

## **Consultation: Proposed Whole Life Custody (Scotland) Bill**

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**Purpose:** This consultation seeks views on whether Scottish courts should be able to issue whole life custody sentences.

**Summary:** By permitting the courts to use whole life custody sentences, it will make punishments fit crimes; make Scotland safe; give the public confidence in sentencing; stand up for police and prison officers and put trust in Scottish judges.

The link to the full consultation can be found [here](#). Please ensure all responses are sent to [redacted].

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**\*\*PLEASE NOTE: This is the collective view of a number of British Transport Police officers in Scotland rather than the view of the whole force.**

### **Questions:**

#### **1) Which of the following best expresses your view of giving Scottish courts the power to sentence the worst criminals to custody for the rest of their lives?**

- Fully Supportive       Partially Supportive       Neutral (neither support nor oppose)  
 Partially Opposed       Fully Opposed       Unsure

Please explain why:

It is important to ensure the worst offenders receive a sentence proportionate to the crime as this would potentially provide closure to the victim's family and restore public faith in the criminal justice system as media. However, it is also acknowledged that there is a lack of understanding in the sentencing outcomes with all parties involved, e.g. victims, families, witnesses and jury members, which leads to misleading media coverage of cases pushing for severe sentences where disproportionate. Consequently, there is support for the whole life custody proposal but there should be safeguards to prevent dangers such as 'trial by media'.

#### **2) Which types of murder should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)**

- Murder of two or more persons which includes substantial premeditation; abduction or sexual/sadistic conduct  
 The murder of a child if it involves abduction or sexual/sadistic motivation  
 The murder of a police or prison officer in the course of their duty  
 The murder carried out for the purpose of advancing political, religious, racial, racial or ideological cause  
 Murder by an offender previously convicted of murder  
 Other (please specify)  
 None of the above

Please explain why:

Making the whole life custody sentence a starting point for these offences would ensure public confidence in the judicial system and provide deterrence which would make society safer. However, each case should be considered separately on its own evidential and impact merits. Therefore any decision-maker should have the autonomy and option to impose a whole life custody decision if it is proportionate in the circumstance rather than it being a default due to the category of crime.

**3) Which sexual offences should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Rape of two or more persons              | <input checked="" type="checkbox"/> Rape of a child                                   |
| <input checked="" type="checkbox"/> Sexual assault on a child by penetration | <input checked="" type="checkbox"/> Causing child to participate in a sexual activity |
| <input type="checkbox"/> Other (please specify)                              | <input type="checkbox"/> None of the above  |

Please explain why:

Similar to the answer in point 2 – allowing punishments to be proportionate to the crime and act as a deterrent but allowing the decision maker autonomy to amend the sentence where necessary.

**4) Are there any other types of offence (other than murder or certain sexual offences) which should attract a Whole Life Custody Sentence as a 'starting point' for sentencing?**

- Yes (please specify)  
 No – only murder and certain sexual offences should attract a Whole Life Custody Sentence  
 No - no offences (including murder or sexual offences) should attract a Whole Life Custody Sentence  
 Unsure

Please explain why:

A whole life custody sentence as a starting point for offences outside of murder and sexual offences should be available to other serious crimes, e.g. severe cases of wounding and human trafficking (non-exhaustive list). As a result, the courts would have autonomy to pass sentences which reflect the severity of the offence and deviate if necessary. Clear and transparent guidelines in the sentencing for offences outside of murder and sexual offences would assist also in avoiding disproportionate use.

**5) Which of the following best expresses your view on whether whole life custody should be a sentencing option for younger offenders?**

- Whole life custody should be limited to offenders aged 21 or over
- Whole life custody should be limited to offenders aged 18 or over
- Whole life custody should be limited to offenders aged 16 or over
- Whole life custody should be an option for any adult offender (aged 16 or over) or for children over the age of criminal responsibility
- Whole life custody should not be an option for any offender, regardless of age
- Unsure

Please explain why:

This would bring in line the punishment when you are considered an adult in law and provide some general sentencing consistency but more importantly allow courts to execute whole life custody sentence where it may be necessary and proportionate. It is stressed however that there should be more transparency in the decisional rationale compared to the present.