

Access to Information for Victims and Witnesses

what you need to know



Introduction

There is a new law about information for victims and witnesses – this can be found in The Victims and Witnesses (Scotland) Act 2014.

If you are a victim or witness, you will be able to ask for some information about the case. The following is a guide to help you know who to ask and how. For full details see the attached Protocol.

Who can ask for information?

You can ask for information if you are:

- the victim of the offence or the alleged offence
- a person who is going to give evidence about the offence or the alleged offence
- a person who has given a statement to a police officer or to a prosecutor about the offence or the alleged offence

If you are a relative of a victim who has died you may be able to ask for information where the victim's death has been, or may have been, caused by the offence or alleged offence.

Who can give me information?

You can get information from:

Police Scotland (Police)
The Scottish Court Service (SCS)
Crown Office and Procurator Fiscal Service (COPFS)

What information can I ask for?

You can ask for information about:

- why the police are not investigating the crime or why they have stopped an investigation
- why COPFS are not taking a case to court
- what is happening with a case
- what is happening with a case in court
- what offence a person has been charged with
- what decision the judge or sheriff made about the case

Who should I ask to give me the information?

Different organisations are responsible for keeping different pieces of information about a case

Police - You can ask the Police for information about

- why the police are not investigating a crime or why they have stopped an investigation

COPFS - You can ask the COPFS about

- why COPFS are not taking a case to court
- what is happening with a case

SCS or COPFS - You can ask SCS or COPFS about

- what offences a person has been charged with

SCS - You can ask SCS for information about

- what is happening with a case in court
- what decision the judge or sheriff made about the case

What information do I have to provide

You may have to provide proof of your identity. If you are asking for information on behalf of another person, you will have to provide a note signed by that person giving you their permission to ask for information.

Why might I not get the information I have asked for?

Sometimes it will not be possible to provide you with the information you are asking for. This might be because the information is held in confidence or the organisation who holds the information does not think it is appropriate to give out that information.

The organisation that you have contacted for information will let you know if they are unable to provide that information.

Who do I contact in COPFS for Information

If you are a victim of crime and have been contacted by Victim Information and Advice (VIA) you should telephone the number you have been given.

If you have not been contacted by VIA or are a witness you can contact us at the COPFS enquiry point by email at < EnquiryPoint@copfs.gsi.gov.uk > or by telephone on 01389 739 557