

IN THE MATTER OF

A complaint filed by Police against **BOYER-CHE' SCHWENKE** under s 74 of the Private Security Personnel and Private Investigators Act 2010 (the PSPPI Act)

HEARD remotely on 7 March 2023

ATTENDANCES

Constable A Tangney for NZ Police
B Schwenke, Certificate Holder

DECISION

[1] Police are asking for Boyer-Che' Schwenke certificate of approval (COA) to be cancelled as he was convicted of wilful damage (family violence) on 8 November 2023. They are also concerned that Mr Schwenke engaged in an aggressive interaction at his son's school in October 2023 which resulted in him being trespassed from the school.

[2] While neither the conviction, nor the trespass order are grounds for disqualification under s 62 of the PSPPI Act, police consider they are sufficient to show that Mr Schwenke is no longer suitable to be a security worker. Police note that Mr Schwenke has numerous criminal convictions including convictions for offences of violence and dishonesty and has been sentenced to imprisonment on five occasions.

[3] When Mr Schwenke was granted his COA in 2019, he had not offended for five years and provided compelling evidence that he had changed and turned his life around. The incidents police outline in their complaint raises questions about whether Mr Schwenke has reverted to his former way of life.

[4] Mr Schwenke acknowledges his conviction. He says he has completed a lengthy anger management course since his offending and the court accepted it was a one off as he only received a suspended sentence. He considers this incident is a private family matter and unrelated to his work as there have been no issues while he has been working. Mr Schwenke provided a supporting letter from his employer who says Mr Schwenke has provided excellent service to their company over the last two years and is a popular member of their team. They have no hesitation in engaging him to work as a security guard and consider he is suitable to retain his COA.

[5] At the hearing Mr Schwenke explained his recent offending by saying he was having a bad day. When asked what would happen if he was having a bad day while working in security the only answer he was able to give is that he is always professional while working.

[6] The incident at his son's school occurred shortly before Mr Schwenke's sentencing on the wilful damage charge and after he had completed the anger management course. Mr Schwenke was directed to file his account of what happened at the school if he disputed the police version of events. He has not done so, nor provided any explanation for why he aggressively confronted the caretaker at his son's school. The principal who witnessed the event was sufficiently concerned by what she saw that she called police. Police confirm that the trespass order was served and has not been withdrawn.

[7] If Mr Schwenke had received a more serious sentence following his recent conviction, I would have cancelled his COA. However, given the support he has from his employer, I will allow Mr Schwenke to keep his certificate but with conditions attached. This is Mr Schwenke's


final chance. If he comes to police attention again for antisocial or violent behaviour his COA will be suspended regardless of whether charges are laid against him.

Summary & Orders

[8] Police have established that Mr Schwenke's recent conduct shows that he is no longer suitable to carry on business as a security guard. This is a discretionary ground for the cancellation of Mr Schwenke's COA. However, instead of cancelling his certificate I make the following orders:

- a) Mr Schwenke is formally reprimanded and given a final warning.
- b) Mr Schwenke is ordered to undergo advanced de-escalation and conflict situation management skills training within six months of the date of this order. Mr Schwenke's certificate of approval will not be renewed unless he provides proof that he has completed such training.
- c) Mr Schwenke is not to come to police attention for antisocial conduct or violent behaviour at any time until his current certificate expires on 13 November 2024. If he does Police can apply to immediately suspend his certificate of approval.

DATED at Wellington this 11th day of March 2024


P A McConnell
Private Security Personnel Licensing Authority

