



JUDICIARY OF
ENGLAND AND WALES

REGINA v JOSEPH McCANN

Sentencing remarks of The Honourable Mr Justice Edis

Central Criminal Court

9th December 2019

The victim surcharge will be imposed in the appropriate sum.

I am not going to use names for the victims in these sentencing remarks so they can be published. I want the victims to know that I have each of them in mind as human beings with names and lives even though this document is depersonalised in their interests. Over the weekend I have read each of their victim personal statements more than once. Themes which have emerged are of battling against distressing memories, psychological damage, some genuine but irrational feelings of guilt, and in some cases a real sense of having been betrayed by society and the services which are designed to help the victims of serious crime. One thing a number of people have said is that the anonymity has not been much of a protection in this case, because there has been detailed reporting of their evidence and people who know them or of them have no difficulty identifying who they are. This is powerful material. It reinforces the determination of the court to make sure that Joseph McCann cannot do anything like this again.

Although the defendant has once again failed to appear either in person or by video-link, I will address these remarks to him as if he were here. I hope that he will read them.

Joseph McCann, you are very dangerous indeed to people who are weaker than you are. Among other things you are a coward, a violent bully and a paedophile. You will be dealt with as a dangerous offender, for the second time in your life.

“Coward” because you have been unable to face your accusers, and have chosen instead to hide in your cell, whining about the conditions in which you are being held.

I have a great deal of material about you. I know, in detail, how you behaved to each of your victims and what you said to them. That gives me an excellent insight into the kind of man you are. I know what was going through your mind when you committed these offences because of the clear and complete evidence from each of your victims about what you did to them and what you said to them (except one child who could not bring herself to say everything which had happened to her). I have also spoken briefly to you on the video-link and read a letter from you.

In this case your decision to contest the trial does not simply mean that the sentence cannot be reduced because of a plea of guilty. It tells me something about you. Your grip on reality is quite tenuous. Your instructions to your lawyers were utterly ridiculous. A fully rational person having committed these offences would have appreciated that the only possible course was to plead guilty in the face of overwhelming evidence.

You have never expressed a word of regret, concern for your victims or even interest in them. You are entirely obsessed with yourself, and believe that you are entitled to use other people in any way you want. In your world, other people exist only for your pleasure and you have no ability to see the world through anyone's eyes but your own. You are a classic psychopath. I do not think you will ever cease to be dangerous until old age deprives you of the strength to commit serious sexual offences. I have no medical evidence to confirm any of this because you would never co-operate with any medical examination. I do not need any.

“Violent bully” because of the violence you used against some of your victims, because of your past and because of the threats of death you made over and over again while you held vulnerable people your prisoner.

“Paedophile” because 4 of your victims were under 15 at the time when you held them prisoner, three girls and one boy. Of those, two were quite obviously children from their physical appearance and two others looked their age or a little older. You also told AH that you wanted her to help you abduct and rape a child and parked for a while outside a school so that you could do this. It was too early in the morning for any children to be about, but I have no doubt that you are a threat to children as well as to older girls and women.

This was a campaign of abduction and prolonged sexual abuse of your victims, of the most serious kind. There were eleven, and they range from 11 years old to 71 years old. The eleven year old is a boy, and your other victims were girls or women. Including him, 4 of your victims were children. Only four of these 11 were not actually subjected to sexual offences. One of those was tied up while you raped her children in the next room. Two others were children who had been abducted by you in a car so that you could rape them, but the police interrupted that plan, and were later able to arrest you. One managed to escape while you kidnapped her sister and quickly sounded the alarm.

Each of their stories is tragic. I hope that each will find a way to live through their ordeal and to future happiness. Although that is my hope, my expectation is that some, if not all of them, will never properly recover from what you did, and the psychological harm you have done will last for decades and may ruin their lives and those of the people who love them. Each of them possessed more courage than you do, and we must all hope that that courage will carry them through.

The 999 calls which were played to the jury and some of the body worn camera footage of first accounts given by victims within a very short time of their escape were traumatic. The 999 calls after the abduction of one victim in the street after her sister escaped to get help, and by another after she had jumped naked from a first floor window to get away from you were traumatic to listen to, and left no room for any doubt about the truth of what they later said. The body worn camera footage of LH and AH after they had been released was heart breaking. What was particularly moving was the terror that those who had escaped felt that they had abandoned people they loved to their fate. They wanted to know that they had done the right thing. They certainly had.

In 2008 you received the indeterminate sentence of Imprisonment for Public Protection. In 2018 you received 3 years imprisonment, but were not recalled to serve the IPP sentence. You were released very shortly before the commission of these 37 offences, 9 of which are charged as single offences but they include other offences of the same kind. He was subject to particular licence conditions because of his history of violent domestic abuse. These had no effect at all in restraining your behaviour.

SENTENCE

This was a campaign of rape, violence and abduction of a kind which I have never seen or heard of before. The guideline for rape says that sentences in excess of 20 years for campaigns of rape are appropriate, but quite properly contains no upper limit.

There is no mitigation.

The sentence on counts 9, 15, and 31 is 10 years imprisonment concurrently on each. The sentence on count 25 is 14 years imprisonment concurrently.

The other offences taken together and with the 4 offences for which I have imposed determinate sentences are all so serious that a life sentence is justified and therefore required for each of them. I therefore impose 33 life sentences on you.

I have carefully considered whether these cases require a whole life tariff, particularly in view of the 2008 indeterminate sentence. I have to bear in mind that my function is to impose the appropriate punishment on you, and that when that is served the Parole Board will be the body which protects the public. On what I know, I find it difficult to see how you can ever safely be released but that will be a decision for the Parole Board to make if you apply for parole after the expiry of your minimum term. Decades will have elapsed by that time, and it is perhaps just conceivable that there may be evidence that safe release is possible.

The minimum term which must be served before the Parole Board can even think about letting you out is, in each case, 30 years. Those sentences are of course concurrent. The 214 days spent in custody awaiting trial will count against that sentence. If that calculation is in error it can be corrected administratively.

That term is two thirds of a notional determinate sentence of 45 years, that being the part of the sentence specified under s82A of the Powers of the Criminal Courts Act 2000 having regard to the seriousness of all the offences taken together, your previous criminal offending and to the fact that if I had imposed an extended determinate sentence of 45 years, that would have been the effect of that order. I see no reason why the defendant should receive any benefit of any kind from the fact that I have imposed a more serious sentence than an extended determinate sentence.

POST SENTENCING REMARKS

I would like to add a few words of my own to those of the jury on Friday. The courage of all 11 of these victims has been very impressive. They gave evidence about extremely sensitive personal matters in a way which commanded great respect from everyone in court. I wish them all well in their futures, and I hope that things turn out for them as well as we all hope they will, rather than as we fear they might.

The evidence showed acts of physical courage by two victims in particular, which should be mentioned. AH hit McCann on the head with a bottle of vodka which distracted him so that she and another victim could run away.

LH in Haslingden jumped from a first floor window, while naked, to bring her ordeal to an end and to save her mother and brother.

Richard, Tom and Kai acted with great presence of mind to try to save their female friends from abduction, and when that did not work, to telephone for the police to get help for them.

Marcel Besliu, and Ionut-Catalin Batoaia bravely intervened physically to save AH and LH in Watford, as did Lisa Smith when she helped CB at Knutsford Service Station. They are all to be commended for their bravery.

This trial did not examine any investigative opportunities there may have been to arrest McCann before 5th May 2019 and I say nothing about that. I do wish to commend the very professional and thorough investigation which has now brought this man to justice.

The sentence of Imprisonment for Public Protection has been abolished now and I doubt if a life sentence would have been imposed on McCann in 2008 had that been the only indeterminate sentence available, as would now be the case. However, he was subject to such a sentence and he should not have been at liberty to commit these offences unless the Parole Board had recommended his release. The 3 years sentence imposed in January 2018 was ordered to run “concurrently with any recall”, but no such recall ever took place. It seems to me that there should be a systematic and independent investigation reporting in public into how the system failed to protect his victims from him. That does not need to re-traumatise the victims, who have given their accounts and have made their victim personal statements.

I would like to thank counsel and the lawyers on both sides for the proper and careful way in which they have discharged their duties in a case which was not easy for either side.

Finally, once again it is right to record my thanks to the jury. They applied themselves to an important public duty which they discharged with distinction.