

# 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

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

Former 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).

John Emley

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.**

The courts should have the faith of the public that they are there to protect them from the worst elements of society. It is an affront to see serious offenders released to re-offend, particularly in cases where the offender has stated their intention to reoffend upon release. For the good of society and to keep the law abiding majority safe, the worst must never be released.

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

Slightly more confident in the justice system

**Please explain the reasons for your response**

It would give more confidence in how serious offenders are dealt with, but my confidence in how repeat low level offenders (who inflict much misery on society) are dealt with is pretty low. They are not dealt with harshly enough.

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

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 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

A murder by an offender previously convicted of murder

Other (please specify)

**Please explain the reasons for your response**

Any person convicted of murder where there is a degree of pre-meditation. Any murder of a child, regardless of sexual act or sadistic motivation. The murder of any police officer or prison service staff whether on or off duty. I would also add that people convicted of serious sexual offences such as rapists and paedophiles should receive whole of life sentences as these are sick and twisted people virtually incapable of being reformed.

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

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.**

Any conviction of a terrorism related offence. Anyone that continually re-offends. For example, 10 convictions for any crimes of dishonesty or violence should mean whole of life.

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)

Q6. Which of the following best expresses your view on whether whole life custody should be a sentencing option for younger offenders?

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

Young people can be guilty of heinous crimes too, they are no less dangerous because of their 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.

It would depend on the level and regulatory of offending prevented by the sentence. Repeat offenders waste vast amount of police resources in enquiry time, not to mention court time and the time of members of the public (who are often messed around by court and treated very poorly by the legal system).

This move would put their rights at the forefront and ensure the legal system does what it is meant to to - protect the law abiding public.

There will be a financial cost, of course, but what price can we really put on preventing someone from being killed, raped or abused? The finically cost will also be mitigated by reduced police enquiries.

## 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.**

I don't believe it will have any impact whatsoever as justice does not care how an offender identifies - nor should it.

## 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

## General

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

I welcome this proposal and would welcome others that seek to toughen up sentencing guidelines in Scotland.

I've met too many people that have no faith in the system as a result of paltry sentences.