

\$2000 fine over false rape claim

By Steve Butcher

March 23, 2012 — 1.02pm

A woman who falsely accused two Victorian policemen of sexually assaulting her after they arrested her for being drunk outside a South Yarra nightclub has been convicted and fined \$2000.

Karly Enid Jean Mitchel, 25, had formally complained after her release from custody that she had been "groped" on her breasts by the police and touched on her inner thighs and outside her crotch.

Melbourne Magistrates Court heard today Mitchel had been refused entry about 2am on August 6 last year to the Circus Nightclub and then spent 45 minutes abusing crowd controllers.

Prosecutor Peter Atkinson said when two members arrived in a divisional van to assist the bouncers about 50 minutes later they found Mitchel at the rear of the Prahran Market, approached her to establish her identity and she became abusive.

Mr Atkinson said that due to her level of intoxication, lack of co-operation and concern for her safety, she was arrested for being drunk.

He said when a welfare check was undertaken of her in the cells at 5.10am, she remarked: "Do you put people in here that have been raped?"

The comment was brought to the attention of the station supervisor and when she was released from custody she was escorted to an interview room where she expanded on her remark.

Mr Atkinson said her complaint was investigated by the police Ethical Standards Department which immediately undertook a number of actions.

These included taking a detailed statement from Mitchel, examining the "crime" scene, accessing CCTV footage, arranging the accused to attend an interview and having her forensically examined.

He said she later expanded on her allegations against the arresting policemen.

But Mr Atkinson said by the following day it became apparent that the events described by Mitchel were not consistent with the evidence gathered.

The focus then shifted from an indecent assault to a false report, and when contacted Mitchel said she did not want to proceed with the complaint but continued to state it was true.

Mr Atkinson said that on collecting all the evidence it was clear from the CCTV footage and witness accounts they did not support her version and she admitted the following month she had made a false report.

Defence barrister Trish Jones said today an apologetic Mitchel, supported in court by family, had reflected on her poor behaviour and now appreciated the effect of what she had done.

Ms Jones said Mitchel, who has no prior convictions and is a full-time carer for her young child, had written a letter of apology to the police officers.

Alcohol had been a problem in the past, she said, but had now moderated her intake, and at the time she had been involved in a dispute with the father of the child.

Magistrate Bill White told Mitchel, who pleaded guilty, the offence was taken so seriously because the role of police was to protect her and everyone else.

It was vital, he said, for people to be honest and frank with those whose primary duty was to protect all citizens.

Mitchel was also ordered to pay \$1898 in costs.

<https://www.theage.com.au/national/victoria/2000-fine-over-false-rape-claim-20120323-1voau.html>