

IN THE MATTER OF

An application for a certificate of approval under the Private Security Personnel and Private Investigators Act 2010 by **FS**

HEARD virtually on 27 April 2023

APPEARANCES

Senior Constable Stringer for NZ Police

Mr FS

Mrs FS

DECISION

- [1] FS applied for a certificate of approval (COA) and temporary COA in the classes of crowd controller, property guard and personal guard. Mr FS was issued with a temporary COA on 28 February that is valid until 28 May 2023 as he does not have any disqualifying convictions.
- [2] The Police object to FS's application because between 2019 and 2023 they have recorded approximately seven incidents in which FS was reportedly aggressive/insulting, argumentative or refused to listen to Police staff. They say his recurring negative interactions with Police demonstrate that he would not be able to work with them as a partner agency.
- [3] The Police consider that as he has demonstrated an inability to work with Police, he is not of suitable character to work in security.
- [4] FS denies he has been aggressive or argumentative. He says the Police have provoked him and disrespected him. He also apologises to Police.
- [5] FS attended the hearing with his wife. He provided extensive oral submissions responding to the Police concerns. In summary he makes the following points:
 - [a] They have submitted a number of complaints to Police which have not been resolved.
 - [b] He says that the Police have told him he is mentally unwell which is a spurious allegation.
 - [c] He says the Police have been racist towards him.
 - [d] He considers that the Police have an agenda to ruin him both personally and professionally and go to extreme lengths to ensure that he cannot work or live peacefully.
 - [e] He considers the Police are monitoring him and following him.
 - [f] He just wants to serve the New Zealand public in peace and provide for his family.

- [6] At the conclusion of the hearing Mr FS requested further time to submit references and was provided with that despite failing to comply with the Authority's request that he do just that some weeks prior. He filed the following:
- [i] His record of achievement confirming he has completed the required unit standards to work in security roles.
 - [ii] A reference from his Pastor who makes a number of supportive comments, including that Mr FS is persistent, kind-hearted and determined. He also says that Mr FS [sic] "sometimes interprets adverse circumstances as evidence of personal or spiritual opposition, perhaps, in my opinion without sufficient warrant. In addition, sometimes, he does not listen well."
 - [iii] Confirmation from his employer that he has been working as an operator/packer since 2021.
- [7] Section 53(1) of the Private Security Personnel and Private Investigators Act 2010 requires the Authority to be satisfied that an applicant for a COA is suitable to be a responsible employee in that class. Part of being a security worker is working with Police in various capacities. As Senior Constable Stronger noted, they are essentially partner agencies.
- [8] Mr FS is highly suspicious of the Police and any actions they take that involve him. I appreciate that he says he will be able to work alongside them in a security setting however I do not find this submission justified. Mr FS went to great lengths at the hearing to describe what he considers to be inappropriate Police behaviour, to question their actions and justify his extreme reactions to their interactions with him.
- [9] Whilst Mr FS apologises to the Police when he loses his temper with them, I do not find it established that he has the ability to remain neutral in interactions with them. His history with them is extensive and conflict based and his distrust in the Police appears imbedded within him.
- [10] Security guards need to be able to support the Police and/or work cooperatively with them in protecting crime scenes and keeping order, and Police need to have confidence in security guards do to this. Mr FS has demonstrated an inability to do this, both by the incidents outlined by the Police and the allegations he made against them at the hearing.
- [11] Accordingly, as I do not find it established in evidence that Mr FS is able to work with Police in any security role, I decline his application for a full COA and the objection is upheld. Mr FS's temporary COA is cancelled effective Monday 8 May 2023.
- [12] Mr FS may apply again in the future for a COA if he is able to establish that meaningful time has passed and during that period he has had no negative interactions with Police. He would also be required to demonstrate that his attitude towards Police has changed, and he may have obtained assistance in that regard.

[13] This decision is to be published but in order to not impede Mr FS other career opportunities, I direct that his name be redacted from the published order.

DATED at Wellington this 5th day of May 2023



K A Lash
Deputy Private Security Personnel Licensing Authority