

MINISTERIAL INQUIRY INTO THE PETER ELLIS CASE

Rt Hon Sir Thomas Eichelbaum

SUBMISSIONS ON BEHALF OF

MR PETER HUGH McGREGOR ELLIS

**IN RELATION TO PARAGRAPH (1) OF THE TERMS OF
REFERENCE**

24 July 2000

**SUBMISSIONS IN RELATION TO TASK TWO
PART ONE**

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VOLUME 3 OF 5

**Task Two:- Part One- Using Evidence at
Depositions and Trial, to Assess Whether
Investigation and Interviews of the Children
met Best Practice Protocol**

THE INVESTIGATION

INTRODUCTORY REMARKS

1. The agencies involved in the investigation of the Christchurch Civic Creche case were the New Zealand Police, and in particular Detective Colin Eade, the Department of Social Welfare, and in particular the specialist interviewers Morgan, Sidey and Crawford, Dr Karen Zelas, and to a degree the Crown Solicitor's Office in Christchurch.
2. Whilst a multi-disciplinary approach to the investigation of mass allegation cases is critical, it is equally critical that each agency involved performs its role in an objective way, bringing to bear its particular skills and judgement.
3. In the Christchurch Civic Creche investigation there was a failure by those involved to follow a protocol that is now known to reduce the risks of false allegations being legitimised.

The Failures of the Investigation

4. Bearing in mind the research referred to in Volume 1 of these Submissions and the identification of a best practice protocol for mass allegation cases, the investigation of the Ellis case failed in both areas of major principle as well as in areas of detail. It is submitted that the investigation was not only woefully inadequate

in its attention to its tasks but was a seriously contaminating factor itself.

5. The investigation, which commenced in November 1991, was triggered by the remarks of a three and a half year old boy to his mother). The information which is detailed below was available to the investigators had they discharged one their primary obligations, that is, to look for sources of potential contamination.

Christchurch 1991

6. The atmosphere in Christchurch in 1991 had been fuelled by allegations of a paedophile and pornography ring and by allegations from visiting American child abuse specialists that "*satanic ritual abuse is occurring in New Zealand.*" ¹
7. The atmosphere in Christchurch in 1991 was highly charged in relation to the issue of child sexual abuse.
8. Allegations of Christchurch children being exploited in a prostitution and child pornography racket were rife. This followed in the wake of a supposed pornographic ring investigated by police two years before.²
9. A former Police officer made a statement that the Police had spent six months investigating a child pornographic ring in Christchurch which they believed had gone underground. Brent HYDE, a former Detective said:
"I believe something is still going on in Christchurch. It's a very lucrative business with heaps of money to be made by the big players." ³
10. He said that 500 video-tapes had been seized some of which featured sexual abuse with children and were almost certainly filmed in New Zealand:

¹Source: *The Press*, 27 August 1991.

²Source: *Sunday News*, 7 April 1991.

³Source: *The Dominion Sunday Times*, 7 April 1991.

"It was obvious that the two 11 year old girls had made independent disclosure of bizarre sexual abuse involving video cameras, haunted houses, knives and drug parties."⁴

11. Adding further fuel to the situation was the workshops held in Christchurch in August and November of 1991 by groups who proclaimed that Satanic Ritual Abuse was happening in New Zealand.⁵

12. In August Mitchell WHITMAN described in *The Press* as a sexual abuse therapist noted for his work in raising child sexual abuse awareness with United States churches, he said that:

"Satanic Ritual Abuse posed as great a threat to children as sexual abuse...It was up to society to uncover the practice."⁶

13. He made the statement in Christchurch on the 26th of August 1991.⁷ He was in Christchurch as a guest for the Open Home Foundation after taking workshops on child sexual abuse in Auckland.⁸

14. He reported that seven victims of Satanic Abuse had approached him during his visit to New Zealand and that among other things:

"a child said he had been made to eat faeces during a particular ritual."⁹

15. This was a theme that came to be often repeated by the children in the Crèche case in their later interviews.

16. In September *The Dominion Sunday Times* reported that:

"Police and Counsellors finding evidence of ritual abuse in New Zealand."¹⁰

17. It reported two female counsellors from Wellington who were members of the Ritual Action Group (RAG) as being horrified by

⁴ Source: *The Dominion Sunday Times*, 7 April 1991.

⁵ Source: *The Dominion Sunday Times*, 1 September 1991.

⁶ Source: *The Press*, 27 August 1991.

⁷ Source: *The Press*, 27 August 1991.

⁸ Source: *The Press*, 27 August 1991.

⁹ Source: *The Press*, 27 August 1991.

¹⁰ Source: *The Dominion Sunday Times*, 1 September 1991.

the descriptions of abuse The Ritual Action Group was formed earlier in 1991 and were reported to be:

"A loose network of people who see the need to raise awareness of ritual abuse in New Zealand".¹¹

18. The women were beginning "research" sponsored by the Family Violence Prevention Co-ordinating Committee. They called through groups of sexual abuse survivors and women's groups for survivors of ritual abuse to contact them. The paper said:

"Ms Stapp and Ms Frances, who are trained Social Workers are giving a workshop about this research at a Christchurch conference next week."¹²

19. The article referred to Mitchell WHITMAN (previously referred to) on describing a report of a youngster who is

"urinated on and made to eat faeces, as well as being sexually and physically abused"¹³

20. The Sunday Star repeated much the same type of article the same day.¹⁴

21. The Ritual Action Group presented their workshops at the Family Violence Prevention conference in Christchurch in September 1991 and this was followed by further media interest.

22. On 19 and 20 November 1991 Dr Astrid Heger described as an "American sexual abuse expert" was in Christchurch to lead a training session in relation to the diagnosis of sexual abuse.¹⁵ Dr Heger said that extensive research in the last 6 years showed that 1 in 3 or 4 girls were abused and probably 1 in 6 boys. She further stated that studies by psychologists and socialists in the United States all supported the same fact - that children did not lie about sexual abuse. She said that child abuse was under diagnosed and under recognised. Dr Heger's training session was for physicians and

¹¹ Source: *The Dominion Sunday Times*, 1 September 1991.

¹² Source: *The Dominion Sunday Times*, 1 September 1991.

¹³ Source: *The Dominion Sunday Times*, 1 September 1991.

¹⁴ Source: *Sunday Star*, 1 September 1991.

¹⁵ Source: *The Press*, 5 November 1991.

specialists in the area. She had been bought to New Zealand by Doctors For Sexual Abuse Care. Dr Heger is thought to have been involved in the notorious McMartin case in the United States.

23. Pamela Hudson,¹⁶ author of "*Ritual Child Abuse: Discovery, Diagnosis and Treatment*"¹⁷ sets out symptoms and allegations of Ritual Child Abuse in her publication. It was to provide an almost blue print copy of the claims of the children in the Crèche case. Hudson reports on:

Symptoms:

1. Nightmares/Night Terrors
2. High anxiety disorders
3. Temper tantrums

Allegations:

1. Molested by strangers, day care workers, parents.
2. Molested by other children

Reported Physical and Psychological Abuse

1. Locked in cage or jail
2. Told parents, pets or younger siblings would be killed if they told.
3. Buried in the ground in coffin which they called "boxes"
4. Threatened with guns and knives
5. Injected with needles, bled, drugged.
6. Photographed drug abuse
7. Tied upside down over a "star" hung from a pole, burnt with candles.
8. Abusers in black robes
9. Mock marriages
10. Defecated and urinated upon
11. Animals killed
12. Observing torture as a molestation of other children
13. Seeing children or babies killed
14. Taken to churches, other day care siblings and people here and graveyards for the ritual abuse.

24. The mother of at least one of the child complainants was aware of Ms Hudson for in her letter of the 11th of August written to the investigators who had refused to further interview her son at that time asked for Ms Hudson to be brought back to New Zealand as an expert in the case.¹⁸

¹⁶ Source: letter dated 11 August 1992.

¹⁷ Source: *Ritual Child Abuse: Discovery, Diagnosis and Treatment*.

¹⁸ Source: letter dated 11 August 1992.

25. This was the atmosphere that pervaded Christchurch in November 1991 when a mother () reported her 3 1/2 year old son was saying he disliked Peter's black penis.¹⁹ Christchurch was as of November 1991 a smouldering volcano awaiting sufficient pressure to trigger an eruption.
26. The Depositions and Trial Transcripts do not reveal that the investigators in any way evaluated the effect of the atmosphere in which the allegations came to be made.

TIME-LINE

27. The following Time-Line of the investigation reveals the numerous opportunities for contamination to occur and identifies them as being of the same general nature known to give rise to tainting (or contamination) in other such cases across the Western world:

27.1 On 20 November 1991, () the mother of () aged three and a half, a child at the Crèche, complained to Gail DAVIDSON, the principal of the Crèche that her son has said that he "hated Peter's black penis." () would not send him to the Crèche if ELLIS remained there.²⁰

27.2 The child had made a similar remark to his father the month before but when asked about it told his father he had made up a story.²¹ The father had not seen the remark to be significant enough to even report it to his wife. The remark by () was made in the bath when mother and son were discussing what () didn't like about Peter. At that stage, () had already expressed a dislike of Peter ELLIS.²²

27.3 On 21 November 1991, ELLIS was put on temporary leave.²³

¹⁹ Source: () Deposition Statement.

²⁰ Source: () Deposition Statement.

²¹ Source: Notes of Evidence at Depositions page 680.

²² Source: () Deposition Statement page 2 .

²³ Source: Letter from () to ELLIS dated 24 January 1992.

27.4 On 25 November 1991 [redacted] liaised with Det. Colin EADE of the Christchurch Sexual Abuse Team and the Specialist Services Unit (the "S.S.U.").

27.5 On 25 November 1991, [redacted] was interviewed by S.S.U. but made no disclosure of sexual abuse.

27.6 Peter ELLIS's solicitor, Mr Chris KNIGHT to [redacted] on 27 November 1991 threatening defamation.²⁴

27.7 Despite that fact that no sexual abuse was disclosed, the Management Committee of the Crèche met on 28 November 1991 to discuss the issue. In attendance were, *inter alia*, Mr

(mother of [redacted]) who was to become the complainant in the first charge brought against ELLIS) and Detective Colin EADE. It was determined that a meeting would be held on 2 December 1991 at the Crèche for the parents of Crèche children. The meeting was to be organised by [redacted] who was a Social Worker by occupation, and Sue SIDEY of S.S.U. was to be in attendance to give advice to the parents.²⁵

27.8 The meeting was to deal with issues of "concern" rather than allegations. The purpose of the meeting was to inform the parents about child abuse so that they were able to make their own judgements.²⁶

27.9 Prior to the 2 December meeting, which became known as the "first meeting", [redacted] had commenced discussing with others what her son had said. The others included [redacted] (mother of [redacted])

*"I went along to the meeting knowing what [redacted] had told his mother about Peter Ellis."*²⁷

²⁴ Source: Letter from Mr Knight to [redacted].

²⁵ Source: Colin Eade Depositions Statement page 1.

²⁶ Ibid.

²⁷ Source: Original statement of [redacted] 21 April 1992.

27.10 at depositions²⁸ acknowledged that she had started to talk at that time to others including (mother of and (mother of who were her close friends. was telephoned and offered support by both : ²⁹ and

27.11 saw herself as being very involved in the area of sexual abuse:

"Certainly I have a very real concern for kids. I have worked in the sexual abuse area for a number of years and I have a definite involvement in the area," ³⁰

27.12 A support group organised by was set up at about the time of the first meeting (the 2 December meeting). The group included

:1

27.13 On the morning of 2 December 1991, the Christchurch Press published a report entitled "Allegations of Abuse" announcing that a Civic Crèche worker had been suspended after allegations of sexually abusing a child.

27.14 The meeting had been arranged to inform parents that the Police and the Specialist Services were dealing with, according to Colin EADE, "concerns as opposed to allegations or anything specific."³² The format of the meeting was a result of consultation between Detective EADE and Sue SIDNEY. It was held despite the fact that no formal disclosure of sexual abuse had been made and with no apparent recognition of the fear which it might engender in parents.

²⁸Source: Notes of Evidence at Depositions, page 691.

²⁹Source: Notes of Evidence at Trial page 227.

³⁰Source: Notes of Evidence at Depositions page 688.

³¹Source: Notes of Evidence at Depositions page 692.

³²Source: Notes of Evidence at Trial page 483

27.15 The meeting was held at a time when Christchurch had been fired up the Ritual Satanic Abuse Workshop, and reports that a child porn ring was operating somewhere in Christchurch.³³

27.16 At the meeting which was also attended by members of the Christchurch City Council, advice was given to parents as to behavioural changes and indicators which might be associated with sexual abuse. Parents were advised not to ask direct questions of their children "because it could get the children confused and put answers in their mouths. Also not to question (her) about Peter Ellis." ³⁴

27.17 After the meeting, despite the advice, parents questioned their children (as many of the mothers recorded in their statements) and many referred directly to Peter ELLIS. This was almost inevitable.

27.18 On 4 December, Ms Sue SIDEY interviewed a second time and still no complaint was elicited about Peter ELLIS.

27.19 On 9 December, Ms Sue SIDEY interviewed . No disclosure of any sexual abuse was obtained.³⁵

27.20 On 10 December, Ms Sue SIDEY interviewed No disclosure of any sexual abuse was obtained.

27.21 On 20 December, Ms Sue SIDEY interviewed No disclosure of any sexual abuse was obtained.

27.22 was the son of
a Social Worker;
was the son of a Social

³³Source: *The Press*, 27 August 1991.

³⁴Source: Original statement of

dated 21 April 1992.

³⁵Source: Report by S.S.U. on

dated 22 December 1991.