



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Victims' Right to Review Annual Report 1 April 2020 - 31 March 2021

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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 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 2020/21 COPFS received 159,195 ¹criminal reports. Of those, there was a decision not to prosecute or to discontinue a prosecution in 32,367 cases. Of those, a total of 16,437 were marked no further action.

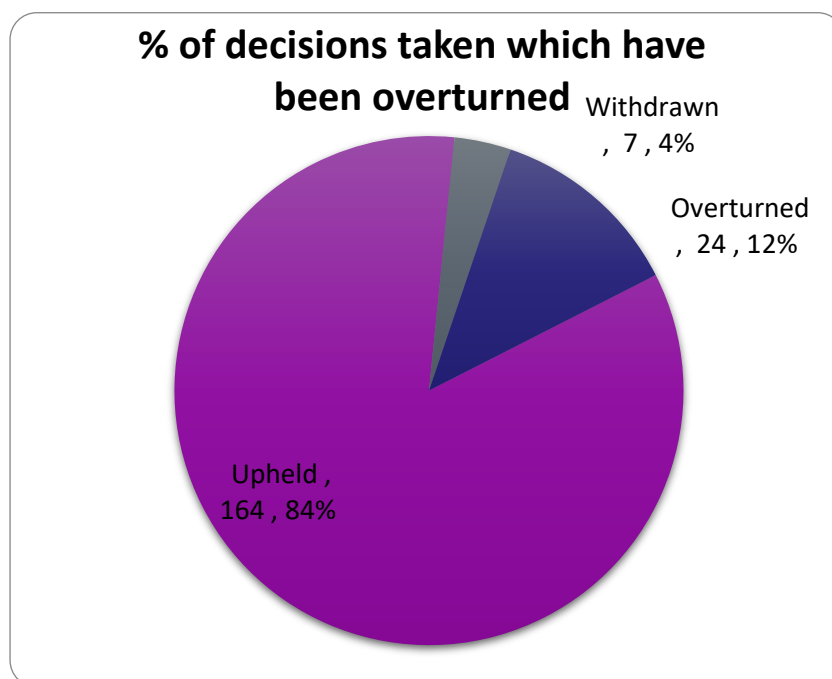
Where a victim requests a review of a decision not to prosecute or to discontinue a prosecution COPFS are committed to conducting a full and thorough review of the decision. Any additional relevant material provided by the victim will be carefully considered. Where appropriate, the decision will be overturned. 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 Statistics on Case Processing Last 5 Years \(2016-21\)](#)

All Review Applications

Between 1 April 2020 and 31 March 2021 COPFS received 198 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 2019/20 reporting year. 3 applications remain under consideration. 195 applications² were carefully considered and the reviews concluded. In 171 applications (86%) the original decision made was upheld or the review request withdrawn. In 24 applications (12%) the original decision was overturned and proceedings raised.

COPFS received 159,195 criminal reports in the financial year 2020/21. 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 24 successful applications therefore relate to approximately 0.015% 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

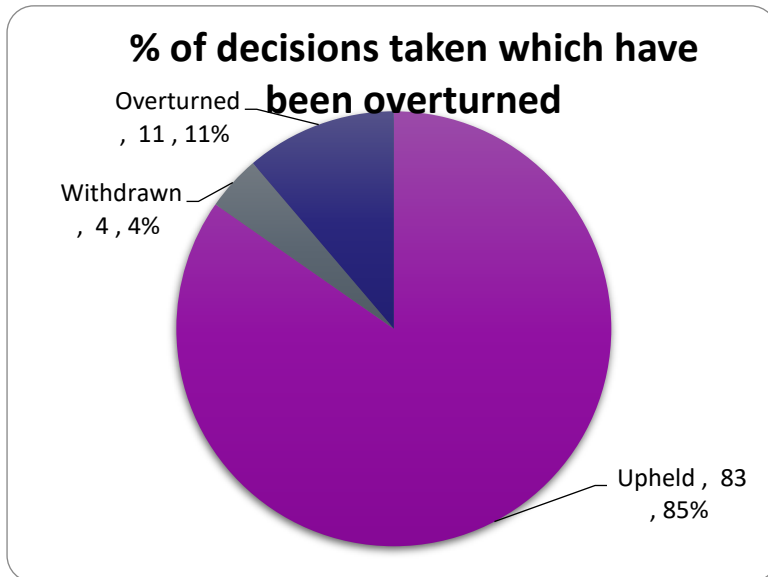
The number of review applications which, if proceeded with, would have involved solemn proceedings was 73 (37% of total VRRs). In 13 applications, the decision not

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.

to take proceedings or to discontinue proceedings was overturned. In 60 applications the prosecutorial decision was upheld or the application was withdrawn.

Summary Statistics

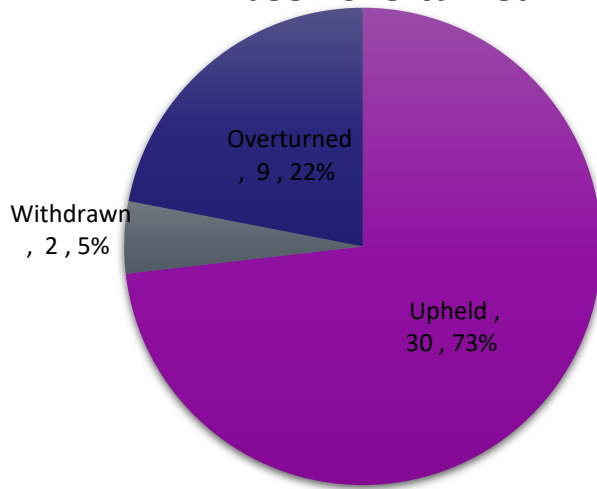
The number of review applications which, if proceeded with, would have involved summary proceedings was 98 (49% of total VRRs). In 11 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 87 applications the prosecutorial decision made was upheld or the application was withdrawn.



Offences with a Sexual Element Statistics

The number of review applications where the offence(s) contained a sexual element was 41 (21% of total VRRs). In 9 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 32 applications the decision made was upheld or the application was withdrawn.

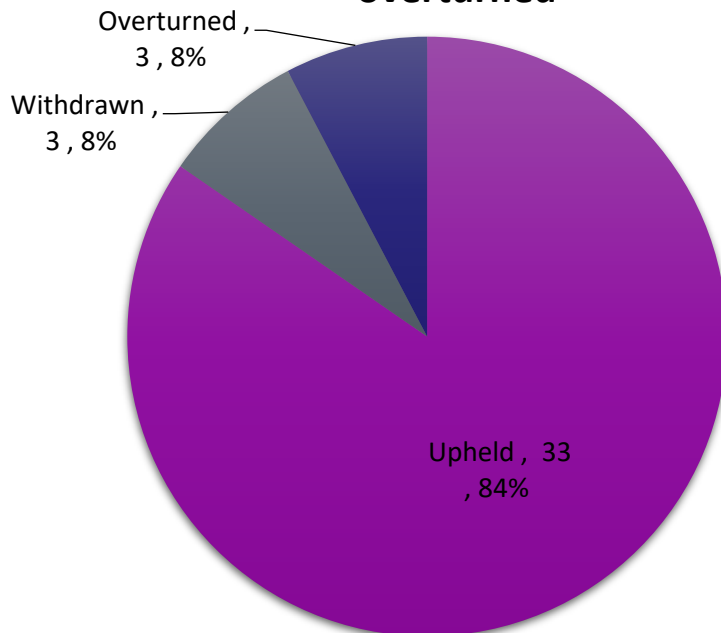
% of decisions taken which have been overturned



Offences with a Domestic Abuse Element Statistics

The number of review applications where the offence(s) contained a domestic abuse element was 39 (20% of total VRRs). In 3 applications the decision not to take proceedings or to discontinue proceedings was overturned. In 36 applications the decision made was upheld or the application was withdrawn.

% of decisions taken which have been overturned



Other

In addition, 24 VRRs (12%) 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.