

# 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 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 supportive

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

To often those that commit the most heinous of crimes are allowed to be set free amongst the public once again. Often they will commit yet another crime. The victims of their crime must be assured that these criminals are never allowed to be free again otherwise what is justice? Their lives may well be ruined by the perpetrator, yet he /she will be allowed freedom to live a life outside of the prison despite the severity of their crime? The public must be protected and real justice for the victims has to be the utmost consideration. The prisoners needs or wants are not the deciding factor of whether they are released or not. There has to be a deterrent and a severe one for people who commit these dreadful acts of violence

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**

Justice will be seen to be done and the public will feel safer with a known dangerous criminal kept in prison for their offences

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

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

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

**Please explain the reasons for your response**

Murder is murder. You can't pick and choose which victims are more worthy of their attacker getting a more severe sentence although crimes against an innocent child should always be given a life sentence

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.**

Paedophiles can never be deemed as safe in our society. It is a known fact that they can never be totally rehabilitated. They will always be a danger to children and require lifetime surveillance at huge cost to the public purse. Anyone who can hurt a child deserves no sympathy. Rape of more than one person means that the perpetrator knows exactly what he is doing. There is no grey area, and has shown that he will keep attacking women. These men are dangerous to women, who they obviously see as more vulnerable. Rape is too often seen as a lesser crime, which it is not

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.**

Terrorism should be a while life sentence regardless of whether the terrorist killed or hurt anyone. The intent was there. Terrorists have to know that if they commit any act of terrorism, they will get a life sentence, no ifs ands or buts. We are far too lenient with terrorists in this country. They set out in cold blood to kill and maim as many innocents thing about their daily lives, as they can, creating a fearful society. We and they must know that this will be dealt with the full force of the law with no excuses made for 'societal' troubles in their upbringing or lives.

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.**

It is unlikely that many children would be sentenced to a whole life ruling but it should be a last resort option. You just have to look at the case of Jon Venables. A disturbed child and adult who should never have been allowed back into society again. Indeed he is a prime example of someone who cannot, despite years and years of therapy, be rehabilitated into normal society and will always pose a danger to the public and children in particular.

## 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 will probably end up costing more to keep criminals in prison, but if they are repeat offenders then you won't have either police, parole officers, social work officers or court resources tied up with their offences. Even so, the cost is immaterial to the safety of the public at large and perhaps the criminals may think twice about their behaviour if they know they could face a life in prison.

## 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.**

It should not matter who you are in the eyes of the law. Guilty is guilty

## 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?

Too often we seem to see that it's the criminal who gets all the help and sympathy from social do gooders. It's about time the victims got justice and also the knowledge that they are the most important part of any sentence given out. The criminals needs should not be of prime imporyamce which is how it seems right now with the public having little faith in the justice system