

# 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

**Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:**

I work within the field of forensic mental health so have some knowledge of sentencing and the impact this has on individuals.

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).

Rebecca Carr

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?

Partially opposed

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

Currently the option of a life prisoner allows for an individual to be contained within prison should their risk continue to pose concern. I fail to understand what a whole life custody sentence would bring. Prisons should have the aim of rehabilitating offenders to allow them to live a life devoid of criminality. By imposing a whole life sentence there is a danger an individual is being punished for their actions despite the potential for them to be rehabilitated following participation in relevant groups and psychological work in order to tackle their offending. Furthermore, particularly within my line of work, there is often the gift of hindsight whereby it seems an individual is likely to have been suffering from a major mental illness at the time of the offence. However again with rehabilitation this can allow them to change and progress living a life free of further criminal activity. How would this work for offenders who are found to have mental health issues which may have contributed to the index offence but have been sentenced to whole life in custody? I understand the option to appeal and have this overturned, however personally it seems to have been incredibly difficult for these individuals to challenge the justice system and have a favorable outcome with the current laws in place, I fear this would be another addition.

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

Slightly less confident in the justice system

**Please explain the reasons for your response**

Again, as a society we are deciding that someone is so heinous they should be kept in custody for the rest of their life without trying to understand prison although punitive, should be primarily to support rehabilitation. Once a whole life sentence is in place would anything allow for their circumstances to change or are their past actions going to be held against them for the rest of their life?

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

None of the above

**Please explain the reasons for your response**

I don't feel there is any reason to introduce another sentencing option when there is already the option of a life sentence or an OLR which provides the same option but also allows for a person to be recognised for their reduced risk in time.

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

None of the above

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

As per my previous response.

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?

No- no offences (including murder or sexual offences) should attract a Whole Life Custody Sentence

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 not be an option for any offender, regardless of age

## 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.

I don't imagine the Bill would have much financial implication, at present those on an OLR/life sentence remain in custody until deemed less risky and once on parole there are a number of costs to be met, therefore I don't believe there would be any significant impact.

## 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?

Unsure

## 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?

No

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

If the Bill was imposed for murder charges there could be an increase in the prison population over the longer term, therefore the environmental impact is dependent on how eco friendly prisons currently are and how this will change in the years to come.

## General

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

I think the area of mental health should be considered and what impact a sentence being imposed may have on both those with mental health issues as well as those individuals who are first time offenders.