

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".)

Professional with experience in a relevant subject

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).

Andrew Fraser

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 opposed

Please explain the reasons for your response.

The proposer's argument, that the current sentencing regime does not administer proper punishment, etc is merely an assertion. Who is he to decide what is "proper punishment"? The proposer seems to suggest that just because whole life orders are available in England and Wales, they should be available in Scotland. That is not a sound form of argument. There may be good reasons for maintaining the Scottish system as it is. The proposal seems a retrograde step. To remove all hope of release seem extremely cruel and very unusual. What is a "worst criminal"? Surely, s/he must be some very badly damaged individual indeed. In such cases, "punishment" is probably meaning less, anyway. The proposer seems to be seeking an easy way out of a difficult situation. The proposer's attitude seems to be that of throwing his victim (the "criminal") into prison and throwing away the key. That the proposal makes no reference research on criminology is a serious concern. It smacks of the lynch mob.

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

Significantly less confident in the justice system

Please explain the reasons for your response

I already have concerns about a minor injustice stemming from the arbitrary application of strict liability in a situation which I have been unable to rectify because of the ignorance of those involved. How much more difficult will it be to correct injustices stemming from this mean-spirited proposal? The proposer fails to mention that 76% of a sample of the adult population (living at private residential addresses) knows little or nothing about the criminal justice system. It follows then, that 24% of that population know a great deal about the criminal justice system and may, therefore be able to give an informed opinion. If only 24% know anything about the system, how can 33% not have confidence in it? And how does the proposer then leap to the conclusion that our sentences are not tough enough?

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

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

Please explain the reasons for your response

I am not clear as to why this should be necessary - surely the current regime, including the Parole Board and OLRs is sufficient. Is there any reason why it should be a deterrent to the "worst criminals"? What proof is there from the criminologists it might be an effective deterrent? And if the "worst criminals" include suicide bombers, what is the point?

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.

I do not know whether the proposer has taken the advice of experienced criminologists.

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

Please explain the reason for your response.

No-one has explained why this should be a real improvement on the current situation. No-one has explained why it will be effective. This whole proposal also smacks of a revenge culture.

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

Please explain the reasons for your response.

I am very uncomfortable with the "jail 'em and throw the key away" attitude that seems to be driving this idea.

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.

Very little - the proposed Bill seems little more than tinkering with the system, perhaps to draw attention to its proposer?

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.

It will still tend to affect men more than women, since (as everyone knows) men are often damaged during the process of becoming male, which occurs in the womb.

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.

The proposer's presumptions are a disgrace to civilised society. How dare he say that one family's suffering is outweighed by another's? Does he consider himself some sort of deity?

General

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

I suggest that it is abandoned forthwith. Bad cases still make bad law.