

# 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).

Zara Daggart

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.**

These people have committed the worst offences possible, so they should pay for the crimes they have committed. I strongly believe that 'life' ensures the safety of the public and prevents the individual from committing such crimes again.

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

Slightly more confident in the justice system

**Please explain the reasons for your response**

The justice system has a significant number of problems that goes beyond the need for whole life custody sentences. I fully appreciate that at the moment those who impose sentences do not do so lightly and face a large task in doing so. I am very confident that judges do their best when it comes to sentencing. I think that whole life sentences is the move in the right direction for the justice system, therefore increasing my confidence in it slightly.

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

A murder by an offender previously convicted of murder

**Please explain the reasons for your response**

1. The murder of one person is unthinkable, so the murder of numerous people needs to have serious

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

consequences, especially if these murders have been planned and/or the victims have experienced other traumas, such as sexual violence, in the process. 2. The whole of Scotland was shocked at HMA v Aaron Campbell, which embodies the need for whole life sentences. 3. If a previously convicted murderer has committed the same crime then the criminal justice system has failed. However, the individual must take responsibility for their actions. If they have not learned, they need a harsher punishment.

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

Rape of two or more persons

Rape of a young child

Sexual assault on a young child by penetration

**Please explain the reasons for this response.**

Rape does not take away life in the same sense as murder but it can have long lasting effects on the victims life and needs to have serious consequences as well. If an individual has committed multiple rapes, they need to be imprisoned so that they cannot do harm to any others. Additionally, if anyone rapes a young child or sexually assaults them, they need serious rehabilitation and kept away from the public.

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?

Unsure

**Please explain the reason for your response.**

I think many cases that go to court are defined by their circumstances. For the most, murder and certain sexual offences should attract whole life sentences for definite. Judges are good at their job and have enough experience within court to have an understanding as to what crimes attract what sentences. So I am unsure as to whether any other crimes should attract whole life custody sentences - it would depend entirely on the circumstances of the case.

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 an option for any adult offender (aged 16 or over) or for children over the age of criminal responsibility (at the time the offence was committed)

**Please explain the reasons for your response.**

A crime is a crime. Anyone who commits a crime should have to pay for it, regardless of their age. Yes, if a 16 year commits a crime and gets a whole life sentence then their life is 'thrown away' but they need to be punished.

## 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.

It's not cheap to run prisons and fund prisoners. Therefore, the cost of a prisoner under the current life sentence is lower than a prisoner under the proposed whole life sentence. Again, there are financial problems with the justice system that goes beyond the implementation of these sentencing powers so the obvious problem is it will add greater strain on the justice system.

## 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?

Neutral (neither positive nor negative)

**Please explain the reasons for your response.**

I don't think there should be any issues with equality.

## 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.**

Socially, the families of victims can be reassured that the individual is serving their time.

## General

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

*No Response*