

IN THE MATTER OF

A complaint under s 74 of The Private Security Personnel and Private Investigators Act 2010 against **FONG LEE LEOLAH**

HEARD virtually on 21 December 2022

APPEARANCES

Snr Constable A Tangney – NZ Police
F Leolahi – Certificate Holder

DECISION

[1] Police have filed a complaint against Fong Leolahi as they consider he is no longer suitable to be a security worker because of his character, circumstances, or background. The police concerns are based on their interactions with Mr Leolahi since he was last granted a certificate of approval and his mental health issues.

[2] In June 2020 Mr Leolahi was acquitted on charges of injuring with intent to injure and refusing to provide a blood test on the grounds of insanity. He was made subject to a Compulsory Treatment Order under the Mental Health Act which is reviewed at least twice a year. Earlier this year Mr Leolahi stopped taking his medication and his illness again become acute. He developed a delusional preoccupation with his neighbour which resulted in him being convicted on two charges of wilful trespass in October 2022.

[3] Mr Leolahi was again admitted to an acute inpatient facility and restarted on his treatment. Once his mental health stabilised, he was released and is living back in the community.

[4] Mr Leolahi accepts he has had some issues but says he is now well and will remain so provided he continues to take his medication. He is confident that he will adhere to his medication programme and therefore wants to keep his COA.

[5] The only evidence Mr Leolahi has provided in his support is a letter from his mental health services nurse. Mr Leolahi's mental health team consider he is suitable to resume working in security provided there are some conditions attached. They advise night duty work would be potentially destabilising to Mr Leolahi's mental health and that ongoing engagement with Mental Health Services is critical to Mr Leolahi managing himself safely.

[6] Constable Tangney advises that after considering the letter from Mr Leolahi's nurse, police will agree to Mr Leolahi keeping his COA provided suitable conditions are imposed on it. Mr Leolahi however does not want any conditions attached as he does not think they are required.

[7] I consider Mr Leolahi is minimising his health issues and is overly confident that he is now well and all he needs to do is have his injection every two weeks to remain so. It is less than four months since Mr Leolahi's last relapse which resulted in him being admitted to the acute facility at Auckland hospital. Mr Leolahi's mental health team advise that his ongoing engagement with Mental Health Services is critical to him managing himself safely and being able to work in security.

[8] Therefore, I am prepared to let Mr Leolahi keep his COA but only with conditions attached as to working under supervision, not working night shifts, continuing to proactively engage with Mental Health Services, and complying with all medication and treatment regimes prescribed.

[9] It is unfortunate that Mr Leolahi has recently managed to secure a role as a security guard at an hotel two nights a week. Given his nurse's concern about Mr Leolahi working nights it is likely he took the job without discussing it with his mental health team. As it might cause problems to Mr Leolahi employer if he needs to be replaced with short notice at this time of the year the condition as to night work and working under supervision will take effect from 9 January 2023.

[10] All other conditions will start immediately, and all conditions will remain in place until Mr Leolahi's certificate expires on 25 July 2023. If Mr Leolahi wants to renew his COA at that time he can apply for the conditions to be relaxed or removed provided his mental health has remained stable and the changes are supported by his mental health team.

Summary and Orders

[11] The police have established that Mr Leolahi is no longer suitable to be a certificate holder. However rather than cancelling Mr Leolahi's I direct that Mr Leolahi may only work subject to the following conditions:

- a) Mr Leolahi is to only work in security for a reputable security licence holder
- b) Mr Leolahi is not to work night shifts
- c) Mr Leolahi is to work under supervision of an experienced security guard
- d) Mr Leolahi is to engage with Mental Health Services and comply with all medication and treatments prescribed

[12] These conditions are imposed under s 81(1)(iii) &(iv) of the Act and will last until Mr Leolahi's current COA expires on 25 July 2023. If any of these conditions are breached police can apply to immediately suspend Mr Leolahi's COA.

[13] A copy of this order is to be sent to Mr Leolahi's registered nurse and he is requested to notify the Licensing Authority or Constable Tangney if Mr Leolahi ceases his engagement with Mental Health services or they are aware of any other breaches of condition d) above. A copy of the decision will also be sent to Mr Leolahi's employer.

DATED at Wellington this 22nd day of December 2022



P A McConnell

Private Security Personnel Licensing Authority