



Parole Hearing
Under section 21(2) of the Parole Act 2002

Arthur William TAYLOR

Hearing: 20 February 2018
at Waikeria Prison
via AVL from New Zealand Parole Board, Wellington

Reserved Decision: 1 March 2018

Members of the Board: Hon M A Frater (Panel Convenor)
Dr J Skipworth
Ms S Pakura

Counsel: Ms S Earl

Observer: [withheld]

Support Persons: [withheld]

RESERVED DECISION OF THE BOARD

Background

1. Arthur William Taylor, aged 61, is serving a total effective sentence of 17 and a half years imprisonment imposed after he was found guilty following jury trials in:
 - 2006: Four years – firearms and explosive charges (x6); plus
Four years, cumulative – possession of cannabis oil for supply; with concurrent sentences of:
Four years – possession of morphine for supply;
Two years – possession of precursor substances (x4) and possession of cannabis for sale; and
One year – receiving (x2)
 - 2007: Four years, cumulative – escaping from custody; and
One year, concurrent – kidnapping (x3)
 - 2012: Five and a half years, cumulative, reduced on appeal from seven years, for conspiracy to supply of methamphetamine

2. There are over four years remaining on Mr Taylor's sentence, which now ends on 12 June 2022.
3. Mr Taylor has an extensive history of criminal offending, dating back to 1972, when he appeared in the Youth Court on a forgery charge. He has spent 38 of the 45 years since then in prison.
4. During those years he has incurred over 150 convictions, including nine in the Youth Court jurisdiction. He has offended both in the community and in custody. His offending is marked by its versatility and seriousness.
5. The majority of his offending involved crimes of dishonesty. Convictions of this nature include possession of a false passport, fraud and attempting to pervert the course of justice. He also has convictions for escaping, firearms offences, arson, aggravated robbery and driving offences.
6. While Mr Taylor does not shy away from his record, he says that during this sentence, and particularly in recent years, he has changed – so much so that, with the strength of his release and relapse prevention plan, he has now reached the point where he can safely be released. Accordingly, he sought parole.

Previous Board Hearing

7. He made a similar submission to the Board which saw him on 7 March last year. It was rejected.
8. The last Board decision acknowledged the considerable progress that Mr Taylor had made in recent years, and emphasised all the positives in his case, including his more recent institutional conduct, his successful transition to a low/medium security unit, the routine structure provided by his legal successes and ongoing legal work, and his "*focused and engaged*" involvement in 27 individual sessions with (withheld) between 28 January 2014 and 3 June 2015. The Board said that there were clear treatment gains and that, as a result of this intervention, Mr Taylor had insight into his own personality profile. It also accepted that he had a good release proposal.
9. But that was not enough.
10. The Board declined parole in the light of:
 - Mr Taylor's assessed high risk of general offending and moderate risk of violent re-offending;

- The fact that he had not undertaken the Special Treatment Unit Rehabilitation Programme (STURP) recommended by both the writer of the psychological report for the Board and (withheld);
- The length of time remaining on his sentence;
- His need to transition to and be tested in a less structured environment in prison, given the time he had spent in custody; and
- His need to undertake further psychological treatment before transitioning to the STURP.

11. Mr Taylor's next hearing was scheduled for March 2018.

Review Application

12. Mr Taylor applied to review that decision, and was partially successful.
13. Because the information provided to the last Board showed Mr Taylor's RoC*RoI score as 0.77585, and, unbeknown to the Board and Mr Taylor, it had earlier been re-assessed at 0.6787, the reviewer referred the matter to this panel of the Board for consideration, a few weeks earlier than anticipated, because the lower score had both risk and rehabilitative implications for Mr Taylor.

Mr Taylor's Current Position

14. There has been a number of significant developments since the last hearing:
- On 12 October 2017, Mr Taylor's security classification was reduced to low. Then,
 - On 20 December 2017, he was moved, against his will, to Waikeria Prison, where he has been housed in a segregated unit and, by all accounts, has settled well.
 - Presumably as a result of a reassessment following the Supreme Court decision in *Marino v Department of Corrections [2016] NZSC 52*, his sentence end date has been brought forward from 12 October 2022 to 12 June 2022, and
 - His RoC*RoI score has been re-assessed upwards, once again. The addendum report directed in the recent review decision says that it is properly 0.77612, although Mr Taylor was reluctant to accept that as an accurate figure.

Hearing

15. Because Mr Taylor had been moved to Waikeria Prison and because neither Ms Earl nor one of his supporters, (withheld), was able to travel to Waikeria that day, the hearing was held by audio visual link between the Parole Board in Wellington and the two prisons.
16. In the event, one of the Board members, Dr Skipworth, also linked in from Auckland Prison, because of concerns about traffic disruption in the wake of the anticipated cyclone Gita. Two of Mr Taylor's supporters, (withheld) and (withheld), attended at Waikeria.

Psychological Assessments

17. Prior to the hearing Mr Taylor was assessed by two psychologists – (withheld) for the Department and (withheld) for Mr Taylor. For reasons expressed in their reports, the writers reached different conclusions about Mr Taylor's current risk.
18. (withheld) concluded that he continues to pose a high risk of general re-offending and a moderate risk of violent offending.
19. She said, with regard to his RoC*RoI score, that the previous score of 0.678 appeared to be anomalous and that the current score (0.776) indicating Mr Taylor falls into the high risk category, was accurate for the purpose of her assessment, but that it too underestimates his static risk, as it does not take into account his nine convictions for offending in Australia between 1973 and 1975.
20. On the other hand, she acknowledged that he was "*making gradual progress towards increased awareness and management of relevant dynamic risk factors*" and had also made some positive gains in terms of both factor 1 (interpersonal and affective deficits) and factor 2 (lifestyle and behavioural deficits) scores on the Psychopathy Checklist: Screening Version (PCL:SV) test, although, significantly, from the Board's perspective, she concluded that he still

"remains just above the median score (on factor 1) for New Zealand offenders, which indicates a higher probability of committing serious violent offences within two years of release into the community compared to an equivalent norm group with lower scores".
21. (withheld) concluded that Mr Taylor poses a lower risk. She assessed his risk of general re-offending as moderate and his risk of violent offending as low.
22. Contrary to (withheld), she said that his overseas convictions would not increase his estimated static risk and as she does not consider that Mr Taylor "*characteristically demonstrates psychopathic personality traits such as superficial, glib, deceitful, lacking*

remorse and/or does not accept responsibility”, she does not regard the PCL:SV as helpful in assessing his risk and/or rehabilitative needs.

Mr Taylor’s Submissions

23. The submissions for Mr Taylor, as set out in correspondence and reports on the Board file, and expressed by his counsel, Ms Earl, at the hearing, and by Mr Taylor himself during questioning by panel members, can be summarised as follows:

- Mr Taylor is no longer interested in doing the STURP. He said it would not present a challenge for him. He now believes that the 27 individual sessions he had with [withheld] in 2014-2015 are all the treatment he needs in custody. He says that he has continued to apply the lessons learned in that intervention in his everyday life. In any event, he no longer believes that he would be suitable for the programme which, he says, is aimed at violent offenders; he says that despite his convictions for some violent crimes, he has never laid a hand on anybody. Nor does he fit the departmental criteria for entry into the programme, as he currently is, and intends to remain, on voluntary segregation. Finally, he asserts that the writers of both recent psychological assessment reports each say that no further prison-based treatment is recommended.
- He does not need the type of reintegration offered by the Department such as self-care, release to work and temporary releases to mitigate his risk. He believes that he has been tested in a variety of situations and over time. He says that that is demonstrated by the way that he has been able to work with difficult prisoners in the various units he has been housed in over the years. He has also mixed with a wide range of staff and he has done well since he has been at Waikeria Prison. He says the way in which he has been able to prepare legal cases and work with lawyers and the judiciary in presenting those cases in Court also attests to his flexibility and ability to deal with different situations at the highest level.
- He is prepared to accept all the release conditions proposed by Community Corrections and would comply with them.
- He has a strong release plan. This involves an initial release to PARS supported accommodation, followed by release to live with his sister in accommodation which she will source, once a release date is given. He now also proposes that his partner, who at the time of writing the parole assessment report was living in Canada and is now living with her father in (withheld), would join the household.

Discussion

24. The starting point for our consideration whether or not to grant Mr Taylor release on parole, was the treatment report prepared by (withheld), dated 27 July 2015.

25. The stated purpose of the treatment was to “*address responsivity issues and to develop an understanding of the potential long-term pathway for his treatment and rehabilitation*”. It is clear from (withheld)’s report that while Mr Taylor engaged well in sessions, gaining a greater understanding of his personality traits and how they affected his behaviour, the treatment was never seen as an end in itself. Rather, it was a precursor to his future attendance at a STURP programme.

26. (withheld) said:

“The writer supports the recommendation that Mr Taylor attends specialist treatment in a STURP programme as soon as practicable to build on the gains he has achieved in his individual treatment.”

27. The only obstacle to Mr Taylor’s attendance at the STURP, at that stage, was the Department’s view that he needed to accept a placement in a mainstream unit before moving to a STURP placement. Mr Taylor was not willing to sign off segregation, and, in High Court proceedings, challenged the Department’s decision to defer his acceptance onto the programme until he had done so, and was successful.

28. But, having won that battle, Mr Taylor has changed his stance. As noted above, he is no longer willing to undertake the programme, and the current psychological report-writers have stepped back from recommending it.

29. (withheld) said that:

“While Mr Taylor could benefit from engagement in the STURP, his current presentation would mean his engagement in such a programme would be compromised. Additionally, it is possible that some of Mr Taylor’s confronting personality traits, which have been moderated of late, may continue to pose barriers to his engagement in group or conversely could compromise engagement of other participants given his influential style of interactions. As such it is recommended that reconsideration be given to Mr Taylor’s engagement in individual psychological treatment. Individual treatment with a Departmental psychologist could focus on ways to address Mr Taylor’s assessed dynamic risk factors as well as his interpersonal functioning”.

30. (withheld) reached a similar conclusion. She said that:

“It is considered that a combination of intelligence, mature age phase, public notoriety, ability to self-reflect, research and access relevant information, and his demonstrated positive change since 2014 render Mr Taylor more likely to benefit from individual psychological treatment that

can support his transition into the community. His requirement to participate in the STURP is considered redundant”.

31. However, neither psychologist supported Mr Taylor’s immediate release.

32. (withheld) said that:

“Given that Mr Taylor has demonstrated positive progress in sustained behaviour change since at least 2015 and that his success within the legal field appears to satisfy what were his past drivers for crime, no offence-focused prison-based treatment is recommended. It is considered that the focus should currently be on reintegrative activities and strengthening his relapse prevention plan together with his circle of supporters”.

33. She recommended individual psychological treatment with a Department psychologist who could plan and engage with him in prison and provide continuity into the community, saying that:

“Mr Taylor’s defensive personality structure, dynamic risk factors and protective factors should be targeted and his relapse prevention plan reviewed and strengthened. Given Mr Taylor’s high profile within both Corrections and the public domain, psychological input could assist within multi-disciplinary release planning.

To adjust to living in his own supported apartment in the community, Mr Taylor would benefit from residing in a less structured and open prison environment such as self-care”.

34. She estimated three months in self-care would be sufficient followed by:

“release to PARS accommodation within a well-formulated and time limited release plan that is supported by both probation and prison services and Mr Taylor’s community supports”. And

“formal periodic progress monitoring and a multidisciplinary team approach ... to plan Mr Taylor’s reintegration”.

35. (withheld) envisaged a slower reintegration process. She said that:

“Given the length of Mr Taylor’s incarceration and the minimal time he has successfully spent in the community when previously on parole, ... Mr Taylor will likely require a graduated plan regarding future reintegration particularly as Mr Taylor has spent significant time in the highly restricted and structured maximum security environment at Auckland Prison. Thus it would be of benefit for Mr Taylor to be exposed to other environments with fewer restrictions, to assist with his transition into the community”.

36. While (withheld) acknowledged that Mr Taylor’s current release plan and support goes some way towards assisting his potential reintegration into the community, she noted that it has *“minimal focus on addressing dynamic risk factors and potential high risk situations”.*

37. Clearly, Mr Taylor is on the right path. However, we are far less confident than he is, about his current ability to remain safely in the community, even with the extensive and varied pro-social support available to him there.

38. Nor are we as ready as the previous Board to endorse his release plan, which lacks detail about his release addresses and, in our view, underestimates the challenges he will face on release, including his relationship with [withheld], which has not been tested.
39. In considering Mr Taylor's risk on release, we need to look carefully not only at his release plan, but also his criminal history, including the nature and number of crimes he has committed, his assessed risk, taking into account both static and dynamic risk factors, and the adequacy of the steps he has taken in custody to address that risk, the length of his current sentence, and the relatively recent period during which he has demonstrated change.
40. Mr Taylor is no different from any other prisoner, particularly one who has spent most of his adult life in custody, and in the most secure prison environment, at that. He needs to demonstrate change in a variety of situations and over time before the Board can be satisfied that his risk will be other than undue.
41. The Department has an obligation to assist in that process.
42. Section 5(1)(c) of the Corrections Act 2004 identifies one of the purposes of the Corrections system as:
- “assisting in the rehabilitation of offenders and their reintegration into the community, where appropriate, and so far as is reasonable and practicable in the circumstances and within the resources available, through the provision of programmes and other interventions”.*
43. Section 6(1)(h) of that Act is also relevant. It states that:
- “offenders must, so far as is reasonable and practicable in the circumstances within the resources available, be given access to activities that may contribute to their rehabilitation and reintegration into the community”.*
44. It is not for the Board to determine exactly how that happens. Our concern is that it does happen. As both psychologists have suggested, ideally the process will be subject to consideration by a multi-disciplinary committee involving not only professionals, but also Mr Taylor and his supporters.
45. In so far as there are differences between them, we prefer the recommendations of (withheld) to those of (withheld), which we think are unduly optimistic about the required intensity and duration of the necessary pre-release interventions
46. Bearing in mind that the STURP, which (withheld) recommended, involves over 300 hours of intensive psychological interventions, we support further events-focused prison-based psychological treatment, as part and parcel of a slow and careful transition to release. In our view, it will take a minimum of six months to complete the necessary rehabilitative

intervention. We also support Mr Taylor's engagement in the usual reintegrative activities, such as self-care and release to work. We believe a year of this type of testing would be necessary before there is a realistic possibility of safe release. Whether he chooses to avail himself of these opportunities it is a matter for him.

47. Mr Taylor disputed that he needed to spend more time in prison engaged in these activities. He said he could do them in the community. He said:

"Let's be realistic. I'm 61 years old, what am I going to do? I'm very well-known, as your honour and I'm sure the rest of the Board will accept. I've spent an enormous amount of effort cultivating and instilling a pro-social reputation, shall we say, and that's where my whole life's going to be. What do you think I'm going to do? What would be the worst I might do, and it would be very unlikely at my age and being so well-known and having invested enormous energy into the image I've created. What would it be?"

48. But Mr Taylor has fooled many people before. The Board needs to be satisfied that the "new me" is an enduring persona and that he can, in fact, deal appropriately with the challenges that will surely arise on release.

Decision

49. For the foregoing reasons parole is declined.
50. Mr Taylor's next hearing will be in August 2019, and before the end of that month, at the latest.
51. An updated psychological assessment report is required for that hearing, together with an updated release plan, with specific accommodation details.

Hon M A Frater
Panel Convenor