

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 would like this response to be published anonymously

Please choose one of the following:

If you have requested anonymity or asked for your response not to be published, please give a reason (Note: your reason will not be published):

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).

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.

Whole life sentences feel unnecessary, especially when the given sentence will likely be in the range of 20-25 years. Simply giving a whole life term, especially when rehabilitation should be what the prison system should strive for, seems to be a populist move that won't actually do anything except appease an abstract sense of justice. A better solution would be that in the Scandinavian style, in which long sentences can be given but judges can simply decide to extend these if the prisoner doesn't feel remorse for their actions, and/or the prisoner is likely to reoffend. Anders Breivik is an example of someone whom will likely never be released from prison, however this is due to his total lack of remorse and likelihood to reoffend.

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

Neither more nor less confident in the justice system

Please explain the reasons for your response

Like I said, it feels like a populist move to simply appease an abstract sense of justice. Given that these sentences are likely to be given out on a very sparse basis, there would be no reason that the justice system would feel any fairer.

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 do not believe that this should be implemented.

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 I said before, this should not be implemented. In cases such as these, rehabilitation should be sought and criminals whom have offended under these circumstances need constant mental review.

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.

I do not agree with the Whole Life Sentence, for the reasons previously stated.

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.

As stated, a Scandinavian-style system in which prisoners are reviewed and can simply have their sentences extended if they are likely to re-offend or show no mercy for their crimes is what should be implemented.

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.

On the prison system? Uncertain, however were this to be widely implemented on a variety of crimes, the costs would likely rise year on year. A prisoner whom has no hope of release, especially if they have become genuinely rehabilitated, has nothing to lose. If the point of the prison system is to do such, what is the endgame here?

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

Please explain the reasons for your response.

I have no opinion on this question.

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.

As I said, I feel this would have pointless economic impacts on the prison system.

General

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

I feel Liam Kerr is simply proposing this bill without having looked into other ways to which similar ends could be achieved.