

# 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 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).

Christopher G M

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.**

Research suggests that some persons are almost impossible to rehabilitate. Offenders like John Venables from the James Bulges case have continued to offend when repeated despite the long sentence he received clearly not deterring his deviant behaviours.

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**

The Justice System must primarily ensure the safety of the law-abiding public. Offenders who have caused wanton harm to their fellow citizens do not deserve to be allowed back amongst them. This may also serve as a deterrent for others who may plan offending actions seeing that if they are caught that they will have no chance of lives outside of a prison.

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

The murder of two or more persons, where each murder involves any of (1) a substantial degree of premeditation or planning, (2) the abduction of the victim, or (3) sexual or sadistic conduct

The murder of a child if involving the abduction of the child or sexual or sadistic motivation

The murder of a police or prison officer in the course of their duty

A murder carried out for the purpose of advancing a political, religious, racial or ideological cause

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

A murder by an offender previously convicted of murder

**Please explain the reasons for your response**

The murder of someone has extinguished the life and the potential of an individual. Taking a life should always be punished harshly with the only exceptions being death being accidental or if it has been in self-defence (e.g. having someone breaking into your home with a weapon and their death being caused in the struggle while defending one's self).

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

Rape of two or more persons

Rape of a young child

Sexual assault on a young child by penetration

Causing a young child to participate in a sexual activity

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

As stated previously, I do not believe most people can be rehabilitated from this tenuous behaviour. There is no situation where it is acceptable and so to protect all future potential victims, these people must be removed from civilised society.

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.**

Acts of terrorism should both incur this sentence. Both of these put the citizens of the United Kingdom at great risk and to take actions to take as many lives as possible should lead to the individuals being removed from the public. Treason should also incur this sentence. Putting fellow citizens at risk in the ways that Snowden and Assange did puts everyone and the nation's security at risk.

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.**

People falsely look at children as being unable to understand their actions, however that is simply not true. Criminally deviant children can be just as bit a threat to society as adults, even more so due to them not being perceived as a threat.

## 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 expect that it will incur some costs to build bigger prisons or to enlarge existing ones. However, I would be willing to pay a slight tax increase to accompany this Bill. However, prison labour should always be considered as an alternative to cover some of the costs, those who have committed these crimes have forfeited the right to simply serve a sentence in leisure.

## 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.**

The highest proportion of the prison population is male and that is unlikely to change.

## 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.**

Not allowing these people back into society would save costs on having to monitor them living on homes - homes that could be better put to use in the hands of law-abiding citizens.

## General

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

The current Justice System does not take enough steps to protect the public. Sex Offenders can have their identities hidden at the expense of the public's safety and finances. Allowing people like this to live in hiding amongst the population is allowing a fox into the hen house.