

Police Officer Sentenced for Drink Driving

Earlier this year, we [published a blog](#) about a police officer who was charged with drink driving and driving without a licence.

46-year-old Andrew Clarke, a Detective Sergeant who had worked for the NSW Police Force for over 26 years, made headlines in July after he blew a high range reading of 0.17 at a roadside breath test – more than three times the legal limit.

Subsequent investigations revealed that he had not held a licence in over 25 years, despite the fact that NSW Police guidelines require police officers to hold a current driver licence.

Officer Sentenced

After appearing at the Downing Centre Local Court earlier in the year, Mr Clarke [proceeded to sentence](#) before Local Court Magistrate Gary Wilson last week.

Mr Clarke's criminal defence lawyer argued that the Court should have regard to the fact that he was not performing duties as a police officer at the time of the incident, and that he was suffering from mental health problems which were exacerbated by his duties as an undercover officer.

However, the police prosecutor argued that a heavy sentence was warranted due to Mr Clarke's role as a police officer, which meant that he should have known about the seriousness of his actions.

After hearing submissions from both sides, Magistrate Wilson imposed a fine of \$2,000 and made an order preventing Wilson from applying for a licence for nine months.

A fine carries a criminal conviction, which means that the offence will be recorded on Mr Clarke's criminal record.

His lawyer indicated that this could have a detrimental affect on his ability to continue as a police officer in NSW.

A Fair Penalty?

High range drink driving is considered to be a serious offence in NSW, especially if the offender does not hold a driver licence.

In NSW, [section 110 of the Road Transport Act 2013](#) prescribes a maximum penalty for high range drink driving (i.e. a reading of 0.15 or higher) of 18 months imprisonment and a fine of \$3,300 for a a first offence.

For the offence of driving without a licence, [section 53 of the Road Transport Act 2013](#) prescribes a maximum penalty of \$2,200.

Taking all matters into account, it could certainly be argued that Mr Clarke received a relatively lenient penalty – particularly considering his breach of the public's trust as a police officer.

Police with Criminal Convictions

Although Mr Clarke may fear losing his job, he can take comfort in the fact that hundreds of other police officers around the state have been allowed to keep their positions despite being convicted of criminal offences – many of which are more serious than high range drink driving and driving without a licence.

Last year, the ABC obtained records under Freedom of Information laws showing that 434 officers in NSW have [convictions for criminal offences](#); which is around 1 in 40.

Many officers have been convicted of more than one crime – and

several of them are senior members of the police force.

A breakdown of the offences showed that 58 officers have been convicted of high-range drink driving, 144 have convictions for mid-range drink driving, 39 have convictions for stealing, 14 for break, enter and steal, 7 for common assault and 4 for assault occasioning actual bodily harm.

These statistics have led many to question whether those who are entrusted with enforcing the law should be allowed to become police officers – or, indeed, continue working within the force [if they commit criminal offences](#).