



Attorney General's Guidance

Victims' right to review a decision not to prosecute

Introduction

- 1) Victims of crimes in Jersey are entitled to apply to the Attorney General for a review of a decision not to prosecute. This guidance explains how this scheme operates and who is entitled to seek a review.

Victims of Crime

- 2) A person is entitled to a review as a "victim of a crime" if they are someone who has suffered harm including physical, mental or emotional harm or economic loss directly caused by an alleged criminal offence. This includes family members of a person whose death was directly caused by a criminal offence. If the victim is a person lacking capacity owing to age or disability then, in most circumstances, any review should be sought by that person's parent or carer.

Time period available to seek a review

- 3) The request for a review must be made in writing within three months of the victim having been informed of the decision not to prosecute. This includes a decision to deal with this matter at a Parish Hall Enquiry. Requests for a review will be granted unless the application is vexatious or relates to a review that is already being carried out.
- 4) An applicant for review needs only to provide sufficient details to allow the case to be identified for review. These should include:
 - a) the applicant's name, address, contact details;
 - b) any legal representative whom the applicant for review wishes to have communicate with the Attorney General;
 - c) brief details of the alleged offence;
 - d) any circumstances that the applicant would like the Attorney General to take into account when carrying out the review, for example any new information; and
 - e) any other relevant information that the applicant thinks is important.
- 5) If an applicant has difficulty in completing an application form then they should telephone the Attorney General's secretary on tel. 441225.
- 6) Applications for review should be sent by post to: The Attorney General, Law Officers' Department, Morier House, St Helier, JE1 1DD, or sent by email AttorneyGeneral@gov.je.

The conduct of the review

- 7) The review will usually be of a decision of a Centenier not to charge a suspect. Frequently that charging decision will have been made on legal advice given by a lawyer in the Law Officers' Department.
- 8) The review will be conducted by a lawyer who has had no prior involvement in the case. The review will be carried out by a lawyer who is of the same or greater seniority than the lawyer (if any) who advised in relation to the original decision.
- 9) In the unlikely event that the decision was made by the Attorney General then the review will be carried out by the Solicitor General and vice versa. The Solicitor General and the Attorney General are independent Crown Officers.
- 10) If no new evidence or information is provided then the review will be completed and the applicant notified of the outcome within eight weeks of the application for review. If any new evidence is provided then the process may take longer. The applicant will be updated as to the progress of the review in the event that it takes longer than eight weeks.

The completion of the review

- 11) At the end of the process the reviewing lawyer will write to the applicant setting out their decision and the reasons for that decision. If the reviewing lawyer decides the decision not to prosecute was wrong then the applicant will be told whether the case will now be prosecuted and, if not, why not. If the prosecution is pursued then Court proceedings will be initiated as soon as possible. There may be some instances where the reviewing lawyer will want to meet the applicant before a firm decision is made or to discuss the outcome of the review.
- 12) All decisions to prosecute will be taken in accordance with the Code on the decision to prosecute – a link to which is:
<https://www.gov.ie/government/nonexeclegal/lawofficers/pages/decisionprosecute.aspx>
- 13) It is to be noted that the review process does not apply to decisions to prosecute. Once a case is prosecuted then the outcome of such a prosecution is a matter for the Court.

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