



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

VICTIMS' RIGHT TO REVIEW

ANNUAL REPORT 1 April 2019 - 31 March 2020

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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 2019/20 COPFS received 169,894 ¹criminal reports. Of those, there was a decision not to prosecute or to discontinue a prosecution in 33,733 cases. Of those, a total of 17,734 were marked no further action.

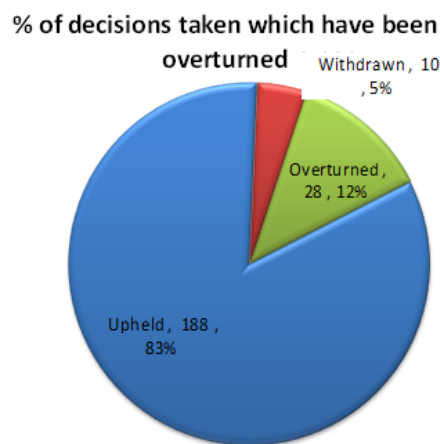
Where a victim requests a review of a decision not to prosecute or to discontinue a prosecution COPFS are committed to conducting a full and thorough review of the decision. Any additional relevant material provided by the victim will be carefully considered. Where appropriate, the decision will be overturned. Where not appropriate, the original decision will be upheld. Victims will be advised of the review outcome and provided with an explanation for the review decision.

¹ [copfs case processing data financial years 2015 - 2020](#)

All Review Applications

Between 1 April 2019 and 31 March 2020 COPFS received 226 applications from victims for a review of the decision not to proceed or not to continue with a prosecution. This represents a 23% increase in applications received from the 2018/19 reporting year. The 226 applications² were carefully considered. In 198 applications (88%) the original decision made was upheld or the review request withdrawn. In 28 applications (12%) the original decision was overturned and proceedings raised. No applications remain under consideration.

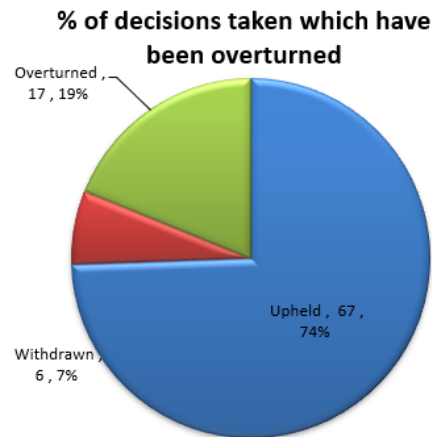
COPFS received 169,894 criminal reports in the financial year 2019/20. The total number of review applications therefore relates to approximately 0.13% of the total number of criminal reports COPFS received in a year. The 28 successful applications therefore relate to approximately 0.016% of the total 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.



² 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.

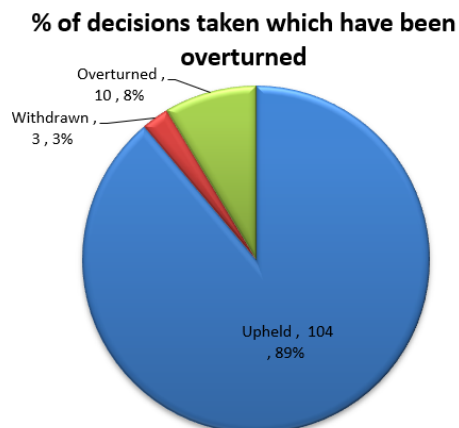
Solemn Statistics

The number of review applications which, if proceeded with, would have involved solemn proceedings was 90 (40% of total VRRs). In 17 applications, the decision not to take proceedings or to discontinue proceedings was overturned. In 73 applications the prosecutorial decision was upheld or the application was withdrawn.



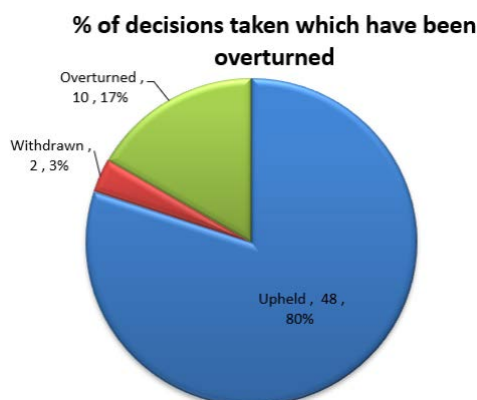
Summary Statistics

The number of review applications which, if proceeded with, would have involved summary proceedings was 117 (52% of total VRRs). In 10 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 107 applications the prosecutorial decision made was upheld or the application was withdrawn.



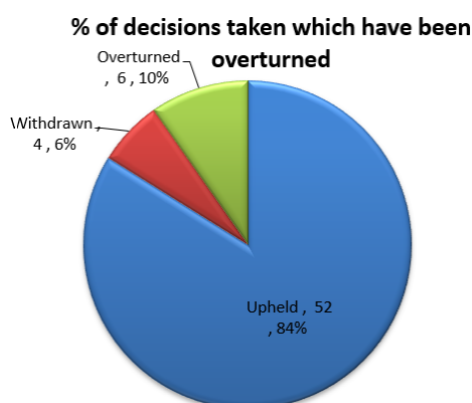
Offences with a Sexual Element Statistics

The number of review applications where the offence(s) contained a sexual element was 60 (26% of total VRRs). In 10 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 50 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 62 (27% of total VRRs). In 6 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 56 applications the decision made was upheld or the application was withdrawn.



Other

In addition, 19 VRRs (8%) relate to complaints against the police. In 1 application the decision not to take proceedings or to discontinue proceedings was overturned. In 18 applications the decision made was upheld or the application was withdrawn.