

Proposed Whole Life Custody (Scotland) Bill

Introduction

A proposal for a Bill to give Scottish courts the power to sentence the worst criminals to custody for the rest of their lives. The consultation runs from 29 May 2019 to 30 August 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Pauline Salvarli

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Aim and approach

Q1. 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

Please explain the reasons for your response.

Two reasons. Firstly, the public has every right to expect that the courts will protect them from serious crime and its often dire effects. The only way to ensure they are so protected is for the perpetrators of the worst crimes to be removed from circulation and no longer free to roam the streets. Secondly, the knowledge that the worst crimes would lead to such a sentence would act as a powerful deterrent those those contemplating these crimes.

Q2. How would introducing Whole Life Custody Sentences affect your level of confidence in the Scottish justice system?

Significantly more confident in the justice system

Please explain the reasons for your response

The current 'soft justice' is simply not working. It has led to greatly reduced confidence in the general public on the ability of our criminal justice system to prevent crime, and to punish it when prevention has failed. It has left Police Scotland deeply demoralised and much less effective. This exacerbates the loss of faith in the system on the part of the public.

Q3. Which types of murder should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)

The murder of two or more persons, where each murder involves any of (1) a substantial degree of premeditation or planning, (2) the abduction of the victim, or (3) sexual or sadistic conduct

The murder of a child if involving the abduction of the child or sexual or sadistic motivation

The murder of a police or prison officer in the course of their duty

Q3. Which types of murder should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)

A murder carried out for the purpose of advancing a political, religious, racial or ideological cause

A murder by an offender previously convicted of murder

Other (please specify)

Please explain the reasons for your response

Other - carrying out acts of terrorism where loss of life or serious maiming was the intention, whether or not anyone actually died as a result of such acts, for example a bombing, deliberate, preplanned driving of a vehicle into a crowd or similar.

Q4. Which sexual offences should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)

Rape of a young child

Sexual assault on a young child by penetration

Please explain the reasons for this response.

The protection of young children should be the most important aim of any criminal justice system, and sexual predators who prey on children should be removed from society.

Q5. 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)

Please explain the reason for your response.

See previous reply - carrying out acts of terrorism where loss of life or serious maiming was the intention, whether or not anyone actually died as a result of such acts, for example a bombing, deliberate, preplanned driving of a vehicle into a crowd or similar.

Q6. 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 16 or over (at the time the offence was committed)

Financial Implications

Q7. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have? Please explain the reasons for your response.

Initially it might well costs more to do this. But hopefully the deterrent effect would, in the longer term, reduce the number of criminals to whom it would apply, thereby saving costs. However, I do not think that the financial impact should be a major consideration. Protecting the public, taking dangerous criminals off the streets and keeping our children and vulnerable people safe should be the priority, regardless of cost. How can you put a price on the security and safety of the public, especially of children?

Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

Slightly positive

Please explain the reasons for your response.

Why should taking dangerous criminals off the streets impact negatively on any of that? If anything, making the streets safer has to have a positive effect for old people and for people of different beliefs.

Sustainability

Q9. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

This is a very subjective question. How can you put a price on the safety of our children, old folk, vulnerable people?

General

Q10. Do you have any other comments or suggestions on the proposal?

It's a good idea.