

(h) was later to make a complaint that was sexually abused by a male child-care worker at his next crèche. When was interviewed in relation to that allegation, he made no such allegation and the worker was not charged.¹¹⁸ Whilst gave evidence at Depositions she was not called by the prosecution at Trial and the Jury neither saw nor heard her, yet it was who was at the heart of the spider's web of networking and spreading cross-contamination.¹¹⁹

76. (a)

¹²⁰ and was a by occupation and was married to

(b) was very active in both the receiving and distributing of children's allegations as described in the Timeline. She also kept copious notes of discussions both with herself and her friends for the purpose of providing them to Det. EADE and the S.S.U. She was active in alerting the Police to the possibility that had been abused as a result of her observations of the child at play. Although charged, ELLIS was not convicted of any offence against a child for whom he had regularly babysat at her home. was one of original confidantes.¹²¹

77. (a)

(mother of was a (her husband was a

She was active in the distribution and

¹¹⁸Source: Notes of Evidence of Depositions page 698.

¹¹⁹See: Notes of Evidence at Depositions, page 688.

¹²⁰Source: Notes of Evidence at Trial, page 199

¹²¹Source: Notes of Evidence at Trial page 194

reception of information regarding the allegations of children and had been one of support group.¹²²

78. (a) (the mother of was a social worker

organised the 2 December 1991 meeting for parents and along with was amongst the first to arrange an evidential interview for her child on 10 December. provided with information and advice and was a member of Support Group.¹²³

(b) Her son made no allegation of sexual abuse but her daughter, who was attended the Creche, was the first child to "disclose" on 30 January 1992, alleging ELLIS had touched her when she used to go with her mother to pick up her two brothers. ELLIS was arrested on 30 March and charged with complaint. The charge was later withdrawn. Ms complained at some stage to the Police that Det. EADE had sexually harassed her.¹²⁴

79. (a) (mother of was a social worker who

evidence she said that she worked at also worked at

became fully involved in the distribution of information.¹²⁵

80. (a) (mother of was a social worker

¹²² Source: Notes of Evidence at Trial 235; . Notes of Evidence at Depositions, page 691

¹²³ Statement 16 March 1992; Statement dated 21 April 1992.

¹²⁴ Source: 20/20 Programmes dated 16 and 23 November; see also NZ Police Report Forms of D/S/S Ell dated 7 July 1993 and D/I Broad dated 15 July 1993.

¹²⁵ Source: Original Statements of dated 4 and 7 May and 5 October 1992.

She conveyed her support to _____ at the time of _____'s original complaint and followed it up with questioning of her daughter. She was initially satisfied with her daughter's reassurance, but after the Knox Hall meeting, pursued matters with _____ in a vigorous way and used the information that was networked to her;

(b) _____ prepared two books with her daughter about what Peter has done to her. Her daughter took them to her interviews. Sue SIDEY said that she had never seen this happen before.

81. (a) _____ (mother of _____ was a _____ whose partner was _____ She had _____

(b) _____ was unaware of the inquiry until the Knox meeting _____ had left the crèche 14 months before the meeting) but a friend had received a letter inviting her and so _____ went as well. In her statement of 23 June 1992 to Detective she said

"My impression of the meeting as a whole was that it was a serious matter and there must have been some validity to the complaints because of the large number of people at the meeting. That's when the seriousness occurred to me really"

"The impression I got was that you don't approach the child directly in regard to what happened. I chose to ignore this".

¹²⁶Source: Original statements of _____

see also original statement of _____

(c) Thereafter [redacted] repeatedly questioned the son using both direct and leading questions. She formed a bond with [redacted] and also attended support group meetings with [redacted].

(d) She was present at the meeting at [redacted]'s house on August 4th (a meeting which Colin EADE had attended) when [redacted] distributed her collation list of what children were saying.¹²⁷

(e) [redacted] was firmly committed to the belief that widespread Satanic Ritual Abuse had been taking place and wanted the police to bring Pamela Hudson to New Zealand as an expert.¹²⁸

(f) [redacted] was pro-active in site visits to addresses where she believed abuse to have taken place. [redacted] was a child who gave interviews that contained bizarre activities of a satanic ritualistic nature involving not only ELLIS but the female crèche workers, ELLIS's mother and other unknowns. His Honour Justice Williamson dismissed the charge against the women that had been based on allegations.

82. (a) [redacted] (mother of [redacted]) was a trainee teacher. She became actively involved after the Knox meeting. She had attended that meeting after a friend from the Hagley Crèche advised her to do so because "*something you should know because may be this could explain some of your concerns about your son*"¹²⁹ [redacted] had had behavioural problems for some considerable time. He was referred to at depositions as being a "bit of a handful", "an independent spirit, very active".

¹²⁷Source: Notes of Evidence at Trial at page 170

¹²⁸Source: Letter from [redacted] to Det Eade dated 11 August 1992.

¹²⁹Source: Notes of evidence at Depositions page 399.

(b) On August 24, 1992, interviewer Cathy Crawford of the SSU had written a note about saying "*Lots of things come out of sex education book*"¹³⁰. The jury rejected each allegation associated with

83. It is submitted that this combination was fertile ground upon which the seeds and cry of the "Crèche-worker sex abuse" scenario could germinate.

KNOWLEDGE OF RISKS OF CONTAMINATION BY THE PROFESSIONAL INVESTIGATORS

84. It is submitted that the interviewers knew that the parents were talking to their children about the abuse allegations outside of the interview process and they failed to discourage this discussion. It is submitted that the interviewers knew that parents were discussing the allegations with their children, taking rough notes of the discussions, making drawings and story-books about the allegations and then reporting back to the interviewers. By not actively preventing the contamination by impressing on parents the dangers of such conduct the interviewers were in fact encouraging the tainting of the evidence.

85. It is submitted that there was a complete failure by all the professionals to recognise the dangers of such activities. In particular the professionals failed to recognise the increased danger of tainting in multiple victim/offender allegation cases where the potential for information sharing was extraordinarily high.

86. Ms MORGAN gave evidence at Trial that the interviewer would discuss with the parents before the electronically preserved interview the content of the parental interviews that had taken place prior to the formal interview (at page 260).

¹³⁰Source: Notes of evidence at Depositions page 411.

87. Ms SIDEY also gave evidence that she would discuss with parents comments supposedly made by the child outside the formal interview process. At page 269:

"The information supplied by the parents before I spoke to the child would generally cover the statements the children have made and in what context and it covers the responses to the statements... In general those meetings with the parents, sometimes they would last half an hour which is a long time, we usually keep them quite brief."

Ms SIDEY stated at page 279:

- Q *"Of the interviews that you have produced in Court today, how many were evidential and how many diagnostic?"*
A. *"Well they were all evidential. All those children had made verbal statements to their parents prior to me interviewing them."*

88. indicated that she and her partner, made the Specialist Services Unit aware of the manner in which had questioned and yet she was not cautioned against such questioning:

"Before the interview with and I were interviewed and asked about the circumstances under which the disclosure had taken place and also about whether I had talked to Y about the creche after the parent's meeting. I was completely honest about what I has (sic) said, I wasn't told that I had done anything wrong, and my answers seemed to satisfy them."¹³¹

89. It is submitted that even the supervisor of the interviewers, Dr ZELAS demonstrated at trial, that she had not considered the level of parental contamination until 28 August 1992.

Dr ZELAS stated at trial, of at page 371:

"These matters suggest that together with his intellectual ability he had actually been talked to a lot and given a lot of information about things probably within his family."

Dr ZELAS stated at trial, at page 413:

"Ref. to under his emotional maturity and mental capability did you also form a view this child may be suffering mental

¹³¹ Source: Joy Bander, *A Mother's Story: The Civic Crèche Child Sex Trial* (1997), A Howling at the Moon Productions Ltd

illness during the time of his interviews? No I did not. You have ref. to his behaviour after his first interview where his toileting regressed and his behaviour became quite difficult for his parents, did you take into account in considering that the amount of questioning the child had from his mother in that according to her evidence over that period of time she was asking the child at least once or twice a week about whether any abuse had occurred at creche? Yes I did take that into account. "

90. It is clear from these extracts that the Specialist Services Unit interviewers appreciated that the parents were conducting interviews of their own with the children, in highly dangerous circumstances. Rather than attempting to prevent this conduct the interviewers condoned the contaminating behaviour and in fact incorporated the results of the parental interrogations into the recorded evidential interviews as a deliberate means of obtaining evidence. It is submitted that the interviewers, whilst conscious of a level of risk of contamination were prepared to continue nonetheless under the misapprehension that they would be able to distinguish in some way the tainted from the untainted statements. This is now known to be impossible.

THE ROLE OF THE MONITOR

91. It is submitted that the role of the monitor was underestimated at Trial. It is submitted that having Detective EADE present as the monitor was a source of social pressure for the children to make allegations. Detective Eade had himself spoken with the children about their allegations and there is clear evidence available of the pivotal role of Detective Eade.
92. In addition, it is also known that contrary to the evidence of Ms SIDEY, she did engage in conversation about the allegations of abuse with at least one child prior to the commencement of the recorded interview (reports talking to Ms SIDEY before her evidential interview). It is of incidental interest that both Ms MORGAN and Ms SIDEY are adamant that discussions did not take place between themselves and the children prior to the commencement of the interview. It would seem that whilst these two witnesses were able to comprehend that it would be a concern if the children were engaged in unrecorded discussions with the interviewer they did not have the same concerns about the

extensive unrecorded interviewing that all of the parents engaged in prior to the first recorded interview, between interviews and after interviews.

USE OF CONTAMINATED MATERIAL

93. It is without question that where the interviewers were provided with information about matters the child was supposed to have reported to the parent outside the formal interview context, the interviewer would then attempt to extract a **repetition** of the material within the interview context. Ms MORGAN gave evidence, at page 257 demonstrating not only that this was done but also of the determination of the interviewers to get the child to repeat the supposed content of their parental communications. The interviewer demonstrated a complete failure to assess the risks to accuracy by doing so.

Q. "The antithesis of that [making the child aware that it is permissible to say they don't know] is to keep questioning the child about a topic as if he or she should remember?"

A. "Its really difficult because sometimes when they have informn about something the child has said and it may seem that we are sort of pushing the point when in fact we are really just trying to go as far as we can to see if that information can be validated."

and at page 260:

Q. "When you begin an evidential interview you have been told by the parents what the child has said?"

A. "Sometimes"

Q. "Therefore you go into the interview to try and elicit the material the parents have told you from the child is that correct?"

A. "To a certain extent sometimes yes. Along with trying to get the child to say in their own words what has occurred."

Q. "At no stage do you attempt to obtain from the child whether or not the information about the abuser has come from someone else rather than their own experience do you?"

A. "Oh I see. No not specifically. If we felt in an interview situation that there was a poss. perhaps a child has been told something just to repeat, we suspect there may have been some sort of coaching or we weren't getting a lot of detail, then maybe yes we would explore where did this information come from, its a very difficult complex sort of situation"

Ms SIDEY stated at page 279:

Q. "When you are conducting an evidential interview would you spend time questioning the child as to what their parents had talked to them about in relation to the allegation of abuse?"

A. "I would often ask children you know what did Mum say when she asked you. I don't, I haven't actually said to them. They would tell me that Mum asked me what happened at creche or what Peter did at creche."

Q. "You certainly wouldn't use multi choice questions and leading questions to try and find out that information would you?"

A. "I haven't no. I don't think I actually have done that. What I have tried to do in the past is to ask the kids when they first knew about the incident, like did they know about it before Mum asked them, I have tried to put it to them in that sort of way."

94. Ironically Ms Morgan did not follow her own advice in this case.

95. Ms SIDEY stated at page 279:

Q. "When you got a child who had been named by another child in one of your previous evidential interviews come in for an interview, would you use your knowledge obtained from the first interview to try and get the second child to co-operate with what the other child was saying?"

A. "I am sure that it would help me form the questions in my mind so in that respect yes."

USE OF CHILDREN'S ALLEGATIONS

96. The interviewers indicated that the parents of children who had not alleged abuse were told of the allegations by those children who had, at least insofar as that allegation related to the second child.

97. Ms SIDEY stated at page 279:

Q. "Where children disclosed in one of your evidential interviews names of other children, what would you do with that information?"

A. "That's when we would follow that up with the parents of the children mentioned in interviews. Mostly though I don't think I did that, I think the social workers and police did that stuff."

Q. "In terms of confidentiality it extended only to the parents, not the people who conducted the investigation?"

A. "I think the recommendation to the parents not to discuss again related to the maintaining of the credibility of the children more than anything else and in terms of disclosures of children it was decided really that it was important to let people know that their children had been mentioned and if they had any concerns they could perhaps talk with us about that."

Q. "Did you have any discussions with the police about how those parents were to be approached?"

- A. *"I don't know if we had any discussions about it, I think on a day to day basis we would have on a case by case basis, like someone would have said well I'll do that."*

98. The evidence indicates that the interviewers, Police and the social worker all engaged in cross-contamination. The potential for tainting of children's evidence and the creation of widespread anxiety and fear was at it's highest in this case without the investigators deliberately spreading allegations and then briefing the parents on how to elicit detail from their child prior to a professional recorded interview.

CONTAMINATION AND TRIAL COUNSEL'S ATTEMPT TO ELICIT CONTAMINATION FACTORS - FROM THE EXPERTS

99. When being cross-examined by Mr HARRISON Ms MORGAN was asked about what she had told to _____ parents after his first interview, the question was disallowed. At page 262:

Q *"Once you have conducted an interview would you then go back and talk to the parents about what the child has said?"*

A. *"Yes"*

Q. *"You conducted the first interview of _____ is that correct?"*

A. *"Yes that is right."*

Q. *"When you went and explained what you heard in the interview from the child did you tell the parents that the touching of his penis occurred in the process of the child having his nappies or pants changed?" - Disallowed.*

100. Mr HARRISON, in cross-examination, asked Ms SIDEY about her supervision from Dr ZELAS. He asked Ms SIDEY which of the tapes before the Court had been taken to supervision. This question was disallowed (at page 285):

Q *"Throughout this investigation how often have you discussed specific cases with your supervisor?"*

A. *"I think I, not as much as I would have liked but I had supervision I think on at least, I had probably 3 or 4 sessions of group supervision and the same of individual supervision."*

Q. *"Would you review cases with your supervisor?"*

A. *"Some cases I was able to review."*

Q. *"In relation to the cases that are before the Court now and which you have interviewed, were any of them cases you reviewed with your supervisor?"*

A. *Yes I took some of the videotapes with me to supervision."*

Q. *"Which particular ones?" - Disallowed.*