

IN THE MATTER OF

An application for a Certificate of Approval by **FB** under the Private Security Personnel and Private Investigators Act 2010

HEARD virtually on 15 February 2024

APPEARANCES

Sergeant McLeod for the Police

Mr FB, applicant

Mr FB – applicant's father

Mrs FB – applicant's mother

GH – applicant's employer

Ms D – applicant's partner

Ms M – applicant's whanau member

DECISION

1. FB has applied for a Certificate of Approval (COA), with a temporary COA in the classes of crowd controller, property guard and personal guard. He was issued a temporary COA on 1 December 2023 as he has no disqualifying convictions.
2. The Police object to Mr FB's application as they know him to be a patched member of the Head Hunters gang which they consider incongruous with working in security.
3. The issue I therefore need to decide is whether Mr FB's patched membership with the Head Hunters means that he is unsuitable to work in security at this time?¹

Police submissions

4. Sergeant McLeod submitted evidence regarding gangs in New Zealand along with specific evidence detailing the Head Hunters' practices. Sergeant McLeod has been a member of the New Zealand Police for 47 years and has worked with

¹ Section 53(3) Private Security Personnel and Private Investigators Act 2010

gangs in New Zealand for the majority of that time. I accept his significant experience and knowledge in the area.

5. Sergeant McLeod's evidence regarding the Head Hunters specifically is as follows:
 - (a) They are a motorcycle gang.
 - (b) They are engaged in criminal activity and have been for the entirety of their existence.
 - (c) They are proud that they do not conform to the laws of society.
 - (d) Criminal behavior is encouraged and at times demanded.
 - (e) Prospects for the gang need to prove themselves to the gang often by undertaking criminal activities.
 - (f) They demand that their members abide by their rules rather than the laws of the country or expectations of Police.
 - (g) There are repercussions for members wishing to leave.
6. Sergeant McLeod therefore submits that the behaviours encouraged by and expected of members of the Head Hunters are not behaviours that can be expected of a security worker. He therefore considers that whilst Mr FB remains a member of the Head Hunters, he is not suitable to be granted a COA.

Applicant's submissions

7. Mr FB wishes to make security mahi his career. He has been working in the role for several months and has found mahi that both fulfills him and provides him with a sense of purpose and mana. In his employment he has found a team that provides him with brotherhood and support.
8. He explains that he became involved with the Head Hunters when he was young and seeking a community. They provided him with that brotherhood that he needed and his work with them in the gym has been crucial to his health and personal growth. He says that he is not involved in their criminal side of the gang, nor does he intend to be.
9. Mr FB has filed a number of supportive references; all of whom speak highly of his capabilities, integrity and drive. They are from whanau, friends, and his landlord. He attended the hearing with his parents and other whanau and Mr GH from [redacted], his security employer. He clearly has great support and is an impressive young man.
10. Mr FB's whanau gave genuine and honest tautoko for him and his situation. They see what he is trying to do as commendable but also do not agree with his gang affiliation. They themselves provide essential and admirable work in the community and he clearly comes from a supportive and loving whanau.

11. Mr GH gave evidence that Mr FB has been quickly promoted to team leader/supervisor such are his skills. He says he has taken to the role and learnt extremely quickly. He attests to his skill to talk people down and says that people gravitate to him. He can see Mr FB's passion for the industry and will continue to employ him as long as he can.
12. Mr FB is clear that his allegiance lies with his whanau and his mahi. Therefore, he says that if came to a choice between his mahi or his gang he would choose the former. I have no doubt that he fully believes that, and certainly he has been put to the test recently when he had to remove a fellow Head Hunter from a bar where he was assaulting his partner. At that incident Mr FB did take the steps necessary to protect the public and victim from the member.
13. The Authority's understanding is that the first rule of the Head Hunters is that "a member is not to give statement to or interact or give assistance to the police in any inquiry or investigation against either friend or foe". Clearly this code of silence would directly conflict with Mr FB's responsibilities as a security worker to assist and work cooperatively with Police. Mr FB says however that if necessary, and if asked, he would give a statement to Police and provide evidence in court. Again, I accept that at this time he believes he would be able to do that.

Discussion and findings

14. Whilst Mr FB genuinely believes he would be able to put his responsibilities as a security worker before the needs or demands of the gang, I do not accept that if it came to it, he would be able to. The Head Hunters is a large and well organised criminal organisation. I accept the Police evidence as to the way the Head Hunters operate. As such, I find it most likely that should they tell Mr FB that he had to undertake an activity that suited them but was in conflict with the laws of New Zealand or his employment, or even his moral compass, that he would have to do it. This is by no means a criticism of Mr FB, it is more a reflection on the gang's tactics and capabilities.
15. I also must take into account that whilst Mr FB says that his allegiance is to his whanau and mahi rather than his gang, he has not yet chosen to renounce his membership despite it being the only factor preventing his chosen career.
16. I accept that Mr FB is not currently involved with any criminal activities of the Head Hunters and that he is genuine in his desire to do good within the gang such as with his promotion of Ta Ao Māori. However, I do not accept that the Head Hunters are a gang that one can be patched to without aiding by their rules and expectations.
17. The Head Hunters is one of the gangs listed in the Prohibition of Gang Insignia in Government Premises Act 2013. I accept Sergeant McLeod's evidence that the Head Hunters is still involved in criminal activities and has a strong

hierarchical structure. That structure means that Mr FB can be required to carry out orders from above, some of which are likely to directly conflict with the standards and conduct required of a security guard.

18. Being a patched member of a gang such as the Head Hunters is inconsistent with the character and background requirements of the Act. Gang membership conflicts with security worker's responsibilities as a certificate holder particularly when it requires working closely with the Police in keeping the peace and by assisting them in their investigations. Having patched gang members working in security at clubs and pubs can not only facilitate illegal activity but can compromise the safety of their employers as well as the public due to the ongoing disturbances between the gangs in the city, particularly in this locality.
19. I have very carefully considered all the evidence available to me and this has been a difficult decision because of Mr FB's many positive attributes. I am cognisant of the implications my decision has on Mr FB's ability to provide an income. I accept the submission that should he not be able to work in security, his other options may be limited. He does however have a choice here.
20. Given my findings regarding the way the Head Hunters operate, whilst Mr FB remains a patched member of the Head Hunters gang, I do not consider him suitable to work in security. Accordingly, his application for a full COA must be declined.
21. This is extremely unfortunate as Mr FB is by all accounts an excellent security worker. He has proven himself in the short time he has been working to the extent that he has been promoted to Team Leader. The security industry in New Zealand needs security workers such as this. However, the security industry in New Zealand also needs protections against infiltration from criminal organisations.
22. Mr FB made the submission that should I decline his application on the basis of his affiliations I would be discriminating against gang members. That may well be the case however it is not unlawful discrimination as defined in section 21 of the Human Rights Act 1993.
23. Were it not for Mr FB's patched status, on the information I have available to me I would be more than satisfied of his capabilities as a security worker. It appears that he could go far in this industry. Therefore, should Mr FB surrender his patch and renounce his affiliations with the gang, a further application for a COA by him is likely to be considered differently.
24. Whilst Mr FB's application for a full COA is declined, he may keep his temporary COA until it expires on 1 March 2024.

25. This decision is to be published on the Authority's website. I consider however, in the interests of his safety, that Mr FB's name be redacted, as should the names of his supporters and employer.

DATED at Wellington this 22nd day of February 2024



K A Lash
Private Security Personnel Licensing Authority