

Hypnosis and eye-witness recall

I was interested to read that crime investigators now feel confident in naming the man they believe to have murdered the Swedish prime minister Olof Palme in 1986. Mr Palme was shot dead while walking home with his wife from a cinema in Stockholm. In July 1989 Christer Pettersson was convicted of the murder and sentenced to life in prison. However, he successfully appealed his conviction a year later when the police found no forensic evidence against him.

Since then, many theories have been in circulation about who was responsible for the assassination and why, some more fanciful than others. One plausible suspect, Stig Engstrom, committed suicide in 2000 and in 2016 Lars Larsson, a writer, accused Engstrom of the murder in his book, *Nationens Fiende (Enemy of the State)*. Engstrom has now been named by prosecutors as the likely assassin.

All of this reminded me that the Olof Palme case was mentioned in a book I co-edited with a colleague in 1998 (*Hypnosis in Europe* by P. Hawkins & M. Heap, London: Whurr Publishers). The author of the chapter 'Hypnosis in Sweden', Claus Garmer, wrote:

It was Ture Arvidsson (*a psychiatrist*) who was asked to help the police by hypnotically enhancing the memories of eyewitnesses to the murder of the former Swedish Prime Minister Olof Palme in 1986. Unfortunately this work, although it did shed some light on earlier unclear details, did not provide the answers to the killer's identity. None of the witnesses could recall whether they had seen the killer's face.

The idea that hypnosis has the property of enhancing memory has a long history, likewise its use in criminal investigations as an aid to eyewitness recall. Such claims and applications have now largely been discredited; in the UK in the 1980s, following unfortunate outcomes in at least two police investigations, the Home Office, while issuing strict procedural guidelines, advised against its use for these purposes. It remains the case that memories elicited during hypnosis are considered as potentially unreliable. Hypnosis may also enhance the witness's—and hence a jury's—confidence in the veracity of such memories.

Defence lawyers are aware of this. A few years ago I was asked to give my opinion on the reliability of the evidence provided by a complainant in a rape case who, at the request of the police, had been hypnotised by a medical doctor. No one was charged, the main suspect, X, having provided an alibi for his whereabouts at the material time. These events occurred over 25 years prior to my involvement and there was no existing record of what transpired during hypnosis. Analysis of DNA evidence from the scene of the alleged rape had now identified X as the person who had had sex with the complainant. His defence this time was that sex was consensual. His solicitor seemed to me overly keen to discredit the complainant's testimony because she had been hypnotised. My opinion was that there was no evidence to indicate that her account at her original police interview had altered in any way following hypnosis. Subsequently, X was found guilty at his trial. Where had he been all the years between the offence and his final conviction? Serving a life sentence for a murder committed some months after the rape. The victim was his alibi!

Clearly the use of hypnosis only served to complicate matters in what was a shocking case. I think it likely that the doctor who performed the hypnosis had a reputation in the locality for doing this sort of work and that the police had drawn on his services on more than one occasion.

Concerns about the use of hypnosis for memory enhancement in criminal investigation are more likely to arise in historic sexual abuse claims. If the complainant has had any form of counselling or psychotherapy since the alleged offence the defence will want to know if there is any evidence that hypnotherapy or similar procedure was involved, in which case is the complainant's testimony reliable?