

PROVINCE OF ONTARIO  
MINISTRY OF ATTORNEY GENERAL

**CROWN POLICY MANUAL**

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March 21, 2005

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**DIRECT INDICTMENTS**

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**PRINCIPLE**

The Criminal Code permits the Attorney General or Deputy Attorney General to send a case directly to trial:

- If the accused has not been given the opportunity to request a preliminary inquiry, or
- If a preliminary inquiry has commenced but not been concluded, or
- After an accused has been discharged at a preliminary inquiry.

This power is an extraordinary one and is used infrequently in Ontario.

Generally, counsel may make a request for the Attorney General's consent to a direct indictment where there exist compelling circumstances which require, in the interests of justice, that the matter be brought to trial forthwith, bearing in mind the strength of the Crown's case and the seriousness of the charge.

Before requesting the Attorney General or Deputy Attorney General's consent, Crown counsel must have concluded that there is a reasonable prospect of conviction and that the continuation of the prosecution is not contrary to the public interest.