



# What are whole life orders? The Sarah Everard case

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## TRANSCRIPT

Hi everyone. I am Dr Laura Lammasniemi. I specialise in Criminal Law and today I want to talk to you about sentencing and in particular I want to talk to you about whole-life orders, or sometimes what they call whole life tariffs. You would have probably seen this word 'whole-life order' or 'whole life tariff' mentioned recently in the news, or maybe in social media. There has been a lot of talk about these orders lately after a man called Wayne Couzens was convicted for the murder of a young woman called Sarah Everard.

I want to give a content warning here. I won't talk too much about the details of the case but the case itself is distressing so there might be some aspects of this talk that you might find difficult.

Earlier this year, Wayne Couzens abducted a woman called Sarah Everard as she was walking home later in the evening. He was a serving police officer, and he used his position as a police officer to stop and to "arrest", so called "arrest" her and to detain her, citing she had breached COVID regulations. He then took her out of London to his residence where he raped her and later murdered her, and then disposed of her body.

There was not a trial for him as such because he pleaded guilty before the trial would have taken place. When he was sentenced for this murder, he was given a whole life order. A whole life order means that this person will never be released but rather they will die in prison.

In this short talk, I want to talk about whole life orders and why they are so exceptional. There are just over 60 people in prison at the moment across the UK who are serving a whole life order. This is a small, tiny, fraction of the overall prison population, the overall prison population in the UK is over 80,000 people. So, these 60 form a very small part of that overall population.

The crimes these people have committed are considered to be the worst crimes imaginable.

People who have been given these whole life orders in the past include people like serial killers like Peter Sutcliffe and Myra Hindley, and it also includes people who have committed lethal terror offences, people like Thomas Mair who murdered the MP Jo Cox. The threshold for the whole life tariff is exceptionally high.

Sentencing here comes under the second paragraph of Schedule 21 of the Sentencing Act 2020. That second paragraph provides a list of circumstances that would normally fall into this category where the judges should begin thinking about sentencing from a whole life order perspective. These would be things like there is murder of two or more people, or when a murder sexual or sadistic motivation, or if it's the murder of a child with abduction

or sexual motivation, or there are murders done to advance political or ideological causes. In other words, these murders are exceptional in terms of the level of brutality that they would be involved, or because they are done for a particular motivation.

However, many cases that do have some of these characteristics or fall into this category, they do not necessarily result in a whole life order after the judge has reflected on mitigating factors and aggravating factors that are relevant to that particular case. Whole life orders are very rarely imposed, and this is only when the judge is satisfied that the element of just punishment and retribution requires the imposition of a whole life order.

So why was it then that Wayne Couzens was given this particular sentence?

The prosecution argued in this case that a whole life order should be imposed because the crime was committed by a serving police constable when acting as if he was on duty, and the judge accepted this.

In his sentencing remarks, the judge recognised how serious it was for a police officer to abuse their position in this manner, and the impact that this had, not only on this case, but to the society at large. The judge said that police is in a unique position because they have these powers of coercion and control that no one else has in the society. It is essential that the public trusts the police, and the public consents to being policed. The judge said that here it was clear that Couzens's actions, that they had eroded public confidence in police. Both his actions and their aftermath in some ways they were watershed moments in the way that people were thinking about the police and their relationship with the police when it comes to violence against women and girls. The very heavy-handed policing of the vigils that were held in Sarah's memory tarnished the reputation of the police further. As did the news that Couzens had been part of quite sexist and misogynistic WhatsApp groups with his colleagues and that there were early allegations against him for sexual misconduct that were never investigated.

The fact that he was a serving police officer, this was of great legal and social significance. Using his role as a police officer to kidnap, to rape and to murder Sarah Everard, the judge said that his actions here, they could be equated to those who murdered to advance political or ideological causes. So, he fell into that second's paragraph meaning. His actions, the judge said, attacked the underpinnings of our democratic society. So here, the judge was satisfied that he met the criteria, and that nothing short of a life order would suffice.

There was something about the disappearance of Sarah Everard that genuinely shook the nation. It was an exceptional case by all accounts. Perhaps unusually, in this case, the judge recognised the media frenzy around the case from the start. But he also recognised the personal and very real impact this case had to many people who did not know her personally.

In his closing paragraph, the judge says something in the lines of that Couzens had considerably added to that sense of fear and insecurity that women in particular had when they were travelling alone. Tens of thousands, if not hundreds of thousands of women had conversations, some for the first time, about personal safety, about their fears, and terrible experiences that they might have had in the past. This outpouring of emotions from rage to care, it was everywhere in the public. So, the judge recognising the pain and fear that Everard's abduction triggered across the county, this was important too. This of course wasn't the main reason, or even a reason why Couzens got a whole life order. But

the case and the reaction to it, this goes some way to explain how extraordinary this case was, and also how extraordinary whole life orders are altogether.

If you want to know more about the case, I have given you links to the Judge's sentencing remarks. I have also given you a link to another blog by Prof Jill Marshall who talks about the social context of this killing and social context of violence against women more broadly.

That's the end of my talk. Thank you for listening.