

Criminal Records

Summary

A criminal record is easily acquired but very difficult to erase. Often, a person who gets a criminal record has it forever and the effect this has on their life can be far-reaching and serious.

Any conviction under an Act of Parliament results in a criminal record. The most common convictions occur under the *Criminal Code* and the *Controlled Drugs and Substances Act*. Even a **discharge** will result in a criminal record.

Who Keeps Criminal Records?

Since various government departments compile their own statistics for each offender with whom they come into contact, there are several different kinds of criminal records.

Bureau of Police Records

The Winnipeg Police Service has its own Bureau of Police Records that is used by local police personnel. The Bureau keeps track of all convictions made by courts in the Winnipeg area. In addition, the Royal Canadian Mounted Police in Ottawa advise the Winnipeg Police Service of any information that they have about criminal convictions in other parts of Canada.

CPIC

There is a central police record managed by the Royal Canadian Mounted Police that can be accessed by every police force across the country. This is called the Canadian Police Information Centre (CPIC). The CPIC system records convictions, **discharges**, **suspended sentences**, outstanding charges or **warrants** and court appearance dates. It can be used only by authorized police personnel.

Court Records

A form of criminal record is also kept by the courts.

The Court of King's Bench records are kept in the registry at the court office and are permanently maintained. The Provincial Court keeps records of the cases in its courts.

Manitoba Public Insurance Driver and Vehicle Licensing

The Driver and Vehicle Licensing Branch keeps a record of all driving convictions made under *The Highway Traffic Act* of Manitoba. These are usually

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 the concepts of searches and arrests and basic rights under the *Charter*.

Activities & Discussion

Questions:

- 1) Watch the video: [Effect of a Criminal Record and How Long Criminal Records Last](#).
- 2) Find out how you would get a Criminal Record Check. What is the cost?

Glossary:

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

Discharge - 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.

Suspended Sentence - offender will usually be on probation instead of serving a jail sentence.

Warrant - a court order that gives the police various powers, for example to

referred to as “driving abstracts” rather than criminal records. A driving record may also list some *Criminal Code* convictions, such as impaired or dangerous driving. The Winnipeg Police Service now includes *Highway Traffic Act* infractions on their printouts of local criminal records.

Police Department

The police department takes photographs and fingerprints from all persons arrested for certain types of criminal offences. These are kept on record by the local police and by the RCMP in Ottawa. An accused person who is ultimately found not guilty may apply to the Winnipeg Police Service to destroy both the local and RCMP records.

Youth Criminal Justice Act

The *Youth Criminal Justice Act* creates a number of special rules that apply to the criminal records of young persons. Youth records may be kept by the youth justice court and other courts, review boards, police forces, government departments and agencies under specified purposes and organizations participating in an extrajudicial measure or administering a sentence.

The *Youth Criminal Justice Act* also sets out who may have access to youth records. A young person who has received an adult sentence and whose time for appeal has expired will have their record treated as an adult record. A youth record may be accessible by the young person, the young person’s lawyer, the Attorney General and the victim of the offence. Parents of the young person or an adult assisting the young person have access during the proceedings and for the duration of the sentence. Peace officers have access to the youth record for case administration and law enforcement purposes, and a judge, court or review board may access the youth record for related proceedings or subsequent offences by the young person.

The *Youth Criminal Justice Act* provides for non-disclosure of records after a certain period of time in order to prevent persons from being haunted by their previous infractions as youths.

Other than the RCMP central repository that must eventually destroy its records, other agencies may be able to keep their records indefinitely, subject to non-disclosure.

Effects of a Criminal Record

For both adults and youth, having a criminal record can affect a person’s life in a number of ways. For example, a criminal record can affect

- the severity of the sentence imposed for a later criminal offence. In most cases, a person with a criminal record will be dealt with more harshly by the courts than a person who does not have a record;
- employment opportunities, particularly in those occupations where employees must be bonded for reasons of financial security;
- membership in professional associations, licensing and insurance applications;

arrest someone.

Relevant Law:

Youth Criminal Justice Act

- franchise applications for bonding establishments, which often require proof of characteristics such as integrity, stability and honesty; and
- entry into foreign countries. For example, entry into the United States (whether as a visitor or as an immigrant) is prohibited for any person with a criminal record, including records for such offences as polygamy, prostitution, trafficking in narcotics or espionage. Although it is possible to obtain a U.S. waiver, such an application must be made to the United States government and can be costly and time-consuming.