

Q: Can you remember in the first tape that you made, it was a long time ago wasn't it?"
 A: "Yes."
 Q: "Can you remember talking to Sue about all the things that had happened to you at the Creche?"
 A: "Yes."
 Q: "In that tape you didn't tell us anything about needles at that time did you?"
 A: "No."
 Q: "Can you tell us why you didn't tell us about the needles at that time?"
 A: "Because I couldn't remember."
 Q: "Was it only when you talked to _____ that you remembered about the needles?"
 A: "Yes."
 Q: "And also I think in the first tape you didn't tell us anything about Peter putting his penis against your vagina did you?"
 A: "No."
 Q: "Did you talk to _____ about that as well?"
 A: "Yes."
 Q: "Was it talking to _____ that helped you remember?"
 A: "Yes."

36. In _____'s third interview she was asked how it was that she knew that poohs in the bath had touched _____ when _____ was not present¹⁷⁴:

S: "And how do um... how do you know it touched _____ poohs?"
 N: "Cause she told me."
 S: "Where did it touch her?"
 N: "She didn't tell me that."
 S: "Oh okay. So how much has _____ told you about what happened to her?"
 N: "Well just that."

37. At trial _____: accepted that she had talked to _____ "a wee bit" about touching poohs and things¹⁷⁵

D. OTHER SOURCES OF CONTAMINATION

38. _____ reported to Sue SIDEY in interview three that she had seen ELLIS on television¹⁷⁶, although _____ was not questioned on this point either by Ms Sidey or at trial.

39. _____ reported in her third interview that she talked to Jan GILLANDERS about Mr Ellis and the Crèche.¹⁷⁷ Jan GILLANDERS was the social worker attached to liaise with the children.

¹⁷⁴Source: Transcript of Interview 3 page 54
¹⁷⁵Source: Notes of Evidence at Trial page 104
¹⁷⁶Source: Transcript of interview 3 page 47
¹⁷⁷Source: Transcript of Interview 3 page 54

40. It would also appear from a Police Job Sheet prepared by Detective Colin EADE dated 23 April 1992 that Detective EADE was to have interviewed _____ 1130 hrs on 28 April 1992.
41. Finally, _____ had been in counselling since at least July 1992 with Hildegard CORBET¹⁷⁸ who had been provided with a copy of the Specialist Services Unit Report on _____ first and second interviews.¹⁷⁹

E. THE SSU VIDEO RECORDED INTERVIEWS

42. Mr Ellis was convicted on two counts relating to _____
- (a) Urinating in her face at the crèche between June 1988 and December 1990, this allegation being recorded in the first interview;
- (b) Inducing an indecent act of bathing, at an unknown address between June 1988 and December 1990, this allegation also being recorded in the first interview.
43. The Jury returned two Not Guilty verdicts, in relation to an allegation of attempted sexual intercourse at an unknown address between June 1988 and December 1990 and in relation to an allegation of touching her bottom with a needle at the crèche between June 1988 and December 1990. These allegations were contained in the third and final interview _____ gave.
44. The Jury were shown the video-taped interviews for the first and third interviews.

THE ALLEGATION THAT PETER ELLIS URINATED ON THE CHILDREN IN THE CRÈCHE TOILETS.

LACK OF INTERVIEWER FOLLOW-UP - CONTAMINATION

45. It is clear that _____ came to the interview prepared. She brought with her a story book that she and her mother had written and knew that she was to talk about Peter (at page 5):

Q: "Right okay alright _____ now. Now you've brought your book along."

A: "Yep"

¹⁷⁸Source: SSU Report by SIDEY on interviews one and two (undated) refers to a copy of the report being provided to Hildegard, in SSU Report dated 2 November 1992 SIDEY records that _____ is in therapy with HILDEGARD CORBET.

¹⁷⁹Source: SSU Report by SIDEY on interviews one and two (undated) refers to a copy of the report being provided to Hildegard.

Q: "What ah, how shall we start, what have you come to talk to me about today."

A: "Peter"

INTERVIEWER BIAS

46. The interviewer indicated to _____ that she knew who Peter was when she asked "Right well who were the other teachers there" (at page 6). _____ had not said that Peter was a teacher.

SUGGESTIVE MULTIPLE CHOICE QUESTIONS

47. _____ was asked by the interviewer:

Q: "So has Peter hurt you before or not"

A: "Ah no. He has sayed something that, lots of things yucky about the toilet though." (at page 12)

48. _____ then alleged that Peter Ellis had made children drink urine following a suggestive multiple choice question by the interviewer:

Q: "Mym what did what did he say about the toilet"

A: "Ah he went in the middle toilet he said that you had to drink his weeze and some person people went in the middle toilets."

Q: "Did they"

A: "Yep"

Q: "And did they have to drink his weeze or not"

A: "Yes"

Q: "How do you know"

A: "Because I saw them" (at page 13)

49. _____ said that she saw it happen to _____ and _____ (at page 13) and then incorporated herself into the allegation:

A: "But I did go into the toilet, in the middle toilet."

Q: "You did"

A: "I did but um and Peter was sneaking in, I got it in the picture" (at page 14)

50. The interviewer then asked _____ a forced choice question:

Q: "Yeah right so did you have to drink his weeze or not"

A: "No I closed my mouth" (at page 14)

and then when the interviewer asked:

Q: "So so did, so did he try and make you drink his weeze"

A: "No he didn't know" (at page 14)

51. Instead of asking an open ended question (for example, asking "what didn't he know") the interviewer chose to make a leading statement:

"That you closed your mouth" (at page 14)

THE DETAIL OF THE ALLEGATION THAT PETER ELLIS URINATED ON THE CHILDREN IN THE CRÈCHE TOILETS.

LACK OF INTERVIEWER FOLLOW-UP - CONTAMINATION

52. The interviewer then attempts to elicit detail from [redacted] as to this allegation. The interviewer permits and encourages [redacted] to make reference to a "book" [redacted] and her mother prepared earlier entitled "The Way to Peter's House" in which there is a drawing entitled "This is me going to the toilet". The interviewer confirms that [redacted] did not prepare the book alone:

"I drew that part and that part and that part but mum drew that" (at page 15)

and that [redacted] drew parts of the scene depicting the toilet ("Is that the door that mum drew" [redacted] responded "Yep")

USE OF PROPS

53. The interviewer then asks [redacted] to describe the scene:

Q: *"Where was he, what was he doing when your mouth was closed"*

[redacted] to which [redacted] provided an answer and then realised that her answer would not fit with the context of the location. The interviewer quickly intervened to provide [redacted] with toys with which to reconstruct the scene:

A: *"Ah he was sitting on the toilet but no, he wouldn't be able to fit in there"*

Q: *"Okay now just hang on what we'll do is we'll make the toilet okay, with my toys, you know how I'm a toys person now and I'll also, I'll also get you to choose with the dolls, choose from this group of dolls, a doll to be [redacted] one to be you ...and one to be Peter" (at page 15/16)*

SUGGESTIVE QUESTIONING

54. Initially Peter Ellis was described by [redacted] as "sitting on the toilet", with his pants down, urinating. In response to a suggestive question [redacted] stated that he always sits down to urinate (page 16). [redacted] then changed this in response to the question "or does he sometimes stand up?" to "he stand he stand up I think" to which the interviewer stated "Right" (at page 16).

BODY DIAGRAMS AND DIRECT QUESTIONS

55. At first [redacted] alleged that she had to aim her mouth for "Peter um bottom and he did weeze" (at page 16) and she repeated that the "wees" came from Peter's bottom (at page 17). At this point a body diagram is introduced, as a result of which [redacted] modified her allegation in response to direct questioning:

Q: "Penis okay so a penis and what's it called round the back, what's that."

A: "Um bottom"

Q: "A bottom so it's a bottom round the back and a penis around the front. Now where did you mouth have to go, on the bottom or the penis."

A: "Penis because that's where the weeze comes from" (at page 18).

56. [redacted] appears to deny any involvement of Peter Ellis' "bum" (p28) and in response to specific probing questions says "I think it happened with [redacted] Upon challenge, she says "Because I were watching.", apparently replacing uncertainty with certainty and then introducing some otherwise previously unmentioned person named "Mandora" to whom it is not clear what happened.

SPECIFIC FORCED CHOICE QUESTIONS

57. There are instances when the interviewer challenged [redacted] as to her responses, for example, when asked to report of Peter Ellis' clothes, [redacted] initially states his pants were up (p29), but when challenged about how his penis did wees in her mouth if they were on, [redacted] changes her statement to their being "down" (p29).

THE LACK OF INTERVIEWER CHALLENGE

58. Similarly, [redacted] initially reported, at first that [redacted] had wees in her mouth (p43). At this point the interviewer draws attention to the fact that the "bum" being at the back and asks "Where did Peter's bum go?", after which [redacted] places the dolls in a position with [redacted] mouth on "Peter's" anus. Having demonstrated, [redacted] is asked how she knew [redacted] had to do that, "Because I were watching." (p43). It is submitted that [redacted] did not allege this earlier in the interview, indeed she said that "I only watched when she was drinking the weeze and then I went away". The interviewer failed to follow up this inconsistency with [redacted]

FURTHER SPECIFIC AND SUGGESTIVE FORCED CHOICE QUESTIONING

59. Further specific questioning relates to the disposition of Peter's bum and [redacted] and is followed by an allegation that Peter Ellis defecated in [redacted] mouth. [redacted] then amends this allegation (p44) back to urination (also demonstrated with the dolls), but changes again back to defecation following further specific and suggestive multiple choice questioning.

IN SUMMARY

60. In response to direct multiple choice questions from the interviewer (p45) [redacted] at first alleges the wees went in before the poohs, and then that it was a different time altogether. No questions were asked about whether the urine splashed on her, the other children or the children's or Peter Ellis' clothes, why she would have entered the toilet having already seen this just happen to [redacted], or what the consequences were for [redacted] or her clothing of having to eat faeces.
61. The question forms used in obtaining this allegation often are leading or suggestive, the child appears to change her testimony in response to these question forms, so seems both alert and responsive to potential sources of suggestion in the questioning. There is little free account of events, with most of the information being elicited by interviewer questions. The toys and dolls may appear to lend some credibility to the child's statements, but it has to be noted that [redacted] use of them changes from time to time in accordance with suggestive questioning. There also are indications that the child is at times confused and uncertain, producing conflicting and contradictory statements.

THE ALLEGATION THAT MR ELLIS INDUCED AN INDECENT ACT OF BATHING, AT AN UNKNOWN ADDRESS BETWEEN JUNE 1988 AND DECEMBER 1990.

SOCIAL INFLUENCE

62. The interviewer attempts to get [redacted] to produce other information by social influence, e.g., "I know some things that you've been telling Mum about Peter's house. Mum and I have been having a chat." (p41) "It sounds like some other things happened there." (p42) end with [redacted] tating "But nothing else at Peter's house." (p42).

63. The matter is raised again later (Transcript p48) with the question "Have you told me everything that you've told mum or not?". This has a suggestion of social influence about it, which is amplified and made more suggestive in the subsequent question (p49), "See what I've heard is that you have told mum some stuff about a bath." [redacted] explains, "Um I went in the bath and he washed my bum." In the next question the interviewer suggests the person who washed her bum was in the bath with her. "Who were you in the bath with?"; "Peter."

**THE DETAIL OF THE ALLEGATION THAT MR ELLIS INDUCED AN
INDECENT ACT OF BATHING, AT AN UNKNOWN ADDRESS
BETWEEN JUNE 1988 AND DECEMBER 1990.**

64. ... is then asked whereabouts this was but before she can answer is led by the interviewer in a multiple choice question, "Was that at the crèche or somewhere else?" responds to the suggestion in the question, "It was at crèche.". The interviewer repeats "In the bath with Peter at crèche?" ... affirms "Yes"(p49). The interviewer then adds an alternative suggestion, "Or was it at Peter's house?" changed her answer to conform with this new suggestion, "Um it was at Peter's house." The interviewer consolidates this apparently more acceptable response, "You had a bath at Peter's house."
65. It is submitted that is prompted to talk about having a bath, it is suggested by the interviewer that the other person in the bath also, and she responds in concert with suggestive questioning by changing the location of the alleged event in line with the locations suggested in the questions (crèche/Peter's house).
66. The interviewer reiterates ; original allegation while answering her own question, "Yeah and what did you do in the bath, he washed your bum?" (p50). It is submitted that the interviewer failed to provide another opportunity for the child to restate the allegation. It is submitted that the interviewer, by using this mode of question, may in effect prompt the child to maintain the allegation.

SUGGESTIVE QUESTIONING

67. The interviewer asks "Who washed Peter?". at first responds, "He washed himself.", then immediately changes this to, "I washed him." It is submitted that this amended response of is unquestionably accepted.
68. A body diagram is introduced and after has completed volunteering parts of the body, the interviewer specifically introduces his bottom, "And what about his bottom, who washed his bottom?" states, "I did." The interviewer then points to the groin of the body diagram, "Mmm, and what about there?"(p52). appears not to answer this question in the past tense, saying , "Well I'll just have to." The interviewer then makes an obvious suggestion, "Yeah, so you washed his penis as well, is that right?", to which the child indicates No by a shake of her head. "You didn't wash it?"; She then changes her verbal response to "Yes, yes." The question is put in the affirmative, "You did wash it?", to which responds, "Yes."

69. It is submitted that by use of leading and suggestive questions, along with the use of the body-parts diagram, the interviewer brings the child to the point where she alleges that she washed Peter Ellis' body, including his bottom and penis, although she herself at no stage volunteered such information. It is submitted that the interviewer failed to allow the opportunity to volunteer information. In addition, when any information generated by questioning apparently has not produced an adequate allegation, more specific and suggestive questioning has followed. Once an allegation is obtained it is submitted that any changes in testimony or contradictory statements are incorrectly ignored or left unchallenged by the interviewer.
70. The interviewer returned to the topic of washing and added a specific suggestive question, "OK, so he washed those parts and who washed your vagina?". The initial response is "I washed it. Pardon?"(p55). The question is repeated (p56), "Who washed your vagina?", the response is the same, "Oh, I did." The interviewer retorts, "You did?", response now changes to "No, I mean Peter did." "Peter washed your vagina?"; "Yes.". The change in the evidence of i as a result of this repeated questioning is left unchallenged by the interviewer.
71. It is submitted that again, suggestive and direct questioning, along with a degree of social influence are used by the interviewer. They result in allegations and changes to reports previously given by the child. The child seems to be responsive to suggestion, given her pattern of responses to the questions used by the interviewer.

THE THIRD INTERVIEW

72. The allegation in relation to the bath are revisited in the third interview given by However, it is in this August interview that alleged that Mr Ellis got into the bath with her

"And um (laughs) he put the his penis in my vagina."(p11).

73. In addition, in this final interview accused Mr Ellis of inserting a needle into her bottom, an allegation she had clearly discussed earlier with her mother. The allegation is prompted by direct and suggestive questioning that includes social influence, "Now, -, there's just one other thing I need to ask you about and I'm going to need you to tell me in your words. Mum said that um ah mum said that um...mum said that something else touched your vagina before, is that right?" seeks further clarification, "I can't remember, what, what has...?" The interviewer then adds more a detailed suggestive prompt, "What else could have, what else could have touched it and made it bleed?" iow responds, "Oh, needles..." "Well, in the crèche toilets Peter um put some needles up our bum."(p40) specifies her "bum", and claims it was a

sewing needle (p40), it hurt (p41) and, in response to a suggestive question, chose the location as "Where the poos come out." Initially (p43), in response to a leading multiple choice question, said there was no blood, but changed this immediately to indicate there was, and that "It went on Peter's finger.". A multiple choice question asking "And how much blood came, was it just like lots of blood or just a wee prick of..?" produced the response, "Lots of blood." Asked who wiped it off, responded, "I had to...". In response to specific questions, (p44) says she first told her mother, and that what made her tell was "Mummy started talking about it." changed her report about whether there was any involvement of other children from "No." to include (p44) to report that old her (p45). said (p46) at first nothing had stopped her telling the teachers, and changed this to "He just, if you tell anyone, I'll call your mother."

74. It is submitted that these allegations are elicited as a consequence of direct and suggestive questioning by the interviewer. The allegation begins with the interviewer suggesting that mother had told her it involved a needle touching her vagina. reports the needle being in the bottom and involving "lots of blood", and that it happened to at least one other child

IN SUMMARY:

75. It is submitted that the series of three interviews of is contaminated by leading, suggestive, and direct questions relating to the majority of the critical allegations, often supported by use of toys and dolls. The interviewer often uses social influence, concerning sources of her information (primarily mother) to prompt into repeating allegations that may have been made under conditions of less than ideal questioning by mother. mother has participated in the production of two "books" which contain the "story" of alleged events involving Peter Ellis, and her two friends. The books are referred to and read from in all of interviews, serving as a prompt to reports of events by It is submitted that it is problematic that this 'permanent product' source of memory prompting is accessible to and is used within, and possibly outside, the interview context to consolidate memory for what may or not be facts.

76. It is submitted that in the interview context, demonstrates herself to be responsive to suggestion and prompting, frequently changing her report to conform with the suggestive questioning and prompts used by the interviewer. The internal and inter-interview consistency of reports of events is poor in many instances. This may be because of her responsiveness to suggestion and/or to poor memory for the alleged events.

77. It is submitted that primarily because of the poor standard of interviewing, with its extensive reliance at critical points on suggestion, prompts, props, and social influence, one should view the resulting allegations with considerable caution.

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