

# 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:**

I served as a special constable for 11 years during the 1980s and early 1990s.

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

**If you have requested anonymity or asked for your response not to be published, please give a reason (Note: your reason will not be published):**

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.**

There are some people whose complete lack of conscience and inability to understand right from wrong results in their committing heinous offences that they would happily repeat if given the opportunity by the legal system. As such, should never be allowed to pose a risk to the public again.

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**

There have been too many recent cases where a serial offender of the worst types of crimes has been allowed to leave prison under licence and committed the same offences again, including murder. There seems to be a common thread that these criminals have been unsupervised and able to do as they like without fear of accountability. Whilst my experiences as special constable gave me general faith in the legal system, I do feel that where more serious offences are concerned, there is too much focus on the rights of the criminal rather than the victim.

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

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**

Murder of any blue light service undertaking their duties, including medical staff and firefighters. I would also look at the most serious cases of animal cruelty as these people tend to escalate to humans at a later date.

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.**

These are all calculated and repugnant to society as a whole.

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.**

Murder of members of blue light services when undertaking their duties and the worst cases of animal cruelty due to the risk of escalating to humans.

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)

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

Despite their youth, there are some people who have developed a pattern of evil behaviour at a very early stage in their lives who are beyond redemption, such as exemplified in the recent case on the Isle of Bute or James Bulger's murderers.

## 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.

Not known.

## 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

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

I do not fully understand why this is relevant.

## 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?

Unsure

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

Again, this does not seem relevant.

## General

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

No