



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

VICTIM'S RIGHT TO REVIEW

REPORT 1 April 2017 - 31 March 2018

Contents

Who we are	3
Introduction	3
All Applications	4
Solemn Statistics	5
Summary Statistics	5
Sexual Offence Statistics	6
Domestic Offence Statistics	6
Other	6

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

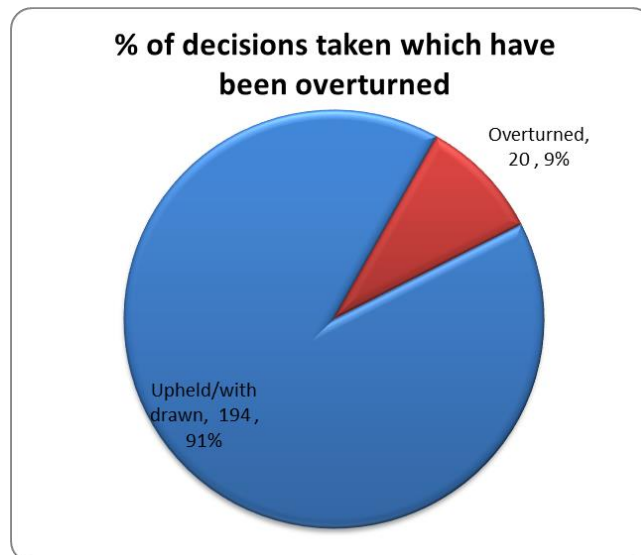
The full rules can be found [here](#)

In the year 2017/18 COPFS received 177,801 criminal reports. Of those, there was a decision not to prosecute or to discontinue a prosecution in 42,735 cases. Of those, a total of 22,209 were marked no further action.

All Review Applications

Between 1 April 2017 and 31 March 2018 COPFS received 214 applications from victims for a review of the decision not to proceed or not to continue with a prosecution. The 214 applications¹ were carefully considered. In 194 applications (91%) the original decision made was upheld or the review request withdrawn. In 20 applications (9%) the original decision was overturned and proceedings raised.

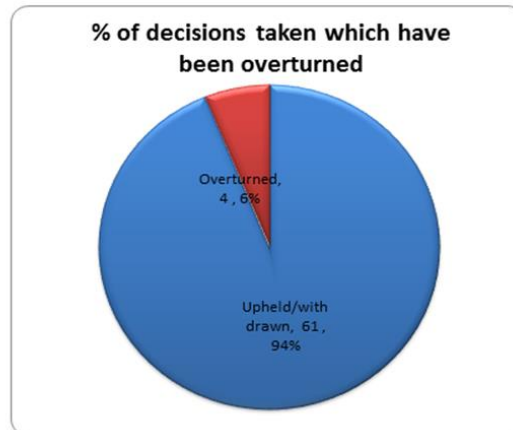
COPFS received 177,801 criminal reports in the financial year 2017/18. The total number of review applications therefore relates to approximately 0.12% of the total number of criminal reports COPFS received in a year. The 20 successful applications therefore relates to approximately 0.01% of the total 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 included obtaining information which was not provided to COPFS when the case was first marked.



¹ 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.

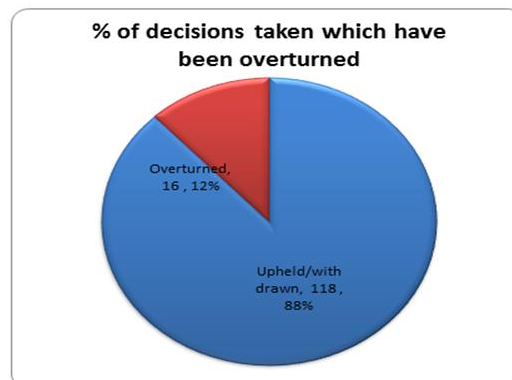
Solemn Statistics

The number of review applications which, if proceeded with, would have involved solemn proceedings was 65 (30% of total VRRs). In 4 applications, the decision not to take proceedings or to discontinue proceedings was overturned. In 61 applications the prosecutorial decision was upheld or the application was withdrawn.



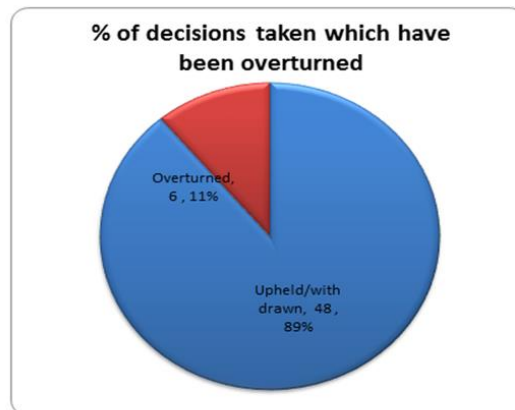
Summary Statistics

The number of review applications which, if proceeded with, would have involved summary proceedings was 134 (63% of total VRRs). In 16 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 118 applications the prosecutorial decision made was upheld or the application was withdrawn.



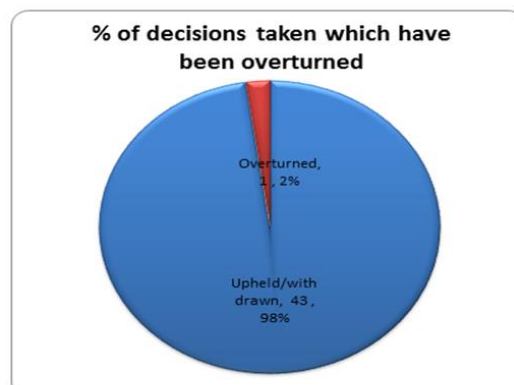
Offences with a sexual element statistics

The number of review applications where the offence(s) contained a sexual element was 54 (25% of total VRRs). In 6 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 48 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 44 (21% of total VRRs). In 1 application the decision not to take proceedings or to discontinue proceedings was overturned. In 43 applications the decision made was upheld or the application was withdrawn.



Other

In addition, a further 17 VRRs (8%) were considered, including those related to complaints against the police. In all cases the original decision was upheld.