

# 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).

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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.**

I believe there are some crimes committed which an individual may enact again and which are so heinous that they will forever be a danger to the public. The only way we can ensure public safety in such extreme cases is by making sure there is no path to freedom.

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**

Public perception seems to be one of resignation that no matter how heinous the crime, the perpetrator will walk the streets once more aided and abetted by the 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)

**Please explain the reasons for your response**

Each of the ones I have ticked presume a desire and premeditation without remorse. There would be the temptation and compulsion to keep going.

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

Rape of a young child

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

Whole life custody should be used as the ultimate penalty. Rape of any kind is absolutely abhorrent but somehow people manage to survive although scarred forever. Those who torture, rape and murder at the same time are beyond redemption.

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- only murder and certain 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

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

The nature of the crime should dictate the sentence, not the 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.

There needs to be a shift in the purpose of prisons. With no death or whole life impacting crimes, there should be non prison alternatives. This would save public money especially if offenders are put to some public work. There would then be a smaller number of prisons required to house life prisoners. This would also save money and would also save on further attacks through repeated harm to the public and the cost of court and legal fees.

## 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?

Positive

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

I believe most people would feel more protected if there was an ultimate price to be paid and our Police Service would experience more help with collecting evidence if such criminals were known to be in prison for life. Mental health and physical health issues would be better impacted for those victims who would not have to live their lives looking over their shoulders.

## 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.**

I believe a smaller number of Life prisons would be absolutely sustainable- we should be overhauling the nature of all prisons to future proof them now.

## General

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

Over the years the public have, rightly or wrongly, perceived that the courts are ineffective. Handing out sentences which are never completed. There has to be a clear path and clear sentencing structure which should be presented to the public. Do this - expect this. No lawyer or Judge should be able to play around, curtail or amend unless put before a jury called for that specific purpose to look at any mitigating circumstances. A Citizen's Decision Jury should be part of the public getting more involved in the running of our country.