

IN THE MATTER OF

A complaint under s 74 of The Private Security Personnel and Private Investigators Act 2010 against **KEITH GRIGG**

Heard virtually on 14 February 2022

APPEARANCES

Sergeant T Johnson and Snr Constable G Neilson for NZ Police
K Grigg – Certificate Holder

DECISION

[1] Police have filed a complaint against Keith Grigg as they consider he is no longer suitable to be a security worker. The complaint is largely based on Mr Grigg's behaviour on the 17 December 2022 when he was pulled over by police for speeding.

[2] Police say that when they attempted to stop Mr Grigg, he failed to comply with road rules and then became abusive, aggressive, and confrontational. They also advise that Mr Grigg has 10 previous convictions the most recent one being in 2016 for wilful damage. They say his conviction history and his behaviour and antagonism towards the police on 17 December shows he has anger management issues which makes him unsuitable to be is a security worker.

[3] Mr Grigg accepts his behaviour on 17 December was not acceptable but considers the police were equally to blame for the way he responded. He notes he has had no convictions for over six years and has worked in security since 2020. He works full time as a security guard, and he is well regarding by those he works with. His says his conduct was unrelated to his security work and therefore the complaint should be dismissed.

[4] The issues I therefore need to decide are whether Mr Grigg's conduct on the 17th December amounts to unsatisfactory conduct and whether it was sufficient to show that he is no longer suitable to be a security worker. If so, what is the appropriate disciplinary action to take against Mr Grigg.

[5] Senior Constable Neilson stated that Mr Grigg behaviour after being pulled over was the worst he had seen for such a minor traffic offence in all his time policing. He described Mr Grigg's behaviour as abusive, contemptuous, and angry. He advises Mr Grigg was agitated and aggressive from when he leapt out of his car until he sped off at the end of the incident.

[6] Senior Constable Neilson was sufficiently concerned by Mr Griggs behaviour that he was ready to deploy pepper spray. He says that throughout the encounter Mr Grigg demonstrated a loathing towards the police and an inability to control his temper. He does not consider this is appropriate behaviour for a security guard.

[7] Mr Grigg says he regrets his actions but advises that he was upset by the way the police shouted and gesticulated at him to pull over and stop. He says he was stopping and that it was unacceptable for police to yell at him in this way. He also said at the hearing that Senior Constable Robertson was as much to blame as him by how the situation played out.

He believes that both their actions were unacceptable, and it is unfair that he is the only one that is facing any criticism.

[8] I accept the police version of events rather than Mr Griggs. I note that Mr Grigg did not dispute the police witness statements in his response and at the beginning of the hearing he confirmed he did not disagree with what was in the statements of Senior Constables Neilson and Robertson. When giving evidence at the hearing he could give not particulars of what Senior Constable Robertson had done or said apart from shouting at him to pull over.

[9] The police witness statements filed with the complaint were detailed and Senior Constable Neilson was able to provide more information when questioned at the hearing. Mr Grigg was infuriated by being caught by the police and shouted out to pull over. He continued to be highly agitated, and this would not only have affected his interpretation of events at the time but also his ability to recall accurately what happened.

[10] I do not consider there was anything unacceptable in police shouting at Mr Grigg to pull over when he showed down and gestured them to pass him. This was the only option open to the police unless they had a speaker system in their vehicle which probably would have been even more unacceptable to Mr Grigg.

[11] Mr Grigg leapt out of his vehicle as soon as it stopped and confronted the police. He was angry, abusive, and intimidating to that extent that Senior Constable Neilson got ready to deploy pepper spray. Senior Constable Robertson's behaviour did not inflame the situation and I do not accept he has any responsibility for Mr Grigg's bad behaviour. While he may have raised his voice, this was only because Mr Grigg was shouting and not answering the questions appropriately asked of him.

[12] I accept that the events did not occur while Mr Grigg was working and were not related to his work as a security guard. However, being so easily provoked and Mr Grigg's continued inability to control his temper raise questions about his suitability to be a security worker. In addition, security guards are required to work cooperatively with police. Police need to trust security guards to guard crime scenes and in turn guards need to trust the police for them to carry out their work professionally.

[13] Mr Grigg demonstrated a lack of trust in the police by his abusive and intimidating behaviour. He questioned their actions, honesty, and equipment to the extent that the officers involved would have little trust in Mr Grigg being able to work cooperatively with them in the future.

[14] I conclude Mr Grigg's behaviour fell short of the standard expected of a security guard and would reasonably be regarded by security workers of good standing to be unacceptable. Mr Grigg is therefore guilty of unsatisfactory conduct. Mr Grigg's lack of ability to control his temper and his abusive attitude towards police also raises questions about his suitability to be a responsible security worker.

[15] If Mr Grigg had behaved in this way when working in security the outcome would at least have been a suspension of his certificate of approval. However, the incident was not work related and it is the first such incident that has come to police attention since Mr Grigg's last conviction which is now over six years ago.

[16] Mr Grigg has held a certificate of approval for almost two and a half years and has been working for the same employer since then. He has provided letters of support from his previous and current managers, co-workers and a person who works at the site that Mr Grigg currently guards. They all say Mr Grigg is a good security guard who acts professionally and employs appropriate de-escalation techniques when required. There have been no work-related concerns since he started working in security.

[17] Although Mr Grigg conduct on 17 December was seriously unacceptable, one incident that is unrelated to work in the two and half years since he has been held a certificate is not sufficient to establish that he is no longer suitable to be a security worker. Mr Grigg can accordingly keep his COA and continue working in security but on the condition that he is to complete an appropriate anger management course and undertake refresher or advance de-escalation training.

Summary & Orders

[18] Mr Grigg is guilty of unsatisfactory conduct. The appropriate penalty for his unsatisfactory conduct is a reprimand and for Mr Grigg to undertake further training. I accordingly make the following orders:

- a) Mr Grigg is formally reprimanded.
- b) Mr Grigg is ordered to complete an accredited anger management course or programme within 9 months of this order.
- c) Mr Grigg is ordered to undertake a refresher or advanced course on de-escalation techniques within 9 months of this order. This course can be run either internally by his employer or through a credited security trainer provider.
- d) Mr Grigg is to file evidence that he has completed the above training with the PSPLA by 20 November 2023.

DATED at Wellington this 17th day of February 2023



P A McConnell
Private Security Personnel Licensing Authority