

IN THE MATTER OF Complaint by The Police relating to the requirements set out in s 67 of the Private Security Personnel and Private Investigators Act (the Act)

DECISION

[1] Police are asking for clarity around s 67 of the Act which requires security guards to wear their security Identification badges (IDs) in a readily visible place. They also seek guidelines on the effect of s 67(4) of the Act which exempts a private security worker from wearing their ID if they reasonably believe that wearing it will threaten their safety or the safety of any other person.

[2] The request arose in the context of a complaint against A Security after its crowd controllers were not wearing their IDs in a readily visible position during a security compliance check. Police met with the owner of A Security, after which he advised his staff to wear their IDs in a visible position but with their certificate number taped over.

[3] Police advised A Security's owner that they did not consider this complied with s 67 of the Act. However, A Security's employees continued to blank out their certificate numbers while working as crowd controllers at bars in the Auckland area. Police then filed a complaint against A Security.

[4] At the beginning of the hearing the owner of A Security confirmed he wanted me to issue guidelines on the requirements of s 67 and agreed to comply with all such guidelines in future. Police also confirmed that they were not asking for any disciplinary action to be taken against A Security or its owner but wanted clearer guidelines on the requirements and exemptions set out in s 67.

[5] The issues I therefore need to cover are:

- a) What are the requirements of s 67(2) & (3) of the Act and are crowd controllers complying with s 67(3) if they have their certificate number or other information on their ID badges covered over?
- b) What is a reasonable belief that wearing an ID will threaten a person's safety?

Section 67 requirements

[6] Section 67(2) of the Act states that all private security certificate holders, other than private investigators, must wear an ID issued by the Authority while they are working as security employees. Section 67(2) provides that the badge must be worn in "a position that is readily visible".

[7] Section 68 states that the ID must contain the following:

- (a) A unique identifier number or code

- (b) A photograph of the certificate holder
- (c) The classes of work in which the certificate is granted
- (d) The expiry date of the certificate

[8] All this information is contained on the front of the ID issued when a certificate is granted. The ID does not contain the holder's name, but the unique identifier is the certificate number allocated by the Licensing Authority. A person can search the Licensing Authority's register by using the certificate number which will provide the holder's name but no information about their address or other contact details.

[9] The preferred way for a crowd controller or other security worker to display their ID is on an arm band, on a lanyard around a security worker's neck, or on a retractable cord attached to their belts. It must not however be obscured or covered by any clothing such as a jacket or placed in a pocket.

[10] The front of the ID with the holder's photograph on it must be the side that is displayed. In addition, to comply with s 67(3), all the information set out in s 68 of the Act must be readily visible. Therefore, wearing the ID with only the back displayed, or blanking out or covering over any of the required information such as the certificate number, does not comply with s 67(2) and (3).

[11] Therefore, failing to wear the ID while working as a security guard, or wearing an ID that is obscured by clothing, or has any of the required information blanked out, contravenes the Act, and could amount to misconduct as defined in s 4 of the Act. In addition, it is an offence under s 67(5) of the Act for a security worker to intentionally contravene s 67. The maximum fine for such an offence is \$2,000.

[12] A Security however submits that their staff were permitted to wear their IDs partially obscured under s 67(4) of the Act as they had a reasonable belief that wearing their IDs with their certificate number visible would threaten their safety.

What is a reasonable belief that wearing an ID will threaten a person's safety?

[13] Section 67(4) of the Act states

Despite subsections (1) and (2), no licensee or certificate holder is required to wear an identification badge if the licensee or certificate holder reasonably believes that wearing it would threaten his or her safety or the safety of any person.

[14] The owner of A Security says over the past year threats to his staff has reached the point where they hold a genuine fear for their safety. He provided recent examples of threats made to staff including someone threatening to shoot a security guard for refusing access to a bar and security guards being threatened by gang members when asked to relocate within a venue. In addition, one of his staff was seriously injured while working in security.

[15] He says that his staff are concerned that if they display their IDs people will be able to read their certificate numbers and then search the security register to learn their names. If this happens he considers it would be relatively easy for the person to be able to find the security guard on social media and then be able to locate them or their

families. It is for this reason A Security's staff either obscured their IDs or taped over their certificate numbers.

[16] All the examples of threats and violence towards security staff occurred at the bars while they were working. A Security's owner was unable to say how obscuring, not wearing, or blanking out parts of their ID could reduce these threats. In addition, there is no information to suggest that wearing their IDs contributed to any threat or violence towards them.

[17] The owner of A Security did not know of anyone who had recorded a security guard's certificate number from their ID while they have been working at a pub or club and used it to find out the guard's name from the PSPLA register. The police also know of no such examples and nor has the Licensing Authority ever been advised that a security guards certificate holder's number has been recorded by a patron and then used to search the register to find out their names for anything other than a legitimate purpose.

[18] While it is well known in the security industry that you can search the security register by using a person's certificate number and thereby obtain their name it is not commonly known to the public at large. In addition, the certificate number on the ID is an eight-digit number and is in small print. Most patrons who threaten or assault security guards are affected by drugs or alcohol. Therefore, it is highly unlikely they would remember the number even if they were able to read it in the relatively dim lighting at such venues.

[19] I accept that security guards working at some pubs and clubs feel vulnerable and have a reasonable fear of threats to their safety. I also accept that on occasions security staff are placed in dangerous positions. However, wearing an ID which displays their certificate number does not contribute to the threats, nor does it increase the danger of positions into which they are placed.

[20] I also note that s 66 of the Act requires a certificate holder to produce their certificate on demand to any person with whom they are dealing while working as a security guard. There is no exemption under this section to allow a security guard to refuse to produce their certificate or ID based on any perceived threat to their safety.

[21] For any belief of threat to safety to be reasonable the threat must be real or significant. There is no real or significant threat that arises from wearing an ID in a readily visible position even if it displays the guard's certificate number. Therefore, a belief by a security guard working at licenced premises or events that wearing their ID would be a threat to their safety is not a reasonable belief.



[22] To the contrary it is more likely that a security guard would receive threats if they were screening entry or keeping order without a visible ID as some people would question their legitimacy for doing so. In addition, taping over the certificate number is only likely to attract attention to it and make people want to find out what is under their tape and ask the person to produce their ID.

[23] I therefore conclude that unless there is a real or significant threat to the safety of the certificate holder s 67(4) does not provide a legitimate exemption from the

requirement for security guards working as crowd controllers at licenced premises or events to wear their IDs in a position that is reasonably visible. To comply with s 67 of the Act the ID must be displayed so its front is visible, and it must not have its unique identifier or any of the other required information blanked out or taped over.

[24] Any intentional failure by a security guard to display their ID in a reasonably visible position contravenes the Act. This could amount to an offence under the Act and misconduct.

DATED at Wellington this 6th day of July 2023


P A McConnell

Private Security Personnel Licensing Authority