

36. also contacted the night after  
first disclosures and told specifically what had said in  
relation to

37. At the depositions hearing explained her reasoning for  
doing this<sup>36</sup>:

*"q the following night u telephoned the mother of :*

*on the list, u told her what yr daughter had said to u.  
15 a . had been quite specfic abt being involved,  
and i  
felt that if i had been that parent i wld want to know what had  
happened and i rung her up and told her what had said."*

38. also indicated at the depositions hearing that she had  
occasional ongoing contact with

*"q. Around the time of this conversation were you also in regular  
contact with complainants  
parents.*

*a. What date was this.*

*5 q. That wa the 13th of June.*

*a. No. I had contact with them again at the support meeting.*

*q. In July.*

*a. yes, the first support meeting. I had stopped seeing  
complainants 's parents earlier  
on. I dont remember when.*

*10 q. You would have had phone contact with them.*

*a. Very very occasionally."*

39. also had contact with the mother of  
At trial indicated that she "put off"  
contacting about what had said about until  
around 31 March.<sup>38</sup>

40. At depositions explained her delay in contacting

*"I thought about that one for a long time before I rung her. it is  
not a particularly pleasant task telling someone your daughter has  
said you were there.*

*q. You provided them specific info.*

*a. I said what my daughter had specifically said in relation to  
10 their children,yes."*

<sup>35</sup> Source: Notes of Evidence at Trial, page 195; see also  
the Police dated 21 April 1992, page 9

<sup>36</sup> Source: Notes of Evidence at Depositions, at page 520

<sup>37</sup> Source: Notes of Evidence at Depositions, at page 550

<sup>38</sup> Source: Notes of Evidence at Trial, page 195

<sup>39</sup> Source: Notes of Evidence at Depositions, at page 545

original statement to

41. At trial [redacted] claimed that she was not very specific with [redacted] but did tell her [redacted] had said that she and [redacted] were in the toilets, that [redacted] had been hurt by Mr Ellis, and that [redacted] was there.<sup>40</sup>

42. At the depositions hearing [redacted] indicated that she and [redacted] continued to have contact and that [redacted] would pass information to [redacted] "about things that [redacted] had said that concerned [redacted]"<sup>41</sup>

43. At trial [redacted] confirmed that she provided [redacted] with a written "record" of what [redacted] and [redacted] had been saying about Peter Ellis<sup>42</sup>:

"In June last year did you record

15 conversations that your daughter and [redacted] had? I recorded one conversation. What did you do with the information you recorded? I gave it to [redacted] mother

...

Was that when your daughter was talking about Peter placing his penis on her vagina? Yes that is what she said. And [redacted] was there at that time? Yes."<sup>43</sup>

44. In relation to [redacted] first me [redacted] and her husband at a support group meeting at the beginning of July 1992. Following the second meeting, approximately two weeks later, [redacted] contacted [redacted]"<sup>43</sup>

"After the second meeting I think it was [redacted] contacted me to ask me specifically about toileting problems. Because she was having similar problems with [redacted] as I had with [redacted] and we talked about that. When what the children said came up in the context of a behavioural problem you discussed that? Not at that time, that became more specific after she contacted me and told me what [redacted] had said about [redacted]"

45. At the depositions hearing [redacted] stated<sup>44</sup>:

a. We have been an incredible support each other. Without her I wouldnt have been here today. We have had regular supportive contact.

5 q. You have also had regular contact exchanging information obtained from your children haven't you.

a. The infor. obtained from our children and telling each other invariably comes up when we talk of their behaviour,. They have all exhibited bizzare difficult extremely difficult behaviour to

<sup>40</sup> Source: Notes of Evidence at Trial, page 195

<sup>41</sup> Source: Notes of Evidence at Depositions, page 548

<sup>42</sup> Source: Notes of Evidence at Trial, at page 197

<sup>43</sup> Source: Notes of Evidence at Trial, at page 196

<sup>44</sup> Source: Notes of Evidence at Depositions, at page 545

10 handle. I could say that the majority of our conversations have revolved around that and out of that we have sometimes talked about what our children have said because what it does is explains things and helps us to put the puzzle together."

46. At trial \_\_\_\_\_ accepted that she began to question \_\_\_\_\_ about allegations said to have been made by \_\_\_\_\_ of which she had been informed by \_\_\_\_\_ j.<sup>45</sup>

47. At the depositions hearing \_\_\_\_\_ explained why she put specific allegations to \_\_\_\_\_

"q. At page 32 of the notes there is a reference on the 5th of August to your telling your daughter that \_\_\_\_\_ remembered 25 being tied up. I take it you did tell your daughter that.  
a. yes.

q. Did you not think that that might suggest an idea to her.  
a. I had no reason to believe that ( \_\_\_\_\_ ) would have made up a story about \_\_\_\_\_ When I heard that my daughter had been tied up, I 30 was so distressed that I didnt go to work that day and I had to know what had happened so I asked her."

48. \_\_\_\_\_ recorded her questioning of \_\_\_\_\_ relation to allegation in her own notes in which she put to \_\_\_\_\_ direct propositions of what \_\_\_\_\_ had alleged and then asked \_\_\_\_\_ whether she had experienced the same events<sup>47</sup>.

49. At the depositions hearing \_\_\_\_\_ accepts that it was not until after she was in regular contact with the parents of \_\_\_\_\_ and \_\_\_\_\_ another child complainant at trial, that referred to them in her allegations<sup>48</sup>.

50. \_\_\_\_\_ had also been in ongoing contact with \_\_\_\_\_ At trial \_\_\_\_\_ was questioned as follows:<sup>49</sup>

<sup>45</sup>Source: Notes of Evidence at Trial, at page 195 to 196

<sup>46</sup>Source: Notes of Evidence at Depositions, at page 527

<sup>47</sup>Source: \_\_\_\_\_ original notes, at pages 32 to 33 records: "Told her that remembered being tied up. Said she did too. She said she was tied up round her vagina and then they pulled on the fopes. I asked her if she remembered a library. - Yes, Peter had lots and lots of books, they were all about bad things and hurting children. I asked if she remembered other men - Yes. What did they wear? - Black trousers, black t-shirts and black jackets. The women wore white skirts and white t-shirts. I told her that remembers that she had to touch his penis - Yes I did. He also said that he was made to hit your vagina - Yes. We talked about children not being bad, that they were made to do things. She told me she had to suck his penis. I asked if she remembered Spike - Yes, he had spikey hair, he was Peter's best friend. He wore a spikey wig. Peter brought the wig to the creche one time. He was mean, he touched me on my vagina. I asked about Peter's mother - She kicked and kicked me. Where did she kick you, - On my vagina."

<sup>48</sup>Source: Notes of Evidence at Depositions, at page 552 to 553

<sup>49</sup>Source: Notes of Evidence at Trial, at page 195

"And also you shared that information with [redacted] about what your dter was saying? [redacted] was my friend, I needed friends at that time, so any sharing

30 of information with her was as a friend and support. Wld you have talked to her specifically about what your child said? Yes. You would have done that from the time your child started talking about Peter? Yes pretty much so. "

51. [redacted] attended a support group meeting in early August 1992 at which [redacted] was also present. At trial [redacted] accepted that [redacted] had a series of sheets with various notes about what the children had been saying and that she made them generally available for those who wanted them.<sup>50</sup> At the depositions hearing [redacted] was questioned as to the content of the notes:<sup>51</sup>

- "q. Do you know how that information was obtained.  
a. Quite a lot of it was from me. When I look down there there is  
30 quite a lot of things [redacted] said. The rest I would have no idea.  
q. When was that collection of notes made up.  
a. I dont know. That is something that [redacted] u together that we had talked about some of the things that [redacted] d said.  
q. When was that.  
35 a. No time specifically. Each time [redacted] would talk about things that were really worrying her, they would really worry me too. [redacted] has been a friend of mine and I did tell her some of the more disturbing things that [redacted] was saying.  
q. Would that collation of notes started back in March.  
a. I cant say.  
q. When did you first have input into them.  
a. I wasnt aware I was having input into anything. It was a time  
5 when I was talking to her. I have been talking to her since November so there wouldnt be any specific time that it was set up as such."

#### D. OTHER SOURCES OF CONTAMINATION

52. Throughout the inquiry there is evidence that [redacted] saw Peter Ellis on television, and furthermore that [redacted] questioned [redacted] in relation to what she saw. [redacted] records in her own notes in late June questioning [redacted] about Peter and the contents of the television reports<sup>52</sup>:

<sup>50</sup>Source: Notes of Evidence at Trial, at page 199

<sup>51</sup>Source: Notes of Evidence at Depositions, at page 546 to 547

<sup>52</sup> Source: [redacted] original notes, at page 29 to 30, dated 31 June record: "Did you notice Peter on TV last night? Yes. Did he get in a white car? Yes. I remember a white car. Do you, where? It was at Peter's house when we were there. Did you go in the white car? No, it was just at the house."

53. At the depositions hearing \_\_\_\_\_ accepted that \_\_\_\_\_ had watched other news items about Peter Ellis<sup>53</sup>

"q. On page 29, this is of the typed notes, there is reference to 30 question you asked, did you notice Peter on t.v. last night and she said, yes. Has your daughter watched other news items about the creche inquiry.

a. Yes. Sometimes it is difficult to veto it. Generally I dont encourage her to watch the t.v. because it makes her upset. I cant 35 remember this occasion particularly and she did see him but this is actually written wrongly because she did say to me, did she get in a white car. I didnt ask that question there. I said yes and she said, I remember a white car. She said it was at Peter's house

when we were there.

q. At the beg. of Oct. did your daughter watch a t.v. news item which showed the women leaving court after their initial arrest.

a. Yes."

54. There is also evidence that \_\_\_\_\_ believed she would be rewarded for giving evidence against Peter Ellis. \_\_\_\_\_ records in her notes dated 10 September that \_\_\_\_\_ linked her allegations against Peter with being rewarded with a new dress<sup>54</sup>.

55. \_\_\_\_\_ attended counselling with a Hildegard Corbet certainly prior to her fourth and fifth interviews. It is recorded in the Specialist Services Report dated 16 June 1992:

*\_\_\_\_\_ is now in therapy with Hildegard Corbet."*

## E. THE SSU VIDEO-RECORDED INTERVIEWS

56. Mr Ellis was convicted of four counts relating to

- (a) Sexual violation by unlawful sexual connection by her mouth on his penis, the allegation being made on videotape at interview 1 (27th of February 1992)
- (b) Indecent assault by touching her vaginal area with his penis at the crèche, , the allegation being made on videotape at interview 1 (27th of February 1992).
- (c) Indecent assault by touching her anal area with his penis at the crèche the allegation being made on videotape at interview 3 (18th of March 1992).

<sup>53</sup> Source: Notes of Evidence at Depositions, at pages 526 to 527

<sup>54</sup> Source: \_\_\_\_\_ original notes, at page 27, dated 10 September record: "*Poem Peter is bad, he put poohs on my face, he can't stop it. But he might go to jail and I'll have a new dress when I go to court.*"

- (d) As a party to an indecent assault in that he took her to an unknown address and an unknown man put his penis on her vagina, this allegation being made on videotape at interview 4 (27th of March 1992).
57. The Crown relied on the first four (of six) interviews to support their allegations
58. Dr Parsonson summarises interviews at page D.83 of his Affidavit as follows:

"1.1 Interviewer:

- a) Large number of interviews: Six between February and October 1992
- b) Extensive use of suggestive and/or direct questioning
- c) Use of social influence, including asking child how she thinks accused will react to her allegations
- d) Extensive use of toys and props, sometimes suggestively

1.2 Possible sources of external contamination:

- a) Mother has questioned her and given information
- b) Knows and has regular contact with other crèche children.

**THE ALLEGATION THAT PETER ELLIS SEXUALLY VIOLATED OCCASIONED BY THE UNLAWFUL SEXUAL CONNECTION OF HER MOUTH WITH HIS PENIS (COUNT 20).**

59. The allegation made by of sexual violation was recorded in the first of the Specialist Services Unit video-taped interviews when was interviewed by Susan Sidey (the monitor was Detective Colin EADE). Prior to the allegation of sexual violation made an allegation on indecent exposure by Peter ELLIS and of witnessing fellatio by Peter ELLIS with.
60. It is submitted that demonstrated just how young she still was from the commencement and second interviews when she had difficulty with the concepts of truth, lies and promises. It is also clear that she had come to the interviews well prepared, presumably by her mother.
61. The development of the first interview must be seen in the context of the parental involvement in the crèche complaints by both

## PRE-INTERVIEW CONTAMINATION

62. From the interview there is clear evidence that \_\_\_\_\_ came to the interview prepared to discuss Peter ELLIS. At page 4 \_\_\_\_\_ demonstrated her impatience with the interviewer not quickly enough addressing the topic of the interview, Peter Ellis, when the interviewer was trying to establish \_\_\_\_\_ understanding of truth and lies:

- Q. "Well, if I, if I broke the window with the ball and I told my mum that I did it would that be the truth or a lie"  
A. "Probably a lie"  
Q. "Okay, that's a bit tricky that one. How about this one. If I said to you ah if I said today after school, if I went swimming after school"  
A. "Yeah"  
Q. "And I said today I went swimming after school would that be the truth or a lie"  
A. "A lie"  
Q. "If I said \_\_\_\_\_ your name's Tanya"  
A. "That would be a lie"  
Q. "There's lots of lies examples aren't there. If I said ah you go to Christchurch East. What's that the truth or a lie"  
A. "Not a lie"  
Q. "What it's when it's not a lie, it's the"  
A. "Truth"  
Q. "Yeah. And if I said"  
A. "I want to say something about Peter now"  
Q. "Okay. Okay. All right, just before we say that do you know what promises are."

and then without being prompted:

- A. "I've talked to my mummy and there's very naughty things"  
Q. "What, what have you come to talk about today"  
A. "Come to talk about Peter who he used to be very nasty"

63. \_\_\_\_\_ then alleged that Peter ELLIS had shown her his penis in the toilet and then asked: "Have \_\_\_\_\_ and \_\_\_\_\_ been here to talk to you" the interviewer responded "No. Do you think they should come?" to which \_\_\_\_\_ stated "Yes. They had very nasty things happening to them" (at page 6).

64. \_\_\_\_\_ told the interviewer how she told her mother (at page 7):

- Q. "And when was the first time you remember seeing Peter's penis"  
A. "Um, when, when I was brand new"  
Q. "When you were brand new"  
A. "Yeah, every day he used to do that to me and on the last day that I were going to school he used to pass the popcorn at night and \_\_\_\_\_ my mummy didn't know then"  
Q. "Didn't she. So what made you tell mummy"  
A. "She just asked me about Peter what happened to you."

and that the issue of safety had been discussed with her mother (at page 8):

- A. "I was scared that this wasn't a safe place"  
Q. "Oh. And how do you feel about it"  
A. "Now I feel safe cos I know that this is a safe building"  
Q. "How did you know it was a safe building"  
A. "Coz my mum telled me"

### THE INAPPROPRIATE USE OF DOLLS AND FREE PLAY

65. Almost as soon as the first interview of \_\_\_\_\_ commences, she demonstrates one of the reasons why it is that props and dolls can influence accuracy of reporting, that they are perceived as items of play and can be used suggestively (at page 8,9):

- A: "Can we have a wee break now, cos I want to have a wee play".  
Q: "How about I help you play with the doll"  
A: "Yeah"  
Q: "Okay. And shall we take the clothes off and give it a bath"  
A: "Yeah"

### INAPPROPRIATE QUESTIONING

66. The interviewer, having introduced the idea that they undress the doll and give it a bath then suggestively questioned \_\_\_\_\_ at page 9:

- Q: "Um whereabouts would the penis be, would you show me. Ah, what would they be fore, what are penises for"  
A: "They for doing wees ah into the toilet. But she hasn't got a penis cos she's a girl"  
Q: "It's a girl. What do girls have."  
A: "They have gina's"  
Q: "Okay. Right. So who's seen your's, who's seen your vagina before"  
A: "Peter"  
Q: "When did he see it"  
A: "He saw it um my first day at crèche"

Thus it is submitted that the effect of the suggestive questions is clearly seen here. The child knows she is at the interview to talk about Peter Ellis and in asking "has anyone" the interviewer chose to ask the leading question "who has".

### DISTRACTING PRESENCE OF DOLLS

67. After alleging that Peter Ellis had seen \_\_\_\_\_ ; vagina she then asked for a break, at page 10:

- A. "I want to have a break of talking"  
Q. "Do you. All right let's have a play then, let's wash the baby"



A. "Yeah but then can we have a play with these dolls"

### SUGGESTIVE LEADING QUESTIONS

68. After further play with the doll the interviewer used direct suggestive questioning, as a result of which [redacted] alleged that Peter ELLIS had put his penis into her mouth, at page 12:

Q;: "How old's your brother"  
A: "He is about eight months"  
Q; "Yeah. Who looks after your baby brother"  
A; "Me and my mum"  
Q; "Mm"  
A; "Are these the baby's pants"  
Q; "Yeah. Hey you know what you saw happen to Biddy and [redacted]"  
A; "Yeah"  
Q; "Um Peter's penis go in anybody else's mouth or not"  
A; "In my mouth".

Again the hazards of suggestive questioning is apparent.

### THE DETAIL OF THE ALLEGATION THAT PETER ELLIS SEXUALLY VIOLATED [redacted] BY THE UNLAWFUL SEXUAL CONNECTION OF HER MOUTH WITH HIS PENIS (COUNT 20).

### CONTAMINATION

69. Dr. Parsonson states at page D 85 of his Affidavit:

2.4.1 Asked suggestively, (p12), "Hey, you know what you saw happen to [redacted] and [redacted]?" "Um, Peter's penis go in anybody else's mouth or not?" [redacted] answered, "In my mouth." Asked what it felt like, she said it felt 'rough', and volunteered that, "Baby stuff came out of it.". The interviewer asked, "What did?", [redacted] said, "Baby stuff that makes babies.". Asked what colour, [redacted] said "We didn't see it.". Asked where it went, she said into 'our' mouth. Asked how she knew it was 'baby stuff' she replied "Just cos. Me knew the colour and it was plain white." (Note: This conflicts with her almost immediately preceding statement when asked the colour that she didn't see it.).

2.4.2 Asked (p13) who told her it was 'baby stuff', she said "Mummy.". (Note: This response must raise concern about possible contamination of [redacted] testimony).

70. [redacted] refers to her friend [redacted] who had touched [redacted] vagina (at page 25) and that "she's safe now, Peter used to baby-sit her" (at page 25). The interviewer made no attempt to ascertain the source of [redacted] knowledge about [redacted] and basic facts such as when she last saw her dog.

### INAPPROPRIATE QUESTIONING

71. [redacted] alleged that she told Marie that it was happening and that she "didn't believe me" (at page 14). The interviewer then

asked directly "how many times did Peter's mouth, Peter's penis go in your mouth" suggesting to [redacted] that it must have occurred more than once (at page 14). [redacted] responded "lots of times...he only did it once a day...only on Monday's and Friday's" (at page 14,15).

### SOCIAL PRESSURE

72. From page 23 of the first interview [redacted] said that she felt "sick" and that she wanted the interview to terminate. Susan Sidey continued to ask questions of [redacted]. In all [redacted] sought terminate this interview no less than 9 times. Although the interviewer gave an explanation for continuing at trial, such a course of action is quite contrary to the interests of the child.

### SOCIAL PRESSURE

73. [redacted] asked for the interview to terminate, "can I do back now" (at page 25). The interviewer responds "pretty soon" and then asked a further suggestible question (Dr Parsonson highlights at page D86 the concern that the indication by [redacted] is a reward if she answered questions and told what was wanted).

### INTERVIEWER BIAS

74. In discussing the walks that [redacted] went on with Peter, the interviewer demonstrated that she was only interested in the negative claims that [redacted] had to make, for example, at page 29 "Right. So anything else you didn't like".

### SUGGESTIVE QUESTIONING

75. It is submitted that the interviewer then used most suggestive leading questioning, asking:

Q: "Hey [redacted] you know when you had to suck Peter's penis, what did he say. Did he say anything or not"  
A: "No. Can I go"  
Q: "Soon. And did you say anything or not"  
A: "No"  
Q: "So I was wondering if anyone ever told you not to tell or not"  
A: "No. Yes. Mum, I sayed that to mum"  
Q: "What did you say"  
A: "He said that if, if I give you ice, I give you a ice block promise not to tell anybody and I did I wanted to."  
Q: "You wanted to tell"  
A: "Yes, I telled my mum. And he said that he would hurt um me and that he would burn his, my parents up"

The interviewer then suggestively stated to [redacted] "and what stopped you for telling her" when [redacted] had just said that she did tell her mother (at page 33).