



Police Victim Right to Review Policy

Supporting Documents

[Victims Code](#)

[APP Victim and Witness Care](#)

[National Policing Guidelines on Police Victim Right to Review](#)

[Data Protection Act 2018](#)

[UK General Data Protection Regulations.](#)

Policy

1. Introduction

This document sets out the force policy in relation to the Police Victim Right to Review (PVRR).

2. Scope

This policy and procedure sets out the principles and process for PVRR schemes in accordance with the [National Police Chiefs Council \(NPCC\) guidance](#) on PVRR and in compliance with the [Code of Practice for Victims](#) of Crime. PVRR relates to a right for a victim to ask for a review of a decision not to prosecute a suspect.

3. Policy Statement

Having a Victim Right to Review (VRR) process is a requirement of the EU Directive, article 11. The VRR process provides the victim with the right to request a review of their case when:

- They have been a victim of a crime recordable under the [National Crime Recording Standard \(NCRS.\)](#)
- A suspect has been identified and interviewed under caution, either following an arrest or by voluntary arrangement.

When the police have made a decision not to bring proceedings in cases where the police have authority to charge; or make a decision that the case does not meet the Full Code Test for referral to the CPS (Crown Prosecution Service) for a charging decision.

Procedure

1. Introduction

1.1 This procedure sets out the principles and process for Police Victim Right to Review (PVRR) schemes. PVRR relates to a right for a victim to ask for a review of a decision not to prosecute a suspect.

1.2 A victim is defined as per [The Code of Practice for Victims of Crime 2015](#) (Victims' Code): 'a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by criminal conduct'. This includes:

- Close relatives of a person whose death was directly caused by criminal conduct;
- Parents or guardians where the main victim is a child or youth under 18;
- Police officers and staff who are victims of crime;
- Family spokespersons of victims with a disability or who are so badly injured that they cannot communicate; and
- Businesses, providing they give a named point of contact.

1.3 Article 11 of the EU Directive provides that, 'Member States shall ensure that victims have the right to a review of a decision not to prosecute', and the Directive makes clear that this includes decisions made by, 'law enforcement authorities such as police officers'. The EU Directive provides the legal imperative to develop a police VRR system but it is anticipated that facilitating reviews of police decisions not to prosecute will also improve victim satisfaction and public confidence in the service, and it accords with the policing principles of openness, fairness and accountability, as set out in the Code of Ethics.

1.4 The right of a victim to request a review arises where the police:

- Identify a suspect and interview them under caution, either following an arrest or by voluntary arrangement; *and*
- Make a decision not to bring proceedings in cases where the police have authority to charge; *or*
- Make a decision that the case does not meet the Full Code Test for referral to the CPS for a charging decision.

2. PVRR schemes should adhere to the following principles:

2.1 All forces should have a PVRR scheme, effective from the 1st April 2015

1. The scheme should apply to qualifying cases; where a suspect has been identified and interviewed under caution, either following an arrest or by voluntary arrangement. An 'interview' in this context relates to situations where a suspect has an allegation put to them in some detail as opposed to limited questioning that might take place in the immediate aftermath of an incident, for instance during a stop and search.

2. The scheme should be available to all victims of National Crime recording offences.
3. All victims should be notified of their right to ask for a review at the point they are informed of the decision not to prosecute. However, reviews will not ordinarily take place until the investigation has concluded
4. All forces shall ensure that their PVRR scheme is clearly explained and easily accessible for victims.
5. Reviews should be conducted by an officer at least one rank higher than the decision maker or by an equivalent staff member, such as a Senior Evidence Review Officer.
6. The reviewing officer should consider the case afresh rather than assessing the validity of the original decision-making process.
7. In order to overturn a decision not to prosecute the reviewing officer must be satisfied that:
 - a) In cases requiring the authority of the CPS to charge, the earlier decision not to refer the case to the CPS was wrong in assessing whether the Full Code Test had been met; or
 - b) In cases where the police have the authority to charge, that the earlier decision not to prosecute was wrong in applying the evidential or public interest stages of the Full Code Test; and in both cases;
 - c) For the maintenance of public confidence in the Criminal Justice System (CJS), the decision must be reversed.
8. It is anticipated that forces will offer a single review of the evidence.
9. PVRR requests should be dealt with in a timely manner, in particular where cases are subject to the 6 month statutory limitation on proceedings
10. The scheme should allow victims to request a review within 3 months of them being notified of the case being filed
11. Review decisions should ordinarily be confirmed in writing.

3. Process:

- The victim should be told about PVRR when a decision is made not to prosecute a suspect and when a crime is filed. This is to be recorded on the OEL on Niche.
- The victim triggers a review of the decision; through completing an online form on the Surrey Police website or by the Contact Centre completing a form on their behalf via 101. Requests will be triaged to the relevant divisional secretariat after recording it on the central tracker spreadsheet.
- A DCI will review the request, check the victim is eligible for a review and assign it to a reviewing officer.
- The secretariat will record further details on the tracker spreadsheet and send an acknowledgement letter; this should be received by the victim no later than 10 days after the date of the initial request to review.

- The case will be reviewed by the reviewing officer, they should consider the case and afresh not assess the original decision.
- If biometric information is deleted after 24 hours under the [Protection of Freedoms Act 2012](#) then Section 144 of the Anti-Social Behaviour, [Crime and Police Act 2014 \(ASBCP\)](#) amended; the Police and [Criminal Evidence Act 1984 \(PACE\)](#) allows for the re-taking of fingerprints and DNA in cases where an investigation is 'discontinued' and the samples destroyed but 'subsequently resumed'.
- The outcome of the review should be reached within 30 working days of the original request and communicated to the victim. If an extension is required, the victim needs to be informed of this including the reasons why.
- If the original decision is overturned the reviewing officer will determine who is best placed to continue with the investigation. If a review of an investigation reveals issues of misconduct or under-performance then these should be dealt with in the normal manner, but the purpose of a review is not to apportion blame.
- The victim needs to be informed in writing of the outcome of the review.
- If a case is put forward for a charging decision following a review or the police have charged a case that was previously NFA'd following a review this should be mentioned on the MG3 for the CPS. In terms of the court file, this needs to be flagged on the MG6 or even on the MG5, as the defendant will already be aware that the charging decision has been changed on review. CPS do not consider that the rationale for the original NFA decision is relevant to the case from an evidential/disclosure perspective. However, the rationale should still be recorded and kept, as per the guidance, in case of judicial review proceedings.
- The outcome of the review to be updated on the tracker spreadsheet and on the OEL on the Niche record
- A victim who remains dissatisfied with the outcome of the police review and wishes to pursue the matter further can apply to the High Court for a judicial review.