



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

## **VICTIM'S RIGHT TO REVIEW**

**REPORT 1 April 2016 - 31 March 2017**

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## Who we are

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service. We receive reports about crimes from the police and other agencies and decide what action to take, including whether to prosecute someone. We also look into deaths that need further explanation and investigate criminal allegations against police officers.

COPFS plays a pivotal part in the justice system, working with others to make Scotland safe from crime, disorder and danger. The public interest is at the heart of all we do as independent prosecutors. We take into account the diverse needs of victims, witnesses, communities and the rights of those accused of crime.

## Introduction

On 1st July 2015 the Lord Advocate published rules under section 4 of the Victim and Witnesses (Scotland) Act 2014. The rules related to a victim's right to request a review of a decision of the Crown Office and Procurator Fiscal Service (COPFS) not to proceed with a case or not to continue a case. Included in the rules are sections covering:-

- Who can apply for a review
- How do I ask for a review
- What happens in a review
- What is the victim's right to review
- How long will the review take

The full rules can be found [here](#)

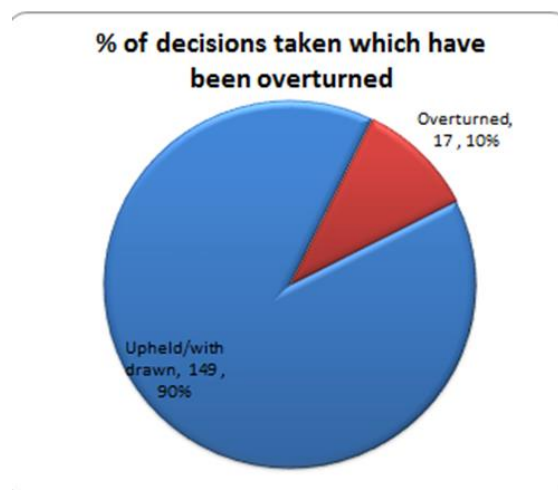
In the year 2016/17 COPFS received 195,731 criminal reports. Of those, there was a decision not to prosecute or to discontinue a prosecution in 50, 729 cases. Of those, a total of 29,937 were marked no further action.

As the Victim Right to Review process commenced part way through the 2015/16 reporting year, the first report provided statistical information for one complete year, that is, the period July 2015 – June 2016. However, this and subsequent reports will provide information on financial year basis in line with our other reported statistics.

## All Review Applications

Between 1 April 2016 and 31 March 2017 COPFS received 166 applications from victims for a review of the decision not to proceed or not to continue with a prosecution. The 166 applications<sup>1</sup> were carefully considered. In 149 applications<sup>2</sup> (90%) the original decision made was upheld or the review request withdrawn. In 17 applications (10%) the original decision was overturned and proceedings raised.

COPFS received 195,731 criminal reports in the financial year 2016/17. The total number of review applications therefore relates to approximately 0.08% of the total number of criminal reports COPFS received in a year. The 17 successful applications therefore relates to approximately 0.008% of the total number of criminal reports received in a year. In a number of these cases, victims provided additional information and further inquiries were instructed during the review process. This involved obtaining information which was not provided to COPFS when the case was first marked.



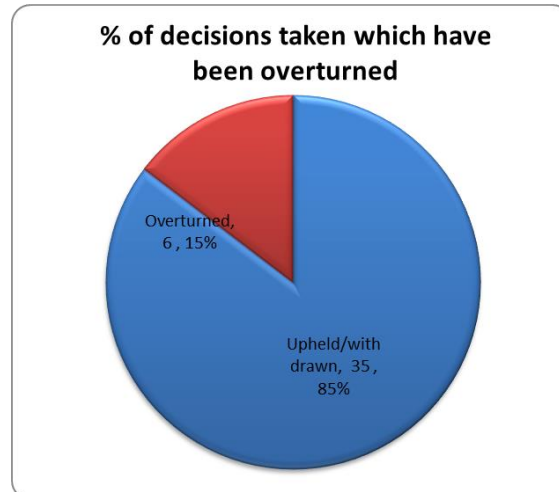
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<sup>1</sup> The statistics refer to applications for a review from victims. In some criminal cases there may be more than one victim who has applied for a review in the same case.

<sup>2</sup> IPS report refers to 146, but 3 further applications have been completed since its publication

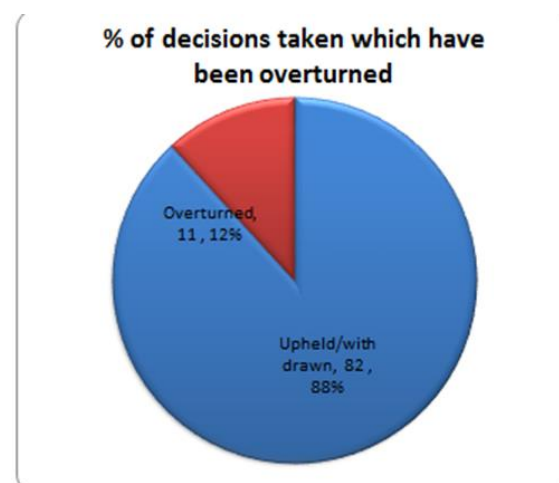
## Solemn Statistics

The number of review applications which, if proceeded with, would have involved solemn proceedings was 41 (25% of total VRRs). In 6 applications (2 of which related to the same case) the decision not to take proceedings or to discontinue proceedings was overturned. In 35 applications the prosecutorial decision was upheld or the application was withdrawn.



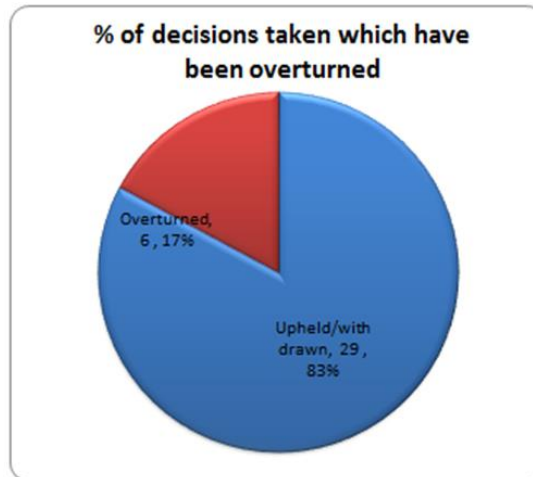
## Summary Statistics

The number of review applications which, if proceeded with, would have involved summary proceedings was 93 (56% of total VRRs). In 11 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 82 applications the prosecutorial decision made was upheld or the application was withdrawn.



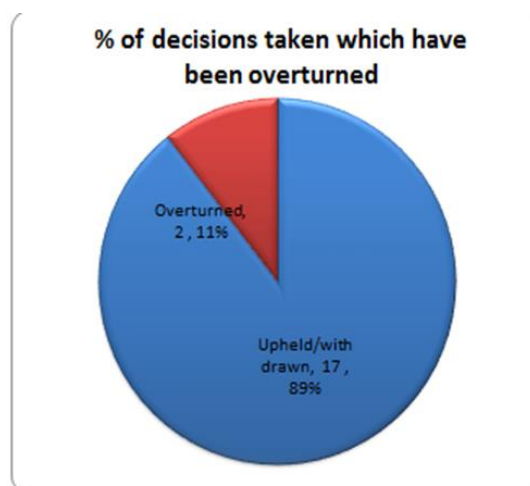
## Offences with a sexual element statistics

The number of review applications where the offence(s) contained a sexual element was 35 (21% of total VRRs). In 6 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 29 applications the decision made was upheld or the application was withdrawn.



## Offences with a domestic abuse element statistics

The number of review applications where the offence(s) contained a domestic abuse element was 19 (11% of total VRRs). In 2 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 17 applications the decision made was upheld or the application was withdrawn.



## Other

In addition, 31 VRRs (19%) relate to complaints against the police and one VRR relates to a death. In all cases the original decision was upheld.