

Officer convicted after falsifying bail checks in Counties Manukau

1. In April 2024, a Counties Manukau officer pleaded guilty to fabricating evidence and a representative charge of attempting to pervert the course of justice relating to falsifying bail checks.¹
2. In May 2019, Police notified the Independent Police Conduct Authority that they suspected the officer may have been falsifying bail breaches and the number of bail checks he was carrying out. They were also concerned the officer may have committed perjury regarding a bail check on a man. We conducted an independent investigation into the matter, during which we reviewed all relevant documentation, data, and interviewed several members of Police. We completed our investigation in March 2021 but were obliged to delay the release of the public report until the conclusion of related court proceedings in August 2024.
3. In January 2019, the officer conducted a bail check on a man who was required to remain at a residential address in Ōtāhuhu. According to the officer, he knocked on the man's door but the man did not answer. The officer then went back to his patrol car and recorded the breach in the Police application on his mobile phone and wrote it in his Police notebook. The man was arrested for the breach the following day. However, the man denied breaching bail, saying he was home and had spoken to an officer who came to his door.
4. At the man's bail hearing, the officer referred to handwritten comments in his notebook as evidence against the man. We concluded that the officer deliberately altered his notebook to provide evidence of the breach of bail. By presenting it as evidence at the hearing, and lying about when he wrote those notes, the officer committed perjury.
5. A few weeks after the man's bail hearing, a colleague told her supervisor of two instances where she had been working with the officer when he had recorded someone as breaching their bail condition without conducting a physical bail check. The colleague believed one of these breaches may have related to the bail hearing case. Upon investigation, two other colleagues also said they had seen the officer recording people as having breached bail without conducting a physical check.
6. Data showed the officer had a history of recording a very high number of bail checks within shifts compared to his colleagues. The officer admitted to us that there were more than ten incidents

¹ There was evidence of 47 attempts to pervert the course of justice which were covered by the representative charge.

where he recorded a person as breaching bail conditions without actually conducting a physical check to see if they are at the bail address. The officer created a false record when he entered the false breaches into the Police database, knowing these records are used by Police in court proceedings. We concluded that the officer wilfully perverted the course of justice and fabricated or attempted to fabricate evidence, when he falsely recorded people as breaching bail conditions.²

7. Police initially conducted a criminal investigation which was limited to whether the officer committed perjury. They did not find enough evidence to support the allegation. In August 2020, we advised Police that they should consider further investigating this matter. In November 2020, Police completed their employment process, concluding the officer could remain employed by Police, albeit on restricted duties.
8. Police then conducted further investigations which led to the officer being charged in December 2021, and pleading guilty in April 2024, just prior to his court hearing. The officer resigned in May 2024.
9. We had concerns about the employment process which was initially concluded prematurely. In the circumstances, we regard it as inappropriate for the officer to have remained on duty (even restricted duty) once a prosecution was commenced. In our view, it is untenable for an officer facing multiple charges of attempting to pervert the course of justice to remain on duty in any capacity.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

17 September 2024

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² Sections 113 and 117 of the Crimes Act 1961.