

IN THE MATTER OF

The Private Security Personnel and
Private Investigators Act 2010

AND

IN THE MATTER OF

Complaint by The Police under s 74 of
the Act against **PUNI WHIRIPO**

HEARD by Video hearing on 16 November 2020

APPEARANCES

Sergeant J Moody for the Police
P Whiripo, the certificate holder together with counsel S McManus

DECISION

[1] The Police filed a complaint against Puni Whiripo after he was charged with wounding with intent to cause grievous bodily harm. He subsequently pleaded guilty to that charge and in August 2020 was sentenced to six months home detention and 100 hours community work. The conviction is grounds for disqualification under s 62 of the Act.

[2] The Police consider that the nature and circumstances of Mr Whiripo's offending shows he is no longer suitable to be a responsible security employee. They are seeking the cancellation of Mr Whiripo's certificate of approval.

[3] Mr Whiripo accepts responsibility for his behaviour and knows what he did was wrong. However, he says it was out of character and that this is his first conviction of any sort. Since he offended Mr Whiripo has voluntarily undertaken anger management counselling through He Waka Tapu and is still engaging with them on a regular basis. He says he has learnt strategies to deal with his anger which he would use if he faces a similar situation in the future.

[4] Mr Whiripo has provided several letters in his support as well his probation report and sentencing decision. They confirm that Mr Whiripo's actions were out of character. His referees say that Mr Whiripo is a gentle giant who usually comes across as a respectful and caring person who contributes to his community. His whanau support worker advises that Mr Whiripo has shown motivation and determination to change and considers he has developed enough tools in his kete to maintain healthy relationships.

[5] The appropriate outcome in most cases where a security guard seriously assaults a patron, even if the assault occurs after the security guard has finished work, is the cancellation of the security guard's certificate. However, this is Mr Whiripo's first offence of any sort and he is still a young man who at the time of his offending lacked consequential thinking. He is managing to develop this as well as strategies to recognise and deal with his emotions.

[6] I also note that Mr Whiripo has also paid a significant price for his offending as his certificate of approval was suspended after he was charged and as a result he lost his job. He also has a serious conviction on his record as well as the sentence he is yet to complete.

[7] I conclude that a penalty short of cancellation is appropriate. Therefore, instead of cancellation I make the following orders:

- Mr Whiripo is formally reprimanded

- Mr Whiripo's certificate of approval is suspended for a period of 17 months from 29 January 2020. This means his suspension will end on 30 June 2021.
- Before Mr Whiripo can resume working in the security industry he must undertake some refresher training preferably in the area of de-escalation techniques.
- If Mr Whiripo is either warned or charged by the Police for a further offence of violence within the period of two years from the date of this decision his certificate of approval will be immediately cancelled. This condition is imposed under s 81(1)(iv) of the Act.

DATED at Wellington this 18th day of November 2020

The seal is circular with a blue border containing the text "THE PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY". Inside the border is a central emblem featuring a crown atop a shield, flanked by two figures holding a shield.

P A McConnell

Private Security Personnel Licensing Authority