

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

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

Retired police officer

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).

Ian Clarke

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.

In my experience, there are some criminals, often with mental health issues, who are just not interested in reforming their ways. They are dedicated career criminals, who have numerous previous convictions and have previously rejected the chance to reform.

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

Significantly more confident in the justice system

Please explain the reasons for your response

Whole life custody should be used for crimes of violence but also lesser crimes, where the criminal has numerous previous convictions and has shown no sign of reform. Lesser crimes (such as theft, common assault, persistent domestic harassment) can still make the victim's life a misery. Prison acts as a way of relieving the victim of the constant fear of being a victim. Recent stats show that the vast majority of violent crime is committed against very few people. We need to protect those victims better.

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

Other (please specify)

Please explain the reasons for your response

All murders should have the option of a whole life custody sentence. Why have it for a police officer, but

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

not a paramedic? Why the sadistic abduction of a child, but not an elderly person? Why wait until a murderer murders again?

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

Other (please specify)

Please explain the reasons for this response.

All sexual crimes that involve violence or threats of violence should have the whole life option. That sentence should be there to protect everyone in all circumstances.

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?

Yes (please specify)

Please explain the reason for your response.

Persistent career criminals. When I was a custody Sergeant, under the Lord Advocate's guidelines, I could keep a career criminal in custody, but there was no definition for career. I used to have a cut off point of 30 previous convictions, or 10 if it was someone under 20 years old. Such career criminals can make many other lives a misery and we need protecting from those who have refused to reform.

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.

Courts need to be free to be able to apply such a sentence without artificial restrictions that could create anomalies.

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.

Increased cost of prisons, decreased cost to society of crime and the intense monitoring of violent and career criminals who are let out on licence.

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.

By allowing the sentence to apply in a very broad set of circumstances, it will not affect equality as much as only allowing the sentence in very restricted circumstances.

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.

Prison should only be for violence and career criminals anyway.

General

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

No Response