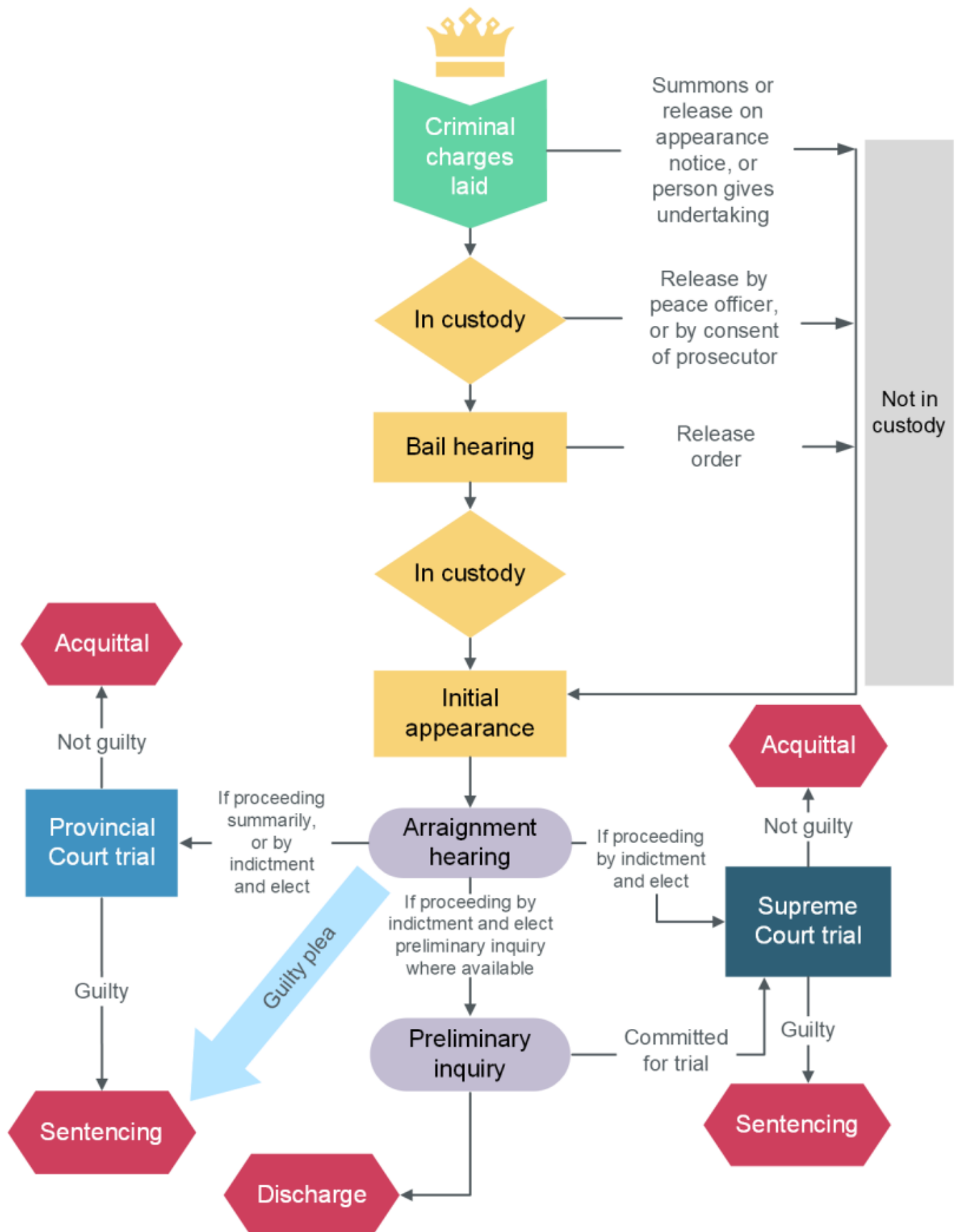




## Provincial Court of British Columbia

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Criminal charge process, types of criminal offences and the courts where trials are held in BC.



# Criminal charge process

The Court is not involved with the process of laying a charge. Crown prosecutors decide whether criminal charges should be laid.

1. Police investigate alleged crimes and gather evidence
2. The police prepare and submit a Report to Crown Counsel
3. Crown counsel assess if and what charges are laid, and against whom

If you are charged with a crime and held in jail, there will be a bail hearing.

Whether or not you are held in jail, there will also be an initial appearance before the Court.

[Bail hearing](#)

[Initial appearance](#)

## Types of criminal offences and where trials are held

**Over 95% of all criminal cases in BC are heard in Provincial Court.**

There are three types of criminal offences (crimes). Depending on the type of offence, the trial may happen in the Provincial Court or the Supreme Court.

### Summary offences

- Summary offences are less serious crimes with less severe punishment
- Examples of summary offences are creating a disturbance, joyriding, dining and dashing
- Summary court process is simpler
- Maximum penalty for a summary offence is usually a \$5,000 fine and/or six months in jail, although some summary offences have higher maximum sentences
- Summary offences can only be dealt with in Provincial Court

## **Indictable offences**

- Indictable offences are more serious crimes with more severe punishment. Examples include breaking and entering and aggravated assault
- The indictable court process is more complex
- Maximum penalties for indictable offences vary and can include life in prison. Some indictable offences have minimum penalties
- People charged with most indictable offences may choose (elect) whether to have their trial in Provincial Court or in the BC Supreme Court
- If a person elects to have their trial in the BC Supreme Court, they must also choose whether to be tried by a judge alone or a judge and jury

All jury trials in BC take place in the Supreme Court. There are no jury trials in Provincial Court.

## **Hybrid offences**

- Crown counsel must decide (elect) whether to treat the matter as a summary offence or an indictable offence
- Examples of hybrid offences include theft under \$5000, assault, impaired driving
- Some types of hybrid offences will always proceed in Provincial Court whether the Crown chooses to treat the offence as summary or indictable (example: theft under \$5,000)
- If Crown counsel chooses the summary process, the trial will be in Provincial Court
- If Crown counsel chooses the indictable process, in most cases, the person charged may choose whether to proceed in Provincial Court or in the BC Supreme Court

<https://main-bvx6a6i-t74dtfugroaqq.ca-1.platformsh.site/navigating-court-case/criminal-adult-and-youth/steps-criminal-case/charges-and-types-offences>