

# 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 would like this response to be published anonymously

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?

Fully opposed

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

What a horrible justice system to wish to endorse, where there is no hope, no grace, no expectation of rehabilitation. The existing legislation already allows for convicts to remain in prison for the rest of their lives. If the parole board is not satisfied that the offender cannot be managed in the community then they will not be released. Where individuals do not change, and still pose a risk, they will remain in prison. There is an enormous risk that prisons will become increasingly unsafe for both prisoners and staff. With a cohort of prisoners, denied any possibility of release, then there is no deterrent from further gross offences taking place. Will not assault/murder staff and other prisoners - when there is nothing worse that can happen to them? The safety and wellbeing of others within prisons will be endangered by taking away the hope of future parole from some people. Suicides and self-harming will inevitably increase. Take away any sense of hope to these prisoners, some will make the decision that life is not worth living.

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**

The hands of the criminal justice system would be tied, where professionals within it, who believe that an individual should be released, are unable to progress towards release. Prisons would also become more dangerous places (see above) thus preventing them from being a safe place in which rehabilitation and reform can happen. The integrity of the CJS is further undermined by the politicising of offences to score points with the public. Judges can in practice sentence offenders with tariffs exceeding life expectancy. Leave the judges alone - they are not requesting this.

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**

For all the above. There must always remain within the system, even for the most heinous offences, the possibility of hope that reform and rehabilitation may take place. Much of the discourse within the paper

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

presupposes evil/bad people - which is reductionist and fails to recognise the complexity of issues which may lie behind offending behaviour.

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.**

For all the reasons given in previous answers. Please respect and honour the independency of the judiciary. Mandating a whole life sentence is political interference.

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.

This bill will add to an increasing prison population. At an approx. cost of £45k p.a. to keep a prisoners in custody, the bill is only going to increase - or rather no additional resources will be given and existing resources further stretched.

## 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?

Negative

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

Age - the younger an offender is, potentially the longer they shall serve. Thus a 21 year old, and a 51 year,

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committing the same offence, will in practice serve greatly different sentences. Sex - it is inevitable that whole life sentences will be served on males rather females. Marriage - whole life sentences will effectively end, the marriage of offenders, thus punishing the partner and children of the offender further, with no hope of a restored family life in the future.

## 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.**

More people in prison, rising costs of prisons, the socially disadvantaged over represented.

## General

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

Terrible idea, driven not from a demand within the criminal justice system, but by the hope of popular appeal, feeding in to an increasingly punitive public narrative. Its time we had a more sensible debate about the shape of our criminal justice system as a whole, rather than continuing to raise the stakes in an attempt to win votes.