

# Police sorry for decade of distress

Rachel Grunwell

POLICE have apologised to a 78-year-old woman for writing personal comments about her on their files, including saying she was unstable and everything she said was a figment of her imagination.

They have acknowledged they treated Carole Lymburn inappropriately and expect her to take legal action.

The case comes a month after Police commissioner Rob Robinson publicly apologised to three girls for a miscarriage of justice. The girls spent seven months in jail after being wrongly convicted of the aggravated robbery of a 16-year-old schoolgirl. The trio is expected to be compensated by the government.

The *Sunday Star-Times* understands Lymburn wants to sue police for defamation and may seek more than \$250,000. Papers have not yet been filed in court.

Lymburn's lawyer Paul Pa'u said police treated his client unprofessionally for more than 10 years and caused her immense distress.

Auckland police inspector Rob Marshall, who headed an inquiry into the case, apologised in writing on behalf of the force this year. He said comments about her on police files were inappropriate.

Lymburn dealt with police over a number of years about troubles with a group of people constantly taunting and abusing her at home.

She claimed police would not respond, hung up or told her to stop wasting their time.

She believed one policeman formed an impression of her, told his colleagues and the problem escalated.

Using the Official Information Act, she obtained police documents which revealed officers' feelings about her.

According to the documents, a constable described Lymburn as "unbalanced" four years ago and her complaints were "a figment of her imagination".

Another officer called her a schizophrenic. A senior sergeant said any police response to a letter from her would "only give her more opportunity to select, exaggerate, twist and distort what is said. She will only become more upset. I therefore suggest that no response be made".

The apology from Marshall, obtained by the *Star-Times*, reads: "I would like to apologise to Mrs Lymburn for comments, made by the officers who have now retired from NZ Police as I consider these comments to be inappropriate."

Marshall said Lymburn had been told "right from the outset if she wants to commence a claim against the police, then she can".

Up to six officers were responsible for the comments.

Marshall said one officer had apologised because he was still in the force while the case was investigated. He had since left.

In the apology Marshall said one officer's remark was meant to be tongue-in-cheek. However, "he acknowledges the comment was unprofessional and insensitive and he apologises to Mrs Lymburn for the distress caused. He said 10 years on he would like to think he would not act so inappropriately again". All the others involved have left the police so they could not be disciplined.

Marshall said if Lymburn wanted assistance from police in future, she could call him. He would make sure police took action.

But Lymburn said she no longer trusted police. "I don't know who I would turn to in an emergency," she said.

"They were insulting and treated me as though I had no rights. It's disgusting what they've done to me."

She also claims an officer once told her she was "a silly old woman". Another tore up a complaint in front of her.

Lymburn wants compensation, but more importantly her name cleared. She says she has never had a mental illness.

She said the problems with police had ruined her life and people were too quick to believe police over her.

She was happy with the apology, but her son Anthony said it was weak and did not include personal apologies from those who had hurt his mother.

"I feel betrayed by the police," said Anthony. "Totally, totally betrayed. They used to represent trust and justice for good people. As decent people they've betrayed us. They need to work on restoring their good name. I'm completely gutted with how my mother was treated."

# Grandmother sues police

By RACHEL GRUNWELL

rachel.grunwell@star-times.co.nz

**AN 82-YEAR-OLD** woman is suing police for \$250,000 over alleged cruel treatment by officers spanning 10 years.

Aucklander Carole Lymburn says police did not help her when she called for assistance and "treated me like a mental case".

Police headquarters would not comment on her case because it is before the High Court at Auckland. But in 2001, Inspector Rob Marshall, who headed an inquiry into her concerns, apologised to her and acknowledged comments officers had made about her were inappropriate.

Lymburn's lawyer, Paul Pa'u, has filed papers in court alleging his client was defamed and that police breached her human rights.

Lymburn said she felt worn out and bitter about her experience with police. She wanted her day in court to tell the public how she had been treated.

She said the case was about getting justice, not money.

Her concerns centred on a group of people abusing her at her Pt Chevalier home over several years in the 1980s and 1990s. People would cut down trees, smash her gates, push her in the street and verbally abuse her in her neighbourhood.

In one case she called 111 because her adult son, Anthony Lymburn, was being assaulted on her property and a man had threatened to kill them. Lymburn claims no police action was taken. She would ring police for help, but said police would not respond, hang up or tell her to stop wasting their time.

She said she felt vulnerable and needed help.

She said one officer viewed her as a mad woman and shared his thoughts with his colleagues. Documents obtained under the Official Information Act showed a constable had described Lymburn as unbalanced and said her concerns were a figment of her imagination.

Another officer labelled her schizophrenic and a senior policeman said any police response to a letter from her would "only give her more opportunity to select, exaggerate, twist and distort what is said. She will only become more upset. I therefore suggest that no response be made."

Up to six officers made the comments.

Marshall did not return calls from the *Sunday Star-Times* last week.

He told Lymburn in 2001 to call him if she had any new concerns and he would ensure police acted.

Anthony Lymburn said he was "gutted" to learn that police had called his mother mentally unwell, and backed her attempt to clear her reputation.

A neighbour of Lymburn's, Arnea Adams, admitted that some people had intimidated Lymburn over the years and said she had sometimes done the haka in front of Lymburn when she walked down the street "to rev her up".

The High Court has not set a date for the case to be heard.



20 March 2001

Woodroffe Law Partnership  
PO Box 6505  
Wellesley Street  
Auckland

RECEIVED  
21 MAR 2001

Dear Mr Pa'u

**Re: Carole Lymburn**

I acknowledge your letter of 15 March 2001 and apologise for the delay in responding to the issues raised by Mrs Lymburn. For ease of reference each item of correspondence has been addressed in date sequence.

**5.9.86 File 860824/8477**

Sergeant Snaith has said he cannot recall which officer passed this information to him in 1986 and agreed the sentence could be deleted. The original file cannot be located in Auckland Central records office or the Office of the Commissioner in Wellington and I am satisfied the file has been destroyed.

**4.12.90 File 901217/2747**

Sergeant Jones has said the note was not intended to be part of a police file. The reference to charging Mrs Lymburn with incest was a tongue-in-cheek comment and not to be taken seriously by Constable Mathieson.

Sergeant Jones acknowledges the comment was unprofessional and insensitive and he apologises to Mrs Lymburn for the distress caused. He said ten years on he would like to think he would not act so inappropriately again. The original file cannot be located in Auckland Central records office or the Office of the Commissioner and I am satisfied the file has been destroyed.

**12.12.90 File 901217/2747**

Constable Mathieson retired from NZ Police on 30 April 1999 and has not been spoken to regarding this comment. This is the same file which contained the Jones document.

**Safer Communities Together**

**NEW ZEALAND POLICE AUCKLAND CITY DISTRICT**  
Cnr Cook & Vincent Streets, Private Bag 92002, Auckland  
Telephone: 0-9-302 6400, Fax: 0-9-302 6729

**10.4.91 File 910408/7537**

Constable Palmer has said he completed the report with information he had been told at the time. The original file is currently held in the Office of the Commissioner along with other files relating to Mrs Lymburn. I have deleted the paragraph from the report as per the enclosed photocopy and endorsed the file accordingly.

**8.11.91 File 911031/5484**

Constable Dixon retired from NZ Police on 18 June 1997 and has not been spoken to regarding this comment. The original file cannot be located in Auckland Central records office or the Office of the Commissioner and I am satisfied the file has been destroyed.

**10.11.93 NZ Police letter**

Senior Sergeant Mildenhall retired from NZ Police on 27 January 2000 and has not been spoken to regarding this instruction to staff. I cannot find this report in the Pt Chevalier-Westmere community policing centre and I am satisfied the document has been destroyed.

I confirm my earlier offer to Mrs Lymburn that if she has any further concerns or wishes to lodge police complaints, which would normally be lodged with her local police station, these can be coordinated through my office.

Should Mrs Lymburn wish to pursue the issue of compensation then this correspondence can also be directed through my office in the first instance.

I would like to apologise to Mrs Lymburn for comments made by the officers who have now retired from NZ Police as I consider these comments to be inappropriate.

Should you have any further queries then please feel free to contact me.

Yours faithfully



Rob Marshall  
Inspector  
**Manager : Complaints Investigation**

# REPORT FORM

NAME LINBURN	ADDRESS IN FULL 82 Moa Rd, Pt Chevalier								
AS PER FILE COVER	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:70%;">Reporting Member Initials/Reg. No.</th> <th style="width:30%;">Where Stationed</th> </tr> <tr> <td style="height: 20px;"> </td> <td style="text-align: center;"> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; height: 20px;"> </td> <td style="width:25%; height: 20px;"> </td> <td style="width:25%; height: 20px;"> </td> <td style="width:25%; height: 20px;"> </td> </tr> </table> </td> </tr> </table>	Reporting Member Initials/Reg. No.	Where Stationed		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; height: 20px;"> </td> <td style="width:25%; height: 20px;"> </td> <td style="width:25%; height: 20px;"> </td> <td style="width:25%; height: 20px;"> </td> </tr> </table>				
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Senior Sergeant  
PONSONBY

On Tuesday 4.12.90 Mrs LINBURN/Carole, 82 Moa Rd, Pt Chevalier, and her son Anthony called at my office. Also present was Volunteer [REDACTED]

Mrs LINBURN, as usual, was complaining about the foul mouths and deeds of her neighbours. She wanted to know what I was going to do about it.

I know LINBURN well. She is the only person I have met in my entire Police career that leaves me with a feeling of total despair every time we meet or speak.

I have visited LINBURN on 16.5.90, 18.5.90, and 8.8.90. As well, I have spoken to her by phone on numerous occasions. She is always complaining about neighbours, shopkeepers, the Police, Social Welfare and anyone else she can think of.

One time I visited her address with Constable PALMER but her response is always the same; she will talk at you but will never listen. In short, she expects the Police to arrest and take away and punish the people she complains over. Her complaints are usually unfounded as we find that she is the perpetrator of most incidents and the other people are usually only retaliating.

LINBURN has been diagnosed as a paranoid schizophrenic (I have contacted her doctor) and her life appears to go in cycles but is usually in some turmoil.

LINBURN is well known to local members, members at Control and Avondale. I do not know what can be done to stop her wasting our time and cannot help feeling that one day she is going to do something 'outrageous' and innocent people may well be victims. Her son Anthony does not appear very more rational than she.

I submit this file for DocLoc and your informaton. Perhaps Records Office staff can obtain all previous files on LINBURN and build a dossier, a copy of which could be kept at my office?

NOTE: also attached is a letter to note from Sgt JONES, Control.



B.A. MATHIESON  
 CONSTABLE 6172

PONSONBY PATROL BASE

COMPLAINANT: LYMBURN/Carol Ann  
82 Moa Rd  
Pt Chevalier

FILE NO: 860824/84

ENQUIRIES: as discussed with you, complainant is a person who believes that everyone is picking on her for some reason. She is unable to associate with neighbours or the community in general. Contact with complainant assures me that there were no other witnesses in the area. I have been informed by staff members that the complainant's Solicitor has previously tried to have complainant committed. Complainant informed no further action will be taken.

SUSPECT:

PROPERTY:

1. Property Office checked on / /
2. Property Input S.I.D. \_\_\_\_\_
3. Exhibit Store \_\_\_\_\_

COMPLAINANT INFORMED:

Personally / Telephone / Memo - on 5 / 9 / 86

Sergeant in Charge  
PONSONBY

Enquiries as above.

For filing please.

Name: A.H. SNAITH s/Constable No: 3872 Date: 5.9.86

Unstable Matheson

1700 hr  
4/12/90

Received call from Mrs. [unclear]

WUSA WA  
+ Chris  
#862577

LINDA who claims her  
neighbours are accusing her of  
having sex with her son. I'd  
suggest you go and lock her  
up for Incest.

Next time you see her can  
you persuade her to stop bothering  
us in control.

(She's not happy with the  
service you provide.)

For yr info.

Wayne Jones  
Apt 5036  
4/12