

IN THE MATTER OF

Complaint under s 74 of the Private Security Personnel and Private Investigators Act 2010 against **DAVID-JAMES HARRIS**

DECISION

[1] Allied Security filed a complaint against David-James Harris after terminating his employment when Mr Harris admitted he was a patched member and sergeant of arms of the Papakura chapter of Black Power. Mr Harris has held a certificate of approval as a security guard since 2014 but joined Black Power more recently. Allied consider that Mr Harris becoming a patched member of Black Power means he is no longer suitable to be a security worker.

[2] Mr Harris is candid about his involvement in his local chapter of Black Power but does not consider it conflicts with his work or would ever interfere with his work as a security guard. He said he was always professional at work, had never been in trouble with the law and had a history of working cooperatively with the Police.

[3] Mr Harris provided three written references from staff members at WINZ where he had worked as a security guard until his employment ended. They all confirmed that Mr Harris was an excellent security guard and they spoke highly of his professionalism while at work and his character.

[4] Mr Lynch from Allied Security also confirmed that they had no issues at all with Mr Harris's work during the time he was with them. He accepted that there was no indication that Mr Harris's involvement with Black Power had ever interfered with his work, but he considered there was a potential conflict of interest in being both a gang member and a security worker.

[5] Mr Harris advised that the chapter of Black Power to which he belonged was separate to much of the Black Power gang and was a whanau-based club with strong rules. He became involved at the request of senior members to help members get away from criminal and more antisocial behaviour and into gainful employment. He also advised that that his club was at peace with other gangs in the area.

[6] I accordingly referred the complaint to the Police under s 75(1) of the Act for comment on the evidence given by Mr Harris and whether they had any information to suggest that Mr Harris was unsuitable to continue to be a certificate holder.

[7] The Police advise that they had not previously known that Mr Harris was a patched member of Black Power and other than that, they had no information relating to Mr Harris's background circumstances or character to show that he was not suitable to be a certificate holder. They also advised that Mr Harris has a history of engaging positively with the Police, that he has no negative history and that he appears to effect conflict management well. However, they consider there is always a potential conflict between being a patched gang member and being a security worker.

[8] While the chapter of Black Power to which Mr Harris belongs is currently trying to get away from criminal and antisocial behaviour there are still members, or former members who are involved in such activities. In addition, things can change which could mean that there was a real conflict between Mr Harris's membership and his work as a security guard.

[9] Balanced against this is the fact that as an individual Mr Harris's record is exemplary, and he is well thought of both within the security industry and at the sites where he has worked. In addition since the hearing Mr Harris has relinquished his role of sergeant of arms although he is still a patched member of his local Black Power chapter.

[10] In most cases a security guard becoming a patched member of a gang such as Black Power means they are no longer suitable to be a security worker. However, there is currently no actual conflict between Mr Harris being a patched member of his local chapter of Black Power and being a certificate holder. Nor is there evidence that his gang membership has, or is likely to, impact on his security work.

[11] Based on all the evidence before me, it has not been established that Mr Harris is no longer suitable to be a security guard because of his membership of Black Power. Therefore, the complaint is dismissed.

[12] Mr Harris's suitability to be a certificate holder will however be reassessed when his certificate comes up for renewal. In addition, if there is evidence that the president or any senior members of the chapter of Black Power to which Mr Harris belongs are involved in criminal activities or conduct the Police can lay a further complaint against him. Mr Harris is then likely to have to choose between surrendering his patch or having his certificate cancelled or not renewed.

DATED at Wellington this 2nd day of February 2022



P A McConnell
Private Security Personnel Licensing Authority