have met with limited success"; "where standard procedures have been exhausted or where public safety is best served by its introduction to the investigation"; and, "on all occasions where the interests of justice may be served and standard operating procedures have failed to produce a positive result".

Goals of hypnosis. Table 9 presents the number of respondents who considered that hypnosis should be used to achieve various goals. Just under half of the respondents (40.5%) considered that hypnosis should be used to elicit evidence for presentation in court (i.e., an "evidentiary" purpose). However, the clear majority of the respondents (86.2%) considered that hypnosis should be used to provide leads for further investigation (i.e., an "investigative" purpose), and this is consistent again with the data from other responses and viewpoints (e.g., Prins, 1987). Specifically, respondents considered that hypnosis should be used to obtain further details about events (93.1%), people (87.9%), and vehicles (89.7%) associated with a crime scene. A degree of faith appeared to be placed in forensic hypnosis, however, in the sense that more than half of the respondents (72.4%) indicated that hypnosis should be used to obtain reliable information about the events. There was appreciable variation across the States that ranged from the large majority of the respondents in QLD (94.4%) endorsing this view to about half of the respondents in NSW (52.6%) and WA (58.8%) endorsing the view. There was also a degree of faith placed in hypnosis in the sense



that the majority in all States (e.g., 77.8% in QLD, and 73.7% in NSW) except WA (41.2%) considered that hypnosis should be used to corroborate other information about events related to a crime. These findings suggest a general opinion about the use of hypnosis that is not in accordance with scientific evidence (e.g., see Orne et al., 1984), although it is in accordance with the opinion of the general public (e.g., see McConkey & Jupp, 1985; Wilson, Greene, & Loftus, 1986). These data point to the potential value of Police departments obtaining and disseminating accurate information about forensic hypnosis, rather than having its members' opinions and actions formed by what one respondent described as "the scrabble over who should do hypnosis ... and anecdotes" about hypnosis.

Although the majority of the respondents considered that hypnosis should be used to improve the memory of a victim or witness (71.6%), or to help someone who was emotionally upset during the crime to remember (70.7%), relatively few considered that it should be used to help someone remember if they were affected by drugs or alcohol during the crime (37.9%). Somewhat more than half of the respondents considered that hypnosis should be used to identify or to exclude a suspect (59.5%), and somewhat less than half of the respondents considered that it should be used to investigate the activities of a suspect at the time of a crime (44.8%). Relatively few respondents considered that hypnosis should be used to learn about the motives of a defendant (33.6%), to obtain a confession (11.2%), or to prevent someone from lying (28.4%). Since the use of hypnosis can in no way be seen as a truth telling device, (e.g., see Orne et al., 1984; Sheehan & McConkey, in press) the majority of the respondents appear to hold correct opinions on these matters.

The qualitative comments offered by respondents on these issues

covered a range of relevant material. For instance, one respondent commented on the "parallels [of hypnosis] with interviews using a 'polygraph' machine", and indicated that "useful information, positive or negative, can be obtained". Another respondent expressed concern about "the potential for biased parties to manipulate the hypnosis; that is, to feign being under hypnosis" (e.g., R. v. Knibb, 1987). In a general summary on the goals of hypnosis, one respondent stated: "Hypnosis should be used in Police investigations, but only as an aid to the investigation. I do not believe that hypnosis should be used to elicit a confession of guilt and to use that evidence against an accused. Information gained through hypnosis should assist investigations in a line of inquiry or give a new line of inquiry. I also believe that hypnosis should be used selectively, and not without restraint."

Status of information obtained during hypnosis. Table 10 presents the number of respondents who agreed with various statements about the status of information obtained during hypnosis. More than three-quarters of the respondents (80.2%) considered that information obtained during hypnosis should be accepted only if it is confirmed by independent evidence. However, the large majority (82.3%) also indicated that they considered that information obtained during hypnosis should be used to confirm other information; this apparent conflict raises an issue that we take up later. There was some variation across the States on this matter, with respondents from NSW (63.2%) and VIC (64.3%) endorsing this position to a lesser degree than respondents in other States (e.g., 100% in QLD, and 93.3% in TAS). Overall, however, the majority view would appear to index a potential to accept information obtained during hypnosis as reliable without independent corroboration. Very few respondents in most States (e.g., 5.3% in NSW, and 0.0% in VIC) and about

one-third of the respondents in QLD (31.3%) indicated explicitly that information obtained during hypnosis should be accepted as reliable information in its own right. However, less than half of the respondents (37.4%) considered that information obtained during hypnosis should be treated like information given anonymously over the telephone. Again, this view suggests some degree of preparedness to perceive information obtained during hypnosis as accurate, even though there is a general recognition of the possibility of problems occurring if this is done.

Qualitative comments varied considerably with respect to the status of information obtained during hypnosis. There was substantial hesitancy in attitudes about the acceptance of hypnotically obtained information. For example, "in my opinion hypnosis has proved to be unreliable"; and, "cannot be considered reliable. Valuable time has been wasted checking out unreliable information". Although one respondent considered "it should be up to the hypnotist as to the reliability of the witness", the majority of qualitative comments pointed toward a cautious approach and the need for corroboration. For example, "I don't believe that anything that is elicited [during hypnosis] should be treated as 'truth', but that further investigations can then be made with the hope of finding corroborating evidence".

Two respondents provided usefully contrasting views on the way in which hypnotically obtained information may influence investigations. One stated that "on [one] occasion I thought that the preparations of the witness were such that the witness believed he 'had' to come up with additional information, and consequently the officers concerned were a little skeptical of the 'extra' things the witness claimed to have seen". The other stated that "investigation officers sometimes are overawed by the procedure and may give information obtained [during hypnosis]

unnecessary weight". Another respondent provided a very interesting perspective on the status of information obtained during hypnosis in the following comment: "I was present on 10 occasions when female rape victims were hypnotized. The 10 victims were raped over a 12 year period - all by the same offender. This unique situation enabled investigators to build a very exact (as it eventuated after he was arrested, remarkable) idea in form and mental characteristics of what the actual attacker was like. The confidence these details gave the investigators was very important not only to the continuance of a protracted inquiry, but in the end was an important fact indirectly used in the interrogation of the accused. He eventually pleaded guilty to two counts of murder and five of rape." Such a comment makes a novel and interesting point about practices associated with the reaching of consensus. It should be noted, however, that hypnosis may not have led to much more than what may have been obtained if each of the women had been interviewed separately without hypnosis and had given converging accounts of the offences.

Court use of information obtained during hypnosis. Table 11 presents the number of respondents who agreed with various statements about the court use of information obtained during hypnosis. About three-quarters of the respondents (76.5%) considered that the court should be informed about the use of hypnosis if someone who was hypnotized testifies subsequently, but almost one quarter of the respondents (20.0%) considered that this would depend on the case. Just over half of the respondents (59.9%) considered that it would depend on the case whether someone who was hypnotized should testify subsequently in court about information obtained during hypnosis. More than three-quarters of the respondents (82.8%) considered that the court

should decide on a case-by-case basis whether information obtained during hypnosis should be admissible as evidence in court. Similarly, the large majority of the respondents (91.4%) considered that the court should decide on a case-by-case basis whether information obtained during hypnosis is reliable.

Qualitatively, the respondents provided quite detailed comment on the court use of information obtained during hypnosis. Some comments reflected a potential concern about how courts may handle hypnotically influenced testimony. For example, "ignorant magistrates and judges might rule all evidence inadmissible out of fear that hypnosis contaminated the evidence"; "valuable information gained [during hypnosis] could be wasted if it had to be 'proved' in court. I consider that the major 'obstacle' to be overcome"; and, "courts should not permit derogatory cross-examination of the decision by the officer to use hypnosis, nor of participation by a witness". Other comments reflected the cautious views that were more generally expressed about the need for corroboration. For instance, "I don't believe that evidence obtained under hypnosis should be admissible in evidence unless it is corroborated by other independent evidence"; and, "I consider the evidentiary value [of hypnosis] to be extremely limited without considerable corroboration".

The qualifications and credibility of the hypnotist were seen as possible influences on the handling of hypnotically obtained information by the court. For example, one respondent stated: "The hypnotist should always be called to establish his expertise, credit, knowledge of the value to be placed on the process, methods and reliability. He should also be able to provide the court with results of empirical tests and be ready to volunteer shortcomings, dangers, or doubtful subjects." In an especially articulate comment, one respondent stated: "I believe the

hypnotic 'evidence' should be treated like most other types. If it is presented to court as evidence in its own right, then the court should examine it for relevance and reliability on a case-by-case basis. Depending upon the point at issue in the case before the court, corroborative, independent evidence on that issue should also be obtained. I am skeptical of the use of hypnosis with suspects and defendants. I believe the best use of hypnosis is in the discovery of new investigative leads which must be supported by other more substantive types of evidence if the lead is to be pursued." Such a view expresses a particular notion that has characterized much debate on the issue of the evidentiary implications of the use of hypnosis.

### **Section C: Use of Hypnosis**

This section reports the data provided by the six respondents from four States who had served as hypnotists in Police investigations. The sample is necessarily limited, but the data bear meaningfully on many of the issues discussed above.

Experience and training in hypnosis. These respondents had first used hypnosis for purposes other than Police investigations in either 1978, 1979, 1983, or 1984; thus, their general experience with hypnosis varied from three to nine years. They had first used hypnosis in police investigations in either 1981, 1984, or 1985; thus, their specific experience with forensic hypnosis varied from two to six years. Table 12 presents the number of these respondents who obtained their training in hypnosis in different ways. Overall, there was some variability in the type of training that they had received in hypnosis. Table 13 presents the number of respondents who used hypnosis for purposes other than police investigations. Some, but not all, used hypnosis with patients or clients, some used hypnosis with friends or relatives, and some used hypnosis to

assist themselves.

Use of hypnosis. Table 14 presents the number of police investigations in which hypnosis was used in the years 1981-1987. It would seem reasonable to infer from these data that an increase in the use of hypnosis has occurred. Although not reflected in Table 14, it is relevant to note that this increase has occurred most rapidly in one State. Overall, the knowledge and concerns about forensic hypnosis that are seen throughout the quantitative and qualitative data from this survey could be said to be a reflection of an increase in the use of hypnosis in Police investigations in recent years.

Use of guidelines. Table 15 presents the number of respondents who reported whether specific guidelines were followed. Some of the respondents indicated that they followed specific guidelines in their use of hypnosis that were provided by their departments. However, given the general view about the lack of guidelines expressed by the majority of the respondents to the questionnaire, it is not clear what these respondents may have been referring to (for relevant comment on guidelines for forensic hypnosis, see American Medical Association, 1985; Orne, 1979; Relinger & Stern, 1983; Timm, 1984). It is our understanding that no Police department in Australia has yet developed specific guidelines for the use of hypnosis that are recognized formally and provided by the department. Thus, some confusion and inconsistency over guidelines appears to exist among those who have served as hypnotists in Police investigations. Clarification of this situation and the development of a more uniform policy would appear to be desirable.

Type of crime and subjects. Tables 16 and 17 present the percentage of hypnotic investigations that involved different types of crimes and subjects, respectively. In terms of the crime, the respondents indicated

that hypnosis was used in a range of investigations, but that it was used mostly in investigations of major crimes such as murder, manslaughter, serious or violent assault, and rape. This is consistent with the data presented in Table 6. In terms of the subjects, the respondents indicated that hypnosis was mostly used with adult victims and witnesses, and more with females than males. By contrast, the respondents indicated no use of hypnosis with suspects and defendants. These data are consistent with those presented in Table 7. The respondents indicated almost no use of hypnosis with juveniles, however, which is somewhat inconsistent with the data presented in Table 7.

Decision to use hypnosis. Table 18 presents the percentage of hypnotic investigations in which different criteria were employed in the decision to use hypnosis. It appears that the decision to use hypnosis was made most often when all leads were exhausted, or when no other evidence was available. Further, hypnosis was generally used as a last-resort procedure. Some respondents indicated that they decided to use hypnosis when the subject was very upset about the crime, or when subjects knew more than they thought they did. Overall, these data are consistent with the data presented in Table 8.

Goals of hypnosis. Table 19 presents the percentage of hypnotic investigations that involved different goals of hypnosis. It appears that hypnosis was used mainly to obtain further details about events, people, and vehicles at a crime scene or related to a crime. Also, hypnosis was used in a substantial way to improve the memory of a victim or witness, and to provide leads for further investigation. Importantly, however, hypnosis was not used in a number of other ways, such as confirming hunches about events related to a crime, preventing someone from lying, or obtaining a confession. These data are consistent in their general



pattern with the data presented in Table 9.

Relevance of time period. Table 20 presents the percentage of hypnotic investigations that involved different time periods between the crime and the hypnosis session. The general pattern of findings that emerges is that when hypnosis has been used, it is likely that it was used within a relatively short time following the crime. The modal pattern is that hypnosis was used between a month and six months after the crime, and used rarely after longer periods of time had elapsed.

Frequency of hypnosis. Table 21 presents the percentage of hypnotic investigations that involved different numbers of sessions with the same subject, and Table 22 presents the percentage of hypnotic investigations that involved different numbers of sessions. Data clearly indicate that in the majority of cases hypnosis has not been used extensively. For instance, hypnosis was typically used only once or twice with the same individual. Consistent with this, hypnosis was generally conducted in a single session, although a second session was sometimes used to probe the subconscious of an individual more deeply.

Presence of others during hypnosis session. Tables 23 and 24 present the number of respondents who indicated whether others were typically present when hypnosis was conducted (with victims or witnesses, and with suspects or defendants, respectively). These data point to a range of persons who have been present when hypnosis was used in a criminal investigation. Although no particular type of other person was indicated to be present in all of the cases conducted, the cumulative impact of the data suggest a degree of permissiveness in the choice of the people who were permitted to be present in the room when hypnosis was occurring. There was a general view that the investigating officer should be present, but there was no recognition that his or her

presence could influence the direction of the session or the nature of the subject's responses. For example, reference was made to "no one present, but investigating officers"; "officer corroborating me, and usually he is not aware of my techniques"; and, "hypnosis is conducted in presence of Police officer at all times".

The potential problems associated with others being present in the room with the hypnotist and the subject do not appear to be fully appreciated by those who are currently conducting forensic hypnosis sessions in Australia (for a discussion of this issue, see Orne, 1979; Orne et al., 1984). It is interesting to note, for instance, that there appeared to be no discrimination in who was allowed to be present. Specifically, there appeared to be no recognition that the presence of parents, friends, or relatives may pose a greater risk for memory distortion than that posed by the presence of individuals such as legal representatives or Police artists.

Procedures before hypnosis. Table 25 presents the percentage of hypnotic investigations that involved different procedures before hypnosis was induced. The data suggest that in the majority of cases, the respondents covered a range of topics before inducing hypnosis; these topics include discussing expectations about hypnosis, and possible memory changes during hypnosis. Although the respondents generally obtained details of the crime from the investigating officer, in relatively few cases did they obtain details of the crime from the subject prior to the hypnosis session. That is, it seems that subjects were not typically given the opportunity to recall events with the hypnotist before hypnosis was induced. Although not reflected in the table, an exception to this situation did occur in one State where relatively standard procedures appear to be used before hypnosis is attempted. The value of adopting set

procedures before the induction of hypnosis is that changes in memory reports can be assessed more meaningfully when hypnosis is introduced. Even with set procedures, however, one must be cautious about the possibility that pseudomemories may result when events are remembered in detail before hypnosis and hypnosis is then induced (McCann & Sheehan, in press).

Induction procedures and memory suggestions. Tables 26 and 27 present the percentage of hypnotic investigations that involved different induction procedures and memory suggestions, respectively. The procedures that were adopted appear, for the most part, to be relatively traditional. It is notable, however, that there was a degree of variability in the procedures. This variability could indicate that particular procedures are needed that suit the setting in an optimal way. This interpretation is consistent with other data provided by the respondents, which suggests a need for the formulation of standard, but not overly restrictive, methods of conducting the forensic hypnosis session in a way that afford maximal protection and benefit to those involved.

In terms of the memory suggestions, the television technique, in which the subject is requested to review the crime on a television screen in his or her mind, appears to be a preferred suggestion. By its nature, however, this technique is one that is prone to establishing particular confabulatory tendencies in subjects, and it is not clear whether this is recognized by the respondents. Somewhat similarly, the respondents indicated that they often used posthypnotic suggestions to have the subjects remember information after the forensic hypnosis session had ended. The use of posthypnotic suggestions in this way, however, may well lead to a hardening of existing memory, to distortions in existing memory, and to the possible incorporation of new material into existing

memory. Finally, it is possible that existing memories may themselves be overlaid by new and incorrect memories concerning what actually occurred. In a number of cases, the respondents indicated that they had given subjects suggestions to help them overcome emotional upsets associated with the crime. That is, it appears that some respondents were administering suggestions that had a clear therapeutic intent. Such data as these raise important questions about the association between forensic hypnosis and professional practice for therapeutic purposes, and highlight again the question of the qualifications and training that are most appropriate for the individual who is conducting a forensic hypnosis session.

Information requested during hypnosis. Table 28 presents the percentage of hypnotic investigations that involved requests for different types of information during hypnosis. The data indicate most obviously that the respondents sought general information and then specific information from subjects, and that the overall intent of the hypnosis session was to obtain information on everything the subject could tell them that was relevant to the crime (for comment on effective interrogation during hypnosis, see Hilgard & Loftus, 1979; Irving & Hilgendorf, 1980).

Recording of session. Table 29 presents the number of respondents who typically recorded the session in various ways, and Table 30 presents the number of respondents who typically audiorecorded or videorecorded particular aspects of the session. There is considerable variability in the information that was noted when hypnosis was used. For instance, various aspects of the hypnosis session were reported to be recorded in a permanent and objective way in no more than one-quarter of the sessions. Further, very little videorecording has been occurring of

the hypnosis sessions that have been conducted across Australia. This may have implications for the credibility and justifiability of the procedures that were used in the sessions, as well as for the status and corroboration of any information that was obtained during hypnosis.

In the qualitative comments, there was some indication of debate on the issue of recording hypnosis sessions. For instance, one respondent indicated that the "whole process should be recorded on video with a time clock visible". Another respondent commented that a "recorder [should] be used only with subject's permission. However, should the operator feel that the recorder is distracting the subject he should be allowed to turn it off." Clearly, the issue of the ways in which records of forensic hypnosis sessions should be obtained and maintained, is something that Police departments may well wish to give consideration.

Impressions of subjects' behaviour. Table 31 presents the percentage of hypnotic investigations that involved different impressions of subjects' behaviour. The general picture communicated by the data is that subjects in forensic hypnosis sessions were viewed as eager, confident, and truthful, and that hypnosis was considered by them to be a happy and pleasant experience. There was particular support for the additional impression that subjects found it especially easy to remember things without becoming upset, and that they always told the truth. Very few respondents, in fact, considered that subjects in hypnosis appeared to lie or be dishonest. These views about hypnosis and truth are consistent with general attitudes toward hypnosis that have been studied and reported upon in the literature (e.g., see McConkey & Jupp, 1985; Sheehan & McConkey, in press; Wilson et al., 1986)

Outcome of session. Table 32 presents the percentage of hypnotic investigations that were associated with different types of outcomes.

Data indicated that the information obtained during hypnosis was considered to assist in the investigation in about half of the instances, and to not assist the investigation in somewhat fewer instances. However, the information obtained during hypnosis was not considered to hinder the investigation. Importantly, the data also indicated that some degree of checking of the additional information occurred. Although the subjects of the hypnosis session tended to testify subsequently in court, the respondents indicated that no subjects testified subsequently in court about the additional information obtained during hypnosis. Qualitatively, one respondent indicated that "my own experience with victims of crime has been that with hypnosis a greater amount of detailed information has been obtained from the victim while under hypnosis", but another respondent pointed to the importance of the subject's motivation when commenting that "hypnosis will only work on people who want to help".

Acceptance of hypnotically obtained information. Table 33 presents the percentage of hypnotic investigations that involved different status of information obtained during hypnosis. Data indicated strong endorsement of the view that evidence gathered in hypnosis ought only to be accepted if it is confirmed by independent evidence. These data are consistent with the data presented in Table 10. This view is consistent with notions about hypnosis expressed in the literature (e.g., Orne et al., 1984) and with other data from this survey that hypnotic evidence, in and of itself, is unreliable. However, endorsement of that view seems to be somewhat equivocal when one considers the wider implications of the opinion expressed by these same data that hypnotic evidence can itself be used to confirm other information known about the crime. This general pattern is again consistent with the data in Table 10. Pursuit of such confirmation implies that a status is being accorded to information

obtained in hypnosis that is not altogether consistent with the view that information of this kind is unreliable. Overall, the data suggest a degree of implicit willingness among the respondents to view hypnotically obtained information as veridical.

Evaluation of information. Table 34 presents the percentage of hypnotic investigations that involved different evaluations of information obtained during hypnosis. There was a discernible pattern in these data which suggests that when additional information obtained in hypnosis was checked it was considered to be either completely or partially accurate. The spread in the data, however, clearly indicates a variability which highlights that either complete or partial accuracy of information obtained during hypnosis cannot be assumed or predicted from one case to the next.

### **Concluding Comments**

We would like to offer some concluding comments on the major themes in the survey data. Also, we would like to highlight the relevance of these themes by allowing the respondents to speak for themselves, as it were, through the presentation of relevant qualitative material. Our task here is not one of making a judgment on the themes, but rather one of illustrating the core consistencies in the information that was provided to us.

Overall, the quantitative and qualitative material yielded by the survey conveyed a general impression of a cautious body of people who were able to report on forensic hypnosis with a considerable degree of acumen and sophistication. There were instances of exception, but the view expressed for the most part indicated that hypnosis had a limited use in Police investigations, and this was so for reasons that were related to both practice and preference. It should be acknowledged that a

positive response set may well have been present that influenced respondents to sound appropriately "cautious and conservative" on matters concerning forensic hypnosis. Even with this in mind, however, the respondents appeared to display an eagerness for informed discussion on the matters.

In essence, hypnosis was seen to have a role as one of the tools in the armamentarium of Police departments. Just like any other tool, respondents saw a need for forensic hypnosis to be developed in a way that would allow it to be used in an appropriate and flexible manner. As one respondent stated: "Hypnosis in my opinion should be used as any other tool of modern investigation in that it may assist in some cases and in a lot of cases it may not. Good investigators use every single tool available to them, and whilst a policy might assist in the day-to-day administration of hypnosis it should never be so restrictive so as to limit the investigators' use of that tool".

There was strong evidence, of both a quantitative and qualitative kind, that any use of hypnosis should be considered in the context of the individual case. This position is consistent with the view that implies endorsement of the notion that hypnotically obtained information should go to the weight of the evidence in court proceedings, rather than be considered as inherently unreliable or lacking in respectability.

There was some degree of consensus among respondents that those who conduct forensic hypnosis sessions should be psychologists or psychiatrists. In part, this reflected a strong concern for the clinical consequences of hypnosis. As one respondent stated: "We must be sure before using hypnosis that the victim will not suffer any emotional effects from the use of the hypnosis. I feel this is why the use of a trained psychologist by the Police in these matters is important". The



concerns expressed about clinical aspects of hypnosis in the forensic setting are obviously relevant to the association that needs to be defined between hypnosis as a forensic tool and hypnosis as it is used for therapeutic purposes. Police departments may well want to consider this issue, given that the use of hypnosis by someone who is not a medical practitioner or psychologist may infringe the law in some States where relevant legislation exists.

Laying the issue of clinical qualifications aside, there was very strong endorsement for the notion that competence and/or training in investigative procedures is required. That is, as one respondent commented, "the hypnotist would have to be highly skilled not only in his own field but also in his presentation of questions and elicitation of information from the subject so that it complies with court requirements and standards"; and, as another respondent commented, the hypnotist should "have been adequately trained in inducing hypnosis, should be able to deal with abreaction or other emotional side-effects, and should have knowledge of Police procedures and the type of information that could prove useful and how to obtain this information impartially". Thus, there was an overall endorsement of the need for a convergence of competencies in those who are used as hypnotists in the forensic setting. Further, problems that may arise when individuals who have some, but not other, qualifications and training take on the role were highlighted in the qualitative comments.

There was a general view about the need for policy and guidelines to be developed and put in place, and some confusion about the existing situation in terms of both relevant Government legislation and Police department policy. Some respondents considered that "it would be worthwhile developing a State or national policy on the use of hypnosis in

criminal investigations", and others considered that there should be "specific guidelines [developed] for utilization of hypnosis" with a view to the "implementation of a pilot scheme in all States to assess the advantages of hypnosis" in selected criminal investigations. Overall, respondents indicated a need for information and guidance, and some commented about the problems of what they saw as a situation in which there was "a tendency [by investigating officers] to either accept or reject outright the phenomenon and/or information obtained" by hypnosis.

Guidelines for forensic hypnosis have been either developed or endorsed by a number of associations overseas, but there was evidence reported in the survey of substantial deviation from those guidelines in the forensic use of hypnosis in Australia. Although respondents displayed a notable recognition of the potential pitfalls of forensic hypnosis, this recognition was not always reflected in the procedures that were followed or endorsed. For example, the procedure recommended by overseas guidelines that the hypnotist and subject should be unaccompanied in the interview room was not endorsed in practice; rather, other people were seen to be relevant. The reasons for this may depend on detailed knowledge of typical Police procedures, or it may display a difficulty in translating a general recognition of potential problems into standard procedural detail. In current practice, there appears to be virtually no discrimination in who is allowed to be present in the forensic hypnosis setting. There is no apparent recognition of the fact therefore that a parent, friend, or relative may influence memory distortion more than a legal representative or Police artist. In a sense, this points to an absence of some appreciation of the finer nuances of the possibilities of distortion, even though there is evidence of a general acceptance of risk, and the need for corroboration.

The position of the respondents on corroboration of hypnotically obtained information was somewhat equivocal, and subtly conflicting attitudes in the survey should perhaps be especially noted in this respect. Although the need for corroboration was endorsed, the fact that hypnotically obtained information was seen as appropriate to be used to confirm or verify other information points to an implicit willingness to accept hypnotic testimony. Further, there was general endorsement of the view that hypnosis produces confident and truthful reporting. The overall pattern of data is consistent with the view that although there is caution at one level, there may be uncritical acceptance at another. It could be, on the other hand, that corroboration was interpreted by some to mean that hypnosis could produce leads which may or may not be associated with the offence being investigated. This raises, of course, the distinction between investigative and evidentiary leads. This distinction is perhaps a difficult one to make before the use of hypnosis and before the outcome of the use of hypnosis is known.

Perhaps the general problem is one of translating a global awareness of problems and risks into detailed and acceptable procedures of practice. In essence, although the core view of the respondents is clearly one of caution, the wide range of procedures that have been adopted do not fully reflect that fact. To move from theory to practice, as it were, standard procedures that reflect more appropriately the actual role in Police investigations that hypnosis may play need to be set in place. To this end, a reasonable case can be made that any guidelines that are set up in individual States or across Australia should indicate how hypnosis is performed. Those guidelines should not be overly restrictive, but they should recognize that if the use of hypnosis becomes an issue in trial proceedings, it is likely that there would be legal argument as to whether

the use of hypnosis in the specific case was in accordance with the guidelines. Finally, in our opinion, uniform policy and practice throughout Australia would be enormously beneficial in clarifying the status of forensic hypnosis.

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Table 1

Descriptive information about respondents

Item	QLD	NSW	VIC	TAS	SA	WA	NT	Total
<u>Respondents and response rate</u>								
Number distributed	36 <sup>a</sup>	30 <sup>b</sup>	20 <sup>a</sup>	20 <sup>a</sup>	38 <sup>a</sup>	20 <sup>b</sup>	20 <sup>b</sup>	184
Number respondents	18	19	14	16	22	17	10	116
Number male	17	18	14	13	20	17	9	108
Number female	1	1	0	3	2	0	1	8
Response rate (%)	50.0	63.3	70.0	80.0	57.9	85.0	50.0	63.0%
<u>Age and length of service</u>								
Average age	42.0	38.4	43.1	40.6	43.2	46.0	39.2	41.9
	6.4	7.5	9.5	7.5	5.9	4.8	6.4	7.2 <sup>c</sup>
Average length of service	21.3	16.7	16.9	19.6	22.1	23.9	13.8	19.4
	7.1	7.8	9.9	6.0	6.1	3.9	7.6	7.8 <sup>c</sup>
<u>Rank<sup>d</sup></u>								
Commissioner	0	0	0	0	0	0	2	2
	0.0	0.0	0.0	0.0	0.0	0.0	20.0	1.7
Superintendent	1	0	2	0	0	1	0	4
	5.9	0.0	15.4	0.0	0.0	5.9	0.0	3.4
Inspector	4	1	0	3	2	6	0	16
	23.5	5.3	0.0	18.8	9.1	35.3	0.0	13.8
Sergeant	9	8	5	8	12	10	4	56
	52.9	42.1	38.5	50.0	54.5	58.8	40.0	48.3
Constable	3	8	0	5	6	0	4	26
	17.6	42.1	0.0	31.3	27.3	0.0	40.0	22.4
Civilian	0	2	4	0	1	0	0	7
	0.0	10.5	30.8	0.0	4.5	0.0	0.0	6.0

Unit/Section

Commissioner's office	0	0	1	0	0	2	1	4
	0.0	0.0	7.1	0.0	0.0	11.8	10.0	3.4
Criminal investigation	12	11	6	7	18	9	8	71
	66.7	57.9	42.9	43.8	81.8	52.9	80.0	61.2
General	3	2	0	5	0	0	0	10
	16.7	10.5	0.0	31.3	0.0	0.0	0.0	8.6
Traffic	0	0	0	2	0	2	0	4
	0.0	0.0	0.0	12.5	0.0	11.8	0.0	3.4
Legal	1	0	0	1	0	1	0	3
	5.6	0.0	0.0	6.3	0.0	5.9	0.0	2.6
Training	2	1	1	1	0	3	1	9
	11.1	5.3	7.1	6.3	0.0	17.6	10.0	7.8
Scientific, medical, or psychological	0	5	6	0	4	0	0	9
	0.0	26.3	42.9	0.0	18.2	0.0	0.0	7.8

Professional Training<sup>e</sup>

Police officer	18	17	8	16	19	17	10	105
	100	89.5	57.1	100	86.4	100	100	90.5
Medical practitioner	0	1	5	0	1	0	0	7
	0.0	5.3	35.7	0.0	4.5	0.0	0.0	6.0
Psychologist	0	3	1	0	2	0	0	6
	0.0	15.8	7.1	0.0	9.1	0.0	0.0	5.2
Lawyer	0	0	0	0	0	0	0	0
	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Note. Percentages appear on second row for each item. <sup>a</sup>Confirmed as distributed. <sup>b</sup>Sent for distribution. <sup>c</sup>Standard deviations appear on second row for these items. <sup>d</sup>In all other tables, the possibility of missing data exists; that is, not all respondents answered every question. In this table, 1 respondent in QLD, 3 in VIC, and 1 in SA did not indicate their rank. <sup>e</sup>The categories of professional training are not mutually exclusive, and some overlap is evident in NSW.

Table 2  
Legislation regulating use of hypnosis

Item	QLD	NSW	VIC	TAS	SA	WA	NT	Total
Yes	3	3	6	7	13	3	0	35
	16.7	15.8	42.9	43.8	65.0	17.6	0.0	30.2
No	14	13	6	7	3	13	8	64
	77.8	58.4	42.9	43.8	15.0	76.5	80.0	56.1
Don't know	1	3	2	2	4	1	2	15
	5.6	5.8	4.3	12.5	20.0	5.9	20.0	13.2

Note. Percentages appear on second row for each item.

Table 3  
Department policy and guidelines

Item	QLD	NSW	VIC	TAS	SA	WA	NT	Total
Policy hypnosis should be used	14 77.8	17 89.5	10 71.4	14 87.5	18 81.8	12 70.6	6 60.0	91 78.4
Policy hypnosis should not be used	1 5.6	0 0.0	1 7.1	0 0.0	0 0.0	3 17.6	0 0.0	5 4.3
Specific guidelines for hypnosis	15 83.3	18 94.7	13 92.9	16 100	21 95.5	14 82.4	10 100	107 92.2
Particular person to co-ordinate hypnosis	15 83.3	18 94.7	13 92.9	11 68.8	20 90.9	14 82.4	9 90.0	100 86.2

Note. Percentages appear on second row for each item.



Table 4  
The hypnotist

Item	QLD	NSW	VIC	TAS	SA	WA	NT	Total
Police officers	6	16	2	3	0	2	2	31
	33.3	84.2	14.3	18.8	0.0	11.8	20.0	26.7
Medical practitioners in department	7	8	12	6	7	3	3	46
	38.9	42.1	85.7	37.5	31.8	17.6	30.0	39.7
Medical practitioners outside department	6	1	7	8	8	4	9	43
	33.3	5.3	50.0	50.0	36.4	23.5	90.0	37.1
Psychologists in department	9	11	9	4	11	7	4	55
	50.0	57.9	63.9	25.0	50.0	41.2	40.0	47.4
Psychologists outside department	3	3	7	5	11	7	9	45
	16.7	15.8	50.0	31.3	50.0	41.2	90.0	38.8
Lawyers in department	2	4	1	0	0	0	1	8
	11.1	21.1	7.1	0.0	0.0	0.0	10.0	6.9
Lawyers outside department	0	0	0	0	0	2	2	4
	0.0	0.0	0.0	0.0	0.0	11.8	20.0	3.4
"Lay hypnotists" outside department	5	0	1	6	5	4	2	23
	27.8	0.0	7.1	37.5	22.7	23.5	20.0	19.8

Note. Percentages appear on second row for each type.

Table 5  
Skills of the hypnotist

Item	QLD	NSW	VIC	TAS	SA	WA	NT	Total
Training in police investigation	13	15	9	9	9	6	4	65
	72.2	78.9	64.3	56.3	40.9	35.3	40.0	56.0
Training in medicine	8	2	8	6	7	6	6	43
	44.4	10.5	57.1	37.5	31.8	35.3	60.0	37.1
Training in psychology	15	13	10	10	16	14	9	87
	83.3	68.4	71.4	62.5	72.7	82.4	90.0	75.0
Training in law	9	10	2	8	5	5	2	41
	50.0	52.6	14.3	50.0	22.7	29.4	20.0	35.3
Training in hypnosis	15	18	14	14	20	13	10	104
	83.3	94.7	100	87.5	90.9	76.5	100	89.7
Understanding of police investigation	16	16	12	15	19	14	9	101
	88.9	84.2	85.7	93.8	86.4	82.4	90.0	87.1

Note. Percentages appear on second row for each item.

Table 6

Types of investigation

Type	QLD	NSW	VIC	TAS	SA	WA	NT	Total
Murder	18	18	13	14	20	11	8	102
	100	94.7	92.9	87.5	90.9	64.7	80.0	87.9
Manslaughter	17	18	13	12	22	12	8	102
	94.4	94.7	92.9	75.0	100	70.6	80.0	87.9
Serious, violent assault	18	16	13	13	22	12	8	102
	100	84.2	92.9	81.3	100	70.6	80.0	87.9
Rape	18	16	14	14	21	12	7	102
	100	84.2	100	87.5	95.5	70.6	70.0	87.9
Incest, child sexual abuse	17	13	13	15	19	11	7	95
	94.4	68.4	92.9	93.8	86.4	64.7	70.0	81.9
Other types of sexual assault	16	13	14	12	18	12	7	92
	88.9	68.4	100	75.0	81.8	70.6	70.0	79.3
Armed robbery	18	15	13	13	22	9	8	98
	100	78.9	92.9	81.3	100	52.9	80.0	84.5
Arson, bombing	18	17	14	13	22	10	8	102
	100	89.5	100	81.3	100	58.8	80.0	87.9
Kidnap, abduction	18	17	14	15	22	12	8	106
	100	89.5	100	93.8	100	70.6	80.0	91.4
Possession, use of drugs	12	12	10	6	14	9	7	70
	66.7	63.2	71.4	37.5	63.6	52.9	70.0	60.3
Blackmail, extortion	17	15	13	12	22	10	9	98
	94.4	78.9	92.9	75.0	100	58.8	90.0	84.5

Note. Percentages appear on second row for each type.

Table 7  
The subject

Type	QLD	NSW	VIC	TAS	SA	WA	NT	Total
Males	17	18	13	15	20	12	8	103
	94.4	94.7	92.9	93.8	90.9	70.6	80.0	88.8
Females	17	18	14	15	22	12	8	106
	94.4	94.7	100	93.8	100	70.6	80.0	91.4
Adult victims	17	18	14	14	21	11	8	103
	94.4	94.7	100	87.5	95.5	64.7	80.0	88.8
Juvenile victims	14	12	9	10	19	11	7	82
	77.8	63.2	64.3	62.5	86.4	64.7	70.0	70.7
Adult witnesses	17	18	14	14	20	11	8	102
	94.4	94.7	100	87.5	90.9	64.7	80.0	87.9
Juvenile witnesses	14	14	8	9	19	11	7	82
	77.8	73.7	57.1	56.3	86.4	64.7	70.0	70.7
Adult suspects	10	6	6	5	6	10	1	44
	55.6	31.6	42.9	31.3	27.3	58.8	10.0	37.9
Juvenile suspects	8	5	4	2	5	6	1	32
	44.4	26.3	28.6	12.5	22.7	35.3	10.0	26.7
Adult defendants	10	3	6	4	5	8	1	37
	55.6	15.8	42.9	25.0	22.7	47.1	10.0	31.9
Juvenile defendants	8	3	4	2	4	7	1	29
	44.4	15.8	28.6	12.5	18.2	41.2	10.0	25.0

Note. Percentages appear on second row for each type.

Table 8  
Decision to use hypnosis

Item	QLD	NSW	VIC	TAS	SA	WA	NT	Total
Soon as possible after crime	12 66.7	9 47.4	7 50.0	8 50.0	9 40.9	5 29.4	1 10.0	51 44.0
All leads exhausted	12 66.7	15 78.9	5 35.7	11 68.8	14 63.6	7 41.2	8 80.0	72 62.1
No other evidence available	13 72.2	12 63.2	8 57.1	12 75.0	15 68.2	7 41.2	8 80.0	75 64.7
Crime happened long ago	12 66.7	10 52.6	8 57.1	9 56.3	12 54.5	5 29.4	6 60.0	62 53.4
Person very upset about crime	9 50.0	7 36.8	5 35.7	7 43.8	4 18.2	5 29.4	4 40.0	41 35.5
Person has forgotten what happened	15 83.3	15 78.9	13 92.9	13 81.3	17 77.3	8 47.1	7 70.0	88 75.9
Person knows more than he thinks	11 61.1	11 57.9	8 57.1	10 62.5	16 72.7	10 58.8	7 70.0	73 62.9
A routine procedure	2 11.1	2 10.5	2 14.3	2 12.5	2 9.1	4 23.5	0 0.0	14 12.1
A last resort procedure	7 38.9	6 31.6	4 28.6	7 43.8	11 50.0	4 23.5	6 60.0	45 38.8

Note. Percentages appear on second row for each item.

Table 9

Goals of hypnosis

Item	QLD	NSW	VIC	TAS	SA	WA	NT	Total
Obtain further details about a crime	16 88.9	19 100	14 100	15 93.8	22 100	13 76.5	9 90.0	108 93.1
Obtain further details about people at a crime	16 88.9	18 94.7	14 100	13 81.3	21 95.5	10 58.8	10 100	102 87.9
Obtain further details about vehicles at a crime	16 88.9	18 94.7	13 92.9	13 81.3	22 100	12 70.6	10 100	104 89.7
Improve memory of victim or witness	15 83.3	12 63.2	7 50.0	14 87.5	16 72.7	12 70.6	7 70.0	83 71.6
Help someone emotionally upset during crime remember	13 72.2	12 63.2	12 85.7	11 68.8	18 81.8	9 52.9	7 70.0	82 70.7
Help someone affected by drugs or alcohol during crime remember	10 55.6	7 36.8	4 28.6	6 37.5	8 35.4	4 23.5	5 50.0	44 37.9
Obtain reliable information about a crime	17 94.4	10 52.6	10 71.4	13 81.3	18 85.7	10 58.8	6 60.0	84 72.4
Provide leads for investigation	16 88.9	19 100	14 100	13 86.7	20 90.9	10 58.8	7 70.0	100 86.2

Corroborate other information about a crime	14 77.8	14 73.7	9 64.3	9 56.6	14 63.6	7 41.2	7 70.0	74 63.8
Elicit evidence for presentation in court	13 72.2	5 26.3	4 28.6	8 50.0	10 45.5	5 29.4	2 20.0	47 40.5
Confirm hunches about events related to a crime	7 38.9	9 47.4	3 21.4	5 31.3	11 52.4	1 5.9	2 20.0	37 31.9
Prevent someone from lying	12 66.7	2 10.5	3 21.4	5 31.3	5 22.7	4 23.5	2 20.0	33 28.4
Identify the suspect	15 83.3	9 47.4	9 64.3	12 75.0	18 81.8	10 62.5	5 50.0	78 67.2
Exclude a suspect	14 77.8	9 47.7	8 57.1	9 56.3	16 72.7	8 47.1	5 50.0	69 59.5
Investigate activities of a suspect at the time of a crime	12 66.7	7 36.8	8 57.1	9 56.3	8 36.4	4 23.5	3 30.0	52 44.8
Learn about motives of a defendant	10 55.6	4 21.1	6 42.9	6 37.5	7 31.8	6 35.3	1 10.0	39 33.6
Obtain a confession	5 27.8	2 10.5	0 0.0	1 6.3	1 4.5	4 23.5	0 0.0	13 11.2
Prepare anxious witness for testimony in court	6 33.3	5 26.3	4 28.6	2 12.5	5 22.7	4 23.5	0 0.0	26 22.4

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Note. Percentages appear on second row for each item.

Table 10

Status of information obtained during hypnosis

Item	QLD	NSW	VIC	TAS	SA	WA	NT	Total
Accepted as reliable information in own right	5 31.3	1 5.3	0 0.0	1 7.1	3 15.8	1 6.7	1 10.0	12 11.2
Treated like information given anonymously over telephone	3 18.8	9 47.4	5 35.7	4 28.6	10 52.6	6 40.0	3 30.0	40 37.4
Accepted only if confirmed by independent evidence	10 62.5	16 84.2	10 71.4	16 100	16 80.0	14 87.5	7 70.0	89 80.2
Used to confirm other information about a crime	18 100	12 63.2	9 64.3	14 93.3	16 76.2	15 93.8	9 90.0	93 82.3

Note. Percentages appear on second row for each item.



Table 11

Court use of information obtained during hypnosis

Item	QLD	NSW	VIC	TAS	SA	WA	NT	Total
<u>Court should be informed about use of hypnosis</u>								
Yes; in all cases	15	13	10	13	15	13	9	88
	83.3	68.4	71.4	86.7	68.2	76.5	90.0	76.5
Would depend on case	3	4	4	2	6	3	1	23
	16.7	21.1	28.6	13.3	27.3	17.6	10.0	20.0
No; in no cases	0	0	0	0	0	0	0	0
	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

People should testify about information obtained during hypnosis

Yes; in all cases	11	7	4	4	3	4	2	35
	61.1	36.8	28.6	25.0	13.6	23.5	20.0	30.2
Would depend on case	5	11	9	11	17	11	5	69
	27.8	57.9	64.3	68.8	77.3	64.7	50.0	59.9
No; in no cases	1	1	0	1	0	0	0	3
	5.6	5.3	0.0	6.3	0.0	0.0	0.0	2.6

Information obtained during hypnosis should be admissible evidence

Yes; in all cases	5	3	0	1	1	2	0	12
	27.8	15.8	0.0	6.3	4.5	11.8	0.0	10.3
Court should decide case-by-case	12	15	12	14	20	15	8	96
	66.7	78.9	85.7	87.5	90.9	88.2	80.0	82.8
No; in no cases	1	0	0	1	0	0	0	2
	5.6	0.0	0.0	6.3	0.0	0.0	0.0	1.8

Court should consider information obtained during hypnosis reliable

Yes; in all cases	2	1	0	0	1	0	0	4
	11.1	5.3	0.0	0.0	4.5	0.0	0.0	3.4
Court should decide case-by-case	15	17	13	15	20	17	9	106
	83.3	89.5	92.9	93.8	90.9	100	90.0	91.4
No; in no cases	1	0	0	1	0	0	0	2
	5.6	0.0	0.0	6.3	0.0	0.0	0.0	1.8

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Note. Percentages appear on second row for each item.

Table 12

Training in hypnosis

Item	Yes	No
As part of Police training		2
As part of a University or College degree	1	1
From courses given by the "Australian Society of Hypnosis"	3	
From courses given by another hypnosis organization	3	2

Table 13

Use of hypnosis other than for police investigations

Item	Yes	No
To treat patients or clients	3	1
To assist friends or relatives with their problems	4	1
To help self relax	3	2
Do not use hypnosis for purposes other than police investigations	1	

Table 14

Number of police investigations in which hypnosis was used

Year	Number					
	None	1-2	3-5	6-10	11-20	More than 20
1981	2				1	
1982	2				1	
1983	2					1
1984	1	2				1
1985		3			1	1
1986	1	1			1	1
1987		1		2		1

Note. The number of respondents in each category appears in the table.

Table 15

Whether specific guidelines provided by departments were followed when hypnosis was used

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Yes; in all cases	3
Depends on the case	1
No; in no cases	0
Department has no guidelines	1
Don't know if department has guidelines	1

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Note. The number of respondents in each category appears in the table.

Table 16

Percentage of investigations in which hypnosis was used that concerned different types of crime

Type	Percentages					
	0	1-25	26-50	51-75	76-99	100
Murder	3	1		1		
Manslaughter	2	1		1		
Serious, violent assault	1	3		1		
Rape	2	1	2			
Incest, child sexual abuse	4	1				
Other types of sexual assault	2	3				
Armed robbery	2	3				
Arson, bombing	2	2	1			
Kidnap, abduction	3	3				
Possession, use of drugs	3	1				
Blackmail, extortion	4					
Other	1	2				

Note. The number of respondents in each category appears in the table.

Table 17

Percentage of investigations in which hypnosis was used that involved different types of subjects

Type	Percentages				
	0	1-25	26-50	51-75	76-99 100
Males		3	2		
Females		1	1	2	1
Adult victims	1			3	1
Juvenile victims	4	1			
Adult witnesses	2	1	1		1
Juvenile witnesses	3	3			
Adult suspects	5				
Juvenile suspects	5				
Adult defendants	5				
Juvenile defendants	5				

Note. The number of respondents in each category appears in the table.



Table 18

Percentage of investigations in which hypnosis was used that involved different types of decisions to use hypnosis

Item	Percentages					
	0	1-25	26-50	51-75	76-99	100
Soon as possible after the crime	2	2	1			
All leads were exhausted	1	1	1	1		1
No other evidence was available	3			1		1
Crime happened long ago	4	1				
Person very upset about crime	2	1	2			
Person had forgotten what happened	3	2				
Person knew more than he thought	1	2	2			
A routine procedure	5					
A last resort procedure	3	1				2

Note. The number of respondents in each category appears in the table.

Table 19  
Percentage of investigations in which hypnosis was used that concerned  
different goals of hypnosis

Item	Percentages					
	0	1-25	26-50	51-75	76-99	100
Obtain further details about a crime		2		1	1	1
Obtain further details about people at a crime		3			2	
Obtain further information about vehicles at a crime	4	1		1		
Improve the memory of a victim or witness	2	2			1	
Help someone emotionally upset during the crime remember	2	3				
Help someone affected by drugs or alcohol during the crime remember	4	1				
Obtain reliable information about a crime	4	1				
Provide leads for investigation		2			1	2
Corroborate other information about a crime	2	2	1			
Elicit evidence for presentation in court	5					

Confirm hunches about events related to a crime	5	
Prevent someone from lying	5	
Identify the suspect	4	1
Exclude a suspect	4	1
Investigate activities of a suspect at time of a crime	4	1
Learn about motives of a defendant	5	
Obtain a confession	5	
Prepare anxious witness for testimony in court	5	

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Note. The number of respondents in each category appears in the table.

Table 20

Percentage of investigations in which hypnosis was used that involved different time periods

Item	0	1-25	Percentages			
			26-50	51-75	76-99	100
Within a day of the crime	2	2	1			
Between a day and a week after the crime	3	2				
Between a week and a month after the crime	1	3		1		
Between a month and six months after the crime	1	3	1	1		
Between six months and two years after the crime	4	1				
Between two years and five years after the crime	4	1				
More than five years after the crime	4	1				

Note. The number of respondents in each category appears in the table.

Table 21

Percentage of investigations in which hypnosis was used that involved different numbers of sessions with the same subject

Item	Percentages					
	0	1-25	26-50	51-75	76-99	100
Once	1		1	1	1	1
Twice	3	1		1		
Three times	4	1				
Four times	5					
Five times	5					
More than five times	5					

Note. The number of respondents in each category appears in the table.

Table 22

Percentage of Investigations in which hypnosis was used that involved different numbers of sessions

Item	Percentages					
	0	1-25	26-50	51-75	76-99	100
One hypnosis session only			1	1	1	2
A second hypnosis session to probe the subconscious more deeply	3			1		1
A second hypnosis session to check information obtained in the first session	4	1				
As many hypnosis sessions as necessary to uncover subconscious information	4					
A hypnosis session whenever needed to check information obtained in the investigation	4	1				

Note. The number of respondents in each category appears in the table.

Table 23

Whether various others were typically present during hypnosis when the subject was a victim or witness

Item	Yes	No
Investigating officer(s)	3	2
Police artist	1	3
Video/audio technician		4
Parent/guardian of the subject	1	2
Friend/relative of the subject	2	2
Medical practitioner of the subject	1	3
Psychologist of the subject	1	3
Legal representative of the subject		3
Other	1	3

Note. The number of respondents in each category appears in the table.

Table 24

Whether various others were typically present during hypnosis when the subject was a suspect or defendant

Item	Yes	No
Investigating officer(s)	1	2
Police artist		3
Video/audio technician		3
Parent/guardian of the subject		3
Friend/relative of the subject	1	3
Medical practitioner of the subject		3
Psychologist of the subject		3
Legal representative of the subject		3
Other	1	4

Note. The number of respondents in each category appears in the table.



Table 25

Percentage of investigations in which hypnosis was used that involved different procedures before hypnosis

Type	Percentages					
	0	1-25	26-50	51-75	76-99	100
Obtained details of the crime from the investigating officer		1			1	4
Obtained a medical or psychological history from the subject	1					5
Discussed expectations of hypnosis with the subject	1					5
Discussed expectations of memory changes during hypnosis with the subject	2					3
Obtained details of the crime from the subject	1	1		1		2
Obtained written consent from the subject to use hypnosis	4	1				1

Note. The number of respondents in each category appears in the table.

Table 26

Percentage of investigations in which hypnosis was used that involved different inductions of hypnosis

Item	Percentages					
	0	1-25	26-50	51-75	76-99	100
Evaluated the hypnotic potential of the subject			1		1	4
Induced hypnosis by a relaxation technique			2	1	2	1
Induced hypnosis by an eye roll technique	4		1			
Induced hypnosis by an eye fixation technique	1		2	1	1	1
Induced hypnosis by an arm levitation technique	4	1				1
Induced hypnosis by various techniques to suit the subject	1	2				2

Note. The number of respondents in each category appears in the table.

Table 27

Percentage of investigations in which hypnosis was used that involved different memory suggestions

Type	Percentages					
	0	1-25	26-50	51-75	76-99	100
Suggested to subject that his memory had improved	4					1
Age regressed subject back to experience everything related to the crime	1	1	3			
Age regressed subject back to experience everything related to the crime except the emotional upset	1	1	2	1		
Used television technique to have subject watch the crime in his mind		2	2			2
Used posthypnotic suggestion to have subject remember more after hypnosis session	2		1		1	2
Insulated subject from emotional upset by having him remember the crime from a position of safety		2		1		2
Gave the subject suggestions to help him overcome the emotional upset of the crime	1	3		1		

Note. The number of respondents in each category appears in the table.

Table 28

Percentage of investigations in which hypnosis was used that involved different approaches to obtaining information during hypnosis

Type	Percentages					
	0	1-25	26-50	51-75	76-99	100
General information only	1	2	2			
General information, and then specific details		1	2		1	2
Specific details only	3	1	1			
Everything the subject could tell you	1	1	1		1	2
Only the information the subject was sure about	3	2				

Note. The number of respondents in each category appears in the table.

Table 29  
Typical recording of session

Item	Yes	No
Take notes during hypnosis	5	1
Write a summary after hypnosis	4	1
Audiorecord during hypnosis	4	1
Videorecord during hypnosis	1	3

Note. The number of respondents in each category appears in the table.

Table 30

Information typically audiorecorded or videorecorded

Item	Yes	No
The information given to you by investigating officer before hypnosis		6
The discussion with the subject before hypnosis	2	3
The hypnosis session with the subject	4	2
The discussion with the subject after hypnosis	3	3
All aspects of the entire session		5

Note. The number of respondents in each category appears in the table.

Table 31

Percentage of investigations in which hypnosis was used that involved different impressions of subjects' behaviour

Item	Percentages					
	0	1-25	26-50	51-75	76-99	100
Talked a lot	1	1	2	1	1	
Talked a little	1	3	1			1
Seemed confident about memory	1	2	1		1	
Was willing to please	1	2	1			1
Lied or was dishonest	4	1				
Imagined things that did not happen	3	2				
Filled in gaps in memory	2	2	1			
Overcame blockages in memory	2	2	1			
Always told the truth			1	1	1	1
Reported memories proved to be false	2	3				
Remembered things without upset		1	2	2		1
Regarded hypnosis as pleasant			1	2	1	2
Regarded hypnosis as unpleasant	3	2				
Felt happy about providing additional information		1	1	2	1	1
Felt unhappy about not providing additional information	1	2	1	1		

Note. The number of respondents in each category appears in the table.

Table 32

Percentage of investigations in which hypnosis was used that involved different types of outcomes

Item	Percentages					
	0	1-25	26-50	51-75	76-99	100
Hypnosis produced information that directly led to the solution of the crime	4	1	1			
Hypnosis produced additional information that assisted the investigation	1	2	1	1	1	
Hypnosis produced additional information that did not assist investigation		2	1	2		1
Hypnosis produced additional information that hindered the investigation	4	2				
Additional information was obtained from subject some time after hypnosis	4	1	1			
Additional information obtained during hypnosis was independently checked		1		2		3
The subject subsequently testified in court	2	2	1	1		



The subject subsequently  
testified in court about  
the additional  
information obtained  
during hypnosis 6

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Note. The number of respondents in each category appears in the table.

Table 33

Percentage of investigations in which hypnosis was used that involved different status of information obtained during hypnosis

Item	Percentages					
	0	1-25	26-50	51-75	76-99	100
Accepted as reliable information in its own right	5					1
Treated like information given anonymously over the telephone	3				1	2
Accepted only if it was confirmed by independent evidence	1			1	1	1
Used to confirm other information about crime	2	1	1	1	1	

Note. The number of respondents in each category appears in the table.

Table 34

Percentage of investigations in which hypnosis was used that involved different evaluations of information obtained during hypnosis

Item	Percentages					
	0	1-25	26-50	51-75	76-99	100
Independently checked and proved to be completely accurate	1	1	1	1	1	
Independently checked and proved to be partially accurate		1	1	1	2	
Independently checked and proved to be completely inaccurate	3	2				
Not able to be independently checked	1	2		2		

Note. The number of respondents in each category appears in the table.