

[2023] NZPSPLA 007

IN THE MATTER OF

A complaint made under s 74 of the
Private Security Personnel and Private
Investigators Act 2010

AGAINST

SYDNEY RILEY

Heard virtually on 15 February 2023

APPEARANCES

Ashneel Kumar for CIPU
Sydney Riley, Certificate holder

DECISION

[1] In March 2022 I referred a complaint about actions of security workers at the Craic Irish Bar in Christchurch to the Complaints Investigation and Prosecution Unit (CIPU). One of the security workers in question was Sydney Riley who was working as head of security for the Bar.

[2] CIPU's investigation established that Mr Riley was not wearing his formal identification badge (ID badge) in a visible place while working as a security guard on 17 March 2022. This is a breach of 67 unless Mr Riley reasonably believed that wearing his ID badge would threaten his safety or the safety of any other person.

[3] In addition, CIPU established that Mr Riley breached s 66 of the Act by refusing to produce his certificate to the complainant and refusing to advise the complainant of who he was employed by. He advised the complainant to come back the next day to get the information.

[4] Mr Riley accepts he was not wearing his ID badge on 17 March 2022, that he did not produce his COA or badge on request, and that that he told the complainant to come back the next day if he wanted any further information. Mr Riley says he did this for security reasons.

[5] Mr Riley said that ID badges were often stolen or snatched by disruptive and drunk punters, particularly on occasions such as St Patricks day. I accept that at times like St Patricks Day and orientation weeks security ID badges are at risk of being snatched particularly if worn on a lanyard around one's neck. There are however ways of wearing a badge that significantly reduce the ID badge being snatched, such as wearing it on a holder attached to a belt or around one's arm.

[6] Other than having the badge stolen Mr Riley did not give any information as to how his safety would be threatened by displaying his ID badge as required. The security reasons therefore related to the security of the ID badge rather than for his safety or the safety of any other person.

[7] The ID badge only includes the person's photograph, certificate number and classes in which a COA has been granted. It does not have the name or any contact details for the certificate holder. Anyone can search the online register of licence and certificate holders

using the certificate number. However, all that will bring up is the person's name. It does not contain any address information or other contact details. No example was provided of any drunk or aggressive patron reading and remembering a certificate number and using it to search the register to obtain a certificate holder's name. It is likely this would rarely happen.

[8] While I accept that Mr Riley believed wearing his ID badge might result in it being snatched, I do not accept he reasonably believed wearing it would threaten his safety or the safety of any other person. Mr Riley therefore breached s 67 of the Act by failing to wear his ID badge in a readily visible position.

[9] Mr Riley also advised that he did not produce his COA when asked by the complainant or provide details of his employer because of multiple threats made against staff. He advises threats against security guards were reported later that night.

[10] Mr Riley accepts that no threat came from the complainant, but he was concerned about others standing around who might hear the information. As Mr Riley's ID badge did not have his name on it, he was unable to say why showing it to the complainant or advising the name of his employer could be a security risk. In any event s 66 of the Act has no similar safety exemption to that in s 67(4) of the Act.

[11] I accordingly conclude that Mr Riley has contravened s 66 and 67 of the Act by failing to wear or produce his ID badge and failing to advise the complainant of the name of his employer. Conduct by a certificate holder that contravenes the Act fits within the definition of misconduct as set out in s 4 of the Act. Mr Riley is therefore guilty of misconduct.

[12] Misconduct is a discretionary ground for cancelling a certificate. However, instead of cancelling Mr Riley's certificate I can impose other penalties such as a fine, reprimand or order further training.

[13] Mr Riley advises he is no longer working in security but wants to keep his certificate as he may resume working in security in the future. I accept that Mr Riley's breaches of the Act were due more to a misunderstanding of his obligations and were at the lower end of misconduct. Therefore, I will not cancel or suspend his certificate.

[14] I am however concerned that after being informed of his responsibilities under the Act and having time to reflect on what he did, Mr Riley still considers he has done little wrong. Therefore, I conclude the appropriate penalty is an order that Mr Riley undergoes further training and a reprimand.

Conclusion & Orders

[15] Mr Riley has contravened the Act and is therefore guilty of misconduct by failing to wear and produce his ID badge while working as a crowd controller and failing to provide details of the person who employed or engaged him. I therefore make the following orders

- a) Mr Riley is formally reprimanded under s 81(1)(vii) of the Act.
- b) Mr Riley is ordered to undergo advanced training on de-escalation techniques and refresher training on his responsibilities and rights as a security worker. The training must be provided by an accredited security trainer but can be

provided either in house by his prospective employer or by an independent training provider.

- c) Mr Riley must complete the refresher training before resuming work in security. In addition, he must provide evidence he has completed the training ordered to get his certificate renewed or to qualify for a new certificate.

DATED at Wellington this 21st day February 2023



P A McConnell
Private Security Personnel Licensing Authority