

Record Suspensions

Summary

A record suspension (formerly known as a pardon) allows individuals convicted of a criminal offence under a Canadian federal act or regulation who have completed their sentence and a conviction-free waiting period to have their criminal records kept separate and apart from other criminal records. Pursuant to the *Criminal Records Act*, the **Parole Board of Canada** has the power to order, refuse to order, or revoke record suspensions.

A sentence is completed when a person has paid all **fin**es, surcharges, costs, **restitution** and compensation orders in full, when a person has served all sentences of imprisonment (including **conditional sentences**, **parole** and **statutory release**) and when a person has satisfied his/her probation order.

The waiting period for a record suspension is five years for a **summary conviction offence** and 10 years for an **indictable offence**.

The **Parole Board of Canada** can deny a record suspension, if, for example, a person is not of good conduct. The person may then re-apply after one year.

When a record suspension is granted, convictions are removed from **CPIC** and may not be disclosed without the permission of the Minister of Public Safety Canada. The *Criminal Records Act* only applies to federal departments and agencies. While provincial and municipal law enforcement agencies are not bound by the *Criminal Records Act*, many such agencies will restrict access to their records once they are notified that a record suspension has been granted.

A record suspension does not erase the fact that a person was convicted of a criminal offence, nor will it guarantee entry or visa privileges to another country or cancel driving or weapons prohibition orders under the *Criminal Code*.

Convictions for certain sexual offences listed in the *Criminal Records Act* will result in the offender's name being flagged in **CPIC** if they were previously pardoned. The offender will then be asked to let employers see their record if this person wants to work with children or with groups that are vulnerable because of their age or disability. The name will be flagged regardless of the date of the conviction or the date a pardon was granted.

Certain offences are not eligible for record suspensions, namely sexual offences involving children or where there are more than three offences that were prosecuted by indictment that each resulted in a jail sentence of more than two years.

Record suspensions need not be requested where a person's record consists only of **absolute** and **conditional discharges**. **Absolute discharges** are automatically

Lesson Plan Overview

Criminal law is an area of law that deals with criminal offences and consequences when someone is found guilty.

This lesson plan introduces students to record suspensions.

Activities & Discussion

Questions:

- 1) Do you think the waiting period for a record suspension is too long? Why or why not?
- 2) Should certain offences not be eligible for a record suspension? Why or why not?
- 3) Should the Parole Board be able to revoke a record suspension? Why or why not?
- 4) Find information about pardons. Were they different from record suspensions?
- 5) What happens in other countries? Do they have record suspensions or pardons? Provide information about two other countries.
- 6) Complete the Quiz.

Glossary

Absolute Discharge - accused has been found guilty, but not convicted of the offence.

Conditional Discharge - has the same result as an absolute discharge except that the person who is sentenced must obey a set of conditions contained in a probation order for a specified period of time.

removed from **CPIC** one year after the court decision, while conditional discharges are automatically removed three years after the court decision.

A record suspension may be revoked by the **Parole Board of Canada** if the person:

- is later convicted of a **summary conviction offence** under a Canadian federal act or regulation;
- is no longer of good conduct; or
- made a false or deceptive statement or concealed relevant information at the time of the application.

Revocation will then result in the record again being kept in **CPIC**.

A record suspension can cease to have effect if a person is subsequently convicted of an **indictable offence** under a Canadian federal act or regulation or a hybrid offence, or if the **Parole Board of Canada** is convinced by new information that the person was not eligible for a record suspension at the time that it was granted. This would result in the record again being kept in **CPIC**.

Conditional Sentence - a sentence of imprisonment served in the community.

CPIC - Canadian Police Information Centre - records convictions, discharges, suspended sentences, outstanding charges or warrants and court appearance dates.

Fine - punishment in the form of money that must be paid.

Hybrid Offence - or dual offence. Can be treated as either summary conviction or indictable.

Indictable Offence - More serious offence.

Parole - release of an inmate under the supervision of a parole officer.

Parole Board of Canada - independent, administrative tribunal that can order, deny, or revoke record suspensions.

Probation Order - an order containing certain conditions the offender must follow.

Restitution - an order providing compensation to the victim.

Statutory Release - offenders are usually entitled to serve the last third of their sentence in the community under statutory release. Offenders must comply with certain conditions under the supervision of a parole officer.

Summary Conviction Offence - less serious offence.

Relevant Law:

Criminal Records Act