

18. In hand-written notes made by [redacted] reference is made to the Saturday evening conversation where [redacted] says that he didn't see it really, that someone had told him about it happening. [redacted] then noted "realised I was now pushing him as to whether it happened to him or not - backed off".¹¹⁸

19. At trial [redacted] recalled his mother's questioning of him¹¹⁹:

"Q. Have you been talking to your Mum quite a bit about these things?

A. Yes, not very much my dad though.

..

Q. So you have been having lots and lots of chats with your Mum about what happened?

A. Yes.

Q. She has been asking you all sorts of questions?

A. Yes"

20. [redacted] was also asked at trial¹²⁰:

"Q. Do you remember when you first started talking to Mum about these things?

A. No

Q. Isn't it true that your Mum asked you if Peter had done wees in your face?

A. Yep.

Q. And you said yes to her?

A. Yep"

21. Finally, [redacted] was asked in re-examination¹²¹:

Q. When you talked to your Mum about these things and told her about Peter doing poos and wees did your Mum know about those things before you told her?

A. No

Q. How did she know about those things?

A. One of the other parents told her and she told me to see if anything happened to me. Or if I saw anything happen

Q. Before you told your Mum about Peter doing wees on you did your Mum know that?

A. No

me and said, "Peter did wees and poos on the children's faces." I asked him how he did poos on the children's faces because I thought, how could that be so and it not be noticed by the staff. He said, "No just wees in the children's faces." He said not to him, just to other children. ... Then I said, "If it happened to you, what colour would it have been?" He said, "Yellow, green". And taste? Sour apples and poos ... I asked him twice more that day, "Did it happen to you?" In the evening he said, "Yes once".

¹¹⁸ The notes record: "Sat. Evg In bed : Q To you? Yes - once Then: "didn't see it really - someone told me - I forgot that" Me - realised I was now pushing him as to whether it happened to him or not - backed off

¹¹⁹ Source: Notes of Evidence at Trial p76

¹²⁰ Source: Notes of Evidence at Trial p80

¹²¹ Source: Notes of Evidence at Trial p83

- Q. Because Mr Harrison said to you your Mum told you that but your Mum doesn't say that, she says you told her that first, did you tell your Mum Peter did wees on you or did your Mum tell you that was the case?
- A. Some other parents rang up my mum and told her about that and she told me if I had seen anything happen or anything happened to me and I said yes.
- Q. And then what did you say?
- A. I telled her everything."

22. It is also clear that . . . overheard issues relating to the Creche being discussed by his mother with other parents¹²²:

- "Q . . . told us that you had a phone conversation with somebody else from the crèche or parent of someone from the crèche would that be the case?
- A. About what
- Q. About the allegations being made?
- A. I have talked to parents in the last year by telephone but I am not sure what you are talking about.
- ...
- A. I am sure he has heard me talk on the phone from time to time and knew I was talking to crèche parents, I am very careful about not using names and that sort of things(sic). There are three parents I know, they were friends."

23. In her hand-written notes . . . records¹²³:

*"During this 1st week
We were fairly honest about telling
(that adults concerned)
-etc
Lots of praise re fact that he told"*

24. There is also evidence that . . . continued to question . . .
For example, a Specialist Services file note records that on the same day as . . . second video interview, 27 April 1992, . . . retracted his allegations to his parents¹²⁴:

*" : 27/4/92
- has retracted to [Hildegarde crossed out] parents + XXX ago
- has says he's keen to go to Court"*

C. SHARING OF INFORMATION

¹²²Source: Notes of Evidence at Trial p89

¹²³Source: . . . handwritten notes at p7

¹²⁴Source: Specialist Services Unit Minute Sheet

- Q. As a result of the things that [redacted] I had said to you is it not correct you went and questioned your son in relation to those things?
- A. No its not correct. What happened was I asked [redacted] about bulls, [redacted] was so frightened of bulls he couldn't get out of the car at school because there were bulls under the car so I said to her please tell me have any children talked about bulls and she said they were shown videos of animals and so that is what I said to him [redacted] did you ever see a video or film of bulls with Peter and after that he was never scared from that day on of bulls.."

30. [redacted] was further questioned in relation to this issue¹²⁹:

- Q. You were shown this list in June 1992 is that correct?
- A. June or July I think.
- Q. If you look down that list can you see a statement where it states "sticks up their bottoms" on the right hand side of the page?
- A. Yes.
- Q. That was on the list when you saw it?
- A. It must have been if this is the list I saw, I don't have a memory of that, exactly what was on it because we were told not to get involved and that but I am sure it is true, that is what is here. I never said it to my son though.
- Q. You would have seen that list prior to your son making those disclosures?
- A. He disclosed after I told him about the videos of the bulls and that was after I had seen [redacted] he did it over the period of a week."

31. However, [redacted] accepted the possibility that she was reading out things on the list to Colin EADE¹³⁰

D. OTHER SOURCES OF CONTAMINATION

32. [redacted] received counselling with a therapist that was used by a number of Crèche children, Hildegard CORBETT¹³¹. Whilst [redacted] denied at trial that he talked to his therapist about the Crèche¹³², [redacted] began therapy in April 1992, around the time of his first interview¹³³:

"So far as [redacted] attending therapy I think he started in April with Hildegard Corbett and then she had to go away back to Germany or whatever so we got another therapist but he didn't start with her till late Sept. so in that winter period he didn't have any therapy."

¹²⁹Source: Evidence at Trial page 96
¹³⁰Source: Evidence at Trial Page 97
¹³¹Source: Evidence at Trial, p90
¹³²Source: Notes of Evidence at Trial, p81/82
¹³³Source: ; Evidence at Trial, p90

33. was visited by Detective Eade in March 1992 prior to his first Specialist Services Unit interview, although it is not known what was discussed. recorded in her notes:

"24th March

- Colin came to visit.
said to him at end - still think I'm going to die"

34. It would appear that Detective Eade again visited following his first Specialist Services Unit interview with a view to conducting his own interview. Detective Eade recorded in a Job Sheet dated 7 April 1992:

"I am seeing and his parents at 1715 hours 7 April 1992 to discuss using as a complainant. I believe that he is capable of being a convincing complainant and he has the required support from his parents.

...

TO DO:

1. Confirm whether he will be part of the prosecution.
2. Medical.
3. Clarification interview by myself in relation to the number of times that the offence was committed on him.
4. Establish the names of other children involved."

35. There is also evidence that discussed Peter ELLIS with . In ; hand-written notes:

"2.4.92 3pm
Police car passing school
Is that Peter's Police ?
Told : has to go to
jail for doing wees in chn's
mouths."

36. On 19 October 1992 was taken to the Cramner Centre by his parents and a Social Worker, and was shown around the Creche building by Detective Jenkins "to see if he could indicate any particular area of offending."¹³⁴ On 28 October 1992 gave a fifth Specialist Services Unit interview during which he alleged offending by Mr Ellis in the Cramner Centre building, including climbing between buildings on a ladder.

37. At trial, gave evidence that it was Detective Eade who took around the Cramner Centre "to see if he could find the secret doorway up there."¹³⁵ However Detective Eade denied that he was present and believed that was confused.¹³⁶

¹³⁴Source: Evidence at Trial, p299

¹³⁵Source: Notes of Evidence at Trial, p77

¹³⁶Source: EADE Evidence at Trial, p499

E. THE SSU VIDEO RECORDED INTERVIEWS

38. Mr Ellis was convicted on one count relating to
- (a) Doing an indecent act by urinating on the boys face and placing Mr Ellis's penis into the mouth of Child D, this allegation being recorded in the first of three interviews by on 3 April 1992. During the second interview the urinating into his mouth was explored, however this video tape was not shown.

THE ALLEGATION THAT PETER ELLIS URINATED ON

INTERVIEWER BIAS

39. The Court is referred to the many guidelines and recommendations demonstrating the need for interviewers to remain neutral and not project negative feelings about the suspect.
40. In the first interview the interviewer (Susan Sidey) focused on the negative aspects of Peter Ellis, for example:

"Okay right what's the, tell me about the bad things, what's the easiest thing to start with about that?" (at page 8);

"Who, who knows about the bad things, who have you told?" (at page 8);

"Mym whereabouts did that happen, the bad things" (at p 8);

"Whereabouts did these happen at crèche or somewhere else" (at p8).

THE USE OF DOLLS AND PROPS

41. Dolls and props were introduced at this juncture and the layout of the crèche was discussed (before the details of the allegations were elicited).

INTERVIEWER BIAS AND INCORRECTLY RESTATING ANSWERS

42. The interviewer again focused on trying to elicit "bad" details, for example:

"Okay ooh better get it back. Okay so um now we talking about the bad things that happened at crèche and had things, sometimes Peter was bad and you said that Debbie" (at p19);

"Yeah how does he be bad to the children, what does he do that's bad to the children" (at p19);

"He's mean to the children..what does he do sometimes" (p19),

"So what does he do that's mean"

to which replied

"I can't remember" (at page 19)

and the interviewer persisted

"Yeah who knows he's mean...who, knows he's mean"; "What's the meanest thing he does?" (at page 19).

43. Susan Sidey asked:

"who knows about the mean things, who have you told?" (at p20)

to which replied,

"Um Debbie does, and some more kids do".

Sidey asked

"Yeah what about mum and dad, do they know."

replied

"Yep I told them."

Sidey asked

"Did you, what made you tell them",

replied

"Um because I wasn't scared".

Sidey then misrepresents response and stated

"What made you feel scared" (at page 20)

44. Eventually . responded to the following question (at page 21):

"What was the mean thing he did"; "Mym what was the meanest thing he did?"

by saying

"He dipped people in the ponds..quite a lot of people..the pond in the park where he took us."

said that this did not happen to him (p22).

USE OF REPEATED QUESTIONS

45. The Court is referred to submissions in relation to the dangers of repeated questions. In short the use of repeated questions may cause a child may believe that their previous answers were unacceptable.
46. The interviewer made it clear that some of responses are not acceptable, by repeating questions when he did not provide information she required. For example:

Q: "Mym so which ones got dipped"
A: "Um quite a lot"
Q: "Yeah do you remember their names"
A: "No"
Q: "Were there any of your friends or"
A: "No I , can't even um bunks would be right down, the bunks would be down there"
Q: "Would they"
A: "Yeah"
Q: "And did you, were any of the people who got dunked, were they your friends or not"
A: "Um some of them were"
Q: "Yeah which friends of yours got dunked"
A: "Um I can't remember" (at p22)

PERMISSION TO SPECULATE

47. The interviewer also indicated to that he was permitted to speculate within the interview:

Q: "And what did the kids feel like when they got dunked" (at p22);
Q: "What sort of feeling did they get inside them?" (at p23)

SOCIAL PRESSURE

48. The interviewer was not satisfied that this was the response she was looking for, and uses social pressure to elicit a more "appropriate" disclosure, making it clear that only the mean things were to be talked about:

Q "Okay, and what else did you tell Mum and Dad about the mean things?"
A: "Um just the mean things"
Q: "Yeah, what else did you tell mum and dad"
A: "Um told the good things and the bad things"
Q: "Yeah tell me, what what was, what's the other mean things that you told"

A: "Um did weeze in people's face" (at page 23).

49. At this point had alleged that he witnessed Peter Ellis urinating in people's faces. Sidey approached the topic as if had described himself being urinated on, for example, by asking

Q: "What did it taste like?" (at p24)

to which responds

A: "I don't know".

50. The interviewer uses suggestive leading questions to extract detail of the allegation, for example:

Q: "Was Peter standing up or sitting down when he did wees in the...";

Q: 'So where they [Peter's hands] on his sides or were they somewhere else?";

Q: "Yeah, was it [Peter's penis] hanging down or was it a standing up penis?" (at page 26)

Q: "Which kid did it happen to the most? Did it happen to a girl the most or a boy the most?"

to which he responded

A: "Ah a girl"

but could not produce a name.

51. Further suggestive multiple choice questions were used in an attempt to check whether boys or were involved (p28) and said that boys were involved but he did not identify them. was asked whether he was not saying names because of some threat or because he had forgotten, he indicated the latter and the interviewer' response was to pressurise him: "Because I heard that um that it did happen to someone that you know" (p28). responded, "Who? Um, Don't know."

52. The interviewer persisted with questions about the mean things that Peter did, for example:

Q: "Yeah and did Peter do anything else that was mean"

A: "Ah yes"

Q: "What else did he do"

A: "Put people in water" ..

Q: "Yep so he did that one, the ponds, he ducked people, he did weeze in their mouth, did he do anything else or not"

A: "I don't know"

Q: "That was mean"

A; "Mym"
 Q; "Did you see him do anything else that was mean"
 A; "No"
 Q; "What were the good things he did, what were the good things about Peter"
 A; "Um I don't know" (at p29)

53. The interviewer having been advised before the interview that has had a conversation regarding alleged abuse by Peter Ellis attempted to elicit an allegation that he himself was abused: When the interviewer directly questioned "So um, did Peter, ah, did Peter do anything bad to you or not?" response was "No". The interviewer responded, "Because I heard that he did some bad things to you" (p29). did not answer immediately but asked "Like?" (p30) to which the interviewer responded "Like, um, well, what were the bad things he did to you that you don't like?" responded "I don't know"

54. Significantly at this point Ms Sidey retrieved more notes that had been passed under the door from Colin Eade the monitor was told that Colin was outside the room, see at page 28 where Sidey says "So um it's a wee note for me. I have to go and get the wee letter because Colin's sent me a wee note"). noticed the notes coming through:

Q: "Oh get some more notes"
 A: "More notes..." (at p30)

55. The significance of this action was that it indicated to that Susan Sidey was being provided with information from Colin Eade about what to ask. The interviewer then indicated to that she knew more about the allegations than what he had told her in the interview by asking the following leading questions, for example:

"When um you know when Peter did things in the kids mouths?" "Was there ever a time when there was just you and him there?" (p30) answered "No" adding "some other kids".

56. The interviewer questioned about whether he felt safe around Peter and then asked "So has he done something to you to make you feel unsafe or not" to which responded "No". The interviewer contradicted answer by use of social pressure and continues "So when you told mum though, when you told mum and dad what did you say? What did you say to mum and dad?" (p32) reiterated events thus far and stated "Um, that's all." (p32). The interviewer did not relent, "So I heard, I heard that Peter had done something mean to you as well"; "Tell me what that was". responded "he done wees" which the interviewer interpreted to mean that was alleging that Peter Ellis "did wees" or and stated, "Wees, yeah, where did it go