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PART III : INDIVIDUAL CASES

34. Some specific comments in relation to individual cases can be made:

(i) CHILD "O"

Child O was the second complainant to be called by the Crown at trial, she having been interviewed on **one** occasion on 12 May 1992. She made an allegation of vaginal touching at the crèche. The jury returned a verdict of guilty (count 4).

O was 3 ½ to 5 years old for the period covered by the relevant count. She was 7 ½ years old at the time of the evidential interview.

Both of child O's parents gave evidence.

Contact with Other Parents and Sharing of Information

It was not suggested at any stage that either of the parents had had contact with (mother of the original child complainant).

There is no evidence to suggest that these parents were in contact with other parents or in any way involved in the sharing of information or receiving information from other parents. The only evidence relates to contact with the parent of a child (not a complainant) in November 1991.

In that regard the mother of child O referred to being telephoned by the mother of a child, (not a complainant), at the time of the "1991 meeting" (Trial P 45 line 35). She told the mother she did not know the nature of the allegations.

O volunteered the information of abuse; it was not elicited by repetitive questioning. Open questions were used and there was no use of dolls. There was no retraction and no "fantasy" content to the allegations. O was never taken to the "abuse site".

There is no suggestion of suggestive questioning or sharing of information.

Attending Support Group Meetings

Again there is no suggestion, and nor were these parents cross-examined to the effect that they attended any support group meetings. The parents of child O were not part of any support group.

Attendance at Official Meetings

The parents of child O attended the Knox Hall meeting in March 1992. They did not attend the meeting in December 1991 arranged by the management committee. Instructions were given at the Knox Hall meeting which were followed to "the letter".

Their reason for attending the Knox Hall meeting was that they thought it important to see whether or not O should be given the opportunity to say anything about what had happened to her. (T p.45 lines 16-19).

“We attended the meeting because we thought that it was important to see whether or not [O] should be given an opportunity to say anything about what happened to her ...”

There is no evidence to suggest that the effect of attending that meeting was to create and sponsor hysteria in these parents.

In cross-examination at trial, p.33, line 32, it was stated as follows:

- “Q. As a result of that meeting did you ask your daughter some questions?
- A. To the phraseology of your question I would have to say not as a result of the meeting no. The meeting gave us the means whereby to ask [O] the questions.”

Parent/Child Contamination and Questioning of the Child

There was no exchange of information and accordingly the parents did not, and could not, have suggested information to their daughter as to the “type” of sexual abuse.

There was some parental questioning but this needs to be put in context as to background matters.

When attending a Guy Fawkes evening in Hagley Park on Friday 9 November 1991 the parents of child O decided to park at the Civic Crèche carpark. When they arrived, O told her mother that it was her old day care, that she hated going there and hated Peter. This was a spontaneous statement by the child and as a result the child was reprimanded for speaking the way she did. The mother said she really “ripped into her”, that they did not go to the fireworks and went home, O was crying in the car all the way home. Significantly this occurred prior to Peter Ellis being suspended from employment at the Civic Crèche. (Depositions p.380, line 26 to p.381, line 12, and Trial p.44, lines 28-36).

The mother's evidence at p.381 of the Depositions lines 20-36 refers to waiting until the weekend to deal with matters in a low key and calm manner (Trial p.45, line 23). She explained to her daughter that the Police believed Peter had done bad things in terms of bad touching with children and stated that the children were safe. She was aware of the guidelines that had been given at the meeting and how to raise the matter without putting ideas into the child's head. When she told her daughter that the Police believed Peter had done bad touching O responded:

"Has he got any money? I said yes. She said has he got somewhere to live? I said yes. She said well is he going to jail? I said I don't know. She said well if he has been doing bad touching then he should go to jail. We said would you like to talk to the Police about this and she said yes."

When discussing "bad touching" at the trial, the mother explained what the family's understanding was of bad touching, that is, bad touching is touching that gives a bad feeling, touching that makes one feel uncomfortable and embarrassed. There was no specific information imparted that bad touching included touching on the vagina or private parts of the body. (T p.44 lines 18-25)

Child/Child Contamination

There is no evidence to suggest that O had contact with other children who had made complaints against the accused Peter Ellis. Between leaving the crèche and the Trial she had no contact with other complainant children.

Child O did not receive counselling until **after** the evidential interview.

Child O did demonstrate emotion immediately after the interview. As is clear from the video (end) she became very agitated and aggressive when left in the room alone after having made a disclosure.

Media Contamination

At the trial the mother stated that they had not discussed or shown O any news clippings or Court reports, that she had not seen anything on the television and when they went to the meeting they were careful not to say anything to her (T p.45 line 21). At Depositions (D p.381 line 13) she stated:

“We actually didn’t let [O] know anything about it at all, not newspapers or television or anything. We didn’t think it was helpful at all.”

O’s evidence during cross-examination was (T p 39 line 13):

“Have you seen the newspaper and TV over the last few months about all this Civic Crèche staff? No. Haven’t you seen any? No I am not allowed to watch the news but I can read newspapers.”

Parental Mindset

There is no evidence that these parents had a mindset to believe the children and that Peter Ellis was guilty. At trial the mother stated:

“As regards the various things that have been in the papers or in TV I formed no view as to anything to do with anything I didn’t know about.” (T p 45 line 15)