

# 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).

Alistair Sloan

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 opposed

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

The current system works well; it punishes individuals and thereafter allows decisions to be taken on a risk-based approach. The Parole Board for Scotland determines whether to release a person upon the expiry of their punishment part based upon whether any risk that the individual continues to pose can be safely managed. The majority of persons sentenced to life imprisonment serve longer than the punishment part fixed by the court at the point at which they are sentenced. A life sentence is ultimately a life sentence; release on parole does not bring the sentence to an end. The individual continues to be monitored and is subject to a whole range of conditions. They can be recalled to prison at any time where their risk increases or where they breach the conditions placed upon them; that option remains open for the remainder of the offender's natural life.

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

Slightly less confident in the justice system

**Please explain the reasons for your response**

I would have less confidence in the system as it would place retribution above all other considerations in sentencing. Furthermore, it risks creating a group of individuals who are even more dangerous than they were when they entered the prison system: if they're serving a whole life sentence then they have nothing at all to lose. Contrary to what the Member argued in the Chamber on 4th June 2019; it would place prison officers (in particular) at greater risk. There would be no incentive for the offender to change their behaviour, to become less dangerous. Indeed; the loss of hope might well turn them into more violent and more dangerous individuals. The current system is flexible enough in that if someone remains dangerous then the Parole Board for Scotland will not recommend their release from custody.

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

None of the above

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

**Please explain the reasons for your response**

I do not support the concept of whole life sentences.

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

None of the above

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

I do not support the concept of whole life sentences.

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?

No- no offences (including murder or sexual offences) should attract a Whole Life Custody Sentence

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 not be an option for any offender, regardless of 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.

Keeping a person in custody is expensive; introducing whole life sentences will mean that the Prison service will end up having to deal with a growing number of people who it will have the responsibility for over many decades. Furthermore, there will be increased costs to the SPS as it deals with problems that come with old age that they might not need to deal with had the person not been given a whole life sentence.

## 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?

Unsure

## 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?

No

## General

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

*No Response*