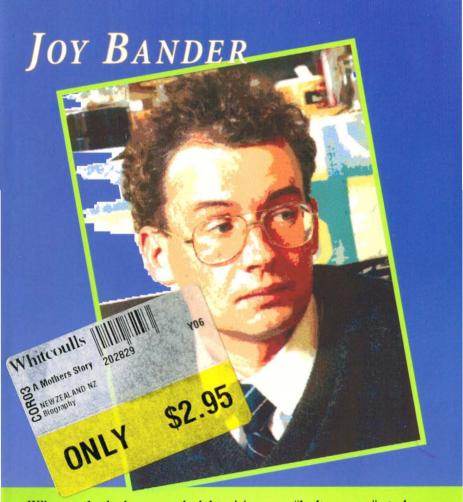
# A Mother's Story The Civic Crèche Child Sex Trial



When a little boy needed his Mum to "believe me", it began a series of events that ended with the jailing of Christchurch Crèche worker Peter Ellis for child sex crimes. Now, for the first time, that little boy's mother is breaking her silence, so you can judge the evidence. This is her story . . .

It has become one of New Zealand's most controversial criminal cases: the alleged sexual abuse of a group of children at a city council operated crèche.

Childcare worker Peter Ellis was convicted and jailed, but some people now claim he is innocent – a victim of a Salem-style witch hunt.

The challenge is: read this book and decide for yourself whether the evidence was sufficient to convict – were the children really abused?

**Y** ou've heard the claims of those who believe Ellis is innocent. Now read the testimony of the prosecution's chief witness, and don't make up your mind until you reach the end.

Peter Ellis: guilty or innocent?

You be the judge ...





# ABOUT THE AUTHOR

Joy Bander is a pseudonym. The judge in the Civic crèche trial suppressed the identities of the children involved so, where necessary, names have been changed.

# A Mother's Story The Civic Crèche Child Sex Trial

JOY BANDER



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# FOREWORD

I have written this book for Tommy when he is older. I also wrote it for other families in the hope that they don't ever feel as isolated as I felt as a result of the abuse he experienced. It has been frightening to realise that the perpetrators of such abuse may appear to be ordinary people, going about normal activities and sometimes in positions of authority. I hope that it may be helpful to others to share our painful experience and our survival.

My special thanks go to Tommy and all the other children who talked so bravely and eventually were believed.

This book was written with unconditional support from my husband. Although my husband dealt with his pain differently than myself, I know he suffered no less than me. His wonderful capacity to remain positive during my times of darkness gave me the ability to keep struggling for the freedom from pain.

His capacity to give unconditional love towards me during the most painful time in my life leaves one with admiration and gratitude to him.

I would also like to thank my three older sons, who were like solid rocks to me. Their absolute support and love they gave to Tommy was unquestionable. I want to acknowledge my understanding of the great level of pain they also felt,

along with outrage at their brother's abuse and pain that he endured.

I remain so proud of my older sons who remained solid for me and their brother. Their silence is very much present when others talk of the crèche case, but they know Tommy is now safe and well.

My sincere thanks goes to a very significant person, and I would like to say friend, who spent may hours of his time working on my book with me over a period of months. Thank you.

Finally, my gratitude goes to those in the professions who assisted in keeping the balance of daily living for my family, and reassured us that there would be light at the end of the tunnel.

Joy and Tommy are not their real names; they cannot be published.

# INTRODUCTION

On 31 March 1992, when Joy and her partner, Alec, went to the special meeting of crèche parents, she was amazed at the large number of people attending the meeting. She thought it was a serious meeting but did not think that Tommy was involved or affected.

"He would have told me if he had been", Joy said. "He didn't, so he hadn't – simple as that".

How wrong she was. A few weeks later six-year-old Tommy shocked his family and their visitors with a casual remark at the dinner table. At first Joy wondered which of his school mates had put such thoughts into his head.

But the more she heard, the worse it got. Six months later she was telling a pre-trial court hearing what Tommy had said about his experiences at the crèche as a pre-schooler.

In May 1993 Joy and Tommy were giving evidence in the High Court trial of Peter Ellis. They had been interviewed before any court proceedings. Now they were questioned by lawyers for many hours in a trial that lasted six weeks.

Joy was driven nearly frantic by the whole saga. Shocked at what Tommy gradually revealed to her, she was also tormented by the fear that he might not be believed. "I knew Tommy better than anyone", she said. "If he said it happened, it happened".

Credibility was the central issue in the trial, as the lawyers and the media made perfectly clear.

This is a story of an ordeal that no mother and child should have to endure. It is a detailed and honest account from start to finish. Joy's background, her relationship with Alec, their struggle to work things out with each other and with Tommy, Joy's feelings to the inquiry, her determination to stand by Tommy, the agonies of wondering if they would be believed, the rigours of their court appearances, the relief at the verdict, and their attempts to rebuild their lives.

It is all here, in a tale that is not for anyone to have to go through. Using personal notes on the whole affair, and aided by reports of court proceedings, this a personal view of a landmark case in New Zealand's legal history.

# The First Shock

As long as I live I shall never forget what happened that evening in June 1992. It shook me to the core and began a chain of events that turned our lives upside down. There had already been a few things about six-year-old Tommy's behaviour that had been concerning my partner Alec and me for the previous year or so. Then, in March 1992, we had been called to a special meeting for parents of children who had attended the Christchurch Civic Crèche. There we listened to a discussion which began with various experts stating that one of the crèche workers had been suspended because of complaints about his management of children at the crèche. So we were on the alert for problems, although we firmly believed that our child was not involved.

For some time after that meeting, however, we had not noticed anything serious, and we were beginning to feel that probably our boy had not been affected. Then one evening early in May, quite out of the blue, Tommy said something to his older brother, George, that clearly indicated that something serious might have happened to him at the crèche.

The very next day I notified the Police, and within a week Tommy had been interviewed by an evidential interviewer

and I had been asked to make a statement to the Police. Even though it was something of an ordeal for us to undergo those procedures, Alec and I were still not alarmed. But even if we had been worried, nothing could have prepared us for what happened a few weeks later.

We had invited friends round for tea. We didn't often entertain like that, and I was looking forward to a pleasant evening. They were really friends of Alec's from the past, but I was pleased to see them as well. I had things well organised, with six-month-old Michael in bed, and I was sure I had made a good job of one my specialities, a vegetarian cannelloni with whole baby carrots. We had chatted over a drink beforehand and had just sat down at our oak table, and were beginning to serve ourselves from the various dishes in the middle. Then Tommy said it.

Again, as in May, it came completely out of the blue. He had just begun to serve himself from the dishes when, calmly, clearly and quite matter-of-factly, he picked up a carrot and remarked to the gathering at large,

"You know, this carrot is like a big fat penis in your mouth to suck."

No one could pretend they hadn't heard what he said. For what was probably only a few seconds, but seemed like minutes, there was a frozen silence. No one knew what to do, what to say or even where to look – no one except Tommy, who went on with his meal as if he had been taking his share of a normal conversation. He seemed to have no idea that he had stopped a pleasant social occasion dead in its tracks.

At first, the rest of us were too embarrassed to make a move. I remember the look on our guests' faces, but what it was - horror, disgust, perhaps anger - I couldn't tell.

### THE FIRST SHOCK

However, although I was ashamed, stunned and immobilised like everyone else, it was obviously up to me as mother and hostess to do something, to take charge in some way.

I didn't strike Tommy – I've seldom hit him in any way, and never when I've been furious with him. But now I really went for him. I flew at him with angry words – "disgusting", "filthy", "horrible", "naughty" – and I grabbed at him and removed him from the table. I then handled the incident as I usually did with extreme misbehaviour. I bundled him off to his bedroom and gave him a real telling off. I said that what he had said at the table was absolutely disgusting talk and that I never wanted to hear that type of thing ever again.

He was to stay in his room for five minutes and think about what he had done and what I had said. Then he could come out again. He did come out eventually, but he wouldn't sit at the table or eat anything. He just went to a corner and occupied himself with his bits and pieces.

When I returned to the table, still hot and fuming with anger and embarrassment, I did my best. I drew a deep breath or two and apologised sincerely to the guests, but kept it short so as not to keep the topic going. They did their best too, changing the subject and trying to keep alive a conversation of sorts. But of course the incident wouldn't go away; it hung there in everyone's mind, and the evening was completely ruined.

Our guests didn't stay long after the meal was over, and not surprisingly we never saw or heard from them again. I don't blame them of course. We didn't know them very well, for one thing – at least I didn't. They were a childless couple and probably not used to ordinary sorts of misbehaviour by young children, let alone Tommy's outrageous performance.

Looking back later as the whole dreadful saga began to unfold and I began to see things in perspective, I realised that that incident at the meal was his first disclosure to us, his parents. But like everyone else at that meal, I had seen it only as shockingly bad behaviour. So I had completely squashed it and punished him for talking in such a way. I just could not believe that my son could come out with such things. Here he was, a normal sort of child with sensible watchful parents who had no reason to expect any sort of talk that was even remotely like that.

It seems strange to me now that, despite what Tommy had said earlier to his older brother, it was not until some time after this second incident that my partner and I tied them both in with what might have happened at the crèche. After all, as we saw it, Tommy was now six years and three months old. His crèche experiences were more than a year behind him, and he was growing up, old enough to know better. We could not understand where he got those thoughts from, other than dirty talk at school. So straight away I intended to check this out at school with his teacher.

If only everything had been that simple! When I went and talked to the teacher I didn't tell her what he had actually been saying, but her answers to my queries satisfied me that there was nothing to worry about at school.

# CHAPTER 2

# The Background

Before going back to describe Tommy's early life, I should like to explain something about myself. When people read a story such as this, they have a right to know something about the person telling it. I was born in 1952, the youngest of five children, with two brothers the oldest, then two sisters.

By my father's occupation we were working class, although my mother felt she belonged to a slightly higher station in life. None of us went far in school except the sister just older than me, who became a teacher.

My mother used to say that I was a pretty little thing, but didn't have many brains. She expected girls not to want or need much education because soon enough they would get married and not use it.

When I was sixteen I left home – but not rebelliously. I just wanted to become more of an adult and get to a bigger centre, so I came to Christchurch.

For the next seven years I had an enjoyable independent life as a young single woman. I particularly enjoyed the company of university students, and when I was twenty-three I married one, a recent honours graduate named Edward.

We moved to where Edward had a reasonably good position, but after only one year his ambition and good qualifications led him to transfer on promotion to a different department in another city further north. He was climbing the ladder as fast as he could, and I was pleased with that, but quite soon I came to realise that having a young family quite early fixed me in a more confined, less interesting role than his.

Edward and I didn't argue or fight a lot, but I grew increasingly dissatisfied with my life, feeling that I was on my own, facing cycles of drudgery day after day and having no one to talk to until he came home in the evening. When I began to voice my dissatisfaction, Edward was not unsympathetic to my plight, but neither was he much help. It was hard to get him to talk things through as we should have; and he certainly wasn't prepared to consider any major changes in our situation.

I wanted to do something more for myself, but it seemed that the only way I could do that would be to leave him, so I did just that. In 1982, Edward and I separated, and I came south with our three children, George, Andrew and Stephen, and took them to live on the West Coast.

With George, the eldest, still only seven and a half, I spent nine months there, managing on the Domestic Purposes Benefit. Early in 1984, with me still on the benefit, we moved to Christchurch where I bought a house.

A year later I met Alec, and on 19 March 1986 Tommy was born. I had him at home, my first experience of a home birth. It was a marvellous occasion for all of us, not only because the delivery was easy, but because Alec and I felt that we had shared, at depth, a major event in our lives. My older boys

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also felt closely involved in the arrival of a new family member.

Tommy meant just as much to me as the other three had, and for Alec he was extra special – his first child. At first he and I shared the care of Tommy almost equally because we were then both studying part-time and thus able to spend a good part of our time at home.

For several years from the time Alec and I met, our finances were often shaky and temporary and were mixed in with our attempts to get university qualifications. Altogether I was on the DPB for three years; some of the time Alec managed to stay off all benefits, once for a whole year; for a while we were on a joint Unemployment Benefit; Alec managed to be a full-time student throughout 1986, but reverted to part-time the following year; gradually I began acquiring credits towards a Certificate in Liberal Studies.

When we were both students we were able to spend a good deal of time with Tommy in his formative years, and our own relationship as a couple was a very happy one.

However, for about eighteen months from late in 1988 we had a separation. Again, as in my marriage, the parting was my idea. Alec and I were getting on well enough, but somehow I was feeling a bit cramped and wanted more independence than I had.

We stayed on reasonably good terms throughout the separation and kept in touch, with Alec a frequent regular visitor to me and the four boys, and he shared custody and care of Tommy.

During that period I gave up university study and got a satisfying job as a union organiser. That work occupied me from nine to five, Monday to Friday, and under my

agreement with Alec I had Tommy for three of those days, and so had to arrange full-time day care for him.

I remember feeling distinctly uncomfortable about putting him in day care, but not because of any concern about the quality of what was offered. My unease came from realising that I was arranging for him something very different from the pre-school experiences of the three older boys. They had attended play centres, where I remained with them as a mother helper, and then for roughly the last six months before they reached five, they had attended kindergartens for five mornings a week.

I began to question my motives for arranging things differently. Did I have the right to organise my child in this way just so that I could start on a career for myself? The money from my job was a major consideration, of course. But over and above that, I felt justified because I was being prudent about the kind of childcare I was arranging. And besides, I told myself, I was taking up something I really enjoyed – not just any old job – and so I did have the right to work things out in this way.

Despite my misgivings, I went ahead and I arranged for Tommy to go to the Christchurch Civic Crèche for three full days each week. Alec also arranged for him to be there for two to three half days a week during his turn of caring for Tommy.

The creche seemed ideal. For one thing it was conveniently situated close to where I worked. In addition it was popular and had a good reputation, based, no doubt, on its being backed by the City Council and on the quality of the facilities and staff. But I didn't take all that for granted: I visited the place, I looked at the spaces, facilities and

# THE BACKGROUND

equipment, and I talked to the staff who would be looking after Tommy. I was reassured by what I saw, and came away feeling that they were nice friendly people who had children's interests at heart.

# CHAPTER 3

# Entry To The Crèche

So around May 1989 Tommy began going to the crèche for three full days and two half-days each week. For some months everything went smoothly. Each day Tommy went willingly, and he usually ended the day in a relaxed mood. However, after a few months he began to demur. It started one night as I was tucking him up in bed after reading a story. He looked up at me with his big brown eyes and said, "I don't want to go to crèche any more. It's too long. I get tired".

I winced at that, and the old guilt feeling swept over me. I backed off straight away. "Fair enough", I said to myself, and I decided to have him at home those three crèche days. It was easily enough managed because for at least six weeks he could be looked after by my niece before she was due to go overseas.

Alec and I were communicating quite well, I felt, checking things and talking to one another at least once a week, quite often more frequently than that.

Tommy seemed happy with his new arrangement, and it certainly suited me very well. It was not until much later – two years later, in fact – that my niece told me that he was sometimes very difficult to manage and threw tantrums and was abusive to her.

# ENTRY TO THE CRECHE

She only told me about this after things really came to a head. When I said I wished she had said something at the time, she said that she could see I had a lot on my plate at the time and she didn't want to worry me further. As it was, as far as I was concerned, those six weeks had neatly solved the problem of his reluctance to go to the crèche. And besides, Alec had thought it was a good idea too.

What to do now? I hoped that the respite had done him good and that he might now go back to the crèche without complaint. After all, he hadn't made a great fuss about it. In a way it was my guilt and not his resistance that had prompted me to withdraw him at the first sign of his jibbing.

I needn't have worried. I started the same arrangements with the crèche as before, and back he went without the slightest fuss. We went in the door, and one of the staff welcomed him back and everything seemed fine. But then as I left the building and gave a backward glance, another wave of guilt swept over me. There, standing at the window, was Tommy waving me a limp goodbye. What was that expression on his face – sadness? wistfulness? surely not sullenness? I couldn't quite make it out on that occasion, nor even later, though I had plenty of opportunity because there it was, every time. Alec also noticed the sad goodbyes when he left Tommy, and like me he put it down to a reaction to our separation.

On this first day of the re-start I felt so guilty that after a couple of hours I rang the crèche from work. I asked to speak to the supervisor and inquired how Tommy was getting on that morning. I was told that he had settled in fine. I then said I would like to pop in during my lunch break on

occasions so that he and I could have lunch together. Would that be okay?

"You should always ring first, as we often go out on walks, and the kids are not always here," the supervisor explained. I felt that I had been put off, though not unkindly. I didn't make an arrangement for lunch that week, and as time went on, for various reasons I didn't make one for any other occasion. Alec didn't try to arrange any lunch meetings because at that time he was leaving him there for only one half-day.

After work at five o'clock I would go straight to the crèche and pick Tommy up. He was usually one of the last to leave. He always seemed quiet, which I put down to his having had a busy day and feeling tired. I couldn't give him all the attention he probably needed, because I had plenty of things to do when we got home – seeing to the washing, getting the tea, and giving some attention to the two older boys. (George, the eldest, was living in the North Island with his dad at this time). But I was aware of Tommy's quietness. It concerned me that he seemed almost constantly sad, even apathetic; certainly he was lacking the spark and energy of a normal three-year-old. It seemed to Alec that Tommy was very settled when he was with him, although there were some serious tantrums at times – something he rarely tried on with me.

I worried about him a great deal, wondering what would be best for him. I didn't think that going to the crèche had anything to do with his low spirits, except perhaps indirectly in that I was not available for him as much as he needed.

Eventually I came to the conclusion that what was affecting him was the joint custody. It was a painful decision.

### ENTRY TO THE CRÈCHE

I felt devastated to think that my precious child should be so unhappy and that the best thing was for me to give up my share of him. But if I really wanted the best for him perhaps I should at least try this out. I would of course still have access to Tommy, but perhaps if he lived with Alec full-time he would be happier and livelier.

Alec agreed with me, and so just before Tommy turned four he started to live there full-time. He continued to go to the crèche, but because Alec had more free time than I did, he went for only two half-days a week. The situation still wasn't perfect, but it did seem to be better, and I certainly felt more comfortable about it. I visited Tommy frequently and regularly, talked to him on the phone and kept up with how he was faring.

It wasn't a completely satisfactory arrangement, but it seemed to be working well enough. I still saw the separation as the main issue, even when reluctance to go to the crèche was raised once more.

I remember Tommy saying to me one day, "I don't want to live with Alec because he sends me to crèche and I get too tired. I want to live with you and then I won't have to go to the crèche". But unless I gave up my job, that wasn't possible. In fact if I had sole care of him, he would have to go to the crèche almost full-time.

After troubles began to unfold and I began to think back over earlier events, that complaint began to haunt me. It still does. I can tell myself now that it wasn't my fault that I didn't see possible meanings in it other than the surface one – that going to the crèche made Tommy tired. But that doesn't prevent the guilt surfacing again and again, even now, years later.

"Tired" might have meant just that. Or it might have meant "boring". Or it might have simply been that he wanted to spend more time with me. It was that last bit that I fastened on to.

Should I have seen something more in the remark? Rightly or wrongly, I didn't pick up anything other than that my son was finding the separation difficult – which fitted of course with the way I had been interpreting things for some time.

The way things turned out I feel that I should have asked myself deeper questions, probed for other possible meanings, seen Tommy's complaint as a sign that he was starting to disclose something other than the ordinary meaning of those words. More things for me to feel inadequate and guilty about.

Tommy did not persist with his request – which we read as another reason for not taking it too seriously. So things drifted on as they were. Neither Alec nor I can recall any other subsequent references to the crèche that might have caused us concern. Our separation was the issue.

I think we were both relieved for Tommy's sake as well as happy ourselves, when in mid-1990, when Tommy was nearly four and a half, we resumed our relationship. Our coming together again was a real boost for both of us. Life was satisfying again although still very busy.

I was still working, but because of Alec's study timetable, Tommy was going to the crèche only two half-days a week. Things got better and better, especially with the birth of another baby, Michael in August 1991.

I was pleased about the new addition to the family even though it meant of course that I had to give up my job and go

# ENTRY TO THE CRÈCHE

on maternity leave, though as it turned out, I did not return to that job.

A few months earlier, Tommy's fifth birthday had come round, and I remember his emphatic comments about the crèche on that occasion. I was heavily pregnant and feeling tired, but very content. The family was discussing plans for the birthday. Tommy made it quite clear that he did not want to go to the crèche on his birthday. He felt he was about to become a big schoolboy and he wanted to start school on the day he turned five; he did not want to say goodbye to anyone at the crèche. That seemed a healthy positive outlook: crèche was for little kids, and he was no longer a little kid.

Again I have since wondered whether we missed something in what he was saying then. Had he simply outgrown the place, or did some other message lurk there as well? It seems a pity that parents should not be able to take what children say at face value, unless there is something strange about what they are saying or the way they are saying it. Looking back, it seems to us that Tommy was clear and straightforward about having reached a milestone in his life. Was it naïve of us to see it like that?

On the big day he did start school, and later he had a friend from next door over for the birthday treat. I remember him saying that he was glad he didn't have to go the crèche any more.

That seemed to be that. As far as Tommy was concerned, the Christchurch Civic Crèche had been put firmly in the past. During his more than two years of attendance he had never given us the slightest clue that he had experienced anything untoward there. His few direct comments seemed reasonable reactions to expect in a pre-school child, and to

me were related more to his home circumstances than anything else.

About six months later, when Tommy was about five and a half, we moved to another house in the same area. One of its advantages was that Tommy remained at the same school and kept his same friends.

In addition the new house was warmer and more spacious and had a lovely private garden, big enough to play cricket in. Even at that age, Tommy loved cricket, and many hours were spent playing in the backyard. Whenever he could, he would involve family and friends in the game. At school he was thriving, learning fast and earning glowing reports from his teachers. I still felt that our separation had had detrimental effects on Tommy, but I had to admit that the way things had turned out, he seemed to be a happy normal child.

# CHAPTER 4

# The Inquiry Begins

We hadn't lived in the new house for long when a friend of ours, who had had her son at the crèche at the same time as Tommy, told us about a meeting that was being called.

The Christchurch City Council had sent out a notice to parents who had had children at the Civic Crèche between 1989 and 1991, inviting them to come to a meeting in the Knox Church Hall.

Apparently a crèche worker, Peter Ellis, had been suspended pending an investigation into complaints that he had allegedly sexually abused some children.

We did not receive a notice, so we rang the council and asked for one. When it arrived a few days later, we then had to decide whether we would attend the meeting, which was set down for 7:30pm on 31 March 1992.

I felt that it didn't really concern us, as Tommy would definitely have told us if any bad touching had occurred with him. I also felt sure that if it had occurred, and for some reason he hadn't said anything, I would have noticed that something was amiss. Like most mothers, I felt I could read him like a book.

Nevertheless, even though we felt quite secure about our

child, we decided to go along and hear what people had to say. We did not tell Tommy we were going, and we also decided that we would not raise the subject with him unless it seemed necessary to do so.

It was an unforgettable event. It was a miserably wet night and it was hard to find car parks nearby. Obviously many people had turned up. As we entered I found myself feeling not just surprised but also somewhat anxious to see the large numbers of people who already packed the hall. We knew hardly anyone there, and not one spare seat was left, so Alec and I had to stand against the wall.

Why such a crowd? And why the Police? There was a Police car outside, and several police were standing at the back of the hall. On the stage at the front of the hall were a number of people, most of whom I didn't recognise, but over the next few months I came to be quite familiar with some of them – Detective Colin Eade, who was in charge of the inquiry until August, interviewers, city council representatives, social workers, and Dr Karen Zelas, the psychiatrist.

The meeting was for parents, but there was no checking of who came in: no one asked us to identify ourselves.

It seemed to me that there were mixed reactions from the body of the hall. Some people had strong opinions and were quite angry, some were full of questions, and many seemed uncertain, confused and frustrated. I felt quite separate from it all, believing that nothing that was being said had anything to do with Tommy. As I saw it, he was a lucky kid, not involved in any way; he hadn't witnessed anything bad, or he would have told me, surely.

My impression of the meeting on a whole was that it was a serious matter and there must have been some validity to

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the complaints because of the large number of people at the meeting, and given the fact that Peter Ellis has been suspended from his work at the crèche. That's when the seriousness occurred to me.

The meeting went on for several hours, and then we were all invited to have supper out in the foyer. We decided to stay for that, and in the crowd I met a friend that I had known for years. She had had her two boys at the crèche when it was on its previous site. I asked her if anything had happened to them, and she said no. I said it sounded to me that something could have happened to some of the little girls. Then she asked me if Tommy had been affected or involved in any way. Very confidently and without hesitation I said, "no way, he would have told me if he had been". Nevertheless, the meeting had made me distinctly uneasy. As we left I wasn't really feeling as confident as my strong assurance probably sounded.

It seems strange to me now that I can't remember any of the questions or the answers. The parents were certainly asking questions, but all I recall is that they seemed very worried and paid close attention. Perhaps the clearest thing I remember was the firm message from the experts, ie, the evidential interviewer and Karen Zelas:

"Don't ask your child any leading questions", they said. "Do not put ideas into the child's head, but wait for your child to make comments about anything at the crèche. Then reply with an open-ended question".

When Alec and I began talking things over when we got home, we decided that on the following day we would tell Tommy about the meeting and then ask him some questions.

Why did I do that? The way we worked with Tommy, was that if there was a problem we would ask him a direct question. I asked him a direct question which was "Did Peter Ellis touch his penis or bottom?"

I was absolutely positive that I knew my own child well enough that he would have told me if anything bad had happened to him. He didn't, so it hadn't – as simple as that. Also I knew from past experience that Tommy preferred a direct approach in discussion and he hated any pussyfooting around issues. Several times in the past, on quite different topics, he had pulled me up short from trying to sound him out indirectly with comments and gentle queries. He would come straight out and say, almost in exasperation, "Mum, just ask me a question".

I think too that I wanted to be doubly sure, and as quickly as possible – I felt that I had a right to know for myself whether anything had happened, and not just leave it. Peter Ellis was being investigated, so why shouldn't I be able to satisfy myself as to whether my child had seen or heard anything?

I don't think now that I analysed all these rights and wrongs about not questioning. I was probably doing what any mother would have wanted to do in the circumstances – find what had happened as quickly as possible.

So over the next several days we told Tommy that we had been to a meeting of parents of children from the crèche, and then we went straight to the point. We asked him if he had anything to tell us. Tommy at first said "no". He also said that Peter was his "friend".

Straight away I felt relieved. Even though I was sure Tommy would have told us if anything had happened, by

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asking him directly I had satisfied myself completely. It wasn't as though we had never raised this sort of thing with him. He knew what we were talking about. Bad touching was not a strange thing to Tommy: we had talked to him about it when he was quite little, and he had also heard about it in story-book form.

Tommy had never referred to Peter Ellis – I'd never even seen Tommy with him, and he'd never mentioned him at all, never mind as a friend. Naturally, because of the inquiry and our questioning, I started to think about Ellis. Perhaps because I had never had any dealings with him, nor any feeling about him, I began to wonder about him. What sort of a person was he? But I got nowhere, and so although I had no reason to think of him either positively or negatively, I did not suspect him of any wrong-doing.

The issue wouldn't go away though, and for days Alec and I discussed it off and on. But whereas Alec was more reassured by Tommy's answers to us, my reflections had made me more uneasy, though only vaguely so. I raised with Alec Tommy's comment about Peter being his friend, when there had been not the slightest sign of any such thing, but Alec said he was reassured by Tommy's answers and felt confident that nothing had happened to him.

Still not quite convinced – in fact, still with a gut feeling that there was something more to come out, though I didn't know what – I decided to sound Tommy out from time to time. I wanted to know more about his relationship with Peter, and so about once a week I would introduce the subject.

"What sort of a person was Peter? Did you like him? Was he good and kind to you? Did he touch you in a bad way?" As

time went on, with Tommy's answers being always at least non-committal, and never raising the slightest alarm in me, I felt more and more reassured – and of course, justified in my actions. This went on for a few weeks, but I was due for a couple of shocks.

In May 1992 my oldest son George was reading Tommy a story in bed. When the story finished he asked Tommy if he was glad that he was now a big boy and at school. Tommy said yes, he was, and added that Peter was a bad person. George knew of the inquiry and knew that we had spoken to Tommy about Peter Ellis, and he was aware that it seemed that Tommy had not been involved in any way. So although Tommy's comment was completely unexpected, George knew what he was talking about. But in view of the lack of response I had got, the reply was astonishing, to say the least.

Tommy talked of abuse that Peter had performed on him and said "he smacked my bottom really, really hard. I couldn't hear the smack, but it really hurt."

George said, "that was very, very wrong of Peter to do that, and you are very good to tell me about what Peter did to you".

Tommy then asked George to "go and get Mummy and Daddy."

When we came, he repeated what he'd said to George, matter-of-factly as before, and showing little emotion. We praised him for being so brave about telling us, and told him that we would arrange for him to talk to someone else about it the next day.

The following day I arranged to see Colin Eade, the policeman running the inquiry. I told him what Tommy had

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said to George and then repeated to us. He arranged for Tommy to be seen by an evidential interviewer in the first week of the May holidays. Afterwards, Tommy told us that he had said nothing more in the interview than he had told us – that was it.

Before the interview with Tommy, Alec and I were interviewed and asked about the circumstances under which the disclosure had taken place and also about whether I had talked to Tommy about the crèche after the parents' meeting. I was completely honest about what I has said; I wasn't told that I had done anything wrong, and my answers seemed to satisfy them.

I should have felt satisfied – now that Tommy's statement had gone into official records and he was adamant that he had nothing more to tell – but I wasn't. Feeling a hard smack on the bottom and yet not hearing it seemed odd, to say the least, especially as he had made quite a point about it. I told Alec about my unease and we talked at some length on the subject, but he felt that we should just drop it.

"Tommy's made his position clear", Alec pointed out to me. "he's been interviewed, you've been interviewed, so why don't we just let it be?"

I couldn't do that, and so from time to time I began again to speak to Tommy about the crèche and Peter Ellis as I had before. Once again I got nowhere. Each time I asked, I got the same answer: "no, there's nothing more to tell".

But something else was happening. Over the next three months Tommy's behaviour began to deteriorate. I believed I had done a pretty good job trying to meet all the demands and needs of my children and, looking back now, I still feel that, but as Tommy's behaviour got worse and worse, I began

to wonder. What was I doing wrong? Why these moods and misbehaviour that he hadn't shown before? Why was he, in turns, sad, angry, aggressive, violent and abusive? It affected my relationship with Alec, as we each tended to blame the other for mishandling particular situations.

It was a very bad time. I felt both angry and helpless at my inability to manage a child whose behaviour had changed so drastically. It was like dealing with a complete stranger. One of the worst things was to hear this stream of verbal abuse on top of the disobedience – and this in a six-year-old.

I was under another strain as well, trying hard to reduce weight and become fitter, and going to swimming classes between five and six for three nights a week. It's a wonder that Alec and my relationship survived the stress. But we did keep working together, and it was a result of our joint efforts that in mid-June we invited Alec's friends round for tea.

That was when Tommy came out with the real clincher at the dinner table: "You know, this carrot is like a big fat penis in your mouth to suck". Could this possibly get any worse than that. Unfortunately there was more – if not worse, then just as bad.

I kept on trying to sound him out about the crèche as before, but got nowhere. His bad behaviour continued for the next few weeks, and it was directed to Alec and me equally. Well, at least it didn't seem to be all my fault, although that didn't stop me from cross-examining myself. Was I losing my grip?

Then came another crisis.

#### CHAPTER 5

## **Tommy Opens Up**

About 5pm on 3 August yet another trivial incident got blown up into yet another storming tantrum. This time, however, Alec and I had had enough, and we carried on coping through to a new level of disclosure.

It started when I called Tommy inside and asked him to take his muddy shoes off. He refused, so I sat him down and started to undo the laces. Nothing unusual in that, you would think. But he became absolutely furious and began kicking me and shouting abuse.

What was different this time was what he actually said to me. I don't of course recall the exact words, but he told me that I had no right to touch any part of his body, that I wasn't in charge of his body or his mind, and that I should "piss off!".

As usual when his behaviour got completely unacceptable I sent him into the bedroom. He slammed doors, threw things at the closed door and kept on yelling abuse at me.

I was upset and angry too, but instead of my gradually calming down, the angry feeling continued because Alec and I then started arguing about my handling of the situation. He felt I was being too hard on the child; I insisted that I was

setting reasonable boundaries, and that I should not have to just accept that sort of behaviour.

Somehow we both calmed down a little, and when it sounded as though Tommy had also settled down a bit, I set about trying to retrieve the situation. I asked Tommy to go and wash his hands before tea. He went to the bathroom, but at the same time began abusing me again. Then I heard an almighty crash, so I went into the bathroom. I could hardly believe my eyes. Things had never got this bad – he had kicked a large hole in the bathroom wall.

I flared up again, but somehow managed to keep my cool, at least enough to make a firm resolution. Taking a deep breath I said, with unmistakable determination in my voice, "Right, we are going to have tea now, but at seven thirty you and Daddy and I are going to sit down and talk about the crèche. I believe you've got a lot to tell me, and now it's time to talk. The older boys are going out, so we won't be interrupted."

Somewhat to my surprise Tommy responded to the way I had put things, and said okay. He ate little of the meal, but we got through it well enough, and at the appointed time the three of us were in the lounge.

I remember it all very clearly. We were close together, Tommy lying on the couch in a foetal position, Alec sitting on the edge right next to him and me sitting on the floor next to them both. I started by asking Tommy if he would like to tell us anything he remembered about Peter Ellis and what he had done to him. For once Tommy responded immediately, answering as he never had before when I had been trying to get him to open up about his unacceptable behaviour.

#### TOMMY OPENS UP

He said that Peter made him do things to him that were yucky and he didn't want to do it, but Peter made him. I could feel my heart thumping and I felt sick, but I kept listening and tried not to change my facial expression. That one remark shocked me even more than the dinner-table comment, but I still felt he had a whole lot more to tell me. I was right: there was more and it got even worse. (Tommy explained to Joy exactly what he had to do to Peter but this is unable to be disclosed due to suppression orders)

"What did you feel about that?" I asked.

"I hated it," he said, "but I had to do it or I would be in trouble".

Almost sick to my stomach, I waited. Tommy proceeded to tell me that Peter continued with more severe abuse and made Tommy swallow the yucky stuff. He continued: Peter told him that the stuff he swallowed was going to be in his tummy always, and that if he told anyone he would die – the white stuff would be watching him all the time.

Tommy then said to his dad: "do you remember the day you picked me up at the crèche and we went straight to the supermarket to get groceries? And remember when we got home and you were unpacking and I spewed all over the floor?"

"Yes," Alec said, "I do remember that".

"Well," said Tommy, "I spewed all that white stuff out and I knew that I had beaten Peter, because that white stuff was all out of my tummy".

I was staring at him, and as I looked all colour drained from his face and he vomited, right there in front of us. If I'd felt sick before, now I felt numb as well.

It was a strange experience to feel that the whole

situation was quite unreal, and at the same time to have the horrible certainty that we were hearing a disgusting, revolting story about something that had actually happened. And there was my six-year-old telling it. I had got what I'd been asking for – Tommy was talking all right – but would I have been so anxious for him to open up if I'd known anything remotely like this would come out?

The three of us were there for more than two and a half hours, and lots of things happened, though not in a sequence that I can recall. It seems strange to think now that Tommy didn't cry; in fact he seemed curiously flat and drained of feelings. But he certainly opened up his memories.

We heard about places he'd been taken to, sexual abuse and threats to himself and his family. As he went on his flatness gradually changed to anger, and it was directed at us.

He told us we were useless parents. Parents should know; they should be like detectives, not bloody dummies like us. I told him that if we had known what was going on we would have stopped it, but we didn't know. He insisted that we should have, and that was that.

Eventually he went to bed about 10.30. We told him many times how much we loved him, how brave he was for telling us all those things, and how he was now safe from Peter and would never be hurt like that again.

He wanted to know if the police needed to know, and we said yes. He liked the idea of the police knowing, and, presumably remembering his evidential interview, said he would talk on the video and tell his story so the police can stop Peter from hurting other children.

#### TOMMY OPENS UP

Once Tommy had settled down and seemed to be dropping off to sleep, Alec and I sat and looked at one another, speechless for a few moments. What could be said? We skimmed over the evening's events briefly, but neither of us was in the mood for a long talk. I should have been all stirred up, but somehow I was emotionally dead – I couldn't cry, I couldn't even be angry. But was there something practical to do?

I wanted to talk to some professional person, but who? I didn't want to ring the police, as we were supposed to contact only Colin Eade, and he wouldn't be there at that hour of the night. But there was Jan, the social worker, who had been assigned to the inquiry. She had visited Tommy at home several times. I rang her and talked to her.

Alec had had enough. He felt drained and had no room left for anyone else, so he went to bed. Jan arrived and we sat on the floor and began to talk, but we had only got going when baby Michael woke up. He had some sort of tummy bug and had vomited in his bed, and after I had cleaned him up and was comforting him in the lounge, up it came again. I got him settled eventually and went back to Jan, but I felt distracted.

We talked on for more than an hour, but somehow I couldn't engage with her as I wanted. I'd had a dreadful evening with Tommy, and now I felt I had to be a sort of nurse with Michael – when what I really wanted was to be taken care of myself, to be listened to without these other things going on around me.

It was as though the last few hours had changed my whole life – my life that I'd felt was chugging along not too badly. Now things seemed to be collapsing around me.

Although it was obvious that I couldn't be blamed, I felt the old guilt sweep over me in waves. Why hadn't I picked up something about Tommy? How could this have happened?

It was 1.30 when I eventually got into bed. Alec hadn't been asleep, but we didn't talk and neither of us could sleep. We didn't cuddle each other, and I think that was mainly because of me. With all that had gone on through the evening surging through me, I felt tense and isolated. Because of all that had gone on that evening, even the thought of a male body, and especially a penis – even Alec's – was most repulsive.

I felt as though I was going crazy, lying there unable to relax, unable to cry despite my grief and anger, unable to push from my mind the dreadful stories that Tommy had told us. My body hurt, my head hurt. But I did drift off, only to be awoken at 7.30 by Michael crying for attention.

Tommy did not feel like going to school. First thing in the morning we contacted Colin Eade, who arranged for an evidential interview that day. We drove down Colombo Street to the Social Welfare building, trying to be bright and normal, though I felt anything but that.

Never in my wildest nightmares had I experienced anything like this bizarre outing – taking our son to an inquiry because he had been sexually abused. Sexual abuse happened all right, I was well aware of that, but to our child? Never.

Not surprisingly, Tommy was not looking his usual healthy self. He looked sad and had no colour in his cheeks. Up in the lift and along the corridor to the person who was going to do the interview. Jan from the night before was there too and she played and talked to Tommy while we told the

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person what had happened the previous evening. Alec, Michael and I were then left in a room by ourselves while Tommy was led away to tell his story.

He was away for an hour, and when he returned he said he felt tired but felt good about telling it all again. I felt proud of him because he had seemed very clear and articulate to us and I believed he would have told his story to the interviewer equally well. He had told so much detail I believed there was nothing more to be told and that would now be the end of it. With all those secrets out he could put them aside and learn to be a kid again.

But once again I was to be proved wrong.

### **More Disclosures**

That night Alec and I went out to a short meeting. The three older boys acted as baby-sitters for the two youngest, Tommy and baby Michael. Tommy felt perfectly safe with his brothers in charge. In fact he had recently told his Dad that he was glad that George, the eldest, was doing Ninjutsu to protect himself, and that Andrew did Tae Kwan Do and that Stephen was a strong rugby player. He had then checked Alec's muscles and decided that he too was strong enough to be a good protector as well. As far as I was concerned, well, he admitted that I didn't have much physical strength, but he thought I could be helpful by shouting at bad people to stop them hurting.

That evening, again unexpectedly, Tommy again started talking about the crèche. He was right in bed, and Andrew, the most sensitive of all my boys, was reading him a story.

Without any preliminaries, Tommy told Andrew that at the crèche more bad things had happened to him; indicating that what we call torture and sexual abuse is systematic.

Andrew was stunned, but he kept his head and said simply that he thought it was awful what had happened to Tommy at the crèche and that he was a very good boy to tell people about it. But Andrew was alarmed enough to leave

#### MORE DISCLOSURES

the room as soon as he decently could and seek out his brother, George.

When we arrived home Andrew and George told us straight away what had happened. They were both worried, but they were also angry at Peter Ellis. I comforted them, stressed the importance of remaining calm and supportive of Tommy, and assured them that we had things under control and that the police were already dealing with the matter.

In the morning Tommy started to talk again, but Alec and I were scarcely any better prepared for what we heard than before. He talked of being drugged, of many pictures being taken, of more venues he had been taken to, and he now named other males who had hurt him. He also talked a lot about the Masonic Lodge, about many more children being hurt, and about traps and being thrown down them and having to wait his turn to be abused. For the first time he named alleged female perpetrators.

His stories were unbelievable, and yet we felt for certain that he was telling the truth. What exactly those truths were, we didn't know and couldn't know, but the boy's clear descriptions and the elaborate details he reported left us in no doubt that something dreadful had been happening. It simply couldn't all have been fantasy. No six year old has those kind of fantasies.

There was another development that day that heightened our anxiety – Tommy got sick. It was as though his whole system was sick and sort of poisoned. While these shocking stories were coming from his mind, clear signs of physical illness began to appear. A red rash formed around his mouth, he began to show signs of both tonsillitis and

diarrhoea, and he didn't want to eat anything. So for the second time in two days I rang the police again, another interview as scheduled for later.

I felt sick to the stomach as we continued on to the interview, but I tried to appear calm and strong in support for Tommy. There he was, talking like a grown-up, telling us about frightening experiences that had happened to him and knowing of the actual sites. It seemed all wrong that a child should have any such knowledge of such information.

The visit to Social Welfare also seemed all wrong. It shouldn't have been so familiar to us, but it was. I felt as though we were on view, recognised as crèche parents, and so looked at with interest. I didn't want to be there at all. I felt like running out and hiding, but no, I couldn't do that – I was a mother, and so I had to be responsible and stay in control.

I kept telling myself that at least this will be the end of the interviews – we won't have to go through this again, waiting here with Alec and an unsettled baby in this alien environment. I was feeling jumpy and stressed, and that didn't help in dealing with Michael; nor did it help in my talking to Alec, so we were all on edge.

Again we had to wait a full hour, an hour in which I imagined vividly my little boy having to describe once more all those horrible details. Surely, I said to myself, surely he can't have anything more to tell? Soon it will be – it must be – all behind him and behind us. Soon he'll be okay again, and so will we. We'll put this whole thing behind us and get back to normal.

Home again, and for me, straight into normal all right, at least in some ways, doing the domestics as usual – folding the washing, organising the meal, bathing Michael.

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Tommy had been very quiet coming home from that interview. He was not looking good, he had a sore tummy and he was deep in thought. He sat at the dining table and starting drawing. First he went into his bedroom and brought out a drawing he had made of a big two-storeyed house covered with red and black squares stuck on. He had taken some care over it, having stuck the squares on individually to cover the shape of the house. Out of the top window was a lonely figure looking out with a sad face.

With the drawing beside him he took a large piece of paper and a pen and started doodling on the paper. Something seemed to me odd about him sitting there doing that. I looked at him and said, "you look very sad Tommy, are you okay?".

He immediately said, "I have a whole lot more to tell; I haven't told it all".

I told him that I was always there to listen to what he had to say, and asked if he would like to tell me more. He said he would, and he asked me to ask him questions about "the building". I asked him who was at the building.

He proceeded to tell me about men and women who were in a circle and children were there as well. Tommy talked of more horrific abuse again, and the hurtful things they did and said to him. Tommy was laughed at by these adults who were all in a circle.

Tommy drew a picture explaining what happened, where the children were and how and when the abuse happened. All this came out within about ten minutes. Tommy was upset with the adults laughing at him, and he said he felt bad about what he had to do to others. He named more adults and then named more children who were involved.

I recall the setting and surroundings of that disclosure vividly. Alec was preparing tea off the dining room where Tommy was sitting. The sun was streaming in through the window, but it was cold outside. Few flowers were in the garden, and the trees were bare of leaves. It all matched my mood exactly. I felt desolate.

What the hell was I going to do now? Ring up yet again? More revelations, three times in three days? Surely not? Sadly, I knew that that was not the answer. I knew I would have to ring the Police and tell them more of what Tommy had said.

From what I had picked up from remarks by the Police and Social Welfare, Tommy seemed to be the only one out of all the children who gave such detailed accounts of the abuse so quickly. That bit of information and inference did absolutely nothing for my peace of mind. I was beginning to feel quite alone, and even a nuisance to the Police. I left him there and moved out of earshot so that I could talk to the Police in private.

Standing there listening to the dial tone and waiting to say much the same thing yet again – it was all too depressingly familiar. So many hours, it seemed, I had spent on the phone dealing with bureaucracies – the Police, social workers, the counsellor. I really wanted to speak to the counsellor, but I thought I should contact the Police first. I was conscious that she also had a life outside her office, and now it was close to tea-time. I felt I was being a nuisance. How ridiculous that seems to me now! Here was my child talking of this horrible abuse which I couldn't understand or even put a name to, and I was worried about disturbing someone's tea-time.

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I got through to Colin Eade and told him what Tommy had told me. I'll never forget the short exchange that followed.

"I'll ring back".

I was furious: "If you don't believe me then you can speak to Tommy".

"No, I'll ring back".

I hung up and flopped down in the dining room, absolutely devastated. If that policeman didn't believe me, he probably wouldn't believe my son. I could not say anything to Alec right then as Tommy was wanting to know what the Police said to me. I cannot remember what I told him but I managed to say something that did not alarm him. I felt the most important thing was for him to be believed. He had done so well in telling us of the abuse he endured, even though he had been threatened that he would be killed, or he would die, or his family would die, or his house would burn, and so on. It was paramount, I felt, for me to protect him from people who did not believe him, no matter how fantastic some of the things sounded.

We had just got through tea when the phone rang. It was the same policeman calling back. Now his tone was altogether different – not quite an apology for the way he'd talked to me, but almost. What I had told him had knocked him for six. Perhaps he had never heard such stories and allegations; his training had not prepared him for anything like that. Not only that – Tommy had implicated more people besides Peter Ellis. It turned out later that my call to the Police on that occasion changed the investigation so that it included other crèche workers. So, almost unbelievably a third interview for Tommy for the month of August.

## The Inquiry Widens

It was now mid-August 1992. The first evidential interview connected with the crèche had taken place on 22 November 1991. By February 1992 there had been a number of others, sufficient to warrant Ellis' suspension. After the Knox Hall meeting of parents on 31 March, additional staff (six full-timers and one part-timer) had been brought into the special unit at Social Welfare.

By the time the inquiry had concluded, 116 children had been interviewed. Not all of these gave information that was used by the prosecution in the court case, but perhaps as many as seventy five or eighty did. Some children were interviewed only once, but some as many as five or six times. Tommy was in the latter group, having five interviews altogether.

It was sometime in August 1992 that Alec and I began attending a support group that was formed for parents of crèche children who had made allegations. It met either weekly or fortnightly and was facilitated by a social worker.

It was basically an update on the procedure of the judicial system, such as the depositions that were coming up before the trial. A ground rule of the meeting was that we should not discuss what our children disclosed, but there was often

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discussion about how we as parents were coping, and how our child might be coping.

We found it useful to attend those meetings, but it became apparent to me how different we were from one another – different backgrounds, different levels of beliefs and different levels of acceptance and understanding. We were, however, united in one unfortunate respect: we had been thrown together because of a common experience which had changed our lives drastically. Our children had all been abused at the Civic Crèche, a place we had all believed to be the most progressive and professional day-care available.

The August holidays came round. We had been looking forward to them as some respite from school and study and keeping set hours. We began to relax a bit – even me. I was feeling better because I believed that all the talking had come to an end, at least in regard to any new information.

Wrong again.

One morning, about seven o'clock, I heard Tommy calling out, "it's snowing, come and have a look". It was cold, but we got up and looked out. It was a much heavier fall than usual, ankle deep and not a blade of grass to be seen. Snow was caked on the trees and dropping and dripping off them.

Suddenly Tommy realised he could not find his pet cat. He became panicky, sure that she had been buried in the snow. Before we could say a word, he opened the door and ran out in his slippers to the garage to search for the cat. There she was, fortunately, and he came back inside with pussy in his arms, beaming all over his face, he was so relieved and pleased. It crossed my mind that he had

worried unduly, but thought nothing further of it until later that day.

We had a great morning outside, making snowmen, throwing snowballs at one another, and for the first time in ages we heard the laughter coming from Tommy. Here was a normal little six-year-old, enjoying life, completely relaxed. It was a joy to see.

So it was with a sinking feeling later in the day that I heard him start on the dreaded subject yet again. We were sitting in front of the fire, Tommy quietly drawing, when he said to me, "I have more to tell, you know".

My heart sank to rock bottom. No, I thought, no, I can't take any more of this. But as calmly as I could I said, "have you, darling? Do you want to talk about it now?"

Yes, he did. He proceeded to tell me about how he was made to do bad things to other kids and animals. Then he came out with: "I killed a boy".

But he didn't stop there. He kept repeating himself, and he also started to move with the telling, rocking back and forth, and his eyes were sort of rolling. I began rubbing him on the back, wanting to help him relax, but instead of becoming looser and more supple, his back seemed to become harder and stiffer under my hands. I found myself repeating to him over and over, "no, you didn't, no you didn't. You are okay, you are okay".

Suddenly Tommy turned around, looked at me steadily for a moment and became silent. Then he got off the couch and carried on with his drawing, saying, "I don't want to talk any more".

Given the kinds of things he had been saying, I felt that he needed to be helped to talk some more, so I tried to draw

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him out further. It didn't work. Thinking back on it now, he seemed to have got a clear message from me that I was not handling that shocking piece of information at all well. Did I fail him on that occasion? I'll never know, of course. Did he sense that I was panicking, perhaps starting to doubt him? Whether it was that or not, I felt I had to do something besides sitting and listening. Since he seemed to be in some sort of trance and was becoming repetitive, I felt obliged to do something.

Through my research since the trial I understand better what was happening to Tommy. It was so difficult and painful for him to tell me of that abuse, that he simply "switched off" so as to protect himself from further distress. Psychiatrists regard this sort of reaction as a psychological defence or a coping mechanism, and they call it dissociation.

Later on that day he told me how he had to kill the little boy. Tommy said he really was killed and lots of blood came out of him. He repeatedly said, "I killed him, I killed him, I killed him".

I rang the counsellor, but she was not home. I rang the Police and they were not at work. The snow had stopped a lot of the normal running of the city, and I felt completely isolated. I could not talk to other parents, as we were not to talk of what our children had talked about. The priority, we had been warned, was the depositions hearing: we were not to do anything that would contaminate the evidence.

Tommy still had more to say. Over the next month, he talked of more venues, where the traps were, where children were put down, tied up and abused and where they were tortured, and then he began talking of being buried in coffins and tied up in cages. Again it was unbelievable stuff,

yet I knew my son better than anyone. I knew he could never make up such stories; he could not have learnt any of this through his life experiences.

On top of all this, I was having problems with one of the Police and the evidential interviewer telling me that Tommy was flat when he gave evidence to the interviewer, and that he lacked all emotion. I was furious, and asked if this meant that he was not believed. At first I was told that he was probably adding in a story to please the interviewer, and to please me.

I was angry and insulted at the insinuation that my son was disclosing horrific abuse, not necessarily as a result of the crèche but perhaps from his ordinary experience of life. How dare they suggest such a thing?

When the trial was over I saw videos of all Tommy's interviews, and the emotion my son showed was quite apparent to me. He complained of a tummy ache; he was not flat of emotion but very depressed, and the pain that showed on his face I will never forget for the rest of my life.

Tommy knew he had a job to do, and that was to tell it how it was for him the best way he could to the interviewer. He did exactly that and I remain very proud of him. It amazes me how he did the job with detail, and with such honesty. He was not confused: he knew, and he remembered.

I wanted to complain, to get the policeman and the interviewer to see things differently. From my trade union experience, I began to think back about what you do when there is a difficult situation and something has to be changed – where do you go? Bureaucracies are difficult to work with, but it can be done. I thought, I am not going to complain about this to the people concerned, so first of all I

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wrote down my views and feelings on the matter and stated my case in a letter to the policeman in overall charge of the investigation (before he became ill and withdrew from the case). I had the same letter sent to the interviewer and the policeman concerned and also to the head psychiatrist, who worked closely with the Police, giving advice on the evidential interviews, and who was also the supervisor of the evidential interviewers.

After waiting for about two weeks, with no reply from any of these people, I made an appointment for myself and Alec to meet the policeman in charge of the investigation. He took an hour of his time and was extremely kind to me. He explained a lot about the procedures of the investigation, and assured me that the police will continue to proceed along the professional path they started out on. I felt much better.

In October, Tommy's fifth interview took place, relaying all the information he had told to me and his dad. Soon after that, early in November, charges were laid against three women crèche workers.

Prior to that the crèche was closed down. That of course made headline news, and that in turn outraged the crèche workers, and they were in the paper, on TV and on radio. The media were having a field day, competing for the best story, and in some cases being quite insensitive.

The families were feeling disbelieved. Even though they were often harassed by the media, and extremely vulnerable, none could speak publicly. There was talk about our son, even though he couldn't be named. There were references to the "circle incident", and some of the media and the accused women described the child reporting it as some sick

unfortunate child into whose head some parents had been putting ideas.

We could do nothing because court depositions had still to take place, and besides we had to protect our son from the glare of publicity. Tommy became very interested in the news, and for months he would view the women on TV stating the case, and insisting their innocence. This was of great concern to us and to Tommy but we could not keep the information from him. Tommy insisted on knowing what was going on, and he was frightened.

He became a different boy altogether. By October the interviews for taking his evidence were over. Now he was receiving therapy on a weekly basis, treatment that he quite liked. But ever since he had first begun to disclose, his behaviour had got worse and worse, and by October he was soiling his pants daily, because he was frightened to use the toilet. He claimed bad things had happened in the toilet during his time at the crèche and he said the toilet smelt. We tried to make the little room a more pleasant place by having incense burning there, but it made no difference. Nothing worked, and it wasn't just the toileting which was of concern.

He became more and more angry at me and Alec and he also became withdrawn, sullen and increasingly fearful about security. He would not go to bed at night until he or I or his dad had checked all the windows and doors to ensure they were locked. The bedroom light had to be kept on, the hallway light kept on and the hall door kept wide open. He would not eat tea or lunch; he would starve himself for long periods; and when he did eat, it would be very little. At this time the therapy sessions were about the only positive aspect of his life as far as I could see.

#### THE INQUIRY WIDENS

On top of all this we had to have Tommy checked for AIDS. Can you imagine how the mother of a six-year-old would feel about that? He wasn't told he was having an AIDS test, only that his blood was to be tested to make sure everything was okay. This was the most frightening time of my life. What agonies I went through, wondering what I would say and do if he did have AIDS! Fortunately we had to wait only one full day before we got the result back. Negative. What a relief! Well, that was one small reassurance in the midst of so many worries.

But it actually did little for my peace of mind. I was not functioning well. My sleeping pattern was becoming erratic. I would go to bed around one or two in the morning and lie awake for hours, going over what Tommy had told me and how he was reacting. If his therapy sessions were doing any good, it certainly didn't show at home. But though his misbehaviour was hard to live with I couldn't blame him for it, and I didn't.

In the darkness, I would think over and over again what Tommy must have felt while those people were doing those things to him. I just felt helpless, and that dark thumping hurt in my gut would not go away. Sometimes I would start crying and just keep on and on, to the point I was scared I would never stop. Alec and I really needed to support each other, but we were both hurting so much we were often intolerant and weren't communicating well. All our efforts went into coping with Tommy, giving him the love and the feeling of safety that he so badly needed.

The strains also showed on me in other ways. Quite quickly I became a compulsive eater and began putting on weight. I had never had that problem before, but suddenly I

was eating constantly, sometimes two large bags of lollies a day.

The parent support group was obviously not giving me enough help, so I went to the doctor and talked about my weight, my crying, my sleeping problems. I also told him about a fear of death that had started to obsess me. The talks I had with him did help a bit, but not enough. The crying diminished and I began to sleep a lot better, but the overeating stayed with me.

For all of us, strong feelings were always close to the surface. I often felt resentful of Alec, because I was left to deal with my older boys. They also needed time spent on them because they were affected also. Andrew in particular became both anxious and angry, quite out of character for him.

Fights began to break out between the older boys. Sometimes they wanted to go and deal with the alleged perpetrators, and I would have to tell them they couldn't do that, and why they couldn't. However, they saw the need to be specially understanding and supportive of Tommy.

If there was one bright spot within the family it was baby Michael. He did not make us a normal family, but in many ways he was a life-saver. Not only did he remain unaffected by the turmoil going on around him, he actually contributed by providing enjoyment. We all got so much delight from him. He was so lovable and he drew us to him as we watched his funny ways as he was beginning to gurgle and move around. It was from him that I drew my greatest strength and a sense of wanting to carry on.

#### CHAPTER 8

## The First Depositions Hearing

On 2 November 1992, Judge Anderson presided over the District Court in Christchurch in order to take depositions in the case of the crèche workers. A deposition hearing is not an actual trial but a court procedure in which evidence is heard by a judge to determine whether there should be a trial. The judge has to decide whether there is a reasonable case (a prima facie case in legal jargon) against someone who has been arrested and charged with some offence.

The hearing on the Civic Crèche lasted eleven weeks, which, after the Rainbow Warrior case, is the longest in New Zealand legal history.

Five crèche workers had been charged: Peter Ellis, Marie Keys, Jan Buckingham, Gaye Davidson and Debbie Gillespie. In 1991 Ellis had been charged with one incident of indecent assault. As a result of depositions relating to twenty children, this eventually built up to many more charges – forty five actually – including inducing an indecent act, sexual violation and more indecent assaults. After the hearings most of these were held to be strong enough to be pursued

further; in only five instances I think, was a prima facie case not established. Clearly Ellis was going to have to stand trial.

Three of the women (Keys, Buckingham and Davidson) were charged with being parties to indecent acts. The fourth woman (Gillespie) was charged with performing an indecent act. As a result of the depositions hearing, prima facie cases were established in regard to all four women, and so Judge Anderson ordered all five crèche workers to stand trial.

That was how the hearings ended, but in the intervening days parents had to appear to give evidence. The support group with everyone ended until we had all given evidence. It was an ordeal I hope never to have to go through again. (No evidence was taken from children at these hearings.) The twenty parents called to testify were given numbers and called in turn. I do not know how or why parents were given particular numbers.

On 3 and 4 December I was on the stand for two full days – two days of ordeal and tension in strange surroundings.

I sat on a chair in the box, feeling very uncomfortable. I am short, and the chair was not high enough for me. Everyone in the court was staring at me, waiting for my replies. At first I felt very nervous with all these faces staring at me, the judge looking down at me, the police listening, the Crown lawyers waiting with anticipation. How would I answer each question? I felt as though I was on trial myself.

And over there, in full view, were the five accused, looking at me with contempt, I thought. I guess I may have looked back at them in the same way. Certainly I felt immense dislike towards them. I remember feeling at the time, "This is all your fault. Why should I be sitting here being put through the hoops and having to justify my life, just because of you?"

#### THE FIRST DEPOSITIONS HEARING

The rest of the courtroom seemed to be packed with supporters of the accused. They too looked at me contemptuously. They would sometimes all snigger together over something I said, or about what I reported Tommy having told me. The accused themselves would put their hands over their mouths and laugh.

I would look at them and say to myself, these are the ones who are supposed to have a commitment to caring for children. Instead, it seemed to me they were laughing at evidence of physical, psychological and sexual abuse on our children.

Below the judge and to his left sat a person who had to type everything that was said in court – everything I said, everything the Crown said, and everything the defence said. This meant that I had to talk clearly, loudly and slowly. That was hard. Normally I speak fairly quickly, and to have to slow down was not easy.

At one stage the judge spoke very firmly to me about slowing down. I felt he was telling me off and that threw me. I spent the next ten minutes preventing myself from bursting into tears. I felt I was doing wrong, that he didn't like me. I felt isolated; I seemed to be like an object, sitting there and performing with everyone staring at me.

I couldn't stop the tears though. There came a point when not a sound would come out of my mouth. All I could do was cry and gasp for breath. I felt a fool sitting there crying while everyone was staring at me. After waiting for a few minutes for me to recover, the judge eventually said that we would have a ten minute adjournment. I felt relief and gratitude. I went out the back and immediately wiped my tears away.

To my surprise my sister, Lynn, came running up to me

crying and telling me how well I was doing – though I had hardly spoken a word in court at that stage. I felt her warmth and kindness – strange because she and I rarely cry or show much emotion in front of each other. I was embarrassed but thankful that she was there for me.

The policeman who spent every day in the court concerning this case came up to me and said, "how are you?"

"I'm fine," I said, wiping my tears, and I lit a cigarette there in a non-smoking area and then said, "I'm ready now".

I was cross-examined first by Ellis's lawyer, Robert Harrison, and then by the women's lawyer, Gerald Nation. They were both very hard on me, but I understood that they were only doing their job. However, what they seemed to be trying to do was to make me out to be a liar, and a sick parent who planted such ideas into my child's head. I found myself coping with that by being completely factual. I was simply a mouth piece for my son, and I told his story as accurately and honestly as it was told to me. I made no assumptions, nor did I become facetious or rude to either of them. I attempted to keep all emotion out of my evidence, and to prepare myself for the total onslaught from the cross-examining.

I was required to read out my written statement, which was about Tommy's disclosures and his behaviour. In the break I kept telling myself that what I was having to endure, was nothing to what Tommy had had to endure for two long years.

But then it suddenly hit me that my child's whole life, and mine, was being paraded in front of strangers, including the accused. That was what brought on the tears. When I finished my short chain-smoking I returned to my seat in the

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court and waited for the judge to arrive. I looked around the court room and saw my friend, Susie, and my sister. That was nice, though they were the only friendly familiar faces in sight.

That first day on the stand was gruelling. I had specifically asked for a particular policeman to be in the court when I gave evidence because he was the one who handled me well, I thought. I could ring him up and freely express my frustration and annoyances, even sometimes aimed at him. He would always listen and never get angry or withdraw from his job of dealing with parents.

I look back on that and think what a hard job he had, having to deal with a variety of parents, all handling their emotions in different ways, and all having so many questions and demands for information. But on this first day he wasn't there.

When that first day in court was over, I told one of the other policemen how annoyed I was that D.D., the one I wanted, wasn't present. I added, "and you can tell him that from me." I was so relieved that the court was over for that day that I was taking my frustrations out on the police.

Unlike some parents, I did not have a lot of supporters in the court for me, only my sister Lynn, plus Susie as a bonus of course. I hadn't thought to ask people to come. My parents are not alive, and at the time the rest of my family all lived out of Christchurch and had their own lives to deal with.

The upsets were not over when the formal proceedings had finished for the day. As everyone came out of the court and on to the street, the media were there in force. Because of suppression orders by the judge I could not be interviewed or have my face shown on TV. That didn't stop

them from taking pictures, however, and no doubt these are still somewhere in their offices.

Also taking photos was a male who was a supporter of one of the accused. He would come up to within a few centimetres of me and snap several close-up shots of me. I could only grit my teeth, but it took all my self-control not to hit the guy. He was intruding; it was definitely an invasion of privacy, but such people were breaking no law and they just did not care, even about ordinary good manners.

My second day in court was as gruelling as the first. It went on for several hours, but those hours seemed to stretch to eternity. As soon as I had finished my evidence for the deposition, it was Alec's turn. Because of our separation during Tommy's attendance at the crèche, we each had to face the hearing, unlike most other families where only one parent was required to testify.

We could not see each other from the time I started on the first day until he had finished giving his evidence. When it was all over for me all I wanted was a hug and to be told I was okay. Instead I went straight back into the court room to listen to Alec's evidence. He was on the stand for about an hour, and that was the day over.

Susie was the only crèche parent that I felt very close to, and it was no surprise really that she had turned up for my part in the hearings. We had often talked on the phone about how I was feeling and she was the kind of person I never had to explain everything to – she had that knack of making people feel that they'd been heard properly. She stayed with me even through my frequent bouts of anger or unreasonableness. She was more than just a good listener: having a child at the crèche at the same time as Tommy, and

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being an aggrieved parent herself, she talked sensibly and sympathetically about our similar predicaments. We were on the same wave-length; she kept me going in lots of ways. Her sense of humour was a welcome extra. On occasion we would go into town and have coffee together, and once or twice Alec and I spent an evening with her and her husband.

I had some contacts with other complainant parents as well, but none of those relationships were anything like the support I got from Susie. Although we were in the same boat, we were different people and there were different reactions. Even though I realised everyone's right to respond in their own way, some changed so that I felt rebuffed, especially when several whom Susie and I had thought we were close to, withdrew from us in disagreement.

I also had some contacts with a few parents who were not complainants in the crèche case. I feel a bit guilty at recalling how little response they got from me, but I tell myself that it was all I could do to cope with my own situation and allow a small amount of time and attention to people who were not involved in the court procedures.

I am most grateful to Sue and Bobby who had nothing to do with the crèche case, but were like an anchor for me. Their support and understanding with few questions was without fault. The preliminary hearing ended with an adjournment on 18 December 1992 and resumed on 19 January 1993.

#### CHAPTER 9

# The Second Hearing Looms

Some weeks after Alec and I had given evidence we had an outing with Susie and her husband and also one other couple. We had all finished testifying, and we decided to do something together that would mark that and also, we hoped, change our outlook. It would be something for ourselves, something quite different.

Drastic measures were required, we agreed, so we took drastic measures. We hired a limousine and had the driver pick up each of the couples at our home and take us to a restaurant in Lyttelton. Sheer luxury it was – the luxury first of all of driving there while drinking champagne on the way. Then at the restaurant there was a surprise: as we entered we were handed some beautiful roses which a friend had arranged to have delivered for the six of us. The meal was excellent, we were all in the same relaxed mood, and we thoroughly enjoyed ourselves, laughing together as we hadn't done for a long time.

For me Christmas, unfortunately, was not as pleasant and relaxed as usual. Not only were more court proceedings still ahead of us, but despite Tommy's continuing therapy

#### THE SECOND HEARING LOOMS

sessions – which I had to admit were now beginning to show some positive benefits at home – I was still preoccupied with him. Were these gains only temporary? He had given his evidential interviews and wouldn't be subjected to any more interviews, but would he be affected by what lay ahead?

Tommy, the crèche, the courts – all loomed large in my waking moments. Much as I wanted to, I could not simply throw all that aside and enjoy the Christmas and New Year break.

In the event, though, things panned out not too badly. Christmas Day went well, and Tommy was happy with his presents. We found that he'd been told at the crèche that Father Christmas was a bad person, who hurt children, and Tommy would die on Christmas Day if he told anyone that. We were able to work through that and Tommy was pleased that another lie had been shown to be without foundation.

Later that day we packed up and set off for the Lewis Pass where my sister lived. She had agreed to care for Tommy and Michael while Alec and I went onto Westport for a few days.

We stayed with friends and went with them for a day at the races – my first time. I thoroughly enjoyed getting up close to such beautiful animals and I found myself admiring their strong and easy freedom of movement, quite apart from the excitement of trying to pick a winner and then watching the race. We had little money to spare, but it was agreed that Alec would put a few dollars on each race, and he had modest success, ending about thirty dollars up for the day.

I enjoyed the time we had to ourselves, but I could not relax as Alec could. He seemed to be really at ease, laughing and chatting, but I found myself worrying about Tommy and

Michael, especially Tommy. I also became aware that even though we were a long way from Christchurch I was looking warily at people around me, wondering if I could spot anyone from the crèche – though what difference that would have made I had no idea.

Back to my sister's, where Tommy had apparently been perfectly okay, and on to Christchurch and home. On New Year's eve the four of us went round to a friend's place for the evening, a family I had known for more than six years. The evening went well enough – that's as much as can be said for it.

The trouble was me – me again. I just couldn't get into it. The crèche was constantly in my thoughts, and I spoiled things for others with my preoccupation.

Alec and I began quarrelling over trivial things and were becoming more distant from each other. When I developed another sore throat, which seemed to be happening every three weeks or so, I went back to the doctor.

I was taking a lot of antibiotics and feeling dreadful, but when he would ask how I was feeling, I would often minimise things, saying I wasn't all that bad. He said that, understandably, considering what I was going through, I was depressed. I accepted that, but found myself resisting the idea of taking anti-depressant drugs, and decided against them. But with things getting worse – more crying and more sleeplessness – I went back to the doctor a few days later. I ended up taking Prozac for nine months, which took me right through both the end of the depositions and through the trial.

The drug helped me a great deal: I stopped the crying and my anxieties diminished. I felt calmer and more relaxed, and

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I got through the court procedures much better than I had previously, and better than I expected I would. But I lost what spark I had had, and that was replaced by a curious flatness. I began putting on more weight, having daily hot sweats and losing any desire for sex.

Relationships with Alec got so bad that we were barely in communication, except for absolute necessities.

When the depositions hearing resumed on 19 January I began attending every day, listening to all the complainant parents. Then the accused began replying to questioning from both the defence and the prosecution. I was astounded at some of the answers they gave about Tommy.

They made comments about my son which were so generalised it could have fitted any child. Furthermore, they claimed they had "no idea why Tommy was saying things about the crèche," giving inference that perhaps he was told to say all these things.

This hearing finally came to an end, but we had to wait until 11 February to hear Judge Anderson's decision about any trial in the High Court. The sitting where he would announce his findings was due to commence at two o'clock.

Allowing plenty of time, Alec and I drove into town and parked the car in silence, and walked to the District Court. Outside, many people were congregating, among them media reporters, a number of them with both still and video cameras. My stomach began to churn, and I was glad of Alec's closeness as we linked hands and walked past in silence and up the driveway to the back entrance to the court.

We recognised other parents waiting there, along with the Crown lawyers and police. A few drags at cigarettes to

calm our nerves, and then we were ushered into the court. It was packed, and there were people standing all round the walls at the back, but the parents were able to be seated next to one another. Alec and I were at the end of a row, and right behind me and beside me were some plain-clothes police, a number of whom I recognised. A number of uniformed police were scattered around also.

Everyone stood as the judge entered, and the formal bows of recognition between the judge and lawyers took place, and then everyone sat down. You could hear a pin drop. Tension was in the very air. I had a heightened sense of who was present, who was supporting whom, and who was opposed to whom.

Judge Anderson began summarising the case, how it had come about, the various procedures that had been followed, the evidence that had been presented, the defences that had been offered. It seemed to me that he went on for more than an hour and a half, before getting close to the crucial point. Alec put his arm around me and I held onto his hand, squeezing so tightly that my hand ached. I didn't really doubt that the decision would be what I wanted, but we still had to wait.

Then it came, the judgement that was music to my ears. The judge said, "Keys, Buckingham, Gillespie, Davidson and Ellis are all committed to trial, a prima facie case for all five accused having been established."

Complete silence no longer, though it was more murmuring and movement than conversation. You could see relief on parents' faces, you could hear people crying, and someone was saying under their breath, "yes, yes."

I looked at Alec and his eyes were watery. Silently I cried.

#### THE SECOND HEARING LOOMS

Again all stood as the judge left the court, and then a real buzz of conversation broke out. But before I could take that in, somewhat to my surprise the police were ushering us out of the court to the back entrance. We were escorted through the crowd that had assembled there, most of them supporters of the accused, judging by the angry hateful looks I saw when I glanced up at them. There was no trouble but I was thankful for the police presence. But I remained speechless until, assembled with the other parents in a room at the back of the court, I suddenly found my voice.

Very loudly I said, "yes, we've done it! Justice has paid!" Parents began hugging one another, but we all soon dispersed homewards.

We were relieved that at least the first hurdle was now behind us. The family was also glad about the result, not least Tommy of course. That evening we had a small celebration with a few of the parents, talking more freely than ever before about what had happened at the hearing, how we were feeling, and where to now.

A new phase began, however – the media began looking for stories from individual families. Some were pushy, ringing up at all hours in an effort to get a story from me. I did not find it difficult to handle them, however, because I was always clear about how far I would go in answering queries and I did not hesitate to be blunt if I felt they were being unreasonable. Most of those who contacted me, however, were courteous and sensitive: some television reporters were excellent in that respect.

#### CHAPTER 10

## The High Court Trial

The High Court Trial began on 26 April 1993. Well before Tommy's appearance in court he was taken to the office of the Crown prosecutor to familiarise him with Brent Stanaway who would be questioning him in court. They talked briefly, the lawyer explaining what would happen, and then asked Tommy if he had any questions.

"Yes," said Tommy, "who is the best player in the Pakistani team?"

I don't remember what the reply was, but in Tommy's mind Stanaway was wrong, so he corrected him. Smiles all round.

Also in preparation for the trial the police took each complainant child and parent to the room in the court where closed-circuit television was set up. We saw the equipment and had it explained: children would not appear in court but would speak on camera and would answer questions from whoever in the court-room appeared on the screen in front of them.

The room was attractively furnished for children and it was made clear that there would be few restrictions on them. They could choose one support person to be with them while they gave their evidence, but this person had to remain

#### THE HIGH COURT TRIAL

completely silent. The children could sit, move around, eat and drink and go to the toilet as they needed, and Pat, a pleasant woman from the court, would be with them all the time.

Then we were taken upstairs and shown the room where we would wait to be called. Finally we were taken into the court room itself and shown where the various people would be during the trial – the judge up there, the jury over there, the lawyers here, the accused there and each witness there. Tommy sat in the judge's seat and talked into the microphone, and remarked on how important the judge's place was.

As we were being driven back to police headquarters the driver suddenly accelerated up the ramp from the court. The sudden burst of speed drew an admiring comment from Tommy – "Gee, that's cool!". What neither he nor I knew until later was that the manoeuvre was done to prevent us from seeing Peter Ellis walking into the court building.

The day that Tommy was to be called was cold and overcast. He seemed relaxed about what lay ahead, but he also took a lot of care over his appearance, spending a long time looking in the mirror to check that not a hair was out of place and fussing with his shoes and laces.

Ready at last, he went outside and began playing cricket while my sister took some photos of him. For his support person Tommy had chosen his oldest brother, George, then eighteen. I was confident everything would be okay, but I felt tense, and until it was time for the four of us to leave, I drank lots of cups of tea and smoked too many cigarettes.

We went to police headquarters and from there were taken to the court and shown into the waiting room where

Jan, the social worker, already was. At 10.45 Alec was called to give his evidence.

When Alec returned, about midday, Tommy and George were ushered into the television room. Tommy seemed focused and business-like and rebuffed our attempted hugs as he left us. Because Alec had given his evidence he was allowed to go into the court room and watch, so I was left alone – left out, it felt like. I had so much to do with all the build-up to this moment, it didn't seem right that anyone and everyone could watch except me. However, at least Jan was there with me, and she was always good at times like that. We chatted away while we both smoked cigarettes and drank innumerable cups of coffee.

The court adjourned for lunch at one o'clock. In that hour Tommy had been relaxing while the judge, jury and lawyers had been viewing videos of some of his evidential interviews. He was not due to be questioned until 2.15, so we had time for lunch and a browse.

He had chosen not to eat at breakfast time, and although he now had plenty to drink he still didn't want to eat anything. He was wearing his best woollen jersey, but when we bought him a black and white rugby jersey, he insisted on changing into that.

Justice Williamson came on the screen first and talked to Tommy to ease him into the basic rules, as a preliminary to questioning by lawyers. He asked him a bit about himself. Such as, what is your full name. How old are you? What school do you go to? What class are you in there? Who have you got as a teacher this year? Do you like her?

Then the judge's talk got more pointed. "Tell me," he said, "do you know what it means to tell the truth? If I gave you a

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little example – if I said to you I was sitting here with a pink gown on, would that be the truth or a lie?"

(I was not in court, I have heard this through Alec as he had given evidence before Tommy. He was given permission to sit in court and hear his son give evidence.)

"And do you realise that it is important to tell the truth when you are in court? Will you make a promise to us to tell the truth today? Could I ask you to say after me a promise: I promise to tell the truth, the whole truth, and nothing but the truth?"

Then Brent Stanaway came on the screen and started by asking about cricket. The way the judge had talked prepared him for this stage, and sure enough it led on to cricket. Who was playing with you? Did you manage to bowl her out? Do you know any of the famous cricketers? Tommy liked this approach. Yes, Richard Hadlee, and Curtly Ambrose were the best fast bowlers. And so on.

He was then told that he could have a short break as the court was going to watch a video of his that he didn't need to watch. In fact that was all for the day for us. I had been told I would be called that afternoon, but that did not happen.

Next morning at ten o'clock Tommy was back at the court and Brent Stanaway took up the questioning again. A few more remarks about cricket and about Tommy having a bad cold at his first interview, and then inquiries about the family: who was who, and what ages were they? What intermediate school will you be attending when you are older?

Then Stanaway said, "you know that if I say something that is wrong or Mr Harrison says something that is wrong, you can say that is wrong?"

"Yes," said Tommy.

"We want you to talk about only the real things that happened to you," Stanaway continued. "I am going to ask you some questions later about what Mr Harrison asks you, but at the moment we will see what Mr Harrison wants to ask you. Right?"

"Yes," replied Tommy again.

## CHAPTER 11

# The Defence Opens

Robert Harrison began as Justice Williamson and Brent Stanaway had, putting Tommy at ease with personal questions.

"I hear you just had a birthday a couple of months ago, is that right? How old did you turn then? Did you have your birthday at home or somewhere else? Who came to your birthday?"

Tommy told him the names of his friends and volunteered some information about what he had received. He talked about a water pistol and Harrison asked a question or two about that. Then he went on: "

Have you got any pets? What have you got? What are your cats' names?"

Again, Tommy told him the answers and volunteered more information about one cat being brain damaged. Some questions continued about the cats, and then Harrison asked questions relating to his evidential tapes.

Then the questions began to focus on Alec and me.

"You know all these things you have told us about, did they happen when you were living with just your dad?"

Tommy said: "When my dad and my mum were there." Harrison continued: "There was a time when you were

living with your dad for a while, so this all happened after you got back – when your mum and dad were back living together?"

Tommy replied: "Some happened just when I was with my dad, and some happened when I was with both."

Questions continued on by Harrison, skipping from one tape to another, from one incident to another, yet right throughout Tommy remained clear and firm on what he had testified. Harrison continued questioning from different angles. Tommy coped very well and he remained honest, clear and articulate.

## CHAPTER 12

## The Prosecution's Turn

Now Stanaway, the Crown lawyer, took up the questioning of Tommy. He started with some preliminary encouragement, saying, "Can I ask you to think hard about these questions and to answer them in as grown-up way as you can? It's really helpful to us if you sit up like you are doing when you talk to us, so we can see you more clearly. "Will you concentrate on these questions I am asking you, like a big boy?"

"Yes," replied Tommy.

Stanaway also asked many questions, which Tommy answered again clearly and articulately. Alec informed me after that he coped well and had no difficulty with his memory of what happened to him. However, he was very stressed and the court supervisor who was in the room with Tommy indicated to the judge Tommy needed a small break.

When the court adjourned for lunch at ten to one, we thought that Tommy had finished with his evidence. Alec had watched him on video in the court-room and told me how proud he was of the way Tommy had performed, his constant negative feelings towards Ellis and how the jury had smiled about the cricket incident.

Alec, Tommy and George, and the policeman, who had

been standing outside the room where Tommy was giving evidence came upstairs to where I was waiting. I was quite shocked when I saw Tommy. He was deathly pale, and he looked exhausted. And no wonder, I thought – it must have been an ordeal, answering question after question for so long. He said little except that he wanted to get out of the place and go to the Park Royal and eat a huge ice cream and lolly pudding. He did exactly that.

It turned out that Tommy was still needed at the court in the afternoon, and so he spent several more hours in the television room, though he was not being questioned constantly. At a quarter to five he and George returned to the waiting room, and the police told me he was to come back at ten o'clock the next day.

None of us were in very good shape as we drove home, but when we arrived we perked up a bit because my sister Lynn had things under control, and baby Michael also played his part, unwittingly, by his engaging antics.

I was up at 5.30 the next morning, nervously drinking tea and smoking, partly because of my concern for Tommy, but also because when he had finished I would be next. After Andrew had gone off to school I treated myself to a long soak in a hot bath, my usual recipe for trying to relax. Tommy was in better form than I was, knowing that his part in the trial was nearly over.

In fact he was in the television room until 12.30. Again we all went to the Park Royal for lunch, and again Tommy had ice cream, though he ate little of it. Finished with the court at last, he offered some comments about it.

"You know, Peter's lawyer, Mr Harrison, was really quite a nice person. He isn't bad like Peter, and I liked him, because

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he was kind to me and because he really does like animals ... I didn't think a lawyer would talk so much about cats in front of the judge ... He did try to ask me trick questions and confuse me, but I suppose he had to do that because he is a lawyer".

While Alex took Tommy up town, bought him some roller blades and then took him home, I had to prepare to enter the witness box. My heart was pounding as I walked in and took my seat. The court seemed to be packed with supporters of the accused, but I tried to concentrate on familiar friendly faces – not many at first, just Brent Stanaway and Chris Lange – the Crown lawyers. But as I settled and looked round I spotted a policeman I'd seen right from the start of the investigation. As our eyes met he looked neutral and noncommittal, but the familiarity of his appearance helped me.

When the nine women and three men of the jury passed close to me I felt my nerves twinge. What if I muck things up? I tried to avoid looking at them once they were seated. No time to dwell on negative thoughts, however, because almost immediately we had to stand for the entry of Justice Williamson.

The prosecution lawyers began, Brent Stanaway asking me to explain comments from my written statement. That was not at all difficult; all I had to do really was to confirm what was there and what was all so clear in my mind. In fact things went along much easier than I expected.

But as my explanations continued I could feel my composure weakening. I guess it was a combination of being in an unfamiliar environment, and having to repeat in front of strangers personal, intimate details about my son – details that had caused so much continuing anguish for over a year.

I had the irrational fear that the jury would think badly of me for dissolving into tears, but I couldn't help it. It got so that at one point I couldn't speak. Asked a question by the lawyer, I opened my mouth to reply but no sound came out. I sobbed quietly, gasping, even while I was aware that everyone was looking at me, waiting for my answer.

Then the judge intervened, saying to me: "1 have some questions to ask the Crown, so perhaps you would like to take a drink of water while we sort it out."

I felt a huge relief. The break seemed to last more than ten minutes, so I was able to have a drink and compose myself before continuing.

After the tea break it was the turn of the defence. I immediately got the impression that Robert Harrison was not only trying to trick me by his questions and to get the jury to see me as an over-concerned parent who had planted ideas into her son's head, but that he actually disliked me. But through it all I did not find his questions and insinuations difficult to counter.

He sometimes showed impatience and frustration when he did not get from me the answers that he wanted. I knew that he was just doing his job, but I also began to wonder how far he believed in the cause he was defending. Did he really believe that Ellis was innocent? How could he see the evidence piling up and still persist with these questions? I still wonder about the role of defence lawyers in cases where the prosecution evidence seems so strong.

Towards four o'clock I was pleased to see another familiar face appear in the court-room. It was Alec. It felt good not only to see him but to realise that he had been able to take care of Tommy and pass him into the care of my sister.

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The session wound up eventually and off we went with some relief, despite the knowledge that I had to be back on the stand the next day. At home I couldn't settle to anything. I had no wish to either relax or, as I often do when I'm on edge, start busying myself with some practical task. I didn't even enjoy the glass of wine Lynn offered. However, again the long hot bath did work its charms to some extent, even though I kept going over and over the events of the day.

In the morning I pounced on *The Press* and turned to the court pages. Quite a bit of space given to Tommy's evidence, but I thought I detected a bias towards throwing the best light on the way the defence had cast doubt on it. Later I discovered that some parents, and even grandparents, of complainant children felt the same way; some even cancelled their subscriptions to the paper.

The court session opened with Chris Lange for the Crown taking me through parts of my statement, asking me about Tommy's behaviour and later disclosures. When he had finished Robert Harrison took over for the defence and questioned me at length. He seemed to concentrate on my questioning of Tommy, and he questioned me at length about who I had spoken to about his disclosures.

It was a long and tiring day for me, and I was in the box until twenty to five, but right from the start I had got over my nervousness and felt more secure in my answers.

The next day *The Press* report again seemed to me to be sceptical about my evidence, and when I caught up with Susie and her husband they agreed with me. It was a relief to talk to her because during the trial witnesses had been prohibited from talking to one another until their evidence had been taken. This is a well-established legal rule designed

to minimise the possibility that the evidence of witnesses is influenced or contaminated by hearing the evidence and questioning of a preceding witness.

Susie and I talked about the line the defence was taking. The possibility that children's disclosures themselves had been contaminated was in fact a large part of their argument. They tried to build up in the minds of the jury the strong probability that what the children and their parents were alleging was the result, not of what had actually happened at the crèche, but of all sorts of life experiences.

The defence argued that perhaps the children had heard stories about these things at home. Might they even have witnessed something that started their immature minds imagining that they themselves had been involved? Perhaps they had found out about some of these things from TV or from books and comics? By their questioning and discussions, parents might have, even unwittingly, encouraged children to elaborate minor incidents into tales of gross abuse or bizarre rituals.

The word "bizarre" was often used, mostly by the defence. The jury was being asked in effect, "Have you ever heard of such things actually happening? Doesn't it all sound so fantastic as to be quite improbable in a setting like this? Haven't the parents become somewhat hysterical? Don't these allegations sound like a witch-hunt?"

During that weekend after I had been questioned I found myself feeling sympathetic to another parent who I knew would be called with her child on the Monday. I wanted desperately to ring her and wish them well. I knew and accepted the rule about witnesses giving evidence independently, so I decided that I could not.

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Afterwards she told me that she had dealt with the anxiety of waiting to give evidence by spending the whole weekend cleaning her house.

I then spent a great deal of time in court listening to the remainder of the evidence and cross-examination. Ellis gave evidence and I was so convinced of his guilt. His evidence struck me as extraordinary, and he stuck to his story and showed not the slightest remorse that I believed he must surely feel.

## CHAPTER 13

## The Crown's Submissions

Despite the confidence I had in Tommy and in my own handling of the cross-examination, when the day came for the Crown to present its case based on the evidence I was extremely nervous. Brent Stanaway's submissions are quoted here in full:

"The Crown says that Tommy will have left a lasting impression on you. Not just because of the contents of his disclosure interviews and evidence before you but his appearance, demeanour and intelligence. The Crown says with regard to Tommy that his evidence supports the contention that he was abused from an early age by Ellis over a long period of time, that others were involved in the abuse of him, orchestrated by Ellis.

The Crown says that the detail supplied by Tommy as to the abuse of him by Ellis is so compelling that it overrides those unexplained and perhaps unexplainable memories that he has of that time.

The Crown acknowledges from the outset that there are aspects of Tommy's video interviews and his evidence which are bizarre and difficult to comprehend. However, the Crown says that as he was abused over a long period of time with

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threats made both verbally and with theatrical aspects it is little wonder that his four-and-half year-old mind contains many unexplainable and bizarre events.

The Crown says that this is a child of very low suggestibility, a child who was able to say no to ideas or concepts put to him by his interviewers and by me. He was an intelligent child who was honest and consistent."

I wish to explain what I have since learnt through my research on satanic ritual abuse, and the way children disclose the abuse. The Crown states firstly that Tommy was scared. That is true and an understatement. A child disclosing about ritual abuse is an incremental and slowly progressive process. It may take a year or more before the entire story is told.

Before and after every major disclosure the child experiences another severe anxiety period lasting for one to several days, depending on the child. This is because the perpetrator told the children that terrible consequences will follow if they reveal what happened.

Another characteristic of disclosure in ritual abuse is that of disclosing gradually increasing degrees of horror ending in the bizarre. Try to picture peeling an onion layer after layer until you reach the centre, only to find a light bulb. It does not make sense, it is implausible, it is too strange to be credible. Children realise that the more incredible or bizarre their experience appears, the less likely they will be believed.

The following example is an incremental and progressive disclosure.

"They touched my private parts"

to

"They tied me up in a cage"
to

"They took pictures of me"
to

"They made me kill a dog"
to

They made me kill a wee boy"
to

"We had to eat raw meat"

"I had to go in a spaceship that was attached to the wall that went under the house. There were people waiting to hurt us down there."

The comment about the spaceship is the least credible and last told. This is the way Tommy disclosed, but of course with a lot more detail.

As Hudson (1991) points out, the last disclosure is most likely misinformation planted by the perpetrators. Possible explanations are that the perpetrators who practised magic created an illusion that the children were drugged and experienced hallucinations or, more simply, that they lied to the children. It is an error to immediately assume these reports are just flights of imagination or fantasies.

This leads to one very important question. Why are children in Christchurch, New Zealand, talking of such horrific abuse, and children as far away as Britain, Holland, the United States, and Australia, for example, are talking of very similar abuse?

The second point the Crown made – about Tommy having supportive parents and family who asked Tommy questions – is an important point to me, his mother. Tommy

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relied on my questioning, and in fact would say, "Ask me a question about [this or that]."

It simply gave Tommy permission to talk, and he felt safe enough to talk of such horrific abuse, knowing he would be believed and not punished. He learnt early on that he was not blamed for what he was made to do himself to other children and to other adults. He did feel guilt and shame, and still does today. In my opinion guilt and shame are very separate issues and must not be blended together as one as some people choose to do.

Tommy remembered his abuse very well. He did not forget. He simply gave me the detail when he was ready, and when he felt safe to give it. It was a progressive disclosure over a relatively short time, and it did not involve recovered memory.

Tommy was one out of the ordinary. He did not go according to the book. His first disclosure in May, followed by three in three consecutive days in August, contained an amazing amount of detail. He then chose to wait two months before giving further disclosures.

"The Crown says, however, that there may well be logical explanations for how things portrayed by the children have occurred. The children's literal responses to questions, the form of the questions themselves and the children's recollections all have contributed to at times quite bizarre pictures.

"Remember, too, how easy it was for Ellis to convince these children how things could happen to them. Children for instance who thought that Ellis dressed up as a witch was capable of turning them into a frog. Children who believed in

Father Christmas and the tooth fairy. Children who believe they would truly die if they told their parents.

"The Crown says that clearly there was an opportunity for the accused to have taken Tommy and a number of other children to an address away from the crèche. In the circle incident tape, further compelling details were supplied by Tommy. For instance, Tommy was able to draw the piece of paper containing the plan of the circle and showed how it was attached by clips to the board. He also was able to draw the white circle on the floor where various people stood and where children were."

The lawyer for the Crown continued to go through detail that Tommy had disclosed, giving explanations. Eventually it became clear that the prosecution case was drawing to a close.

"In cross-examination my learned friend went on to highlight some of the more bizarre things that Tommy had subsequently said in his final interview, and indeed some of the things which he detailed in cross-examination to an adult had content difficult to accept from an adult's view point.

"I hope by now, however, you have recognised the need to treat such statements with a degree of caution. There may well be explanations for them. Do not forget what the Crown says, that this child was being abused over a lengthy period of time with very complex, frightening and disturbing messages and stimuli being passed to him. It is little wonder there is at times confusion in his mind.

"The Crown says, however, that the circle incident charge has been made out, that that event, that the central details,

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did occur. It is odd perhaps, however, the matters that you have heard in this trial, including the accused's own interests, you might think have stretched your personal views as to what is odd or bizarre or what is possible. In other words, how bizarre is bizarre?

"Before you started this trial, could you have believed some of the things that the Crown says have clearly happened, things that are supported by clear statements, by clear detail and by a number of children talking about without contamination?"

The Crown then went through the behavioural matters affecting Tommy at that time, such as toileting problems, withdrawal, anger, eating disorder, fear and anxiety etc, before turning their attention to me.

"Tommy's mother clearly was convinced that her child had been abused by Ellis. He was her son, he was saying all the wrong things. She was persistent, there is no doubt about that. After the interview in May she asked him regularly whether he had anything more to talk about. She knew that he did – and he did.

"It took some considerable time, however, the Crown says, for Tommy to appreciate that his parents believe him, believed in him, to begin to recall those things that had actually happened to him.

"It is made out that the mother of Tommy implanted these allegations in a child's mind by asking leading questions. There is no evidence to support that. The details supplied by Tommy are incapable of being produced, the Crown says, by that sort of question.

"Further the evidence given by Tommy's mother is clear. She knew nothing of the allegations made by Tommy. Yes, there were discussions between her and several other parents. No such discussions as to those allegations occurred, and in the event of those several parents, children had had their interviews long before. Their disclosures related to quite different allegations. There is no evidence of contamination. Again my learned friend has attempted to work backwards from a theory without the basis."

The Press of 3 June 1993 reported that as the trial was drawing to a close in its sixth week, Brent Stanaway had said, among other things, that the children, given the appropriate allowances for their age, had made compelling and credible witnesses. The jury would note, the report went on, the important and unprompted detail the children had been able to provide which negated the theory that they had been repeating their parents' suggestions.

The report also quoted Brent as saying that the tense, hysterical and boisterous behaviour exhibited by the children when they first disclosed to their parents was quite extraordinary. I could certainly say a fervent "Amen" to that.

## CHAPTER 14

## **Defence Submissions**

On the same day *The Press* began reporting the defence submissions, and continued to report them on the following day, 4 June.

As Robert Harrison summed up he was walking up and down, in fact pacing, as he talked to the jury. To my annoyance he laughed at some of the evidence, claiming that it was quite ridiculous. He concentrated on the contamination theory, and how children had made it up because their parents had told them to do so.

I do not have access to a transcript of the defence submissions, and so I must rely on the report in *The Press*. Lest there be any suggestion of my having selectively described this part of the case, I shall quote the defence statements verbatim from the newspaper.

The submissions were reported as follows:

"Mr Robert Harrison for the accused, Peter Hugh McGregor Ellis, aged 35, on the other hand said none of the allegations made against Ellis had been unprompted by parental questioning. In circumstances of intense parental interest and concern the children would have felt encouraged to provide the answers which they thought their parents were seeking...

"Mr Harrison said the defence had shown the crèche was an open and busy place with parents able to drop in unexpectedly. The Crown had twisted Ellis' habit of shocking his fellow workers with bizarre sexual banter into an interest in those activities. Not one of the children had made a spontaneous disclosure of abuse, despite being read books about disclosure in situations where they were safe.

"The jury would have to accept that young children did make things up as part of their normal development and judge the effect of the intense support and interest of the complainants" parents. If the parents had told their children they were safe, the children could have believed they had some reason to feel scared.

"Mr Harrison urged the jury to bear in mind that parents were capable of putting ideas into their children's minds, especially in the emotional climate of the time. With the huge media attention to the case, the children could have easily known Ellis was in trouble.

"The interviewers had not given a full picture of the children because their purpose was to talk about abuse and to believe all that was said. They had not asked about conversations the children had had with parents, or about what they knew about Ellis.

"Now it was too late to make that inquiry because the children had been treated as abused children for so long, and it had become impossible for them to give a fair account of the crèche.

"The jury would have to ask how Ellis had avoided detection at the crèche, and why he would commit indecencies there when he allegedly had the opportunity to abuse children away from the crèche.

#### DEFENCE SUBMISSIONS

"Where were the distressed children at the crèche and the groups of children holding on because they were too scared to go to the toilet? he asked.

On 4 June 1993 *The Press* reported the defence case of the previous day as follows:

"Defence counsel yesterday urged the jury in the trial of a childcare worker on sexual abuse charges to bring back a verdict saying the events alleged by children never happened.

"Mr Robert Harrison, for Peter Hugh McGregor Ellis, aged 35, said the evidence would leave the jury with more than a reasonable doubt, and urged them to bring back a verdict of not guilty on all the charges. The 25 charges accuse Ellis of sexually abusing 11 children who attended the Christchurch Civic Crèche between 1986 and 1992.

"Ending his closing address, Mr Harrison emphasised his contention there was no evidence to support the children's allegations.

"It was beyond belief that Ellis would have used the crèche toilet to commit indecencies when he had no idea who would come along.

"He asked how Ellis could have threatened the children and then consoled them to make them appear normal before they returned to the crèche from walks.

"Some of the alleged indecencies would have inflected horrendous injuries, yet no medical evidence of injury existed and trained childcare workers had found nothing untoward."

The same issue of *The Press* then began a report of the judge's summing up.

## The Verdict

After the judge had summed up the issues in the case as he saw them, he gave some direction to the jury and sent them to deliberate. They were out for three days. Each day, more and more tense, we would go back into the court and sit in the parents' room and wait.

The second night, some parents had arranged to rent a room over the road from court, and we all brought food to eat for tea. Susie and I felt uneasy away from court, afraid that the jury would be going back into court and we would miss the verdict. We felt much more comfortable in sight of the Crown and police.

At 9.30pm on the second day of the jury's deliberations we were told to come back the next day. The jury had gone back to their hotel and would resume the next morning, Saturday, 5th June 1993, as it happened.

Alec and I arranged for our family and friends to care for baby Michael and Tommy. I just had to be at the court, so off I went in good time; Alec would come at midday. I didn't know how he could stay home the whole of that morning.

The parents were in the room which we had had all through the trial, and off the hallway in an open-plan room were all the supporters of Peter Ellis.

#### THE VERDICT

The women crèche workers who had been charged and discharged were also there. I felt contempt towards all of them, but I remained controlled and spoke not a word to them.

At one stage during the morning a male, who we found out is a member of the support group PAIN (Parents Against Injustice) was standing at the door of the parents' room just staring at us. Someone asked who he was, and he said, "I'm just looking at you people and working out what people into witch hunts look like." One parent jumped up and slammed the door in his face. I was furious at him too and wanted to retaliate, but instead Susie and I went outside to have a cigarette.

She and I kept quite close to the police, not letting them out of our sight if we could help it, lest they found something out, and we weren't around to hear it. I was glad that my oldest son, George, was around for the full three days, and my middle son, Andrew, arrived on the Saturday afternoon. Both were with me and Alec and Susie when the jury gave the verdict.

Around 3.30 we filed into the court to hear the decision. Peter Ellis's supporters were already seated, but the parents chose to stand. The judge asked the foreman of the jury to stand and to give the answer to each charge (or count) as the judge called it out. I could hear some muttering behind me – a parent was praying for Ellis to be found guilty.

To the first count the reply was "Guilty". Alec and I were holding hands tightly; I could hear Susie's quiet sobbing behind me. On the first three charges relating to Tommy the verdict was the same – "Guilty".

Quietly, as each count was read out, I was saying "yes"

under my breath, but I noticed some members of the jury looking over at me. Perhaps my "yes" was louder than I thought.

On it went, charge after charge, and with what overall result? Well, for those of us who so badly wanted guilty verdicts, we should have felt reasonably satisfied – Ellis was found guilty on 16 out of the 25 charges. I was bitterly disappointed about his being found not guilty on the fourth charge, the circle incident, in which he was jointly charged with the women. However, on 17 April, just nine days before Ellis had gone to trial, the judge under section 347 had discharged the women on that charge, so I guess it would have been foolish for the jury to have found him guilty on the same charge.

I remember looking over to the police and trying to work out what their reactions were, but I could not tell. It was odd to realise that my own feelings about it all were mixed. I should have been feeling overjoyed, yet I wasn't.

However, when all the charges had been dealt with and the judge and jury had left the court, and Ellis had been removed, the parents all started hugging each other. Many were crying silently and many were moving from one person to another giving hugs.

George gave me a hug and he had tears rolling down his face. Andrew patted me on the arm and said, "it's really good, isn't it?" He was looking quite pale, and I know he too was relieved it was all over. Alec was more pleased than me because I was feeling disappointed about the "not guilty".

I approached several police and asked them how they felt. I don't remember their answers, but I do recall how stressed they looked. I believe it was a very long hard

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investigation for them all, particularly when dealing with such little children.

As was to be expected for such a sensational trial as this, the media were again out in force, inside the building and outside. As we parents eventually filed out of court we almost collided with the women from the crèche and their friends. One of them was talking freely to television cameras, being filmed from every angle. I heard another say that Peter Ellis was innocent, and that they would continue to fight to prove his innocence.

Several reporters had been approaching me throughout the deliberations, and in the end I had to be quite rude to some of them. During the three days of waiting for the verdict the phone was usually ringing as soon as I walked in the door at home, and this day was no exception. They were not allowed to identify any of the parents, because the children had their identity protected by suppression order made by the judge, but that did not stop some of them hassling us.

We filed on downstairs and out the front doors of the court, faced by many cameras and people. One media person yelled out my name, wanting a comment, but I continued walking. My older boys were walking very close to me, amazed by the number of people around.

We walked to the Park Royal to have a drink with many other parents. Alec and I had had little to say to each other throughout that day, and he had little to do with my sons as well. He felt under pressure, and I knew he felt he could not handle teenagers and the responsibility he had to have for them.

I was feeling quite anxious about that, and when we got

to the doors of the hotel, I told the boys they could not come in because they were under age.

I still feel dreadful about having pushed them away when they wanted to be with me. But they didn't argue, they just said okay and left. I have spoken to them since that time and they assure me they are not offended, but I still feel bad about that. In many ways I could not be an adequate parent to anyone right then, I was so full of mixed emotions – relieved that Ellis was convicted, yet still angry about what had been done to my son.

I did make one concession to requests from the media. As the trial was drawing to a close they were preparing to review the whole sensational event. (I believe the media and others sensationalised the case). Alec and I were invited to take part in a televised interview about the trial, without being identified of course. It would be recorded a day or so before the verdict and broadcast afterwards.

Other parents had refused, but we agreed because we thought it would help public understanding to hear something direct from complainants. The crew came to our place in the evening and stayed about an hour and a half. Agreement was made from the media that they would not sensationalise our story. They also agreed for us to view the filming to see if we were happy with it all, which we did.

At the Park Royal, after the verdict, the group of parents were waiting for the six o'clock news on TV1. The most important news of the day was obviously the trial and its outcome.

We all felt that the reporting was reasonably fair and balanced, then extracts from our interview were shown. We felt we had come across well, saying what we wanted to say

## THE VERDICT

in articulate fashion, and we agreed again that the editing of the interview had been fair.

One parent came up to me straight away and just hugged me and cried, thankful that we had both fronted up to the media and said the things we did. She felt we had spoken for all the children who had been abused. I accepted her thanks calmly, but when another parent came and hugged me I started to cry – the first really good cry I had had for a few days, and I just couldn't stop. It was quite frightening not being able to stop, but I felt relief with her and so I remained hugging her for some moments. When I eventually pulled away I saw that many parents were now crying, men and women. The relief for all of us was beginning to show. However, I am not a person who hugs everyone. In fact I am quite shy that way.

We drank some more and ordered food to eat. Early in the evening some of the police joined us and we went over the verdicts and discussed other things that had happened to each of us and our children.

Around eight o'clock George came back to join us for a drink for an hour or so. I was pleased to see him because I was aware that he had been through quite an ordeal having heard Tommy's very first disclosure, and then staying with him while he gave evidence at the trial.

When George left I decided I wanted to go home. People were beginning to enjoy themselves and get a little merrier from the drinks, but I wasn't in the same mood. I said my goodbyes and Alec walked me to the car and then went back and joined the others.

The minute I walked in the door the phone rang – the media wanting a comment. I abused them, slammed the

phone down, and then took it off the hook. I made myself a cup of tea and went to ring up Tommy at our friends' place.

He was still up and pleased to hear from me. He was pleased to hear that Peter Ellis was in jail; he had seen it all on the TV news. He was feeling a little safer now, and he sounded quite happy. He assured me his baby brother was sound asleep. I ran the bath, and had a long deep soak for about an hour, churning over the day in my mind and quietly crying now and then with the release of some of the tension that had built up.

The friends who cared for Tommy and my baby I have known for many years. They were just wonderful support. Tina and Bill and their children (who are young adults now) have done all my babysitting and have known Tommy from birth. At any time I could ring up and ask if they could care for Tommy and they were more than willing to help out.

Tommy felt very safe with them and loved going to stay. He felt so safe that he actually talked to one of them about one of his experiences at the crèche. They all treated Tommy as they always have, showing love and attention. The normality was the key issue, and it was always the same. Alec and I are so grateful for their support and unquestionable understanding.

I was in bed sound asleep when Alec got home, the first decent sleep I had had for days. Next morning my family rang that day, pleased with the verdict. When my brother Graham repeated the get-back-to-normal cliché that others had been saying to me, I felt a surge of annoyance but managed to keep it to myself, knowing that he meant well enough by it. He had no idea, and I don't think many did unless they had lived through the whole saga with us.

#### THE VERDICT

Lynn, my older sister, understood best of all as she had been close to our family and had seen Tommy's misbehaviour. She had also listened to me at length as I told her what Tommy had been saying and doing. Lynn has always had a lot to do with my boys, having helped me with them when they were babies, and often looked after them as they grew up. Tommy liked going to their farm and always got on well with both Lynn and her husband Brian.

The warmth and sympathy I felt from Lynn was, however, bought at a price in that I often felt guilty about what I told her about Tommy's abuse. I told her because I knew she would believe it and because I could not talk to anyone else.

The judicial system with its rules, in this case about not talking about things for fear of contamination of evidence, can make one feel very lonely. I don't disagree with the rules, but my way of coping and dealing with what was happening in my family was (and is) to talk things out. I felt limited as to who I could talk to, and naturally one has to choose very carefully who to talk to about this type of abuse. You are not sure who will believe you, and who will think you are crazy, who will suggest you are reading into things, and who will tell you to just let it go and try to forget about it. Lynn was a marvellous support to me. She was with me all the way: she was a wonderful listener, she never doubted what I was saying, and she never tried to change the subject or pull me up short.

I often thought of my mother when Tommy was disclosing what had happened to him and as he was going through the court procedures. I wished she was alive so that I could have talked to her as well. I am sure she would have believed Tommy and would have been of great support to

him and to me. I often visit her grave in Christchurch on my own, and have a few private words to her. I am not a religious person, but I missed her in this crisis.

I chose not to talk to my brothers, nor very much to my other sister – not because I thought they wouldn't believe me, but because of the strain of retelling. I would have had to explain to them all over again after telling Lynn. I'm not sure now, though, whether I was protecting them or protecting myself – perhaps I doubted that they would have coped. However, now, some years later, I feel I owe it to my family and some friends that they be told this story.

# Sentencing

Several weeks after the verdict, the sentencing took place. Again, many families turned up and again the court was full of the supporters for Ellis. Justice Williamson invited the defence to give their reasons for light sentencing.

Then the Crown gave their submission urging a heavier sentence for various reasons. For lay persons like me this whole procedure was technical and complicated, but the outcome was a sentence of 10 years imprisonment. I thought that was far too light. In my opinion it was a pity the death penalty wasn't in. That sounds harsh and cruel these days, but that's how I felt at that time. I had (and have) absolutely no sympathy for Ellis. If I had had any compassion for him it was dispelled after hearing the judge read out Tommy's victim impact report.

He read out a statement in which he elaborated on the following effects of Tommy's disclosures: such as: behaviour, anxiety, fears, eating problems, hygiene issues, withdrawal, abusiveness, regression in toileting, phobias etc.

The judge then continued on discussing effects of attending court such as ongoing therapy, continuity in his environment etc.

The judge then summarised Tommy's current state: such

as Tommy's social skills have been impaired, still has eating disorder, stabilising and coping adequately at school etc.

The victim impact report (which is not given in full in this book) was written by Tommy's counsellor and read out in court by the judge. Of course he read out a number of other children's victim impact reports also, and he said that the effects on these children is of major concern, and likely to affect these children for the rest of their lives.

A verbatim transcript of the judge's address to Peter Ellis can be found in the Sunday Times of 11 July 1993, p.6. Halfway through his address Justice Williamson stated: "The victim impact reports draw attention to the fact that the long-term effects of such offending is difficult to determine with any accuracy. In the Court's experience over a number of years many complaints of admitted sexual abuse only arise when the victims are in their twenties or thirties and they have had a breakdown or some other mental illness which has prompted counselling.

"Also, the court's common experience is that a number of offenders standing in your position tell the court that they were sexually abused as a child. Part of the seriousness which arises from the children's young age is that it is very difficult to prove offences involving such young victims. When they have been proved, then the Court must act to deter others".

The judge went on to say: "many of the effects of sexual abuse on these children were the subject of evidence at the trial and these effects have been summarised and brought up to date in detailed victim-impact reports that have been presented to the court and which I have read. These recount how, as the significance of these actions was appreciated by the children, they suffered the obvious repercussions of

headaches, tummy aches, night terrors, fear and anxiety and sleep disturbances, but also some of them show signs of what might be termed psychiatric disorders connected with sexual abuse such as depression, lack of confidence, self esteem, as well as eating and sexual disorders. The children have had some therapy, as Mr Harrison urges on me, and may need more which hopefully will do a lot to alleviate the symptoms".

In speaking directly to Peter Ellis the judge commented on some important points throughout his written sentence. He at first stated that the circumstances of the sixteen crimes, the effects upon the child victims, and Ellis's own personal background and history had to be weighed up in arriving at an appropriate overall sentence.

He said: "two points must be stated clearly and firmly. First, the jury's verdicts of guilty were the result of a careful consideration of detailed evidence and submissions presented by both sides. Their verdicts were obviously correct. Secondly, it would have greatly assisted the child victims of these crimes, and indeed yourself, if you had faced up to the truth yourself and sought help at an early stage".

He continued: "the jury were in a unique position in this case. Unlike almost all of those who have publicly feasted off this case by expressing their opinions, the jury actually saw and heard each of the children. They also heard your own evidence and that of other former Christchurch Civic Crèche workers. The jury disbelieved you. They believed the children, and I agree with that assessment".

When I heard Justice Williamson say that I cried. To hear for the first time that the children were believed was like music to my ears. I have told Tommy that over and over again, and he loves to hear me tell him that. He really likes

that judge, even though he did discharge the women. Tommy often talks about the women and he believes the judge made a bad decision over the women, but a good decision over Peter Ellis.

Justice Williamson continued: "I am aware from the depositions and the evidence that a number of other children complained of sexual abuse by you, but that for various reasons it was not wished that they give evidence at the trial, and the Crown did not proceed on charges in relation to them.

"In view of the evidence that was given at the preliminary hearing and the trial, there must be a grave suspicion that there were a number of other acts of abuse in addition to those contained in these sixteen crimes. I completely disregard those suspicions in sentencing you. The sentences are based on the acts which you have been proved to have done and not on suspicion of guilt of other offences with which you have not been charged or upon which you have been acquitted".

He then went on to talk about the sixteen convictions being made up of three of sexual violation, for which Parliament had provided a maximum sentence of fourteen years' imprisonment, eight relating to indecent assault for which the maximum was ten years' imprisonment, five relating to the doing or inducing of indecent acts on children under twelve years of age which the maximum was ten years' imprisonment.

The judge stated: "those maximums, in themselves, indicate the gravity of this type of offending. The three crimes of sexual violation all relate to unlawful sexual connection between your penis and the mouths of three children. Two of these occurred at the crèche and one at an unknown address. I do not intend to repeat in sentencing the detailed

#### SENTENCING

evidence of overt violence producing physical injuries on these children. Secondly, you have no previous record of sexual offending. Thirdly, many of the parents and crèche workers were attracted to you and impressed at your enthusiasm and your skills in child care work. Fourthly, imprisonment will be difficult for you".

The judge then talked about Ellis's life and background and the support Ellis had been given. He stated: "I have also read the large number of letters and references that have been supplied to the court. These come from your family, from friends, from children who attended the crèche, from colleagues and from former teachers and acquaintances.

"Many describe your obvious good and creative abilities to play with and look after children. They speak of your positive contributions to the crèche. They speak of your flamboyance, your gentle manner on occasions, your sense of humour. Clearly you have a supportive family, and that will be important to you in the future. Others who have written letters just cannot accept your guilt. Indeed some may not appreciate that carval obuce is not recognize that carval obuce is not recognize the sock of a

three weeks to cover the period that you have already spent in custody".

On 23 June 1993, the day after the sentencing, *The Press* published a review of the whole case, headed "Pity the children, be it abuse or interviews", it occupied most of two back-to-back pages. It contained one long section in which the reporter, Martin van Beynen, who had been covering the case, surveyed and commented on what he called the saga.

A large centred illustration – a drawing that showed perhaps fifteen young children in various poses with adults in the background – was spread over five columns. Two shorter sections were headed "Crèche parents divided" and "Boy described deviants' circle", and there were also two boxes, one giving a chronology of the whole affair, and a smaller one headed "Dept adheres to procedures".

Since then, more than two years after the trial, the media have reported various sequels – the denial of costs claimed by the discharged women, the unsuccessful appeal to the High Court in Wellington, the defence of the City Council against unfair dismissal of childcare workers, the defence of the Police about their role.

At the time of publication, December 1997, there seems little likelihood that the case will quickly be forgotten. My story will probably not be the only version of what happened at the Christchurch Civic Crèche in the early 1990s.

# CHAPTER 17

# The Aftermath

On the day of the sentencing a number of parents stayed around for a while to discuss the verdict, and many, like me, seemed dissatisfied that Ellis got only ten years. We knew that he would have to spend at least two-thirds of that time in jail, and that just didn't seem long enough.

It was a little depressing for me, but I took the news home to Tommy, and he was delighted. The first thing he said was: "yes, now he can't hurt any more children, and he can't get me."

All of my family were happy with the sentencing, and we watched the news that night feeling satisfied that Ellis was inside and unable to do any more harm to children.

After the trial was over, however, I quickly felt isolated. All I heard from many people, including some of the police was: "well, life can now get back to normal for you all."

Normal, I thought – how can anyone think like that after what had happened to Tommy? My whole life once again felt completely upside down. We had all been drastically affected over the previous eighteen months, and been engaged with one professional after another, and with many other parents, but now, all of a sudden, the support had stopped.

Were we expected to go from stress and tension to

everyday calm just in a day or two? The social worker was no longer seeing Tommy, contacts with parents began to tail off, most of the police were no longer interested in me or Tommy, and before long the counsellor had decided that Tommy needed a break from counselling, saying that normality was the important thing to have in place. But what was normal after the life we had been having?

The idea of getting back to normal sounds reasonable enough, yet still I was dealing with a traumatised child, a victim who was exhibiting all the symptoms predicted in what the judge had read out in court. Anxieties, phobias and violent outbursts – they were all there.

For some time I was really low. I felt there wasn't a soul for me to turn to, that no one was really interested any more. I became sick and depressed, with recurring tonsillitis and a feeling of powerlessness. My relationship with Alec deteriorated again as we argued over trivial matters, and my teenage boys were acting up.

For some months after the trial had completely finished, in fact until I decided to write my story, I felt life was hell.

Everyone has to find their own ways of dealing with stress. For me, writing things down and trying to understand the whole saga more and more clearly has been very helpful. It took ages to get it all down and then put it more or less into shape, and the immediate results were dreadfully disappointing.

No one seemed interested in my account of things. I was told I was approaching it too academically, so I did a complete rewrite, making it more personal. Still no one was interested, but I now felt that with the second go at it I had done something more for myself.

#### THE AFTERMATH

The best thing, though, was the way my writing efforts and my research led me into correspondence with others, many of them overseas, who are trying to understand child abuse. That in turn inspired me to start a newsletter on the subject.

I sent the first one to 430 counsellors all over New Zealand, and after an anxious wait I had the satisfaction of getting many encouraging responses. So I continued, and I'm glad to say that Alec and I are now working together on it, with him doing the proof reading and layout.

And Tommy? More than three years on, there are still behaviours to cope with. Some are socially acceptable, even though from a psychological point of view they seem to be obsessional reaction to his crèche experience.

For example, although he still has to be coaxed into showering and bathing, he is extremely fussy about his appearance. He is particular about what clothing he wears, and his hair must be perfectly in place, flattened with water or mousse if any strands are not precisely in position.

His behaviour at the toilet has greatly improved from what it was when he first chose to talk of the horrific abuse he had to endure for two years. But he copes with a little ritual of flushing the toilet as quickly as possible and humming to himself as he makes a rapid exit.

Eating habits have distinctly improved, although his handling of a knife and fork still seems peculiar. He often needs reminding to use his knife and fork.

Earlier on in the piece, the worst feature was his unpredictability: he would suddenly flare up and become abusive for no apparent reason, for example, not only with us but while playing with a friend he had invited home.

As I am writing this he has settled down and has made some very close. They do not know of Tommy's background and Tommy wants it that way. Tommy must be showing enough acceptable behaviour or they would shun him.

Some time ago Tommy was assessed by Dr Karen Zelas, who believes he is making reasonable progress. Of course, as the judge pointed out, the danger is that there may be repercussions later. On the whole, though, we are reasonably pleased with Tommy's progress, while remaining alert all the time.

Now, a really tough question – forgiveness. Can I ever forgive Peter Ellis? If anyone had asked me that in the turmoil of disclosures, interviews, depositions and a High Court trial I think I would have flown into a dreadful rage. As I said at the time I thought the penalty imposed was far too light, and in my anger I even said I wished the death penalty had been in. But now, three years on, I have started to see things differently. As far as I am concerned, Ellis got all he deserved, and I certainly don't feel that I owe him a thing.

Continuing to dwell on wrongs that have been suffered, can make people tense, bitter and angry. Almost every health worker in the world advises people under stress to try to get rid of negative feelings that are really strong and persistent.

Quite apart from bringing on bouts of depression and other mental illness, the nursing of angry feelings usually has physical consequences as well, such as stomach illnesses and skin troubles. In fact, some health professionals attribute the onset of more serious problems than these to suppressed bitterness and disappointment.

But to forgive someone for a great wrong is easier said than done. It requires detachment, courage and consider-

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able personal resources. Forgiveness is a complex concept, involving a psychological and philosophical distancing of oneself from a stressful situation. One needs first to detach oneself from the facts and feelings of the situation that caused the hurt in the first place.

Asking that of anyone of Tommy's age would be asking a lot – too much, at least until he is older. Nevertheless, I asked Tommy if he could forgive Peter Ellis. No, he said, he could never forgive the people who hurt him because they never told the truth about hurting him. They never acknowledged having done wrong.

It's hard to argue with that. However, normality is what we strive for in our lives and we snatch every bit of happiness we can get. I will never forget, and the pain will always come back at different times, because my son could never get back the innocence children naturally have.

# APPENDIX

On June 7 1993, reporting the jury's verdict, *The Press* summarised the case in a graphic as follows:

- 1 December 1991: Civic childcare workers suspended after allegations a child had been sexually molested.
- February 1992: Peter Ellis dismissed from job.
- March 1992: Police investigation into possible abuse starts.
- 31 March 1992: Ellis granted interim suppression of name after appearing in District Course on charge of indecently assaulting girl under 6.
- 9 April 1992: Five more indecency charges laid against Ellis.
- June–July 1992: Eleven more charges of indecency aid against Ellis.
- September-October 1992: Total of charges laid against Ellis rises to 45.
- 2 November 1992: Four former women staff members of centre are alleged to have sexually offended against children. They are jointly charged with Ellis.
- November 1992: Ellis assaulted by four men in his Linwood flat.

- 18 December 1992: Preliminary hearing adjourned. Resumes 19 January 1993.
- 11 February 1993: Four former women staff members are committed to High Court for trial.
- 5 March 1993: One of the four women is discharged.
- 17 April 1993: Remaining three women are discharged.
- 26 April 1993: High Court trial of Ellis begins. He faces 26 charges of abusing children in his care.
- 3 June 1993: Jury retires to consider its verdict.
- 5 June 1993: Jury finds Ellis guilty on 16 of the remaining 25 charges.