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One Woman's Struggle for Justice

Interview with Marie McCourt

Marie McCourt is mother of Helen McCourt, who was murdered in 1988. She has supported and campaigned on behalf of families of murder victims. She is interviewed by Dr. Jamie Bennett, a Deputy Director in HMPPS.

Marie McCourt is the mother of Helen McCourt, who disappeared on 09 February 1988. Although Helen was never found, a local man was convicted of her murder based upon overwhelming forensic evidence. For over 30 years, Marie has searched for her daughter, hoping to lay her to rest. The man who murdered her has refused to disclose what happened or where Helen is.

The search for Helen has been painful and frustrating. There have been financial and legal hurdles, many false leads, and hours of research as well as physically searching fields, mines, waterways, and woods. Marie has described that at times: 'those searches were to become a focal point of my life, a purpose for getting up each morning, a reason to keep going'. The searching and grief were intertwined so that: '...the searching was almost like a therapy'².

Marie has also become a champion of criminal justice reform. Through her work with Support after Murder and Manslaughter Merseyside (SAMM Merseyside), Marie has supported other parents who have lost their loved ones including those who, like her, have not been able to lay them to rest. She has campaigned for better support for families, through media, litigation and lobbying. Most recently she has campaigned for 'Helen's Law', to ensure that those who refuse to disclose the whereabouts of their victims are refused parole. This campaign culminated in the Prisoners (Disclosure of Information About Victims) Act, given Royal Assent in November 2020. This Act places a legal duty on the Parole Board to consider the anguish caused by murderers who refuse to disclose the location of a victim's body when considering them for release. The law also applies to paedophiles who make indecent images of children but do not identify their victims.

When the law was passed, Justice Secretary and Lord Chancellor Rt Hon Robert Buckland QC MP said³:

'Denying families a chance to lay their loved ones to rest is a cruelty beyond words, compounding their grief further. Helen's Law makes it absolutely clear that murderers and evil sexual offenders who refuse to disclose information about their victims should expect

to face longer behind bars. Thanks to the tireless efforts of Marie McCourt and other campaigners more families should get the answers and closure they deserve.'

Marie herself has been clear that her campaign is not motivated by vengeance, but by compassion for the family members of those who have been murdered. She has said:

*'I am not a vindictive woman. My aim was never to see killers locked up and the keys thrown away. It was only ever about highlighting a cruel injustice and ending this cruel torture that has been inflicted on families for too long.'*⁴

Marie has told her own story in the moving and compelling book, *Justice for Helen*⁵, written with journalist Fiona Duffy. Fiona has been a supporter and friend of Marie for over 20 years and has played a critical role in the campaign for Helen's Law.

This interview took place in June 2021.

JB: Over many years you have been both helped by Support after Murder and Manslaughter Merseyside (SAMM Merseyside) and you have helped others through your work with them. Could you describe the work of SAMM Merseyside and why it is so vital?

MM: SAMM Merseyside provide an all-encompassing to support and advise all those affected by a homicide offering an all-inclusive service that gives both emotional and practical support enabling them to rebuild their lives. This covers many elements from using the personal experience of our volunteers and liaising with the many agencies and organisations that victims' families meet following their tragic loss. This support and advice service is vital as we want all secondary victims to move forward with their lives and not become a further 'victim' of the perpetrator

JB: Police and other parts of the criminal justice system have developed their victim

1. McCourt, M. with Duffy, F. (2021). *Justice for Helen*. London: John Blake. p. 98
2. McCourt with Duffy (2021) see n.1 p.158
3. See <https://www.gov.uk/government/news/helen-s-law-receives-royal-assent>
4. McCourt with Duffy (2021) see n.1 p.365
5. McCourt with Duffy (2021) see n.1

support services over recent decades. What support has been offered to you through the police and other services? What did you want from the criminal justice system and were they able to provide this?

MM: When I lost Helen there was no victim support service for families. The police Family Liaison Officer (FLO) was also non-existent. I was given two officers, one an officer close to retirement and the other a female who had been seconded to the Criminal Investigations Division. This officer realised the shortcomings of her role and went on to start FLO training for the police. The services offered to me at the time, which I now realise, were practically zero. I had no idea what I wanted or what perhaps were on offer. I have often described feeling 'like a child' being told what I could or not do. Because of this I had no expectations what could be provided.

Similar to the police officer, I realised these short-comings, and after I joined SAMM Merseyside set about highlighting them with the various agencies, by contacting them and also running training sessions for their staff.

JB: During your long search for Helen, have the police or other state organisations had a role? What are the responsibilities of the state to continue to search in these circumstances?

MM: During the time immediately after the murder family members assisted the police in their searches. When the police ceased their searching, which we acknowledged would happen; family and friends continued searching for many years. We still follow up any clue or evidence that may come to light even after all this time. For some time we had the presence of a police officer just in case we discovered anything. The police were very supportive of our efforts and would follow up positive samples we may have found.

As a family we appreciate the fact that there cannot be a continued search even in these cases. What should be in place is that similar families should have access to an FLO throughout the years, so if any information surfaces they have a contact point with the police. With the work I have undertaken with the

group, I have come across cases where the families do not have a direct contact and are left going from pillar to post to find the right person for contact and information. Other forms of support should be available if required.

JB: You have described that too often, the victims of crime or their families are 'Out of sight, out of mind'⁶. How do you think the criminal justice system, including people working in prisons might better understand the experiences of this group of people?

MM: The remark is aimed at what we feel many families are directed to when there is a parole hearing. We feel that there is almost a 'directive' to dissuade families from attending these hearings in person. They have had advice that they are very emotional and could be mentally and physically overwhelming and either directed to a video link or just putting their Personal Statements

To attend hearings in prison is an ordeal but one that many families undertake on behalf of their loved one. Hearings that I have attended either for my own case or supporting other families have been very educational. All have been completely different with the hearing facilities normally very poor, small crowded rooms, and the reception and progress through

the prisons normally poor.

These can be greatly improved and the experience lessened with a smoother progress in the practicalities. Also the way people interact, should be with the thought that we are individuals who have suffered such a traumatic loss and the hearings open old 'wounds' for us.

I still have some doubts on the Secretary of State's representative at these hearings. Are they strong enough with their input? What powers do they have? Can they make a change during the hearings? And how long are they in attendance at the hearings?

The consultation that is currently taking place regarding hearings will hopefully improve them as they may be held in proper courts, in public.

JB: The man who murdered your daughter was granted parole prior to Helen's Law being enacted. Was there consideration of the fact that he had not disclosed the whereabouts of Helen?

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6. McCourt with Duffy (2021) see n.1 p.260

MM: The offender as you say did not come under Helen's Law. From the information that I have received, I am only allowed to stay to read my statement then leave, he was not questioned rigorously and was only subjected to what has been described as 'a feather-dusting' examination of his refusal to disclose where my daughter's remains are.

The written reasons do not appear to consider non-disclosure, but in the hearings decision they note that 'there is no doubt that [this man] murdered Helen McCourt but he has invested in himself that he is an innocent man so therefore will never tell Mrs McCourt where her daughter is and therefore there is no prospect of [him] ever disclosing the whereabouts of his victim even if he were to die in prison'.

The questioning under Helen's Law has to be strong and direct to obtain the information that I, and other families, desire.

On this basis they ordered his release.

JB: Since this time, guidance has been produced on how the parole board should consider cases where the person convicted does not disclose the whereabouts of the victims remains.. What kind of questions would you want to see put in a Parole Board or by the Secretary of State's representative at a parole hearing?

MM: Three questions I would like to be put are:

Why have you consistently and continually refused to reveal the location of your victims remains?

Are you aware of the implications of your actions on the victim's family?

Are you willing to meet with police, or a forensic psychologist, to discuss the matter with a view to providing information for the family?

JB: You have described how you have approached legal hearings, including parole, saying, 'At least if you're in the room you can make an impact: walk in with dignity, place a photo of your loved one on the table, and make sure judges hear every single painful word'⁷. Some people would argue that legal processes should be objective and dispassionate. Why would you argue that it is important for people making such decisions to understand the people affected and their experiences?

MM: I would agree that there are many within legal process are purely objective and dispassionate as it may be 'just another job' when the file arrives on their desk.

To a victim's relatives this is completely different. They are not just discussing an item of evidence this was a living, feeling person who came into their lives and taken from them in an act of violence. Those hearing the Personal Statements should feel the loss that this means as families show what this victim means to them and the affect of the loss. It is possibly the last chance that they have to explain their loss and their emotions which hearings should be aware of to illustrate how the perpetrator has changed them with their actions.

JB: You have discussed the approach that people in the criminal justice system take, including judges, psychologists, prison staff. You have said, 'If I can urge one thing from my story, it is this: be kind and be fair. Show a little empathy'⁸. Have you experienced this from people in the criminal justice system, what difference has this made to you?

MM: Over the years there have been improvements in approaches from certain sections within the criminal system. This especially within the CPS who now have a completely different

approach to families and witnesses which helps them as they travel through the Legal System. The Police with fully trained FLO's also given a more understanding service as following their training understand the affect on families that the offence has on families.

While petitioning for Helen's Law I found that politicians from both House of Parliament and individual Ministers always gave me not only huge support but with empathy and understanding.

JB: You have tirelessly campaigned for changes to the law. You have engaged with the media, for example televisions and print. You have had mixed experiences of this. Fiona Duffy has clearly been a close supporter and helped you to communicate with the media. There have, however, been negative experiences. In your book you describe news stories that uncritically presented unfounded claims by the man who murdered your daughter. What have you learned about the media and how to engage with them?

7. McCourt with Duffy (2021) see n.1 p.260

8. McCourt with Duffy (2021) see n.1 p.237

MM: The media can be both good and bad. At times they only appear to be looking for the sensational by line so that it may appeal to someone buying it. I have had meetings with editors when there have been negative articles not only on Helen but other cases from families. Excuses have been made such as the sub-editor who developed the headline could be the reason. These meetings are too late as the paper has already been published but always leave with the hope that the message has got through.

I have always been of the opinion to engage with the media as if you don't they possibly will go elsewhere for facts that are not always correct and can upset families. This policy has enabled me to get the correct facts out and keep the publicity re the case in the public eye as I needed as much of this as possible with the hope that Helen could be found.

JB: As part of your campaign for Helen's Law, you turned to social media, particularly from 2016. How has social media changed how you campaign and the impact of your work?

MM: This has been extremely important. I was completely uneducated on this but had to learn quickly with the help of family and friends. Facebook has been time consuming but worthwhile as I was able to keep numerous individuals up to date on the case and my petition with the added use of Twitter and WhatsApp.

With raising the online petition I was able to gain some 760,000 supporters. These numbers could never be obtained with the 'sign the petition' clipboard and has been a huge help in me making the changes that I have.

Social Media can be a dangerous 'tool' and can be used in a damaging, offensive way but without it I do not believe that I obtained the changes that I did.

JB: Your campaign has been supported by influential people, including your local member of parliament. How significant is the support of powerful and connected individuals in gaining support for change?

MM: Yes it was advantageous to have powerful and influential individuals connected to the cause. The petition was picked up by my MP, Conor McGinn, following a meeting with him and he initially introduced it to Parliament. From there the support

with petitioning and contacting other MP'S and Ministers gained strength despite numerous setbacks with General Elections, Brexit, changes of Party Leaders etc.

The influence of the more powerful individuals was significant but this was gained through my persistence with the petition which gained more and more publicity as time went on.

JB: Litigation has been one of your strategies for seeking change and challenging decisions. Has this been effective? How do people, such as yourself, fund such action?

MM: Since we had Helen taken from us we have funded everything ourselves from searches, travel, meetings and many other expenses which we never considered the total but just went ahead with the.

The example of the Judicial Review is an example of what the ordinary family could not afford including ourselves. Thankfully we were introduced to a Barrister in Chambers in London who offered to work on a Pro-Bono basis. At our initial meeting they made us aware that there could be costs if the other side won. It was then we raised the GoFundMe page to raise funds for this. When the JR was going to the High Court the opposition were talking of costs of 78k.

This figure was some 38k more than was in the fund. After much heart searching we decide to continue with the case. We lost the JR but luckily the lead Barrister had managed to get the opposition to agree to only take the fund total.

I cannot see any family such as ours being able to mount challenges through the courts as the costs are so huge.

JB: You didn't have prior experience of politics, the media and criminal justice system. How have you managed to navigate these environments? Many people find these overwhelming or intimidating places. What was it like for you personally to find yourself in these worlds?

MM: As I have mentioned in the book I was just an ordinary Mum. From somehow I gained a strength that even now I wonder from where. Yes at times it was intimidating but I was meeting these individuals as the mother of a murdered daughter who wanted to make changes for other families. I quickly learned from one

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meeting to next how to get my case over and many of these powerful people are now friends.

JB: In your book, several times you emphasise that your campaign is not motivated by malice or revenge, but instead by your concern is for the injustice for the pain inflicted upon families. Why have you felt the need to state this? Have you faced the assumption that you, or other families, are driven by vengeance?

MM: The remarks re malice or revenge were made, even on several occasions, as I have encountered the remarks that not only myself but others who have had some murdered are looking for revenge with such remarks as 'throw away the keys' or 'hang them high'.

The greater majority of members of the support group also are not looking for this ultimate action. Sentences with a decent tariff are more welcome. Many people who I have met with do not understand of my aims to reduce the pain on families. What good would it be to have the offender executed when they are the only ones with the answers that I, and others, need..

Many times in interviews, articles etc. I have addressed this possible assumption as I have found that many do assume that we are all out for vengeance.

All we want is our loved ones remains returned to us, to lay them to rest in a fit and proper way that everyone has the right to and the perpetrator has taken that away from us. They continue to have control over us by not revealing this information.

JB: You say in the book that had the man who murdered Helen '...confessed and made attempts to put things right — by revealing where my daughter was and saying sorry for taking her life — I could have learned to accept what happened, forgiven even⁹. There are examples, such as Ray and Vi Donovan¹⁰ or Jo Berry¹¹, where people have been able to meet those who murdered their loved ones and this has been a painful but ultimately positive experience. Although clearly

not possible in your case, do you see a role for this kind of restorative justice?

MM: I have been aware of the Restorative Justice through my work with the group. It has had both a positive and negative outcomes. There have been families who have attended them who have come away that felt that the offender was only going through the system to possibly get some recognition for this and others who have found it a very positive experience where the offender has shown true remorse for what they had done.

With the very careful preparation that is taken for the meeting I would never pre-judge them to families as this is a very personal decision to take.

I personally would never have attended a meeting on the basis that he was still saying that he was innocent and refusing to say where Helen was so would have been a waste of time till this information was forthcoming.

JB: Your campaign has resulted in a change to the law, which bears your daughter's name. What is next for you and your work?

MM: After the Law was placed on the Statute Book I set my next target to keep aware of the outcome of Parole Hearings for families whose love one's remains have never been recovered.

Whilst petitioning for the Law I made contact with many of these families, some I was aware of others I was not. I keep in contact with them and therefore am aware when their hearings are coming up. I want to know how much of a questioning the offender has particularly on their refusal to reveal the location of their victim.

It has taken over five years to get Helen's Law and I want to ensure that it is being used properly by the Parole Board who can at times be seen to be very singular and not have and far to independent and answerable with their decisions.

9. McCourt with Duffy (2021) see n.1 p.365

10. See <https://chrisdonovantrust.org/>

11. See <https://buildingbridgesforpeace.org/about-building-bridges-for-peace/jo-berry-founder>