

Police Ordered to Pay Protester's Legal Costs

It's taken a year, but a Magistrate in [Downing Centre Local Court](#) has found in favour of protester Simone White, who was manhandled, arrested and falsely charged by Sydney police officers.

The Magistrate also ordered police to pay Ms White's legal costs, due to the improper nature of her arrest, the investigation and subsequent prosecution.

The Court heard that officers grabbed Ms White's breasts and neck, then covered up their actions by deleting evidence, making up a false charge against her, lying under oath and attacking her in court.

The Incident

Simone White was one of hundreds of [protesters](#) rallying at an anti-Reclaim Australia protest in Martin Place last July. She said an officer groped her breasts in a jostle with the crowd and another grabbed her neck as they walked behind her, resulting in bruising.

Ms White turned to take a photo of the officer who had grasped her breasts, and as she was doing so, she was manhandled and arrested by that officer, Senior Constable John Wasko.

White was taken to a mobile police station where a female officer confiscated her phone, saying it was necessary to identify her, despite the fact she had already produced a bank card as identification.

When her phone was eventually returned, the photos of the officer who groped her breasts had been deleted.

The arresting officer, Senior Constable Wasko, claimed Ms

White assaulted him in the execution of his duty. He alleged that, as a line of police were shepherding protesters through Martin Place, Ms White turned back at him with her elbow up.

The police case against Ms White relied entirely on Senior Constable Wasko's claim, and was not supported by footage from CCTV cameras in Martin Place or the many police officers who were filming the rally.

CCTV tells a different story

White's legal team subpoenaed footage from the police, which showed her being pushed and shoved by Senior Constable Wasko as the protesters walked through Martin Place, but did not show her assaulting or attempting to assault him at all.

Ms White can also be seen holding a water bottle in one hand, which the Magistrate found made the allegation of raising her elbow at Senior Constable Wasko "inconsistent".

The footage also showed Ms White taking a photo of the officer on her phone, suggesting evidence was indeed deleted by police.

The Magistrate found that the "evidence strongly indicates" Ms White was indecently assaulted as she alleged. Medical records also showed bruising on Ms White's breasts.

Despite the evidence, the police prosecutor repeatedly accused Ms White of lying.

Her [barrister, Phillip Boulten, SC, told the court](#) on Tuesday that police had "escaped any form of investigation for perverting the course of justice".

"The only reason why [the photo] would be deleted would be to make it more difficult for the complainant to say something in court," he said.

In handing down his judgement, Magistrate Geoffrey Bradd [let](#)

[police know of his dissatisfaction](#), finding they had investigated the case in “an unreasonable and improper manner,” and awarding Ms White \$13,400 in legal costs.

Outside court, Ms White said she was relieved her legal battle was over.

Her solicitor, Lydia Shelly, said: *“This decision sends a very clear message to the police. It is not a criminal offence to protest nor is it an offence to film police if you are not hindering their duties. The NSW public expect more from NSW Police.”*

The NSW Police Force says it will review the circumstances surrounding the incident. The officers involved are yet to be reprimanded, and if the Force’s track record is anything to go by, it is unlikely they will be.