The Criminal Court Process

A brief overview of what you need to know as a victim of a violent crime *Based on Ontario court process, may not apply in other provinces and territories.



WHAT HAPPENS FIRST?

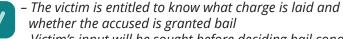
After crime committed: charges not yet laid

Crime

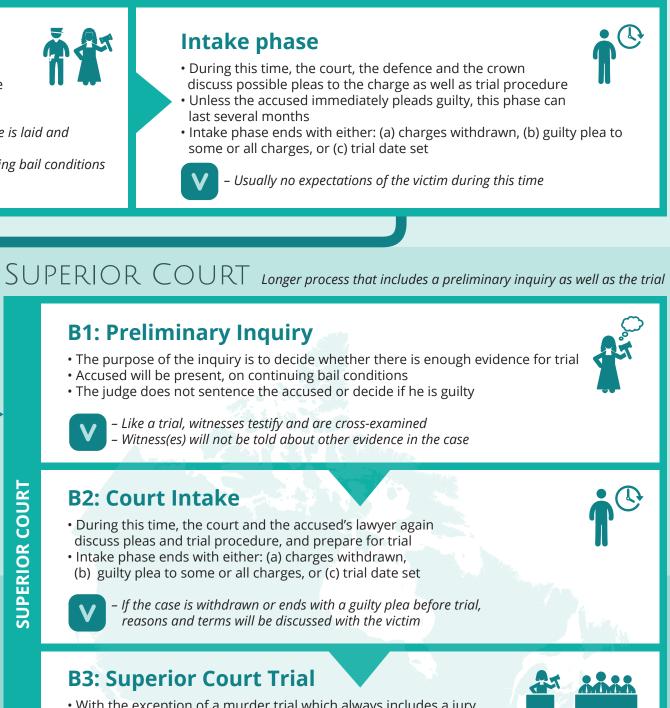
- The police conduct an investigation
 - The victim and witness(es) are interviewed
 - The victim is entitled to know when an arrest is made. To protect the integrity of the investigation, details may be confidential.
 - Police address any safety concerns

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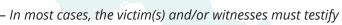
- Victim's input will be sought before deciding bail conditions



PROVINCIAL COURT Normally less than 12 month period

A: Provincial Court Trial

- Verdict decided by judge (no jury)
- Accused must be present at trial, on continuing bail conditions



- Victims must review their previous statements and tell the truth
- Vulnerable witnesses (i.e. children) can testify behind a screen
- Victims may only watch trial after testifying so their evidence is not influenced



If the intake phase ends in trial date, the case goes to court.

Note

Charges laid

• The police file charge(s) with the court

crown conducts a bail hearing

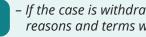
If the accused is not released immediately, the

Depending on the charges, the accused may be allowed to choose a Superior Court trial (in murder it is mandatory). Otherwise the trial will be in Provincial court.

B1: Preliminary Inquiry



B2: Court Intake



B3: Superior Court Trial

• With the exception of a murder trial which always includes a jury, the accused can choose between judge alone or jury



SUPERIOR COURT

- In most cases, the victim(s) and/or witnesses must testify - The Crown will meet with the victim to help prepare for trial - Vulnerable witnesses (i.e. children) can testify behind a screen - Victims may choose to attend trial after testifying

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Sentencing

- If found guilty: the case must have a sentencing hearing, during which sentence is decided (Either immediately, or scheduled to another day)
 - The victim is entitled to know what restitution is available - Victim may write an impact statement



VICTIM JUSTICE NETWORK



Réseau de la justice pour les victimes