



HM Inspectorate  
of Prosecution in Scotland



Improving  
Policing  
Across  
Scotland

# Citing witnesses in the sheriff court

March 2025

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Terms of Reference



HM Inspectorate of Prosecution in Scotland  
HM Inspectorate of Constabulary in Scotland



# About us

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## **HM Inspectorate of Prosecution in Scotland**

HM Inspectorate of Prosecution in Scotland (IPS) is led by HM Chief Inspector of Prosecution who is appointed by the Lord Advocate to inspect the operation of the Crown Office and Procurator Fiscal Service. The functions of HM Chief Inspector are set out in the Criminal Proceedings etc. (Reform) (Scotland) Act 2007. The 2007 Act makes clear that in the exercise of any of the functions conferred by the Act, HM Chief Inspector is independent of any other person.

## **HM Inspectorate of Constabulary in Scotland**

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the state, effectiveness and efficiency of both Police Scotland and the Scottish Police Authority (SPA). HMICS has a statutory duty to ensure that the Chief Constable and the SPA meet their obligations in terms of best value and continuous improvement. HMICS also has an established role in providing professional advice and guidance on policing in Scotland.

# About our inspection

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## Aim

1. The aim of this inspection is to assess how effectively and efficiently prosecution witnesses are cited to give evidence at court. This includes members of the public who have been the victim of a crime or who have witnessed a crime, as well as police and professional witnesses. We will consider whether and how the experience of being cited to attend court can be improved, and whether there is scope to modernise and achieve greater efficiency and effectiveness in the citation process.
2. The inspection will be carried out by HM Inspectorate of Prosecution in Scotland (IPS) and HM Inspectorate of Constabulary in Scotland (HMICS). Working together will allow us to consider the citation process from both a prosecution and policing perspective.

## Background

3. A citation is an official letter sent to a witness. It advises the witness that they are required to attend court to give evidence. The citation sets out the court they should attend and the time and date they need to be there. The citation also states that if the witness does not attend, the court may grant a warrant for their arrest.
4. Citations are issued to prosecution witnesses by the Crown Office and Procurator Fiscal Service (COPFS). Generally, citations are either sent by post or are hand delivered by the police. These methods of delivery are known as 'postal service' or 'personal service'. Personal service is the primary method of delivery for some types of witness or in some circumstances, whereas other witnesses will only receive their citation by personal service where postal service has already been attempted but COPFS has not received a response from the witness. Where a witness is giving evidence in a summary case, the law also allows for citations to be emailed to the witness, but this method of delivery has not yet been well used for all types of witness.
5. Citations include a response form and a pre-paid envelope for the return of the form to COPFS. Witnesses are asked to reply to their citation, confirming that they will attend court on the date specified. Information is also provided about what the witness should do if they cannot attend. As well as informing witnesses of the date they are required to attend court, a key function of the citation process is for COPFS to gather information about witness attendance and to share this with the court, thereby allowing the court to establish whether the parties are ready for trial.
6. The legal framework for citing witnesses is set out in the Criminal Procedure (Scotland) Act 1995 and the Act of Adjournal Criminal Procedure Rules 1996. Different provisions apply depending on whether the witness is giving evidence in a summary or solemn case.<sup>1</sup> Section 20 of the Police and Fire Reform (Scotland) Act 2012 sets out the duties of police constables, one of which is to serve citations.

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<sup>1</sup> In the sheriff court, summary proceedings take place before a sheriff only. For more serious cases, solemn proceedings take place before a sheriff and a jury.

7. In summary cases, citations are issued when the accused tenders a plea of not guilty. This is usually at an early stage in proceedings. In solemn cases, citations are only issued after the case has called at a first diet and a trial date has been assigned. This may occur some months after the accused's first appearance in court. The longer timescales in solemn cases afford COPFS the opportunity to seek information about witness availability before citations are issued.

### Why inspect?

8. In recent years, the citing of witnesses has emerged as an issue in scrutiny activity carried out by both IPS and HMICS.
9. In 2024, IPS inspected the prosecution of domestic abuse cases at sheriff summary level.<sup>2</sup> The inspection included interviews with victims and domestic abuse advocacy workers, as well as a review of 60 cases. In 2025, IPS inspected how COPFS responds to enquiries received by National Enquiry Point, COPFS's customer contact centre.<sup>3</sup> The findings were based on a range of evidence, including an audit of 200 calls and emails to Enquiry Point. The main reason for contacting Enquiry Point was citation-related in 27% of the enquiries audited.
10. In both inspections, a range of citation-related issues arose. These included concerns about:
  - the content and accuracy of citations
  - witnesses not receiving citations
  - the timeliness of citations
  - witnesses not being countermanded timeously or at all
  - the process by which witnesses update their contact information, allowing citations to be delivered to the correct address
  - the process by which witnesses seek to be excused from giving evidence
  - serving citations in a manner which is not trauma-informed
  - barriers to witnesses attending court
  - the impact of repeat citations on victim and witness wellbeing and their continued engagement in the justice process.
11. Similarly, citation-related issues have arisen in inspections undertaken by HMICS. Recent inspections of officer wellbeing and of road policing, for example, have highlighted the frequency with which officers are cited to attend court and the impact this has on police resources and morale.<sup>4</sup> Officers have consistently told HMICS that court attendance is one of the most frequent causes of cancelled rest days, disrupting their recovery time away from work. While court attendance is recognised as an important part of an officer's role, there are concerns about officers not being countermanded in time when they are no longer needed, and about the frequency with which officers are abstracted from duties to attend court but do not give evidence. A recommendation of the inspection of road policing was for Police Scotland to engage with its justice partners to explore options to reduce the time requirement for officers attending court.

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<sup>2</sup> IPS, [The prosecution of domestic abuse cases at sheriff summary level](#) (2024).

<sup>3</sup> IPS, [Responding to enquiries: service delivery through National Enquiry Point](#) (2025).

<sup>4</sup> HMICS, [Frontline focus – wellbeing](#) (2024); HMICS, [Thematic inspection of road policing in Scotland](#) (2024).

12. HMICS has also highlighted the opportunities afforded by digital solutions to reduce the number of police officers cited to give evidence or to allow them to give evidence remotely, thereby limiting the time they are abstracted from other duties.<sup>5</sup> The latter is particularly helpful for officers in national or regional teams who are not local to the court where attendance is required.
13. More generally, there is concern about the extent of police involvement in the personal service of citations on other witnesses. Between October 2023 and October 2024, Police Scotland was asked to serve 192,000 legal documents, around 90% of which were witness citations. Of these, Police Scotland personally served 124,000 legal documents, only 96,000 of which were served on time.<sup>6</sup> The volume of citations to be personally served has a significant impact on police resourcing while delays in service affect witnesses' experience of the justice process and the efficient administration of justice.
14. In light of the citation-related issues outlined above, previous scrutiny activity has suggested clear scope for the citation process to be improved. It has also noted some examples of new or good practice which would benefit from further exploration. Improvements to the citation process should lead to better experiences and outcomes for individual witnesses, as well as improved efficiency in the criminal justice system.

## Data

15. Comprehensive data about the citation of witnesses is not readily available, but some data provides an idea of the scale of witness citations in Scotland and an indicator of some of the challenges – not least that many witnesses are cited on multiple occasions and many witnesses never go on to give evidence.
16. In 2023-24, 50,466 summary cases and 6,834 solemn cases called for trial in sheriff courts across Scotland.<sup>7</sup> However, evidence was led in only 11% of summary cases and in 19% of solemn cases. This means many witnesses will have been cited to give evidence and even attended court in trials that ultimately did not proceed. Trials may not have proceeded for a range of reasons, including that the accused pled guilty at a late stage, the trial was adjourned for lack of court time or for other reasons, or because COPFS decided to discontinue the case either temporarily or permanently. Adjournments and discontinuations can be caused by failures in the citation process. Data is not available on how many witnesses actually gave evidence, how many witnesses attended court but did not give evidence or the number of trials adjourned due to issues with witness citation or attendance.

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<sup>5</sup> HMICS, [Annual Report 2023-24 \(2024\)](#); HMICS, [Thematic inspection of road policing in Scotland](#) (2024), Recommendation 4.

<sup>6</sup> Data supplied by Police Scotland to HMICS.

<sup>7</sup> Scottish Courts and Tribunals Service (SCTS), [Courts Data Scotland: Criminal Edition 26](#) (2024).

17. Data provided to the inspectorates by COPFS shows the number of first citations sent to witnesses in summary cases in the sheriff court. It also shows the number of re-citations sent (see Table 1).<sup>8</sup> The data relates to three types of witnesses:

- civilian witnesses – that is, members of the public who are witnesses
- police witnesses – police officers who either witnessed the crime or who were involved in investigating and reporting the crime to COPFS
- other witnesses – this includes professional witnesses who provide evidence in connection with their job, such as doctors.

Table 1 – Citations in summary sheriff court cases across Scotland in 2023-24

Number of:	All witnesses	Civilian witnesses	Police witnesses	Other witnesses
First citations	176,951	84,368	88,810	3,773
Re-citations	210,826	108,282	97,085	5,459

18. COPFS is gathering and monitoring data regarding the number of citations sent to witnesses in summary cases in connection with a new model of summary case management. The model was initially piloted in three areas from September 2022. It aims to reduce the number of cases set down for trial unnecessarily, and to reduce the volume of late pleas of guilty and late decisions on discontinuation.<sup>9</sup> A phased rollout of the model across Scotland is now taking place. Data shows that the number of citations issued in the areas that piloted the summary case management model decreased significantly. For example, in Dundee, the average monthly number of first citations issued reduced 37% between the pre-pilot period and the pilot period (as at January 2025). Re-citations also reduced by 37%. These reductions represented hundreds of witnesses who no longer required to be cited to give evidence.

## Scope

19. Our inspection will assess how prosecution witnesses are cited to give evidence. We will focus on witnesses who are cited in the sheriff court given that is the forum where the majority of witnesses in Scotland give evidence. We will seek to understand the experience of witnesses being cited for court, and will consider whether and how their experience can be improved. We will consider the citing of all types of witnesses, including members of the public who have been the victim of a crime or who have witnessed a crime, as well as police and professional witnesses.

<sup>8</sup> A witness may be re-cited where the trial is rescheduled.

<sup>9</sup> For further information about the summary case management model, see SCTS, [The summary case management \(SCM\) pilot: Final evaluation](#) (2024).

20. We will consider the end-to-end citation process, including:
- whether the information initially gathered by the police and reported to COPFS supports effective decision making about citing witnesses
  - the decision to cite and the issuing of citations by COPFS
  - the management of the citation process by both COPFS and Police Scotland, including serving citations and countermands
  - the management of witness availability, including excusal requests and, for police and professional witnesses, the use of standby arrangements and the giving of evidence remotely
  - the impact of being cited on witnesses and the barriers to giving evidence
  - how the current process for citing witnesses contributes to the efficient and effective administration of justice
  - opportunities to modernise the citation process and make it more efficient, including through the use of digital technology.
21. Throughout our inspection, we will consider how well COPFS and Police Scotland understand and meet the needs of those witnesses who may require additional support to understand and manage being cited.
22. Given the financial constraints under which public services are operating, we are particularly keen to explore whether and how efficiencies in the citation process can be achieved, and how these may contribute to a more efficient justice system in which churn<sup>10</sup> is reduced, but also an economy in which witnesses' working days are not lost unnecessarily.
23. To help manage the scale of our inspection and taking into account the resources available to us, we have excluded some issues from the scope of our inspection. These include the use of special measures to support witnesses to give evidence; the citation of the accused; the citation of witnesses for the defence; the service of any other legal documents; witness expenses; and the citation of witnesses in the High Court or Justice of the Peace Court.
24. In carrying out our inspection, we will be guided by our respective Inspection Frameworks.<sup>11</sup> These frameworks provide a structure within which we ensure a consistent and professional approach to our work. Both frameworks are based on the European Foundation for Quality Management (EFQM) Model, and have three overarching themes:
- Direction, leadership and vision
  - Delivery
  - Outcomes.

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<sup>10</sup> 'Churn' refers to cases repeating stages unnecessarily.

<sup>11</sup> IPS, [Inspection Framework](#) (2024); HMICS, [Inspection Framework](#) (2023).

25. In line with these three themes, our key inspection questions will be:

**(a) What is the vision for citing witnesses?**

This will include consideration of the current legal and policy framework for citing witnesses in the sheriff court; how COPFS and Police Scotland intend to deliver their obligations to cite witnesses to court; and to what extent the citation process is informed by an understanding of the current operating context and the needs of witnesses and the justice system.

**(b) How efficient and effective is the process for citing witnesses?**

This will include consideration of how well the citation process works; whether available systems and tools support the effective citing of witnesses; and whether there is scope for the process to be improved, made more efficient or modernised, including through the use of digital technology.

**(c) How well does the current citation process meet the needs of witnesses and the justice system?**

This will include consideration of the personal and economic impact of the citation process on witnesses, the police and prosecution services, and the justice system; and key performance indicators and management data and how these are used by COPFS and Police Scotland to support improvements.

## **Methodology**

26. Following an initial period of scoping and planning our inspection, we will seek to gather evidence from a range of sources. This will include:

- reviewing relevant literature regarding the citation of witnesses
- reviewing relevant documentation including COPFS and Police Scotland strategies, policies, guidance and procedures relating to the citing of witnesses in the sheriff court
- analysing available data about citations
- observing the operation of the citation process, including the systems used to manage citations
- auditing a random sample of summary and solemn sheriff court cases to assess how the citation process operates in practice
- gathering the views and experiences of those who have been cited to give evidence, including members of the public as well as police and professional witnesses. This will be done through surveys, interviews and focus groups
- interviewing those involved in the citation process, including administrative staff, prosecutors and senior leaders within COPFS, and police officers, police staff and senior leaders in Police Scotland
- engaging with other justice agencies and key stakeholders, such as SCTS and organisations that support witnesses
- comparing approaches to citing witnesses in Scotland with those elsewhere with view to identifying and learning from effective practice.

27. In carrying out our inspection, particularly in the planning and evidence gathering stages, we will consider our duty of user focus, as set out in the Public Services (Reform) Scotland Act 2010. This duty applies to both IPS and HMICS and helps us ensure that the views and experiences of service users, and those who represent them, inform our work.

## Reporting

28. We will publish a report of our inspection. The report will set out our findings and any recommendations. It will be laid before the Scottish Parliament and shared with COPFS, Police Scotland and any other relevant agencies. It will be published on our websites at [www.prosecutioninspectorate.scot](http://www.prosecutioninspectorate.scot) and [www.hmics.scot](http://www.hmics.scot). We anticipate publishing our report later in 2025.
29. For further information about our inspection, or if you have information about or experience of being cited as a witness that you would like to share with us, please contact:

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### **About HM Inspectorate of Prosecution in Scotland**

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### **About His Majesty's Inspectorate of Constabulary in Scotland**

HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.

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