happened "And what were they, they were teasing, one was teasing you with his penis" (at page 8) and "And where you know when this man was teasing you with his penis, whereabouts were his hands" (at page 9).

THE FURTHER USE OF PROPS

120. continued to manipulate the toys in this interview and it appears that her responses were governed by the presence of the props, for example, at page 11:

Q: "What colour where Joseph's clothes"
A "White, that colour, Peter's was that colour and Joseph was that colour ____"
Q: "When the man was teasing you with his penis what colour were his clothes"
A "That colour"

EXTERNAL INFLUENCE

121. reported that after the interview she was going to play with her friend (at page 11) and when the interviewer asked "which of the boys did you like who was with you that time" responded " that I'm going to play with". then acquiesced to the suggestion that had seen Joseph tease with his penis (at page 12). then engaged in imaginary play with the props using as one of the characters " could be staying" (at page 12) and "Pretend s staying with him okay and his mother's died but his mother hasn't really died, just do that" (at page 13).

THE FURTHER USE OF PROPS

122. was asked where Peter parked his car at the crèche and pointed to the car near her arrangement of toys and said "he parked it at his house, just there" (at page 14). It is submitted that the use of props influenced the responding of and that rather than using the props to demonstrate, she relied on the props to describe events she alleged.

INAPPROPRIATE QUESTIONING

123. The interviewer then resorted to suggestive questioning "so you know when that man was teasing you with his penis" (at page 14) and "you could show me with your hands what, what the man was doing with his penis to tease you" (at page 15).

124. demonstrated touching and then stated that it was on "my body, on my vagina" and then asked for a "wee break" (at page 15) to

which the interviewer responded "yeah" and then proceeded to question further:

> *Q:* *"..well how may have done that to you before"*
> *A* *"I really don't know"*
> *Q:* *"One or more than one"*
> *A* *"Oh lots Sue millons. I hope I didn't go to that crèche ...I really do want to go back to to crèche"*

and then asked again for a break "can I have a break now instead of talking"

125. The interviewer, presumably in an attempt to balance the interview, asked about whether Peter's friends did good things:

> *Q:* *"..Do these, do Peter's friends do good things or just bad things or not"*
> *A* *"Yes sometimes"*
> *Q:* *"Yeah what"*
> *A* *"Now all the kids are having a bath, Pretend this is a friend"*
> *Q:* *"What sort of things do the kids do, what sort of good things do they do"*
> *A* *"I don't know really. They didn't tell me...." (at page 18).*

SPECULATION - EXTERNAL CONTAMINATION

126. The interviewer then asked to speculate *"So if I asked Peter um about his friend Joseph, would he be able to tell me where Joseph is do you think or not"* to which responded *"Yep"* adding that *"he'll probably tell lies won't he"* when asked *"Who"*. replied *"My mum's Peter. He says that he didn't do it and he did"* (at page 21, goes on to say that Joseph will *"probably say that too"* (at page 22).

127. alleged that Marie came and got her and that while Joseph was teasing Peter was in his room laughing (at page 22) and that her *"friends"* had seen it happen to her (at page 22).

INTERVIEWER BIAS

128. The interviewer demonstrated that she wished to make further allegations:

> *Q:* *"And how many times did Joseph's penis do that to you, to your vagina"*
> *A* *"Only once, every day he did different things"*
> *Q:* *"What else did Joseph do"*
> *A* *"Nothing else"*

129. The interviewer pressed further:

> *Q:* *"Tell me what else he did*

A *"Nothing else just do that. I can't remember"*

and again pressed for more:

Q: *"Well you said every time, every day he did different things, did anything else, did any other part of Joseph touch your vagina or not"*
A *"no"*
Q: *"Did his penis go anywhere else on your body"*
A *"No..."*
Q: *"Oh the different things were they, are they differnet things he did or different things he said"*
A *"Different things he said...*
..
Q: *"Okay alrights so he just did that to your vagina once with his penis"*
A *"Yeah"*
Q: *"But he did some different things, did he do differnet things to you or someone else"*
A *"Someone else"*

130. Thus the interviewer persistently asked for additional allegations of the wrong-doing and indicated that she would not talk to Peter *"No I talk to kids I don't talk to people like him"* (page 23) indicating that it was not just because he was an adult, but there was some qualitative difference between Peter and for example, her father whom then mentioned.

EXTERNAL CONTAMINATION

131. Interestingly the interview concluded with expressing her desire to talk with Colin Eade, she stated "I want to come and talk to Colin" (at page 26).

CONCLUSION:

132. The first four interviews of which the Crown relied on to substantiate the allegation of for which charges had been laid demonstrated extensive use of forced choice suggestive questions, which often, along with social influence and the suggestive and inappropriate use of props were used by the interviewer to initiate allegations and to obtain detail. These first four interviews were exercises in eliciting confirmatory details that had already been reported. demonstrated through her inconsistent and conflicting statements that she was suggestible and that she often forgot the responses she previously gave on a particular topic. She demonstrated that she was willing to speculate rather than say that she didn't remember, and when she did use that response the interviewer would sometimes disregard that response just as she disregarded the requests of for the interviews to terminate.

133. The use of dolls and props was particularly problematic for these first four interviews. The verbal descriptions gave by rely matched her demonstrations with the dolls, particularly with the anatomically detailed dolls. In her use of these pro appeared to be trying to match the genitalia and once she had manipulated the dolls to that end she declared that was how it happened with Peter ELLIS.

134. In addition, these interviews confirm that had been provided with sexual information from her mother and that they had discussed Peter ELLIS.

THE VIDEO-TAPED INTERVIEWS THAT WERE NOT PLAYED TO THE JURY

135. gave six interviews in total, the final two of which were made on 28, 29 October 1992 and for which no charges were laid in relation to the allegations that she made in those interviews. In the final two interviews was more likely to volunteer allegations so that the use of suggestive and direct questioning was lessened except to investigate detail. The allegations made in these interviews however are more bizarre than those earlier made and include the allegation that a person called Andrew had hit her on the vagina and bottom and that he and Peter ELLIS had touched her vagina with a very very sharp knife (interview five, page 10). alleged in these interviews that the other crèche staff knew about the this activity.

136. In addition, alleged that Mrs Lesley ELLIS was also involved in the abuse, that Mrs ELLIS took to her home in a white van and that once there she was kicked and hit (interview five, page 17). The interviewer asked the women had "ever done anything like that to your vagina before or not" to which responded "No, I can't remember" (at page 24). In her sixth and final interview alleged that Gaye had sexually violated her with a knife in the crèche toilets and denied that anyone else had done that before (when in interview five she alleged that both Peter ELLIS and "Andrew" had done it). This interview completed with begging and pleading for the questioning to end, pretending to cry and begging to go home.

THE EVIDENCE OF INTERVIEWING AND CONTAMINATION

A. INTRODUCTION:

1. was born on the and has

2. attended the Christchurch Civic Crèche from from age 1 year 5 months until 5 years of age.

3. Parents: (social worker) and

4. At trial two counts related to Mr Ellis was found guilty on both of these counts:

   Count 27: Unlawful sexual connection by ELLIS putting his penis in her mouth.

   Count 28: Indecent act by ELLIS putting his hand on her vagina and anus.

5. These offences were alleged to have occurred between 1 January 1989 and 31 January 1991.

6. ; is referred to as Child K in the Court of Appeal Judgment (sometimes referred to as Child 6 in the depositions).

7. The Interviews:

DATE	INTERVIEWER	MONITOR	JURY SHOWN?
9 March 1992	Susan Sidey	Colin Eade	Yes
6 October 1992	Susan Sidey	Cathy Crawford	No
9 December 1992	Susan Sidey	Cathy Crawford	No

8. was aged 6 years 2 months at the time of the first interview, 6 years 9 months at the time of the second and 6 years 11 months at the time of the third. was aged 7 years 4 months at the time of Trial. There was a delay of 13 months between wher last attended the Creche and when she was first formally interviewed.

B. PARENTAL CONTAMINATION

9. was unclear how she first became aware of the Crèche inquiry. However, she was aware from an early stage that was concerned about her son and initiated a formal complaint to the City Council recounted at trial this contact with [55]:

> *"I knew in a professional sense, we had never worked together but we work in the same field. I phoned her to say that I had heard this and to offer her support in a general sense recognising that she must be feeling quite shattered, shocked or something."*

10. had had

11. attended both the December Crèche meeting and the Knox Hall meeting on 31 March.[57]

12. At trial stated that she began to question her children in approximately November 1991[58]:

> *"As to what sort of questions I asked my children, I can remember when I first heard about the allegations I can remember my partner and I sitting on a couch at home with the children and saying to them something along the lines we had heard some children were beginning to talk about some things they found scary at creche".*

13. was one of a number of parents who attended an informal support group following the 28 November or 2 December 1991 Crèche meeting. Other parents named bv vere

noted that and attended the first night when they met for coffee but did not join the group until February 1992.[59]

14. described at trial the purpose of the support group as follows[60]:

> *"The purpose of the meeting of those parents after the November meeting, immediately after the November meeting several of those who were at that meeting went and had a coffee together. Then those of us who were*

[55]Source: Notes of Evidence at Trial, p227

[56]Source: Notes of Evidence at Trial, p234-235

[57]Source: Notes of Evidence at Trial, p227

[58]Source: Notes of Evidence at Trial, p227

[59]Source: Notes of Evidence at Trial, p233

[60]Source: Notes of Evidence at Trial, p230

there or some of us who were there decided to meet for support and those of us who meet (sic) were all parents of children who had begun to disclose something about the creche. We were very clear that one of the ground rules for the group was that we weren't going to talk about what each of our children had said in order to protect the children's privacy and we sought legal advice about that as a group. "

15. However, under cross-examinatioı stated[61]:

> Q. *"Can you explain the purpose of the December meeting or why that group continued to meet, the group of parents the informal support group?"*
> A. *"Following the meeting at the creche with the police and City Council. We decided to meet mostly to support each other with the sorts of behavioural problems our children were exhibiting and for mutual support in a climate where there were allegations of sexual abuse and not a lot of action was being taken about it and mostly as a parents support group to support each other in our parenting."*
> Q. *"At those meetings did you discuss the behavioural indicators of sexual abuse with the other parents?"*
> A. *"Not specifically, I think we would talk about things our children were doing like soiling, I don't think we would sit down and go through a list and tick them off."*

16. Furthermore in cross-examination was asked[62]:

> *"Q. So outside the meeting you could say whatever you liked?*
> *A. That would depend on the people, it wasn't a rule I went by but that would depend on other parents. There was a ground rule of confidentiality about the meeting, you couldn't say what other people said at the meeting."*

17. At the depositions hearing added that the group used to meet once a month and that she continued to have intermittent contact with some of them at the time of the depositions hearing.[63]

18. Notwithstanding assertions that there was no information sharing, in February 1992 contacted and informed her that two children had named in disclosures about Mr Ellis, one of these children being [64]

19. At trial claimed that she was informed that *"a child had named my children present when Peter's penis was being put in their mouth. One of my children."*[65]

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[61]Source: Notes of Evidence at Trial, p234-35

[62]Source: Notes of Evidence at Trial, p233

[63]Source: Notes of Evidence at Depositions, p366

[64]Source: Original Statement of dated 13 April 1992

[65]Source: Notes of Evidence at Trial, p228

20. In her original statement to the Police had added that told her tha' had reported being hit, a group activity involving Peter putting his penis into the mouths of [66].

21. As a result of this information, on a Saturday morning when they were "all in bed together reading and having a cuddle" had a "more detailed discussion" with "to give the children another opportunity to talk about the creche."[67] At trial stated:

> *"We told them we had heard some other things about the creche and that we wanted to talk with them about it".*

22. In original Police statement she recounted that they had said that *"some children had been talking about Peter, and could they remember what that might be"* to which the children responded by talking about *"tickling and stealing food again."*[68]

23. At trial also commented that the children were *"very giggly and distracting"* which she thought was *"very clearly designed to keep us off the topic."*[69] However, in her original statement to the Police stated that she told what the other children had said and that the same things had happened to [70].

24. The children were then told to go away and play and after about half an hour found the children and said that they "were still waiting" and if either of them wanted to come and talk they could. came and got back into their bed.[71]

25. At tria recalled the conversation as[72]:

> *"When she came into the bedroom on this occasion she indicated she was scared, that there was something she needed to talk about but she was having trouble, she didn't know where to begin and she didn't know how to get it out. She appeared far from relaxed, she was really very scared. ... I asked her some questions at that stage and she had trouble*

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[66]Source: : *"I spoke to and she told me that Peter had hit . This was wha had said. She said that this happened on more than one occasion. She said that there had been some sort of group activity where Peter had put his penis in . mouth."*

[67]Source: Notes of Evidence at Trial, p228

[68]Source: statement dated 13 April 1992

[69]Source: Notes of Evidence at Trial, p228

[70]Source: statement dated 13 April 1992 records: *"We told them that what the children had said happened had also happened to them. I think this is what contributed to their hysteria. "*

[71]Source: Notes of Evidence at Trial, p228

[72]Source: Notes of Evidence at Trial, p229

answering so we established that it would be easier for her if we asked a toy the questions and would whisper her answers back to Missy Bear who could relay them to us and said yes.

26. Further details of the content of the conversation is contained in the original Police statement made by [73].

27. continued at trial:[74]

> *"I said to my daughter other children had said Peter put his penis into her mouth. Eventually because was so very scared and was very clear[ly] indicating there was more she needed to tell us that she couldn't get out, I didn't know what to do and I knew I wasn't supposed to give her specific information, she was absolutely stuck so in the end I told her anor child, and named the other child, had mentioned she had seen Peter do that to and was that true and I remembe instantly lightened and indicated that was correct."*

28. There was evidence that continued to question about Mr Ellis was questioned at trial as follows[75]:

> *"Throughout 1992 you have continued to ask your children questions about Peter Ellis? I have continued to ask them questions in response to initiation by them... mostly with she would say Mummy I have been doing more remembering and I want to talk or she would say there is something, she would indicate there were worries she didn't know how to get out that were bothering her."*

29. admitted she could not recall the number of specific occasions when she had questioned her children. During examination in chief guessed that she had questioned them three or four times over a period of five months,[76] and in re-examination claiming that most of the discussions with her children happened after the Specialist Services Unit interviews and did not think that there had been more than five or six conversations since March 1992.[77]

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[73]Source: Original Statement of dated 13 April 1992, p4 records: *said that : said that Peter used to hit her and that it made her cry and whether or not that it was true. She said she could remember and that it was true and that he hit her when in the tree hut...I then said to her that some of the children had talked about scary things happening to them and they said that it had happened to her. I said to her could she remember what they might be...I then asked a question through Missy Bear and asked the bear to help talk. We then both asked some questions through Missy Bear and would answer whispering to the bear...We both asked questions about whether there was anything that Peter did that was scary or that she didn't like. She said that Peter had. We would then ask her what they were and I can't remember what her answer was but she wouldn't elaborate on it."*

[74]Source: Notes of Evidence at Trial, p229

[75]Source: Notes of Evidence at Trial, p232 to 233

[76]Source: Notes of Evidence at Trial, p227

[77]Source: Notes of Evidence at Trial, p238

30. However, also indicated that there was a large degree of questioning prior to the Specialist Services Unit interviews[78]:

> *"I know there was quite a delay between the children's disclosures to us and the interviews, it depended on how booked up the interviewer was. Prior to the interviews I spoke to the children, that is how we knew to book the interviews."*

31. It would appear that there were examples where conveyed to her children her and other parent's views of Mr Ellis. For example, on one occasion, had indicated that he was worried about Peter getting in through the window. told him[79]:

> *"I told him that Peter wouldn't be coming through the window because Peter wasn't coming out very much because of what adults might do to them in the street and he was probably hiding in his house.*
>
> *I told them that the children were telling his secrets and he would be scared. "*

32. On at least one occasion described to the children abuse that a women who looked after the children had reported[80]:

> *"I told them when this woman was about the age of one of their buddies at school. One of her families friends had done some secret touching to her and that it made her feel yucky inside."*

33. In first interview she adopted the term "secret touching" and while she indicated that her parents had told her this term, she claimed that Mr Ellis had in fact used this term first.[81]

34. At trial described an incident during which she and "established" that Mr Ellis had touched "clitoris"[82]:

> *Q. "I put a question to your daughter this morning and asked her whether or not you had asked her whether Peter had touched her clitoris or bottom and she said yes, can you recall when you asked your daughter that question?"*
>
> *A. "I can recall it was early last year and she used her Missy Bear to demonstrate how Peter had touched her. I think that I asked her whether Peter had ever touched her private parts and she used her Missy bear to demonstrate and that is how we had established he touched her clitoris. I don't recall ever discussing with her if he had touched her vagina."*
>
> *Q. "The question whether Peter touched her private parts would be after you read to her The Very Touching Book is that right?"*

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[78]Source: Notes of Evidence at Trial, p227

[79]Source: Original Statement of dated 13 April 1992, p7

[80]Source: statement dated 13 April 1992 page 7

[81]Source: Transcript of nterview of 9 March 1992 page 25

[82]Source: Notes of Evidence at Trial, p234