

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?

Partially supportive

Please explain the reasons for your response.

I support some crimes being sentenced to life without ever being released, but hate the language "the worst criminals". There should be a fixed list of crimes that this should apply to, which I do not see explicitly mentioned in the consultation document

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

Neither more nor less confident in the justice system

Please explain the reasons for your response

Confidence in the justice system, for me, is more to do with how accurate is convictions, how fair are the processes, and how consistent is the sentencing for the same crimes. I appreciate the ability to lock criminals away for life if the situation requires it, but this doesn't increase or decrease my confidence in the justice system

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

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

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

Murder of any individual involving torture, sadism, rape, sexual assault, or planning or abduction. Murder of any vulnerable adult Murder of any child Murder of a pregnant woman

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

Other (please specify)

Please explain the reasons for this response.

Rape with sadism, torture, or abduction. Rape or sexual assault that results in significant injury or the transmission of STDs.

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.

Attempted murder (with the same aggravating circumstances as murder), GBH leading to permanent and significant injuries to the person that affect their quality of life. Abducting and taking a child out of the country

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 limited to offenders aged 16 or over (at the time the offence was committed)

Please explain the reasons for your response.

Young offenders may have more of a chance to rehabilitate. Offenders 16-18 should be limited based on this, and below 16 there should be the chance of supervised reintegration into society provided that their risk to others is very low and they are suitably supported and monitored

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 don't have enough of an understanding about the exact costs involved in monitoring offenders outside of prison to make a judgement on this.

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 do not see this bill making significant impacts to equality either positive or negative

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.

It may cost more, but I believe it is a reasonable expense. I do not believe it will have environmental impacts as prisons can be designed to be sustainable. It may have a slight social impact, some positive and some negative, but nothing significant

General

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

I support the ability for prison to introduce whole life sentences for the matter of protecting the public in certain circumstances and hope this bill makes it to law