

Police officer fabricated roadside Evidential Breath Test

1. On 29 January 2024, a Police officer (Officer A) signalled a driver (Mr X) to stop at an alcohol checkpoint in Morrinsville. The officer conducted a roadside breath test on Mr X and issued him with an infringement notice for driving with excess breath alcohol.
2. It was later established that the officer had falsely recorded the process and the alcohol reading. Although Mr X had admitted consuming alcohol, Officer A did not conduct an evidential breath test as he was required to do before issuing the infringement notice. Later that evening, when he realised this omission, he falsely recorded that he had conducted an evidential test, and he also recorded a false alcohol reading.
3. Police notified the Authority of this matter pursuant to s.15 of the Independent Police Conduct Authority Act 1998 and we decided to refer the matter back to Police for investigation under our oversight.
4. Police dealt with Officer A's conduct as an employment issue, without conducting a criminal investigation to explore if Officer A's conduct amounted to a breach of the criminal law.
5. We then decided to conduct an independent investigation. We investigated whether Officer A's actions constituted a breach of the criminal law and whether Police had conducted appropriate enquiries when the matter came to light.
6. Our investigation included the interview of Officer A, his supervisors, and Mr X. We also examined the documentation associated with the issue of the infringement notice, which included an analysis of the information stored in the officer's breath testing device.
7. Our preliminary findings were that Officer A's actions were dishonest, resulting in Mr X being wrongly issued an infringement notice. We considered Officer A's conduct on the face of it constituted a criminal offence, as well as a breach of the Police Code of Conduct.
8. On that basis, despite Police having concluded this matter by way of an employment process, we asked them to conduct a full criminal investigation as we were concerned that potential criminal liability had been prematurely dismissed.

9. The Police investigation found there was insufficient evidence to support criminal charges in relation to Officer A's conduct and advised against a prosecution. We reviewed the Police investigation and agreed with this finding, accepting that the prospect of conviction was very low based on the admissible evidence available.
10. Police also explored their process in dealing with this matter and our concerns that Officer A's conduct had initially been dealt with prematurely without a criminal investigation. Police acknowledged they had erred in this regard and there were lessons to be learnt with how they dealt with this case. We are satisfied they have taken appropriate action to address this.
11. We note that during the criminal investigation, Officer A resigned from NZ Police.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

1 September 2026

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