

2 June 2000

Rt Honourable Sir Thomas Eichelbaum

Dear Sir Thomas

PETER HUGH MCGREGOR ELLIS

You have asked the Ministry to provide information about possible experts to provide opinions to you as part of the inquiry into aspects of the Ellis case.

Terms of reference

The terms of reference to the inquiry require that the experts from whom opinions will be sought should be internationally recognised, if possible with experience in mass allegation child sexual abuse. In addition, the terms place an emphasis on the assessment of whether the investigation into the events at the Christchurch civic crèche case and interviews of children were conducted in accordance with best practice as now understood.

Once selected, the experts will be required, on the basis of the evidence at depositions and trial, to advise whether in their opinion there are features of the investigation and/or interviews of the children which may have affected the reliability of the children's evidence, and if so, their likely impact. Clause 2(b) of the terms of reference requires that the experts should reasonably reflect the range of professional views.

Possible candidates

We have researched the international literature and have identified three possible candidates who would appear to be particularly well suited to provide expert advice as part of the Ellis inquiry, because of their experience and expertise. Brief biographies of these experts, along with their contact details, are outlined below.

Selected bibliographies of each of the experts are also appended to this paper. You should note, however, that these bibliographies are not a complete list of the publications made by each expert throughout their research history. Rather, they depict a selection of the publications made by each, taken from the major psychological journals in the relevant fields of inquiry. Our aim in providing them to you is to provide some background information on the experts and their fields of expertise.

The three experts that we have identified are:

1. *Professor Gail Goodman*

Professor Goodman has been one of the leading American experts in the area of child suggestibility and child evidential procedure in sexual abuse cases for over fifteen years. She has published extensively on a broad range of relevant subject areas, including:

- Child memory and eyewitness testimony, with an emphasis on child sexual abuse;
- The preparation of child witnesses for giving evidence;
- Courtroom factors that influence the credibility and accuracy of children's evidence;
- The effects of traumatic events on child memory;
- The use of anatomically correct dolls in child evidential interviewing;
- The factors contributing to false event reporting by children, including leading questions;
- Retractions of child sexual abuse; and
- Appropriate interview techniques to facilitate child recall of events.

At present, Professor Goodman heads the Centre for Social Sciences and the Law at the University of California (Davis). She has served on the editorial boards of a number of major psychological journals, and has presided over two divisions (Child, Youth, and Family Services; and Psychology and Law) and one section (Child Maltreatment) of the American Psychological Association. In addition to her research as summarised above, Professor Goodman has edited a number of major volumes on abuse and children's testimony, and has contributed to practical guideline manuals on the evaluation and preparation of child witnesses for giving evidence in court. She has also conducted a number of surveys on the incidence of ritualistic and religion-based abuse in the United States. Professor Goodman has also examined the contribution of leading questions and individual difference factors such as abuse history to allegations of satanic ritual abuse.

Finally, Professor Goodman has been contributed, under cover of the American Psychological Association, to at least one *amicus brief* for the United States Supreme Court (*Maryland v Craig* [1990] 110 S. Ct 3157) in a case of child sexual abuse.

Professor Goodman's contact details are:

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2. *Professor Graham Davies*

Professor Davies is one of the leading British academics in the area of child suggestibility and evidential procedure in sexual abuse cases. He has an extensive list of publications in both these and related areas dating over thirty years. Relevant areas of expertise include:

- Child eyewitness memory and testimony;
- The environmental factors contributing to child suggestibility;
- Children's knowledge of court proceedings;
- Children's memories for unexpected and traumatic events;
- The mechanisms underlying event recall, including the contamination of memory and false event reporting;
- Appropriate procedures and effectiveness of closed circuit television in court;
- The characteristics of memory recovery;
- The impact of courtroom procedure on child evidence; and
- The effect of child witness research on public policy and legislation in the United Kingdom, and
- The preparation of child witnesses for testimony.

In addition to his academic qualifications, Professor Davies has considerable practical expertise in the assessment of evidential child testimony. He is a chartered forensic psychologist, and has completed, on behalf of the Home Office, two evaluations on the UK Memorandum of Good Practice.

Professor Davies is a member of the British Sector of the International Commission of Jurists; the Home Office Working Party on Children's Evidence; and the Lord Chancellor's Department Working Party on Therapy for Child Witnesses in Legal Proceedings. He is a member of the British Psychological Society's Division of Criminological and Legal Psychology, and is the current Chair of the Society for Applied Research on Memory and Cognition.

Professor Davies' contact details are:

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3. *Dr Debra Poole*

Dr Debra Poole is a prominent American child psychologist who specialises in the area of children's memory, children as eye-witnesses and child testimony. Her relevant areas of expertise include:

- The factors contributing to false event reporting and suggestibility in children;
- Techniques for the recovery of memories of childhood sexual abuse;
- Appropriate interview techniques to facilitate child recall of events;
- Procedures for the assessment of true and false disclosure in allegations of child sexual abuse;
- The effects of repeated questioning on the accuracy of childrens' eye-witness testimony, including the effects of parental coaching;
- The impact of courtroom procedure on child evidence; and
- The preparation of child witnesses for testimony.

Dr Poole is currently employed by the University of Michigan. She has provided in-service training to State of Michigan judges, and is co-author of a practical manual outlining best practice for the investigative interviewing of children. Dr Poole has contributed to an *amicus brief* for the New Jersey Supreme Court (*State of New Jersey v Margaret Kelly Michaels* [1994] 136 N.J 299) in a mass allegation creche case of child sexual abuse.

Dr Poole's contact details are:

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Other matters

We would also make three final points in conclusion. Firstly, during the process of identifying these experts, we came across a number of other possible candidates who might also be suitable to provide opinions as part of the inquiry. In large part, however, we discounted these other candidates on the basis of their having had significantly less experience in the relevant fields, with publication histories of less than ten years. In this regard, we would note that the three experts we have outlined below are, in each case, outstanding in the relevant areas of research and practice. We can, however, provide details of these other experts if you desire.

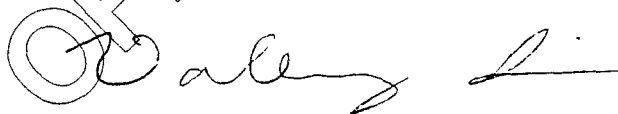
Secondly, we also identified a number of possible candidates who, while having an extensive list of publications in the relevant fields, were discounted because of their controversial public profile. Additionally, we also discounted a number of experts who displayed an overly academic focus in the relevant subject area, with an absence of practical involvement. Again, we can however provide details of these other experts if you desire.

Finally, we also discounted those experts who have had previous involvement in the case. These experts are: Dr Constance Dalenberg; Professor Ray Bull; Dr Michael Lamb; Professor Maggie Bruck; and Dr Barry Parsonson. In addition, we have discounted Professor Stephen Ceci, who has expressed a view on Mr Ellis's case in the New Zealand media. We have also discounted any experts who have a close publishing association with any of these individuals.

We have not yet contacted our counterparts in other jurisdictions at this stage. We will do so once we have a "short-list" of possible candidates, if you think this would be helpful.

We hope you find this information of assistance. Please do not hesitate to contact me if you have any queries in relation to this material, or if you wish the Ministry to provide additional information or make further inquiries on your behalf.

Yours sincerely



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