

## The Victims Right to Review (VRR)

### Summary

- If either the police or the Crown Prosecution Service decide not to proceed any further with your criminal complaint, you can make an application under either the Police or the CPS 'VRR scheme' for a fresh 'review' of the evidence.
- This means that your case will be referred up to someone new, and they will have to reconsider whether the decision not to proceed was correct.
- They must inform you of any decision not to proceed within **1 day** of making that decision, give their reasons, and explain the VRR scheme, including the local review team's contact details so that you can submit your VRR request.
- There is no application form: you will be informed that you can request a review by email or letter.
- A VRR should be requested quickly: **preferably within 5 days and will rarely be allowed after 3 months.**
- You are entitled to explain, although do not have to explain, why you think they have made the wrong decision.

## Can every decision be challenged?

- Some types of decision cannot be challenged under the VRR.
- The decision must be one that has left you 'empty-handed' (for example, you cannot argue through the VRR Scheme that a different/more serious offence ought to have been brought, or for an additional person to be charged through the VRR Scheme).
- The VRR Scheme is not available when the perpetrator is unidentified.
- If the perpetrator was charged but the case was later dropped by the CPS, and the perpetrator has been **formally acquitted in court**, you can still pursue a review under the VRR Scheme, but the case cannot be re-opened. You should be informed by the Police or the CPS if this is the case.

## What information can you ask for before a VRR?

- Before submitting a VRR obtain as much information as possible about the decision not to prosecute. You will want to know:
  - which criminal offences were considered
  - whether the decision not to prosecute was based on the evidential test or public interest test
  - detailed reasons for the decision
  - what other sources of evidence were pursued apart from her account, eg witnesses, medical records, phone records, previous incidents.
- The Victims' Code entitles a complainant to have specific and clear reasons for the decision explained.
- The CPS should offer a meeting with you to explain their decision if the complaint involved sexual offences or racially and religiously aggravated offences.
- The CPS may also provide a detailed letter explaining the assessment of evidence underlying the decision.

## Preparing a VRR request letter

- You are entitled to explain why you think the CPS' or police's assessment of evidence (or law) was wrong. This might include:
  - aspects not previously known about the evidence in the case
  - aspects previously ignored or not given enough weight by the police
  - your comments/explanation for any allegedly 'undermining' evidence with relation to your complaint
  - further evidence that has not been pursued
- You might also wish to address in your VRR request letter – with the help of a lawyer/ISVA if possible:
  - any legal guidance available to the police/CPS which undermines their approach
  - any criminal offences that they have not considered in their first decision
  - if the decision was made by the police, whether the case is unusual or complex, which might mean that it should be referred up to the CPS to reconsider (e.g. historic cases, cases a context of coercive and controlling behavior over a long period, sexual offence cases where consent was given to some acts but not to others)

## The VRR procedure

- Police VRRs:
  - Will usually be conducted by an officer who is senior to original decision-maker. The reviewing officer should not be involved in the original case or investigation.
  - Where specialist knowledge is required (eg cyber-crime, trafficking) the reviewing officer should have relevant experience.
- CPS VRRs involve a two-stage procedure:
  - a) Local resolution - the decision will be looked at by a different prosecutor within the same CPS office.
  - b) Independent review - the decision will be looked at by a different section of the CPS, the Appeals and Review Unit.

## Outcomes

- Following a VRR, the police or CPS can:
  - Change the earlier decision
  - Maintain the earlier decision
  - Maintain the earlier decision, but give further information and reasons
- If your VRR is unsuccessful, you could consider challenging the decision in court, by applying for 'Judicial Review'.
- The VRR process must be pursued and exhausted before considering a Judicial Review.
- Judicial Reviews of decisions not to prosecute are, unfortunately, very hard to win and carry a significant costs risk. You will need legal advice.

## **ISVA support and legal advice**

- ISVAs ('Independent Sexual Violence Advocates') or IDVAs ('Independent Domestic Violence Advocates') can offer information, emotional and practical support, and advice. They can also advocate on your behalf to the police or the CPS.
- ISVAs are however discouraged from knowing the full facts of your case – which may mean that they cannot cite all of the evidence available in your case when they challenge the decision.
- Due to limited capacity, Centre for Women's Justice does not usually assist members of the public directly with their VRR applications but if your ISVA would like additional legal advice so that they can advise/support you with your VRR application, we may be able to assist.
- We may also be able to refer you to a legal practitioner from our reference panel to draft representations on your behalf, particularly if the case is one that we think involves may involve an incorrect interpretation of the law on the part of the police/CPS.
- ISVAs are invited to contact us with any queries via [info@centreforwomensjustice.org.uk](mailto:info@centreforwomensjustice.org.uk) or on 020 7092 1807.