



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Victim's Right to Review

Annual Report 1 April 2021 - 31 March 2022

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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, including whether or not there should be criminal proceedings raised as a result of the circumstances of a death 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 relate 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 2021/22 COPFS received 148,925 standard prosecution reports. Of those, there was a decision not to prosecute or to discontinue a prosecution in 37,863 cases. Of those, a total of 23,581 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.

All Review Applications

Between 1 April 2021 and 31 March 2022 COPFS received 175 applications from victims for a review of the decision not to proceed or not to continue with a prosecution. This represents a 12% decrease in applications received from the 2020/21 reporting year. 175 applications¹ were carefully considered and the reviews concluded. In 157 applications (90%) the original decision made was upheld or the review request withdrawn. In 18 applications (10%) the original decision was overturned, the cases reopened and reconsidered for raising proceedings.

COPFS received 148,925 standard prosecution reports in the financial year 2021/22. The total number of review applications therefore relates to approximately 0.12% of the total number of standard prosecution reports COPFS received in a year. The 18 successful applications therefore relate to approximately 0.012% of the total number of standard prosecution 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

The number of review applications which, if proceeded with, would have involved solemn proceedings was 31 (18% of total VRRs). In 6 applications, the decision not to take proceedings or to discontinue proceedings was overturned. In 25 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 112 (64% of total VRRs). In 12 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 100 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 32 (18% of total VRRs). In 6 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 26 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 49 (28% of total VRRs). In 6 applications the decision not to take

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.

proceedings or to discontinue proceedings was overturned. In 43 applications the decision made was upheld or the application was withdrawn.

Other

In addition, 28 VRRs (16%) relate to complaints against the police. No applications for review were overturned. In those applications, the decision made was upheld or the application was withdrawn.