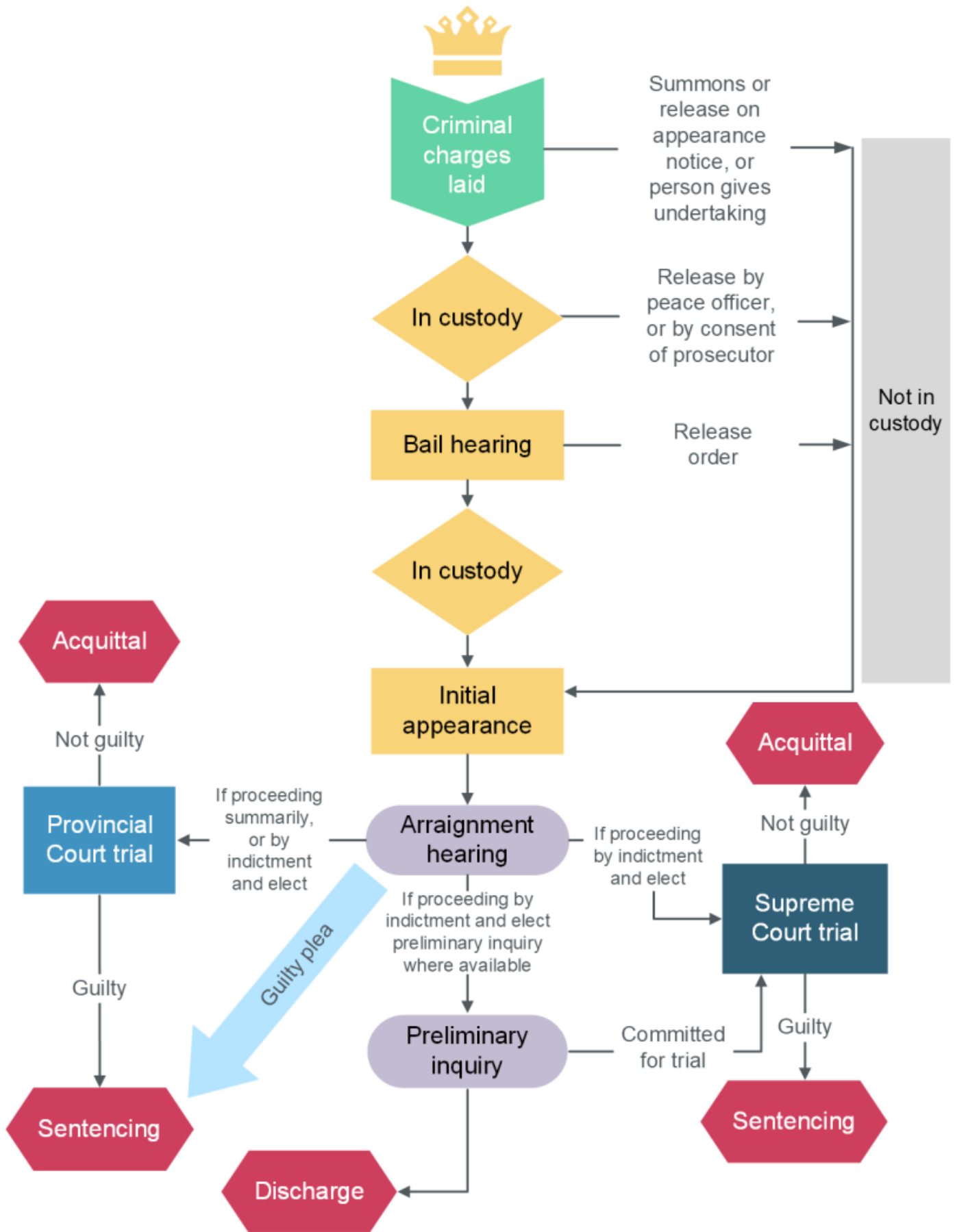




Provincial Court of British Columbia

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>