

IN THE MATTER OF

A complaint under s 74 of The Private Security Personnel and Private Investigators Act 2010 (the Act) against **CARLOS ALAIASA**

HEARD virtually on 29 November 2023

ATTENDANCES

Constable A Tangney for NZ Police
C Alaiasa – Certificate holder

DECISION

[1] In December 2022 police filed a complaint against Carlos Alaiasa as he was facing active charges of injuring with intent to injure, impeding breathing, indecent act, and assault. He has pleaded guilty to those charges and will be sentenced in February 2024. On 8 January 2023 Mr Alaiasa breached his bail conditions by instigating a fight in Fort Street. He was convicted of breach of bail and received diversion on the fighting charge.

[2] Police advise that on 25 August Mr Alaiasa and other security guards in his team assaulted a male who they had dealings with earlier in the night. The CCTV footage shows Mr Alaiasa punching the man with sufficient force that he fell to the ground. Mr Alaiasa and the other guards walked away leaving the man bleeding on the ground. They did not return to give him assistance until 2-3 minutes later.

[3] On 31 August police advise Mr Alaiasa and two other security guards with whom he was working approached another man. Mr Alaiasa punched him from behind causing him to fall to the ground. After the man fell to the ground he was punched and kicked by all three security guards.

[4] This and the previous incident are still under police investigation and no charges have been laid. Police however note that both incidents occurred while Mr Alaiasa was working as a security guard and consider Mr Alaiasa's tendency to respond with violence rather than to engage appropriate surveillance and de-escalation techniques amounts to misconduct.

[5] On 30 September 2023 Mr Alaiasa was charged with possession of a knife, possession of a class B controlled drug and breach of his bail conditions. He has pleaded not guilty. On 19 October 2023 Mr Alaiasa was again charged with breaching his bail condition of not to consume alcohol. When he was asked to undergo a blood test he refused, pushed the officer, and tried to escape. He later threatened the police officer when being put in the police van.

[6] Police consider Mr Alaiasa's violence is increasing and fear it will only get worse. They say he has shown a disregard for abiding by the directions of the court by not adhering to his bail conditions. Police therefore say that Mr Alaiasa is no longer suitable to be a security employee. They ask for Mr Alaiasa's certificate to be cancelled at least until he can show he has addressed his anger issues and tendency to resort to violence rather than use appropriate de-escalation techniques.

[7] Mr Alaiasa accepts that cancellation of his certificate is appropriate. However, he disputes some details of the police version of the incidents outlined above, particularly in relation to the incidents on 25 and 31 August. He considers his actions were justified during the incident on 25 August as the person he assaulted was a known troublemaker who had threatened to assault a member of the public earlier in the night,

[8] Mr Alaiasa says he was acting in self-defence and that he did not punch him but hit him with an "open fist". I however prefer the police version of events. While they were unable to produce a copy of the CCTV footage of the incident Constable Tangney said that he had viewed the CCTV footage and provided both a written and oral account of what he had seen. He says the assault appeared to be unprovoked as the man's arms were down, he was outnumbered, and he was much smaller than Mr Alaiasa and the other security guards involved.

[9] Constable Tangney advised that the CCTV footage did not show any attempts by Mr Alaiasa to deescalate the situation or any aggressive behaviour on the part of the person assaulted to support the self-defence explanation. It is particularly concerning that Mr Alaiasa still considers his actions were justified even though he accepts he made no appropriate steps to de-escalate the situation or wait for police to arrive.

[10] In relation to the 31 August incident Mr Alaiasa claimed he was not one of the security guards involved in the assault although he did accept that he was the supervisor at the time and observed what happened. He did not produce the evidence he claimed to have to prove his version of events. I therefore accept Constable Tangney's evidence that the CCTV footage which showed Mr Alaiasa being involved in, and most likely the instigator of, the assault as he was the supervisor at the time.

[11] I am satisfied that Mr Alaiasa's breaches of his bail conditions and his role in the August assaults is conduct which a reasonable person would consider to be disgraceful, wilful, or reckless and therefore amounts to misconduct. I also accept that Mr Alaiasa's continual flouting of bail conditions and his continued use of violence shows that Mr Alaiasa is no longer suitable to be a security guard.

[12] Therefore, as accepted by Mr Alaiasa, the appropriate outcome of the complaint is the cancellation of Mr Alaiasa's certificate of approval. Mr Alaiasa is advised that the cancellation of his certificate of approval is grounds for disqualification under s 62(h) of the Act for the next 7 years. The convictions that are the likely result of Mr Alaiasa's guilty pleas on the offences of violence charges will be further grounds for disqualification for 7 years.

[13] Mr Alaiasa can however reapply for a certificate of approval within the 7-year period, but to be successful with such an application he will need to:

- a) Declare his convictions and cancellation of his certificate in his application; and
- b) Provide evidence that he has received counselling for his anger issues and no longer resorts to violence; and
- c) Provide evidence that he has successfully completed advanced training on de-escalation techniques in the security worker context; and
- d) Confirm he has had no further convictions and has not come to police attention for violent or anti-social behaviour for at least two years.

Summary and conclusion

[14] I am satisfied that Mr Alaiasa is guilty of misconduct and because of this he is no longer suitable to be a security worker. I therefore make the following orders:

- a) Mr Alaiasa's certificate of approval is cancelled effective immediately.

- b) Mr Alaiasa is to return his security ID to the Licensing Authority within 7 days of the receipt of this order. Failure to do so is an offence under the Act.

DATED at Wellington this 4th day of December 2023



P A McConnell
Private Security Personnel Licensing Authority