

C. S. O.

344

DEF/POL/3#4

0709

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9

(Formerly)

SUBJECT:

POLICE FORCE.

Complaints against.

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CONNECTED FILES.

NUMBER AND YEAR.

EX. CO. MINUTES

3

Hon. C.S.

3-5  
With reference to (1), I submit below a detailed report on the whole incident together with my remarks:-

2. On the 26th March, a complaint was received from the FIC that two rows of potatoes had been stolen from the paddock in John Street sometime during the previous three days or nights. Police investigations indicated that it was more than probable that it was a case of malicious damage rather than theft. Police on patrol were instructed to keep particular observation as it was thought there might be a recurrence.
3. On Saturday April 3rd, P.C. O'Sullivan reported visiting the paddock soon after 6 am and finding that another row had been interfered with. I visited the paddock with him at 9.15 am and saw that someone had lifted the potato roots apparently by hand, as there was no sign of digging with either fork or spade. Quite a number of potatoes had been left behind. The rows were about 30 yards long. As a spade had obviously been used on the other occasion and the roots simply thrown out, I concluded that it was still more than probable that it was an exhibition of malice and commenced a search of the paddock generally. Our search took us into long grass and dock on the unfenced portion of Government land in this paddock.
4. When our search brought us to the low wooden fence separating Mr. Lellman's garden from the paddock, I asked Constable O'Sullivan to go to the house to make enquiries and ascertain whether they had heard any unusual sounds or seen anything unusual in the paddock. I awaited on the paddock side of the fence until O'Sullivan returned from the house. As he came to rejoin me, he saw something out of the ordinary on a peat mould bed in Mr. Lellman's garden. He pointed to some potato roots on the surface with potatoes still attached. I immediately thought somebody had placed the roots there to cast suspicion on Mr. Lellman and O'Sullivan expressed a similar belief. I sent O'Sullivan back to the house and I entered the garden myself. In a few moments he reappeared with Mrs. Lellman. They were in conversation. (See A in O'Sullivan's report attached). I heard O'Sullivan ask her if she was satisfied that potatoes were actually still growing there. She said Yes she thought so, and Constable O'Sullivan said, "I can't believe it because these are all on the surface." Mrs. Lellman became agitated when she heard this and I felt she was under the impression that the Police were suspecting her so I at once explained our real suspicions and then showed her how the roots were lying on the surface. She then said her husband usually dug the potatoes and she would not know how many there were supposed to be left. She added that her husband had in fact been there getting some that morning, and that he was in a hurry. I repeated to Mrs. Lellman that there was no suspicion on them and then left.
5. On our return to the Station, I instructed Constable O'Sullivan to ring up Mr. Lellman (I had not then met Mr. Lellman myself). This he did and he then informed me that Mr. Lellman had told him that he had left the roots on the surface that morning after removing only the larger of the potatoes. This of course, is not the usual way to dig potatoes and naturally attracted our attention.
6. About 2.15 pm Mr. Lellman called to see me. He said his wife was very worried about the Police not believing her. I explained the circumstances and when he realised that his wife was thinking our enquiries referred only to the first incident in the paddock, he agreed that it was obviously a misunderstanding on her part and said if I would apologise to her she would be convinced. I said that it must now appear so obvious to her this would not be necessary and that there was nothing for me to apologise for. He then thanked me and left apparently satisfied.

7. As the FIC gardener has been sick, police enquiries are still incomplete into the incident itself.

8. It will be seen from the foregoing that the letter at (1) is not only a distortion of the truth but in its lack of detail infers that I and/or Constable O'Sullivan grossly exceeded our duty. In fact, it is so unlike the Mr.K.Lellman who discussed the matter with me that I feel someone else has induced him to write in this vein.

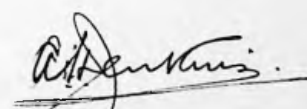
I make the following remarks on the letter itself:-

Para.2. We did not conduct a search of Mr.Lellman's premises. We were entitled to question Mrs.Lellman and, if the point mattered, even to disbelieve her. We did of course enter on to Mr.Lellman's property but as Constable O'Sullivan went to the door of the house on two occasions he had to enter on to the property.

Para.3. The remark to which Mrs.Lellman took objection was O'Sullivan's statement of disbelief that the roots he had seen could still have been growing there. In point of fact, only five or six roots altogether were on this bed and most of them had been lifted and replaced right way up on the surface so that they looked exactly as if they had been introduced from some other place. The whole thing was so obviously what a thief would not do that even if Mr.Lellman was suspect for any other reason, this fact alone would indicate his innocence. When Mr.Lellman saw me in the afternoon, I did not deny the remark made but I did say I heard no other remarks. The duties of the police are frequently such as to necessitate their asking awkward questions but in this case, where our motives must have been so obvious (Mr.Lellman himself saw the point of our enquiries immediately) I cannot accept any responsibility for Mrs.Lellman's reactions to lawful questioning.

Para.4. This statement is untrue. Constable O'Sullivan entered the garden to make an enquiry as he was entitled to when quite by chance, he saw something which might have a bearing on our enquiries. He was again entitled to go to the door and ask for Mrs.Lellman's assistance. This is all that was done and had she been as co-operative as she well might have been and as she would expect others to be if her property had been attacked, nothing more would have been heard about it.

Para.5. The police procedure in this case was, of course, perfectly normal and legal.

  
Chief Constable.  
7th April, 1948.

To Chief Constable.

Sir,

I have to report that on Saturday 3rd April, 1948, at 6 am, during my patrol along Fitzroy Road, I noticed that a further row of potatoes had been tampered with on the plot of ground which was tampered with some days previous the property of the Falklands Islands Company.

Having reported this incident, I returned to the plot in question in company of the Chief Constable, to make an investigation.

The examination carried us through the long grass at the bottom of the plot in question to see if any potatoes had been thrown away. This plot is bounded on the East side by property of the F.I.C. and tenanted by Mr. Karl Lellman of Stanley.

On reaching the boundary fence, the Chief Constable suggested I visit Mrs. Lellman and make some enquiries. I asked Mrs. Lellman if she had been disturbed of late, during the hours of darkness. She replied "No". I then asked her if she had seen anybody on the plot of ground west of her house. She again replied No. Then during the course of conversation she said that she would inform the Police if she became aware of anything.

On my return across Mr. Lellman's property to meet the Chief Constable who was still on the plot in question, I chanced to notice on Mr. Lellman's garden, a patch of ground covered with peat mould. On this patch I noticed about two or three potato tops with potatoes attached, which suggested that they may have been placed there to implicate Mr. Lellman in the theft.

I again returned to the house and asked Mrs. Lellman if their garden had been tampered with. She replied that she did not think so. I then asked her if she would mind coming to the garden as I thought that such had been the case.

While we were walking to the garden, I asked if they had any potatoes growing on a particular patch to which we were going. She replied "I think so".

My answering remark was "I could not believe it as these three roots were all on the surface as to suggest that they had been placed there to throw suspicion of the adjoining plot theft on Mr. Lellman and herself. Her reply was "Who would want to suspect us".

At this point Mrs. Lellman appeared to become distressed and would not be convinced that the Police were not suspecting her.

On return to the Police Station, I phoned Mr. Lellman and explained what had occurred. I also told Mr. Lellman that his wife did not seem to be convinced of my explanation and was a bit distressed. I again assured Mr. Lellman that no suspicion was directed against him and left him quite happy about the whole matter.

(Sgd) D.W.O (Sullivan.  
Constable.  
7th April 1948.

A

L.S. 1-5  
Re. consider - Dept - 1 reply  
to / Chief C. shd. see.  
des.  
Es. copies attached 1/4.  
A.C. 9/4.  
Abbe  
5.4

12th April, 48.

Sir,

I am directed by the Governor to acknowledge your letter of the 5th of April, 1948, and to inform you that the allegations contained in it have been investigated.

2. It appears that the police were carrying out normal routine enquiries, as they are perfectly entitled to do, regarding a suspected larceny in a garden adjoining your house, full particulars of which have already been given you. In no way did they search your premises or enter your premises so to do: the fact that they questioned Mrs. Lellman on vegetables in your garden and inspected those vegetables does not constitute a search.

3. Neither you nor Mrs. Lellman was suspected in any way and Mrs. Lellman was informed to that effect. It is the duty of everyone to assist the police in detection of crime: Mrs. Lellman was merely asked to assist. Government is fully satisfied the Police acted in accordance with approved police procedure:

I am,

Sir,  
Your obedient servant

(Sgd.)

Colonial Secretary

Mr. K.V. Lellman,  
VP. STANLEY.*Reply at 8*

Ch. Constable

to note, pl.

*[Signature]*

13.4.48

For b.s.

NOTED.

*[Signature]*

13.4.48.

*[Faint signature]*

10/4

0709 *Chief Clerk*

8



32 John St.

Stanley.

16th April. 1948.

The Honourable,  
The Colonial Secretary,  
Stanley.  
Sir,

I beg to acknowledge the receipt of your  
letter 0709 of 12th inst. the contents of  
which are noted.

It is regretted that I am unable to share  
the satisfaction expressed in your para. 3.

I am, Sir,

Your obedient servant,

*Francis J. ...*

*W.S.C.*  
2074

*[Handwritten signature]*  
2074