

IN THE MATTER OF

Complaint against a security guard
made under s 74 Of the Private
Security Personnel and Private
Investigators Act 2010

DECISION

[1] In June 2023 I referred a complaint by DC against an unnamed security guard working at a Wellington bar to the Complaints Investigation and Prosecution Unit (CIPU) for investigation. DC alleged that the security guard was aggressive and abusive. In addition, DC says the security guard refused to provide his certificate details.

[2] CIPU have identified the security guard to be RA. RA has held a certificate of approval since May 2017. RA recalls his interaction with DC, but his recollection of events differs to what DC outlined in his complaint. RA has tried to get a copy of the CTV footage to confirm what happened but unfortunately it was deleted by the time he was aware of the complaint.

[3] RA says it was DC that was aggressive and abusive and not him. He also says that when DC asked for his certificate number, he pointed to his security ID which he was wearing on his arm and read out his number. He accepts that he refused to allow DC to take a photograph of it as he believed he had done all he was required to do. He says DC was confrontational and appeared to be trying to instigate a confrontation.

[4] RA accepts he then swore at DC as he told him to leave. The 2IC who was present at the time intervened to physically remove DC as he was again advancing towards RA. The 2IC confirms RA's recollection of events and says that when asked for his badge number RA turned and showed DC his ID badge and read out his badge number.

[5] The duty manager of the bar also confirms that RA was wearing his ID in a visible place on the night in question as he always does.

[6] Based on the information in the investigation report there is insufficient evidence to proceed with a complaint against RA. The evidence establishes that RA was wearing his security ID in a visible position as he was required to do. Both RA and his 2IC say that RA showed his ID to DC when asked and read out his certificate number. This is all he was required to do in the circumstances.

[7] There is also insufficient evidence to establish that RA's behaviour on the night was negligent, incompetent or could reasonably be regarded as being unacceptable. This is what needs to be established to prove unsatisfactory conduct.

[8] I am accordingly satisfied that there are no grounds for disciplinary action against RA. DC's complaint is therefore dismissed.

[9] A copy of this decision will be published on the Licensing Authority's website. However, as the complaint has not been established the names of both parties will be anonymised in the published decision.

DATED at Wellington this 3rd day of August 2023



P A McConnell

Private Security Personnel Licensing Authority