

Wayne Couzens

Sentencing Remarks

Fulford LJ

30 September 2021 Central Criminal Court

1. A great deal has been said in court over the last two days, I emphasise wholly properly, about the devastating, tragic and wholly brutal circumstances of the death of Sarah Everard; additionally, many details as to her demise, along with abundant observations as to what it symbolises, have been publicized by reporters, commentators and many others. No doubt following the sentence that I am about to pass more will be said and written. Given the singular nature of this case, that is entirely unsurprising. But in and amongst the words and the voices, two things must not be forgotten during this sentencing exercise. First, the victim: who she was and what happened to her in early March. Her personal circumstances and the circumstances of her untimely death, coupled inevitably with the impact of what occurred on her family and those who were close to her, are a critical consideration. And, second, notwithstanding that vital factor, the sentence that I pass on the defendant must be just, in the all-important sense that the relevant statutory provisions are to be applied, along with the applicable case law and sentencing principles. To discharge my function faithfully, it is vital, therefore, that I focus solely on the factors that are properly relevant to determining the correct sentence, and nothing else.
2. The facts of this case, in all their painful detail, are essentially undisputed and they have been rehearsed most carefully and with great clarity by Mr Little Q.C., leading counsel for the Crown. It would serve no useful purpose for me to repeat at length what has already been said. Instead, I intend simply to highlight those aspects of what occurred that are in my view of particular relevance to the issue of sentence. First and foremost, Sarah Everard was a wholly blameless victim of a grotesquely executed series of offences that culminated in her death and the disposal of her body. She was 33 years of age and had been working in marketing since graduating from Durham University, and she was simply walking home mid-evening having visited a friend during the COVID pandemic. She was an intelligent, resourceful, talented and much-loved young woman, still in the early years of her life. I have not the slightest doubt that the defendant used his position as a police officer to coerce her on a wholly false pretext into the car he had hired for this purpose. It is most likely that he suggested to Sarah Everard that she had breached the restrictions on movement that were being enforced during that stage of the pandemic. Any explanation other than coercion fails to take into account her character and the evidence of the occupants of a passing vehicle who saw her being handcuffed. It is to be emphasised that the defendant was long used to exercising this kind of authority given he had previously been a member of the Kent Special Constabulary, moving to the Civil Nuclear Constabulary in 2011. He joined the Metropolitan Police in September 2018 and

since February 2020 he had worked for the Parliamentary and Diplomatic Protection Command, as an authorised Firearms Officer. He had participated in Covid patrols, to ensure that the regulations were enforced.

3. The evidence against the defendant, painstakingly compiled by the police, was essentially unanswerable. The compelling CCTV compilation, the product of 1800 hours of footage, along with the cell site evidence, revealed with absolute clarity the core essentials of what had occurred. By the time that exercise was complete, there was, in my view, no credible innocent explanation for the evidence gathered against him, and this is relevant to the issue of whether he has expressed genuine remorse or regret. Nonetheless, I need to stress that I have had regard to the defendant's guilty plea to all the charges as one of the mitigating features to be taken fully into account, along with his age (48), his hitherto good character and the fact that he is the father of two children.
4. The defendant spent at least a month travelling to London to research how best to commit these crimes (as the wholly unexplained visits to the capital on 23 January, 5 February and 14 February). The degree of preparation and the length of time over which it extended is to be stressed. He bought part of the wherewithal to handcuff his victim (a police standard issue handcuff key was purchased from Amazon on 10 February and was found in the front of the Seat), self-adhesive carpet protector film was purchased on 28 February and delivered on 1 March and 14 hair bands were purchased in a shop on 3 March at 8 pm. The protector film had been used but its precise purpose is unknown. The hairbands were either for use in order to maintain an erection or as a means of restraint. This has not been disputed. He hired a car on 28 February which he drove to London on 3 March. He had parked the Seat motorcar in Dover in an area where there were no houses close by, with the result that it was less likely than otherwise would have been the case that there would be witnesses to what occurred, including any signs of distress or resistance by Sarah Everard when she was transferred from the hire car to the Seat. He used, therefore, the hire car, as opposed to his own vehicle, to kidnap Sarah Everard. He took some of his police kit with him to London, clearly in my view for use in this offending. He lied to his family about working a night shift on 3 March and although he was in London that night, he avoided visiting the Parliamentary and Diplomatic Protection Command base in Lillie Road. Instead, he covered extensive distances in the capital, beyond doubt, as suggested by Mr Little, hunting a lone young female to kidnap and rape. It follows from this that the defendant had planned well in advance, in all its unspeakably grim detail, what was to occur and when he encountered Sarah Everard all that was missing up to that point was his victim.
5. He stopped and handcuffed Sarah Everard on the roadside, and as I have already emphasised, he used his position as a police officer to enable this to happen. Her state of mind and what she had to endure over a journey of 80 miles and during the final hours of her life, would have been as bleak and agonising as it is possible to imagine. Ultimately,

she was raped and strangled to death. The defendant would have needed to apply pressure to Sarah Everard's neck for more than two minutes in order to kill her. He took her to a remote area in the vicinity of the Sibertswold cell site, which was nonetheless close to roads which afforded easy access. It is unknown precisely where or when he raped Sarah Everard, although it was most likely to have occurred between midnight and quarter to one. He then drove around the Dover area. Although it is equally impossible to say precisely when or where she was killed, it is highly likely that Sarah Everard had been murdered before 2.34 am when he left the Seat and bought some soft drinks at the BP Dover South Services. The evidence tends to demonstrate that he used Velcro straps to restrain her, given the DNA analysis and where in the car they were found. His general movements in the early hours of the morning are known but precisely what he was doing at various stages, for instance when he travelled towards Ashford, is uncertain. At 8.14 am he bought a hot chocolate and Bakewell tart in Dover.

6. There can be no doubt as to the increasing sense of desperation on the part of Sarah Everard's family, her boyfriend and her other friends as it became increasingly clear that something untoward had happened to her. Their lives will have been irredeemably blighted by the defendant's crimes. Her parents and her sister Katie read their victim personal statements with great dignity. Along with the other statements which Mr Little summarised in court, they starkly and movingly revealed the true human consequences of this warped, selfish and brutal offending, which was both sexual and homicidal.
7. The defendant put considerable effort into trying to avoid detection, both before and after these offences. He took Sarah Everard's mobile telephone from her and removed the Sim card. He later disposed of the handset, driving a considerable distance to Sandwich on 4 March, simply to throw it in the river before immediately returning home, arriving at a time which would coincide with him having been on a normal night shift. He acted at home and elsewhere entirely as normal, as evidenced by such prosaic details as booking dental appointments for his children. During the morning of 5 March, the defendant purchased petrol in a plastic container and burnt Sarah Everard's body, along with her possessions and clothing, which had been placed in an abandoned refrigerator in Hoads Wood in Kent. At about the same time he again purchased food and drink for himself, and it was at about this juncture that he calmly organised an appointment by telephone at a local veterinary practice for the family dog (the entire contents of the telephone call were played during Mr Little's opening). Later during 5 March, he moved Sarah Everard's body to a pond that was close by in Hoads Wood, where she was eventually discovered, having used two bags purchased from B & Q in order to transport her remains. On Saturday 6 March, the defendant invented an excuse in an email to his supervisor to avoid further firearms duties and to remain away from work.
8. Within 3 days of the murder the defendant took his family on a trip to the woods, close by to where he had deposited, burnt, moved and hid the body of Sarah Everard, allowing

his children to play in that area. In due course he cleaned the exterior of his Seat motorcar.

9. He lied when arrested, and initially ran an entirely false account in which he pretended that for two or three weeks he had been acting under the coercion of a gang from one of the Balkan countries who compelled him to abduct girls who he then handed over. He suggested he had delivered Sarah Everard, who was alive, to the gang. With apparent sincerity, the defendant gave the interviewing police officers a wholly false story in which he claimed he was a victim of threats which made him concerned for his family's safety. His account on this issue was highly detailed and it was a complete fiction. CCTV checks rapidly demonstrated he had lied throughout his account to the police. He attempted to erase any records from his telephone by way of a factory reset shortly before the police arrived. He falsely claimed he would do anything he could to help to secure Sarah Everard's release from the gang.

10. There are five principal issues that I need to resolve. First, was the defendant suffering from a mild depressive disorder at the time of these offences? Second, if so, what relevance is the diagnosis? Third, even though not relied on by the prosecution or the defence what is the significance, if any, of the account the defendant gave to the psychiatrist, Dr Latham? Fourth, did the defendant intend to kill Sarah Everard from the outset? Fifth, what are to be the terms of the life sentence that inevitably must be imposed?

11. In considering those questions, Mr Sturman QC on behalf of the defendant, for whose restrained and focussed submissions I am grateful, reminds the court that it is undisputed that the appellant had been suffering from a depressive illness, the symptoms of which he has not tried to exaggerate. Mr Sturman urges the court to conclude that the defendant did not depart for London intending to kill his victim and that this intention was formed later. It is suggested, furthermore, that he has done all he is able to demonstrate his contrition. As to question five, Mr Sturman submits that a whole life tariff is an unusual, indeed exceptional form of sentence, that needs to be carefully and unambiguously justified, in that a borderline case should always be met with a determinate term. The importance of the defendant's guilty plea has been properly stressed. Mr Sturman emphasises the ease with which other accused might have advanced wholly false allegations as part of a defence, some of which might have involved slurs on the character and reputation of the deceased. All of that has been avoided by his acceptance of his guilt. He has no prior previous convictions and some of his colleagues have spoken supportively of him. It is particularly stressed that insofar as counsel's extensive researches indicate, there has never been a whole life term which does not come within the categories set out expressly in the relevant provisions. In all the circumstances, whilst it is accepted that the tariff

period will be in well in excess of 30 years, the court is urged not to impose a whole life order.

12. The first question is relatively easy to answer. Dr Latham not only spoke to the defendant but also to his wife, who described the defendant's concerns over problems he was experiencing with his life, and particularly his financial difficulties. He suffered from lack of sleep and, on occasion, bad tinnitus. It seems likely that even though there is no documented history of depression or anxiety in Mr Couzen's medical records, he may have suffered from episodes of mild depression. However, as Dr Latham has observed – and this goes to answer the second question – there is no link between the depression and these offences. At most, this diagnosis is simply part of the overall picture of the factors that contribute to an understanding of the kidnapping, rape and murder.
13. As to the third question, the significance of the account given by the defendant to Dr Latham, I accept this is not a verbatim account of what the defendant said, and it is only a summary for the purposes of the psychiatrist's consideration of the defendant's mental state. Nonetheless, it is revealing and wholly implausible. He suggested he merely rented a car because he had problems with his own vehicle. There is no evidence of this suggested difficulty with the Seat and this explanation cannot survive the sequence of events prior to the defendant's departure for London and following his return with Sarah Everard, and particularly the manoeuvring of the vehicles. I have no doubt that the defendant wished to use a motor car that was credible as a police vehicle, given the Seat was extremely untidy and given its appearance it was wholly improbable that it would have been used by a police officer on duty. Indeed, it was in such a poor state that it may well have alerted his victim that something was amiss with her purported arrest. He also is likely to have wanted to avoid his own car being identified as having been in the relevant area when he kidnapped his victim. The defendant described to Dr Latham having driven around in confusion, but this is entirely at odds with the precise and careful preparatory steps which he had taken for these offences, along with the lengths he went to in the hope of avoiding detection. These I have already described, and they included lying to his family and purchasing the items I have set out, along with the various steps he took following the killing. The vague state of mind that he suggested to Dr Latham is fatally contradicted his proven calculated behaviour over the entire period, including buying food and drink, organising vet and dental appointments, and coolly taking his family on an outing very close to where he had left Sarah Everard's body. I emphasise that during the lengthy process of booking the appointment with the Vet, the defendant sound controlled and normal. This is relevant to the issue of whether the defendant has at any stage expressed any genuine contrition. Notwithstanding his guilty pleas for which he is entitled to the appropriate full credit as a mitigating factor, in my view the defendant has throughout sought to minimise his true responsibility for what occurred, something he had done from the moment he first spoke to the police and lied about the Balkan people-trafficking gang. At no stage has he offered any kind of full explanation as to what occurred.

14. As to the fourth question – did the defendant intend from the outset to murder Sarah Everard? – this is a difficult issue. On the one hand, it is almost inconceivable that the defendant did not realise that he would not be able to allow his victim to live, given he had posed as a police officer, a revelation which would have greatly narrowed the range of potential suspects. He had made no attempt, moreover, to disguise himself or to prevent Sarah Everard from seeing the registration numbers or the make and models of both motorcars. She would have been able to describe the locations to where she had been driven, having seen the town and street signs en route. His identification based on information from Sarah Everard was inevitable. On the other hand, he did not purchase the petrol until after the murder. I have concluded that given the planning and the thought that went into the kidnapping and rape of his victim, the defendant must have realised that he may well need to kill the woman he intended to abduct and rape, but this did not become a definite outcome until the events had started to unfold and he had got the measure, as it were, of the person he had attacked.
15. The fifth question is the most difficult. The prosecution submits that this case of murder (and the associated offences of kidnap and rape) is one of such exceptional seriousness that it justifies the imposition of a whole life order in accordance with paragraph 2 of Schedule 21 of the Sentencing Act 2020 because it was committed by a serving police constable when acting as if on duty, and there are particular aggravating features, to which I will turn in a moment.
16. By statute, cases that have a starting point of a whole life order are those when the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is exceptionally high. Paragraph 2(2) of the Schedule provides a list of cases that would normally fall in this category, namely those, first, involving the murder of two or more persons, where each murder involves a substantial degree of premeditation or planning, the abduction of the victim, or sexual or sadistic conduct; second, the murder of a child if involving the abduction of the child or sexual or sadistic motivation; third, the murder of a police officer or prison officer in the course of his or her duty; fourth, a murder done for the purpose of advancing a political, religious, racial or ideological cause, or, fifth, a murder by an offender previously convicted of murder. It is clear from the language of the schedule that this is not a closed list of cases. The use of the words “cases that would normally fall” into this category makes this clear.
17. The decisions of the Court of Appeal reveal that even when a mandatory life sentence is required, a whole life order is very rarely made. Such a sentence is reserved for the few exceptionally serious offences in which, after reflecting on all the features of aggravation and mitigation, the judge is satisfied that the element of just punishment and retribution requires the imposition of a whole life order. Nothing less will suffice.

18. The Schedule clearly has the objective of identifying the types or categories of cases which, as a matter of principle, are in themselves so serious that a whole life order ought to be the starting point. I anticipate that only very rarely will situations arise which merit this starting point but which were not included in paragraph 2(2). But the legislators would not have been able to describe every situation that might arise when an offender palpably needs to be treated in the same way as those expressly included in paragraph 2(2). I would stress, therefore, that I have adopted the approach that a judge should only pass a whole life term in a case such as the present if he or she is confronted with a new category of exceptionally serious case that plainly calls to be treated in this way and the decision is, therefore, not a borderline one. Otherwise, a lengthy minimum term will suffice.

19. The most important question in this sentencing exercise, therefore, revolves around a question of principle: if a police officer uses his office to kidnap, rape and murder a victim, is the seriousness of the offence exceptionally high, such that it ought to be treated in the same way as the other examples set out in paragraph 2(2). In my judgment the police are in a unique position, which is essentially different from any other public servants. They have powers of coercion and control that are in an exceptional category. In this country it is expected that the police will act in the public interest; indeed, the authority of the police is to a truly significant extent dependent on the public's consent, and the power of officers to detain, arrest and otherwise control important aspects of our lives is only effective because of the critical trust that we repose in the constabulary, that they will act lawfully and in the best interests of society. If that is undermined, one of the enduring safeguards of law and order in this country is inevitably jeopardised. In my judgment, the misuse of a police officer's role such as occurred in this case in order to kidnap, rape and murder a lone victim is of equal seriousness as a murder carried out for the purpose of advancing a political, religious, racial or ideological cause. All of these situations attack different aspects of the fundamental underpinnings of our democratic way of life. It is this vital factor which in my view makes the seriousness of this case exceptionally high. Self-evidently, it would need for the police officer to have used his role as a constable in a critical way to facilitate the commission of the offence; if his professional occupation was of little or no relevance to the offending, then these considerations clearly would not apply.

20. Added to this, the aggravating features in the case are extensive. As I have already rehearsed, there was significant planning and premeditation; the victim was abducted; there was the most serious sexual conduct; the defendant was responsible for significant mental and physical suffering which he inflicted on the victim before her death; and the defendant concealed and attempted to destroy Sarah Everard's body. There is no doubt but that these three offences are inextricably linked and in considering the correct

sentence for murder I have taken into account the kidnapping and the rape, in order to pass a single sentence.

21. I have borne in mind the fact that the defendant pleaded guilty in deciding whether it is appropriate to make a whole life order. This has saved the Everard family and Sarah Everard's friends from enduring a trial. That said, having determined, as I have, that there should be a whole life order, given the misuse of the defendant's role as a police officer and the serious aggravating features, self-evidently there can be no reduction for the defendant's guilty pleas.
22. Will the defendant please stand.
23. Wayne Couzens, you kidnapped, raped and murdered Sarah Everard, having long planned a violent sexual assault on a yet-to-be-selected victim who you intended to coerce into your custody. You have irretrievably damaged the lives of Sarah Everard's family and friends, in the ways to which I have, at least in part, referred. Mrs Everard devastatingly referred to how the wider world has now lost its appeal for her and, I would add, no doubt for many others who cared for your victim, and Sarah Everard's sister referred to the inescapable reality of the many lives you have ruined. You have eroded the confidence that the public are entitled to have in the police forces of England and Wales. It is critical that every subject in this country can trust police officers when they encounter them and submit to their authority, which they are entitled to believe is being exercised in good faith. You have utterly betrayed your family. Your wife and children, who on all the evidence, are entirely blameless will have to live with the ignominy of your dreadful crimes for the rest of their lives. You have very considerably added to the sense of insecurity that many have living in our cities, perhaps particularly women, when travelling by themselves and especially at night. During the period before your arrest, there was never a moment when you gave the slightest indication of regret, following perhaps the realisation of the enormity of the dreadful crimes you had committed. Instead, you simultaneously attended to the inconsequential details of family life whilst grimly covering your tracks, with all the appearance of a man acting with quiet and unconcerned determination. The substantial CCTV footage and similar material does not give the slightest hint of someone in trauma, who has started to have second thoughts in the cold light of day about what they have done. Notwithstanding your guilty pleas, therefore, I have seen no evidence of genuine contrition on your part as opposed to evident self-pity and attempts by you to avoid or minimise the proper consequences of what you have done.
24. Those consequences are that on the count of murder you will be imprisoned for life and the tariff is a whole life order. I have taken into account the offences of kidnapping and rape in reaching that decision and on those counts I impose no separate penalty.
25. Take him down.

26. There are three tributes which I wish to pay. First, I have received the most exceptional assistance from counsel and solicitors on both sides. This has been a case of real legal and tactical difficulty, and the cooperation of the legal profession has been second to none. Mr Little and Mr Sturman particularly have my thanks, along with their juniors.
27. Second, this has been the most impressive police investigation that I have encountered in the 30 years I have been sitting as a part-time and full-time judge. The speed with which the evidence leading to the arrest of the defendant was secured is highly notable, as has been the painstaking reconstruction of these events using electronic material along with more old-fashioned methods of policing. It cannot be suggested in my view that the Metropolitan Police, even for a moment, attempted to close ranks to protect one of their own. Instead, remorselessly, efficiently and impartially the investigating officers followed all the available leads, resulting in an overwhelming case against the accused. Meriting particular mention are Detective Chief Inspector Catherine Goodwin, Detective Kim Martin and Acting Detective Inspector Lee Tullett. Mr Tullett has been a key figure in the investigation and the preparation of this case, going well beyond what could properly be expected of any police officer, and his role deserves high commendation.
28. Third, ensuring that this hearing ran smoothly has been no small feat given the number of people to be accommodated in court and via CVP, along with the lingering logistical difficulties posed by the COVID pandemic. The staff at this court have ensured that everything has gone exactly to plan, and I want to acknowledge the incredible hard work and careful thought that has enabled the procedures over last two days to appear so deceptively effortless.