



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

## **VICTIMS' RIGHT TO REVIEW**

**REPORT 1 April 2018 - 31 March 2019**

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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 2018/19 COPFS received 170,575 criminal reports. Of those, there was a decision not to prosecute or to discontinue a prosecution in 36,566 cases. Of those, a total of 18,861 were marked no further action.

The Inspectorate of Prosecution in Scotland (IPS) is the independent Inspectorate for the Crown Office and Procurator Fiscal Service. The Inspectorate conducted and concluded a review of the operational effectiveness of the COPFS Victims' Right to Review Scheme. The "Report on the Victim Right to Review and Complaints Handling and Feedback – Follow-Up" was published on 17 May 2018 can be found [here](#).

The Inspectorate's report recognised the robustness of COPFS Victims' Right to Review (VRR) and details an inspection of the effectiveness of the COPFS VRR scheme - based on a sample of 57 of the 166 applications received at the time of the inspection.

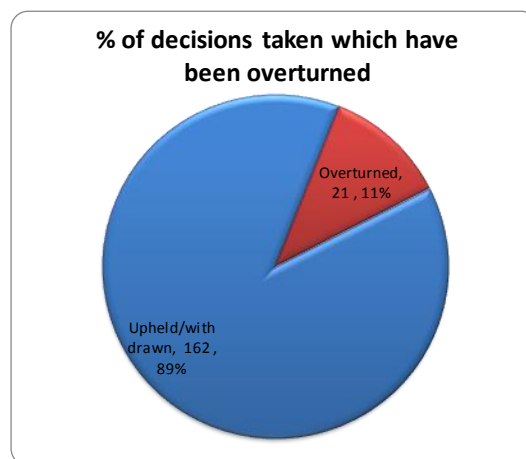
Key findings include findings that our review processes are robust and that COPFS are committed to conducting full and thorough reviews.

The Inspectorate made 11 recommendations which were welcomed by the Law Officers and Crown Agent to improve the COPFS VRR scheme.

## All Review Applications

Between 1 April 2018 and 31 March 2018 COPFS received 183 applications from victims for a review of the decision not to proceed or not to continue with a prosecution. The 183 applications<sup>1</sup> were carefully considered. In 162 applications (89%) the original decision made was upheld or the review request withdrawn. In 21 applications (11%) the original decision was overturned and proceedings raised.

COPFS received 170,575 criminal reports in the financial year 2018/19. The total number of review applications therefore relates to approximately 0.11% of the total number of criminal reports COPFS received in a year. The 21 successful applications therefore relates to approximately 0.012% 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.

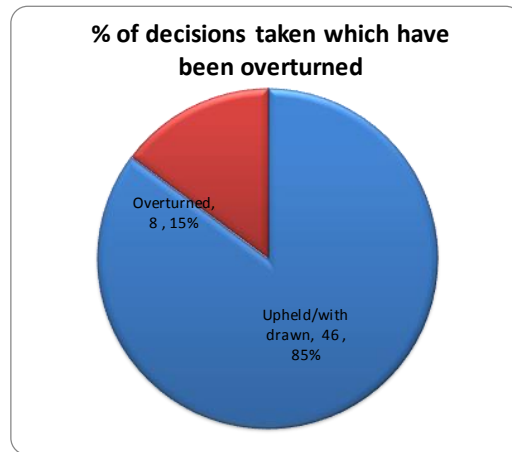


## Solemn Statistics

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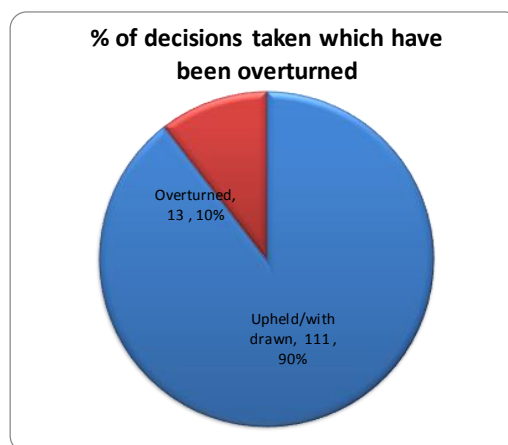
<sup>1</sup> The statistics refer to applications for a review from victims. In some criminal cases there may be more than one victim who has applied for a review in the same case.

The number of review applications which, if proceeded with, would have involved solemn proceedings was 54 (30% of total VRRs). In 8 applications, the decision not to take proceedings or to discontinue proceedings was overturned. In 46 applications the prosecutorial decision was upheld or the application was withdrawn.



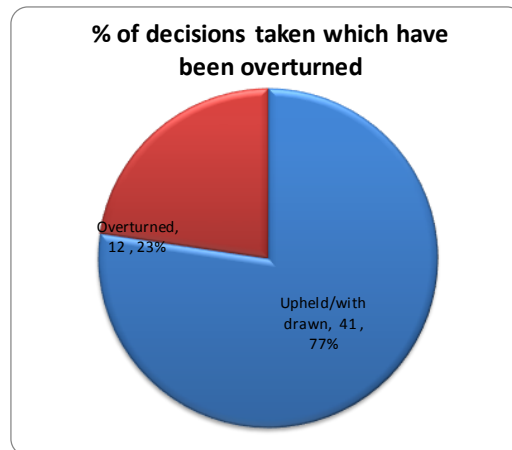
### Summary Statistics

The number of review applications which, if proceeded with, would have involved summary proceedings was 124 (68% of total VRRs). In 13 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 111 applications the prosecutorial decision made was upheld or the application was withdrawn.



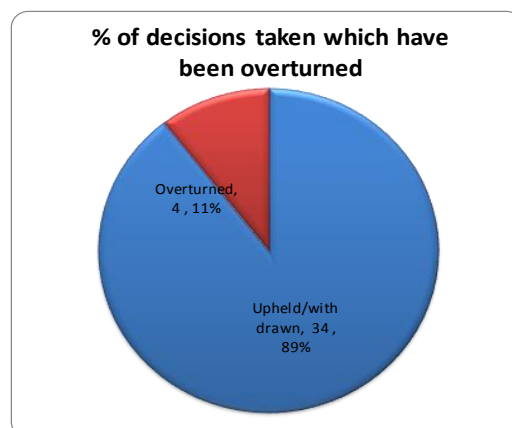
## Offences with a sexual element statistics

The number of review applications where the offence(s) contained a sexual element was 53 (29% of total VRRs). In 12 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 41 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 38 (21% of total VRRs). In 4 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 34 applications the decision made was upheld or the application was withdrawn.



## Other

In addition, 5 VRRs (3%) relate to complaints against the police. In all cases the original decision was upheld.