

FORENSIC HYPNOSIS - AN INTERVIEW TOOL TO SUPPORT WITNESS RECOLLECTION

by NYPD FORENSIC MASTER HYPNOTIST JOHN GASPAR



FORENSIC HYPNOSIS

A road less traveled by investigative sleuths

BY **JOHN M GASPAR** AND **ANTHONY LUIZZO**

My Personal Story

As one of the authors of this article and a former member of the New York City Police Department, during my tenure I (John) received a call from the Chief of Detectives to report to the Special Investigation Unit (SID) and was recruited as the “fifth” NYPD Forensic Hypnotist in the department’s history. During my tenure in the Detective Division Special Investigations Hypnosis Unit, I became one of the 10 most experienced forensic hypnotists in the United States. As a forensic hypnotist, I worked on police shootings, missing persons, homicides, robberies, and other cases from all walks of life. Some of the cases I personally worked on will be

discussed at the conclusion of this article.

The history of hypnosis can be traced back to the 18th century, when physician Frank Mesmer (1713-1815), considered the western father of contemporary hypnosis, was one of the first to develop a consistent method of hypnosis.¹

Then the father of therapeutic hypnosis Sigmund Freud studied with Charcot in France in 1885 and was impressed by the therapeutic potential of hypnosis for neurotic disorders. On his return to Vienna, he used hypnosis to help neurotics recall disturbing events that they had apparently forgotten. As he began to develop his system of psychoanalysis, theoretical considerations, as well as the difficulty he encountered

in hypnotizing ... “some patients who became hysterical.” Hence, he referred to Hypnosis as *Hysteria*.²

An excellent article on forensic hypnosis in Wikipedia “The Free Encyclopedia” (https://en.wikipedia.org/wiki/forensic_hypnosis) defines this investigative tool as using hypnosis in the investigative process as evidence in court. This sleuthing strategy became popular from the 1950s through the early 1980s. In 1990, however, its popularity mostly diminished. Pulling this thread even further, the article goes on to mention that the United States Department of Justice alleges that hypnosis may be occasionally used in investigation. Because of bad forensic

hypnosis interview practices some of the information obtained may be considered inadmissible in a court of law.

A trailblazer in using forensic hypnosis for memory recall was Dr. Martin Riser. In 1972 Dr. Riser, Training Psychologist & Director of LAPD's Behavioral Science Unit, applied the use of forensic hypnosis to support memory recall in police work.

When I was an NYPD detective, I was assigned to the Special Investigation Hypnosis Unit. I had the opportunity to be trained and mentored by Dr Riser. In 1974, a NYPD detective sergeant named Charlie Diggett came across a book called *Hypnosis in Criminal Investigations* by Harry Aarons. Diggett and NYPD's department psychologist Dr. Schlossberg laid the foundation for NYPD's Hypnosis Unit in 9 months.

Herbert Spiegel MD was the author of *Trace and Treatment* and professor at Columbia University. I had the honor of studying under Herbert Spiegel MD. He was also my mentor and a NYPD consultant.



Herbert Spiegel MD

Forensic Hypnosis: When hypnosis is used in criminal investigations, it is termed forensic hypnosis. Forensic hypnosis is used to allow a witness or victim a better environment for recalling details of a crime, environment and/or other stored memories and details that they might have forgotten. He noted from research that the more personal and/or violent the crime was, the greater the subject's recollection.

Herbert Spiegel M.D, author of *Trace and Treatment*, discusses ways of measuring subject ability including the Stanford and Harvard Hypnotic Susceptibility Scale. An oversimplification of their findings when evaluating the subject's potential to be a good candidate is that those with the attributes of follow directions, are creative and are intelligent support a better experience as a subject of hypnosis for memory recall.

NYPD adopted many of our procedures from Dr. Herbert Spiegel including the Spiegel Eye Roll, a process to initiate hypnosis and measure a subject's ability to be a good candidate for a forensic hypnosis interview.

EYE-ROLL SIGN FOR HYPNOTIZABILITY		
ROLL		SCORE
		0
		1
		2
		3
		4

What is Hypnosis?

Hypnosis is a heightened concentration of one's mind allowing it to focus on a set objective. The Mayo Clinic describes hypnosis as a changed state of awareness and increased relation that allows for improved focus and concentration.³ A layperson's definition of hypnosis is when a person while traveling in their vehicle loses track of their exit, only to discover they motored past their destination – AKA Highway Hypnosis. Another is whilst coming home from the beach and being so relaxed that you do not answer your telephone – level one hypnosis.

The History of Hypnosis / NYPD Hypnosis Unit

The commanding Officer of the NYPD Hypnosis Unit was Lt. Timothy Burns. The young man in the photo is me, Detective



John M Gaspar. To my right was Detective Milagros Markman. The three of us were the only Certified Forensic Hypnotists in NYPD Hypnosis. The Hypnosis Detective Unit was assigned to cases with the highest priority including police shootings, missing persons, homicides, robberies, and cases sent directly to us by NYPD Chief of Detectives.

Hypnosis TRUTH or FICTION

Is Hypnosis Harmful?

According to Web MD – hypnosis is usually safe as long as a trained professional performs the exercise.⁴

Can you do something to harm yourself under hypnosis?

In the context of an interview to ascertain information in an investigation, the answer is: it is not harmful. I would not recommend driving or using power tools while under hypnosis.

- Can one lie under hypnosis? The simple answer is YES, but subjects are less likely to do so once a rapport is established.
- Can one get “stuck” in a hypnotic trance? The simple answer is NO. The next step after hypnosis is sleep,
- Are individuals with lower IQs more susceptible to hypnosis? In actuality, the converse is true. Studies have shown that individuals who are more likely to be hypnotized are those who are able to follow directions. Moreover, creative individuals such as artists and musicians make good candidates, and first responders also make good candidates since they are accustomed to taking orders and following directions.

Steps in Conducting a Forensic Hypnotic Interview

1. Develop rapport,
2. Select a quiet and comfortable interview location,
3. Get only the basic information on the case before the interview begins. This minimizes the chance that a hypno-investigator would influence the subject (that is called confabulation),
4. Formulate questioning strategy – never use influencing type questions,
5. Devise a shorthand note taking strategy,

6. Video the entire session from 1st meet to exit,
7. Use open-ended questions,
8. Avoid furnishing information,
9. Allow ample time for answering investigative queries,
10. Observe body language, micro movements,
11. Never interrupt the interviewee,
12. Listen intently for clues and rephrase questions as needed.

How to determine if someone is in a Relaxed Hypnotic State

- Change in breathing,
- R.E.M
- Listlessness
- No concept of time
- Age regression
- Physiological changes including skin temperature
- Speaking in their mother tongue

Recent Florida Newsworthy Hypnosis Interview Case:

- Law enforcement jurisdiction: Florida Department of Law Enforcement (FDLE agent)
- Criminal case – missing person
- “Police Say 5-Year-Old Haleigh Cummings is Dead”, identify persons of interest in the case.

Haleigh Cummings, the 5-year-old who vanished from her father’s Florida home a number of years ago, is believed to be dead and investigators said that they’ve identified several people of interest.

Person interviewed: Misty Crosllins Cummings ⁵

Forensic Investigation Findings

Information provided by Misty Crosllins Cummings during a forensic hypnosis interview by Investigator Gaspar did not match the forensic information provided by law enforcement or the layout of the house.

Misty Crosllins Cummings was a voluntary witness who intentionally or unintentionally resisted relaxation.

A SAMPLE OF NYPD CASES

Bank Robbery Downtown Chase Bank, NYPD Special Investigations Division Hypnosis Unit

- Two Midtown NYPD detectives accompanied a witness to NYPD Hypnosis Unit
- The witness who could not remember a tag (plate) number of an automobile that was used in bank robbery.

- The subject was male/Hispanic, in his mid-40s.
- The location was a Chase Manhattan bank in Midtown Manhattan
- The interview of the bank teller witness was done at 1 Police Plaza 11th Floor Hypnosis Unit.
- The detectives remained behind a two-way glass wearing earphones.
- The hypnosis session was audio taped.
- The witness under hypnosis reported “I walked out of the bank after he saw him leave., shit it’s cold ...he drove away.”
- The witness explained he fell on a piece of ice as the auto was leaving and hurt his arm.
- As I interviewed the witness, I noticed him shivering, his arm was cold to the touch. It was winter and the subject was manifesting signs of skin temperature cooling that was much colder than the heated interview room. Good subjects can actually relive the experience as if they were there.
- The subject in the hypnotic state was able to describe the auto and read the tag number.
- A computer check matched the description of a brown Toyota viewed by the witness.
- The detectives ran the plate number. The owner was identified as the bank robber from

fingerprints and an in-person line up.

- Case closed.



NYPD Missing person Etan Patz Case - NYPD Detective John Gaspar, Hypnosis Unit

About three years after Etan Patz was abducted, a cab driver witness came forward. He was placed under hypnosis to provide a better environment for memory recall by Detective Gaspar. The cab driver traveled back in time under hypnosis 3 years and remembered, with great clarity, the day, the weather, and what the north and south of Houston Street area looked like. Even though a major construction facelift was given to that neighborhood, the cab driver was able to give important information to Detective Gaspar.⁶

Civil Case– location of property

Philadelphia Private Sector Civil Case

A 79-year-old woman (hypnosis subject) cannot find \$250,000 of cash & gold coins.

- 5 people had access and knowledge of the money but not the location.
- The private investigator I was hired by is a former FBI agent with whom I worked.
- The subject was a good subject for age regression.

Under hypnosis she went back in time through progressive relaxation to each location and time she hid her valuables. She advised that there were numerous hiding spots at different homes she lives in.

- When she age regressed under hypnosis, she methodically visited each residence. When she visualized her newest home in Connecticut, she recalled putting the valuables in a locked storage container behind the headboard of bed.
- We recovered the coins and case valued at \$250,000.

