

27.74 compiled the information of what various children were saying and distributed it to others.<sup>91</sup>

27.75 At a meeting at the house, she left several copies of a list to be picked up by those who attended.<sup>92</sup>

27.76 had attended the Knox Hall meeting and in reference to the advice given, said she:

*"intentionally didn't listen to that [advice] because I have a strong belief that secrecy in sexual abuse cases keeps it happening and I felt it needed to be talked about."* <sup>93</sup>

27.77 From the time of the Knox Hall meeting to depositions in November 1992, the complaints escalated and became even more bizarre. and took their children to various buildings in Christchurch to establish where they thought the abuse had occurred. This included visits to :

- (i) The Masonic Lodge;
- (ii) St Elmo's Court;
- (iii) 404 Hereford Street;
- (iv) The Cranmer Building;
- (v) 38 Armagh Street.

27.78 The allegations were to include :

- (a) Men in black clothes and women in white clothes in a circle abusing children;
- (b) Adults in yellow clothes bought at the supermarket;
- (c) Children placed in coffins;
- (d) Children going through marriage ceremonies;
- (e) Children put down trap-doors;
- (f) Children tied up in ropes around their vaginas and pulled up to the ceilings;
- (g) Animals slaughtered;
- (h) Satanistic/sexual activities being filmed;
- (i) Children killed;
- (j) Children with stakes in their bottoms;
- (k) Children with needles through their penises and up their anus;
- (l) Children being drugged by needles in their hands, tablets in their ears;

<sup>91</sup> Source: ' Depositions Statement of 23 November page 20; This was confirmed by her at page 421 of the Notes of Evidence at Depositions.

<sup>92</sup> Source: i Depositions Statement of 23 November page 20.

<sup>93</sup> Source: Notes of evidence at Depositions page 694.

- (m) Seeing giraffes at Peter's home;
- (n) Children climbing across roofs;
- (o) Children shot at with guns and bows and arrows;
- (p) Being wrapped in blankets and put in ovens;
- (q) The muzzling of children;
- (r) Cooking poos and eating it;
- (s) A magic picture that punched you in the face;
- (t) Treasure chests of gold;
- (u) Ladders up bottoms;
- (v) Burning paper inserted into bottoms;
- (w) Sticks in bottoms for the whole day;
- (x) Cages hanging from ceilings in which children are put;
- (y) Secret tunnels;
- (z) Children grabbed by their penis and chucked round and round in a prickly bush.
- (aa) That children had the bones from their legs removed and swapped with other children.

27.79 In August 1992, despite protestations from the next interview of was stopped and Karen ZELAS wrote a letter to Colin EADE.

27.80 In August : allegation is withdrawn at the Christchurch District Court.

27.81 On 1 October 1992, as a result of what the Police alleged that and another child, had said, four women crèche workers were arrested as well. Det. EADE had realised that the allegations of the children could not have occurred without the other Crèche workers observing.<sup>94</sup>

27.82 Up to 126 children were interviewed. At the November 1992 deposition hearing, ELLIS faced forty-two charges concerning twenty children.

27.83 Among the charges were ones alleging:

- (i) That ELLIS had engaged in sexual intercourse in an area near the toilets adjacent to the main play area of the "big" end of the Crèche. This was supposed to have occurred when the Crèche was in full operation. This charge was dismissed at depositions.
- (ii) That ELLIS and GILLESPIE had indecently assaulted a child and sexually violated the child by digital penetration whilst she was

<sup>94</sup> Source: Notes of Evidence at Depositions page 895

dressed and ELLIS and GILLESPIE were naked in the play area of the Crèche. This charge was dismissed under s347.

- (iii) That ELLIS together with BUCKINGHAM, KEYES and DAVIDSON had indecently touched three children at 404 Hereford Street during a "circle incident" in which a number of children and adults were supposed to be present. One of the children was \_\_\_\_\_ another was \_\_\_\_\_ and the third was \_\_\_\_\_. They were also charged with sexual violation of \_\_\_\_\_ by penetration of the anus with a stick.

27.87 The four women were granted severance after depositions and subsequently gained acquittals by means of successful s347 applications.

27.88 The Indictment which the Crown Solicitor chose to present contained twenty-eight Counts only. Of note was the fact that

\_\_\_\_\_ and \_\_\_\_\_ were amongst the thirteen remaining children. All were children of mothers heavily involved in the support groups.

28. There was a complete failure of the Investigators to firstly take appropriate steps to prevent parental interviewing and contamination and secondly to identify it so that an assessment could take place as to the extent of contamination and the likely effects. Rather, it seems both the Police and the Department of Social Welfare special services actually contributed to the contamination chain.

#### **THE ROLE OF DETECTIVE EADE**

29. Det. EADE was the officer in de facto control of the Investigation. Whilst he was obviously answerable ultimately to the officer in charge of the Child Abuse Unit, to all intent and purpose, he had control over the investigation from November 1991 until the female Crèche workers were arrested.<sup>95</sup>

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<sup>95</sup>Source: See Detective Colin Eade's Notes of Evidence from Depositions

- (a) He was monitoring nearly all of the interviews in February, March and into April 1992;<sup>96</sup>
- (b) Det. EADE and NICHOLL were managing the inquiry without much assistance. By August, after the interview, he was concerned as to how they could continue to manage.<sup>97</sup>
30. Det. EADE was the officer with whom the parents liaised. He was the officer with whom dealt from the commencement of matters.<sup>98</sup>
31. Det. EADE was the person who liaised with the S.S.U. and developed a pattern of how they would deal with the complaints.<sup>99</sup>
32. Det. EADE was in attendance at the Management Committee meeting of the Crèche along with Sue SIDEY of S.S.U. when the format for the 2 December meeting was arranged.<sup>100</sup>
33. He was the officer to whom the ACC wrote for confirmation of the validity of the claims made by the parents of the children who sought compensation. It is known from records available that he would write back confirming letters to the ACC.<sup>101</sup>
34. Det. EADE visited the homes of the children and encouraged parents to let their children be interviewed.<sup>102</sup>
35. It is submitted that Det. EADE had by this time lost objectivity in his pursuit of what he thought was a huge sexual abuse scandal. Debbie GILLESPIE recalled Det. EADE saying that it would probably make international headlines.<sup>103</sup>

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<sup>96</sup>Source: Notes of evidence at Depositions page 894.

<sup>97</sup>Source: Notes of evidence at Depositions page 902.

<sup>98</sup>Source: Notes of Evidence at Trial page 483

<sup>99</sup>Source: Notes of Evidence at Trial page 483

<sup>100</sup>Source: Notes of Evidence at Trial page 483

<sup>101</sup>Source: Letter to ACC re

<sup>102</sup>Source: 20/20 Programmes dated 16 and 23 November 1997; see also Job Sheet of Det. Eade dated 7 April 1993;

<sup>103</sup>Source: Debbie GILLESPIE Notes of Evidence at Depositions page 1019.

"Q: Do think that you think that you were always objective in this case?  
 A: Objective - it may have appeared that at times I was lacking objectivity. In fact it was put to me in cross examination?  
 Q: That you had it in for Peter Ellis?  
 A: mym.  
 Q: And that you were going to get him come hell or high water?  
 A: Yes, yes that was the way that I guess some people saw it.  
 Q: Is that the way it was?  
 A: It was the way the evidence went and I went with the evidence and a lot of people aren't happy about that but the evidence came from the children. I accepted it and so did everyone else along the line to the Court of Appeal."

36. Det. EADE. had demonstrated his lack of objectivity at the commencement of the inquiry when he wrote to the Crèche advising them that his inquiry had revealed no sexual abuse but that he advised the Committee that Peter ELLIS was not a suitable person to be employed at the Crèche.<sup>104</sup>

37. At that stage all four children who had been interviewed had failed to disclose any sexual abuse. Det. EADE had never met ELLIS. Such advice was beyond the scope of his job and was hardly founded on any sort of objective investigation.

38. From the material available, it does not appear that Det. EADE made any arrangements to objectively investigate the initial claims made by the children and in the latter claims, those of bizarre, ritualist/satanic abuse, the enquiries made were superficial.

39. When asked at depositions by Mr Nation, Counsel for the women :

*"In this inquiry what procedure did you have in place for assessing the credibility of the information obtained in disclosure in interviews?"*

He replied

*"the procedure that was used is the same procedure that we use for in general for assessing any complaint in any type of inquiry, i.e., that a policeman and in this case it was generally me would look at what information was available that could be presented in Court. If as a result of that information we believe we had good cause to suspect that an offence had been committed then we would proceed with that. Decisions with the majority of charges against Ellis were made by me."<sup>105</sup>*

<sup>104</sup> Source: Letter from \_\_\_\_\_ to Peter Ellis.

<sup>105</sup> Source: Notes of evidence at Depositions page 897.

This, of course, was not a "general case".

40. Det. EADE demonstrated a commitment to the belief that ELLIS was guilty and failed to control either the S.S.U. or the mothers when it should have been obvious from the statements that they were providing to the Police that networking was taking place amongst the mothers and contamination and scare mongering was inevitable.<sup>106</sup>
41. He does not appear to have looked beyond the parent statements and the interviews that contained allegations, whereas Det. EADE should have weighed in his mind the atmosphere that existed in Christchurch at around the time that these complaints were made and the individual personalities of those involved, particularly the mothers, their occupations and the sometimes troubled family circumstances and sought to ensure that such an atmosphere was not responsible in part for the firmly fixed views of certain of the parents.
42. With the non-disclosure of abuse by \_\_\_\_\_ in his 25 November interview, it is submitted that it was inappropriate for the Police to participate in the December meeting. Such a meeting could only cause fear and apprehension amongst parents, prejudice against ELLIS and provoke the desire by the parents to see if their child had been abused. The Knox Hall meeting is described to \_\_\_\_\_ at the 26 March Planning Meeting as being EADE's idea. The dangers of such a meeting were recognised by the Human Rights Representative at that time. The consequences were totally predictable.<sup>107</sup>
43. It would appear that Det. EADE, during the course of this inquiry, became emotionally involved, or was desirous of emotional involvement with a key mother. Such an attachment has no place in a criminal inquiry of any kind let alone one of this magnitude and sensitivity and was indicative of lack of judgement. This subject is referred to under, the failure to disclose.

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<sup>106</sup> Refer to Vols 3 and 4.

<sup>107</sup> Source: Notes of Management Committee Meeting, 26 March 1991.

## Conclusion

44. As far as the children were concerned, Colin Eade was an authority figure of considerable influence. As far as Peter Ellis was concerned, Colin EADE was an important figure who had the authority to investigate or validate, to recommend prosecution or not, to put pressure on complainants if he chose, to influence the very course of the investigation. His was a position of considerable power.

## THE ROLE OF THE SPECIALIST SERVICES UNIT

45. It is submitted that the Specialist Services Unit had an obligation to use their special skills and experience to assist in the investigation into the allegations against Peter Ellis with fairness and impartiality. They failed to do so and as a consequence one of the primary safeguards to the integrity of the children's evidence was lost.
46. The Specialist Services Unit was not a therapeutic service but an investigative service. As such they were required to retain objectivity and impartiality in the investigation. The Joint NZCYPS and Police Operating Guidelines (*version 1.0, March 1997*) currently say that the diagnostic and evidential video-interviewed are investigation tools to help the Police establish if a criminal offence has been committed.<sup>108</sup>
47. Through their employee Ms Sue SIDEY they agreed to participate in the 2 December meeting when there was no disclosure of sexual abuse.
48. The Specialist Services Unit could be expected to know of the dangers of mass hysteria a meeting such as the 2nd of December and the Knox Hall meeting of the 31st of March were likely to produce. Their attendance at the meeting gave a validity to the possibility of "widespread sexual abuse" when no sexual abuse at all had been disclosed.

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<sup>108</sup>Source: Joint CYPS and Police Guidelines page 15.

49. The Specialist Services Unit failed to investigate the possibility of parental contamination when the indications were being given by several of the children that there had been significant parental input including children coming to the interviews with books prepared in conjunction with parents; large numbers of notes and the volunteering of direct information that parents or other children had provided.
50. It is submitted that the following demonstrates the propositions:
- (a) Ms SIDEY and Dr ZELAS both fully briefed parents as to the behavioural characteristics they would need to identify in support of an allegation of child sexual abuse;
  - (b) That the parents were warned that their child's credibility would be undermined if the parents engaged in discussions with the child. This did not prevent extensive parental questioning and discussion however and there exists the real probability that the parents either consciously or subconsciously downplayed their questioning in an attempt to mask their behaviour and preserve their child's credibility as much as possible.
  - (c) That Ms SIDEY, Ms MORGAN and Dr ZELAS all knew that the children had been spoken to by their parents prior to any allegations being recorded in formal interviews;
  - (d) That Ms SIDEY, Ms MORGAN and Dr ZELAS all knew that the children's evidence was being contaminated and not only did they not attempt to curb the unrecorded interviews they condoned the interviewing and thereby encouraged it.
  - (e) That Ms MORGAN knew that the Police had either spoken to the parents or the children about the allegations prior to the child's evidence being recorded in formal interviews;
  - (f) That the interviewers were relaying to the Police the specific details of the children's allegations.
  - (g) That the monitors had discussions with the children prior to the commencement of the recorded interviews, and in at least one case this involved a discussion of the allegations.
  - (h) The interviewers facilitated the spread of the outside interview contamination into the electronically recorded interviews in their attempts to get a child to repeat statements



allegedly made outside the interview in contaminating circumstances. This was done regardless of the potential for contamination either through ignorance or a willingness to assume risks.

- (i) That the parents were told by the interviewers, in specific terms of the allegations made by their children;
- (j) That the parents were told by the Police and Social Workers of allegations made by other children implicating their child;

### **"BEHAVIOURAL CHARACTERISTICS"**

51. It is submitted that there is clear evidence that the parents were specifically told what behavioural characteristics were associated with allegations of child sexual abuse prior to the parents being interviewed by the Police as to any noticeable changes in their children. One of the dangers, as Dr Zelas correctly foreshadowed in her interview with Paul Holmes on 23 March 1992, was that parents would imagine changes. By providing the parents with lists of changes the Specialist Services Unit was contaminating the evidence of the parents and potentially the children. The information about behavioural changes was provided to parents in the following ways:

- (a) At the 2 December 1991 meeting at the Civic Crèche;
- (b) In the Paul Holmes interview with Dr Zelas on 23 March 1992;
- (c) At the Knox Hall meeting on 31 March 1992;
- (d) On the "Crèche Investigation Form"
- (e) In the discussions prior to electronically recorded interviews with parents;
- (f) The sanctioned Support Groups.

### **AT THE 2 DECEMBER 1991 MEETING AT THE CIVIC CRÈCHE:**

52. Ms SIDEY attended the December 1991 meeting and told parents on that occasion what behaviours were relevant to allegations of child abuse. Ms SIDEY stated at page 267:

*"I had interviewed prior to that day a few children and had some knowledge of what the concerns were based on and I also went along to talk to the parents about what they needed to be looking for. "*

*"I talked to the parents about looking for noticeable changes in their children's behaviour and if any came to mind they might also consider any other life events that could be seen as being stressful for the children and poss. explaining some of the indicators they might have noticed. "*

*"As to how many turned out to the meeting, I recall only by the size of the room and the fact that it was packed, it was the big end of the creche and as big as this room and it was absol. full. "*

53. Ms SIDEY stated at Trial, at page 275:

Q *"Did you give them any specific advice on how to question their children?"*

A. *"Well the advice I would have given, would have been centred around asking questions of a very general nature such as what do you remember about creche, was it a good place, what did you think of the teachers there."*

Q. *"Did you also tell the parents not to ask direct questions of their children?"*

A. *"I explained the difference between an open and a closed type of question and recommended that if they were to question that they were more open in nature and that if for any reason they felt concerned or that their child disclosed something that they considered inappropriate that they should stop at that point and contact us."*

Q. *"Why did you impress on the parents for them not to ask direct questions?"*

A. *"Mostly so that later on down the track it couldn't be seen to have affected the children's credibility."*

Q. *"Didn't you also offer the advice on not to ask specific questions or direct questions because it could introduce an idea or concept into the child's mind?"*

A. *"I can't recall exactly the wording that I used but the end result is so as not to affect the children's credibility."*

and at page 282:

Q. *"Turn your mind back to the meeting at the Crèche in Dec. 1991, isn't it true after you spoke to the parents quite a no. of parents asked you questions from the floor?"*

A. *"Yes."*

Q *"Can you recall how long that questioning went on for?"*

A. *"Quite a long time, not exactly but I know its a long time, felt like a long time."*