

HOW DO I GET AN APPLICATION FOR A RECORD SUSPENSION?

There are a few ways you can get an application for a record suspension. You can contact the Parole Board of Canada, download the application, and view other helpful information on the Parole Board of Canada website, or pick up an application at your regional Parole Board of Canada office. You can also contact police or court services in your community to find out how to get an application for a record suspension.

If you have questions about the process of applying for a record suspension or need help completing your application, contact the Parole Board of Canada.

Parole Board of Canada (toll-free number):
1-800-874-2652

Parole Board of Canada email:
suspension@pbc-clcc.gc.ca

Parole Board of Canada website (application is available to download):
www.recordsuspension.gc.ca

Regional Parole Board of Canada offices:
Contact information for the Edmonton office is
Scotia Place, Scotia 2, Suite 401
4th Floor, 10060 Jasper Avenue NW
Edmonton, Alberta T5J 3R8
Telephone: 780-495-3404
Fax: 780-495-3475

For other national and regional offices, please check the Parole Board of Canada website at
www.pbc-clcc.gc.ca/contus/offices-eng.shtml#a6



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www.bearpaweducation.ca

WHAT YOU NEED TO KNOW ABOUT

RECORD SUSPENSIONS IN CANADA

If you

- have served your sentence
- are a law-abiding citizen
- have completed the waiting period

A record suspension (formerly called a pardon) can remove your criminal record from public viewing.



WHAT IS A RECORD SUSPENSION?

A record suspension (formerly called a pardon) allows those who have been convicted of a crime, served their sentence, and proven that they are law-abiding citizens to have their criminal records sealed and kept separate from other criminal records.

The Parole Board of Canada makes decisions about record suspensions.

A record suspension:

1. Removes all information about a conviction from the Canadian Police Information Centre (CPIC), Canada's central police database. It will not show you have a criminal record or a record suspension;
2. Helps people with a criminal record reintegrate into society, including giving them access to employment and other opportunities; and
3. Allows a person to be employed by the federal government and eligible for Canadian citizenship.

NOTE: Being convicted of a new offence may affect the decision to set your criminal record aside.

Myths about Record Suspensions

There are some important things to consider when applying for a record suspension.

1. A record suspension will not erase a conviction. It sets a conviction aside.
2. A record suspension will not guarantee access to a visa for another country.
3. Some offences cannot be set aside. For example, the suspended records of former sex offenders will show up in the CPIC database.
4. You do not need a record suspension to apply for a Canadian passport.



HOW IS A RECORD SUSPENSION DIFFERENT THAN A PARDON?

In March 2012, the federal government introduced changes to the process of applying for a pardon in Canada. These changes include:

1. *A name change.* A pardon is now called a record suspension.
2. *Changes in waiting times to apply for a record suspension.*
 - a. There is a **5-year waiting period for summary offences** (less serious offences).
 - b. There is a **10-year waiting period for indictable offences** (more serious offences).
3. *Changes to the application cost.* The application fee is now \$631. All extra costs are the responsibility of the person applying for a record suspension.
4. *There are ineligible offences.* You are **NOT** eligible for a record suspension if you have been convicted of a sexual offence involving a minor (a Schedule 1 Offence under the *Criminal Records Act*). However, there are some exceptions. They include:
 - a. the offender was not in a position of power or authority when the offence was committed;
 - b. the offence did not include violence or threats; and
 - c. the offender is no more than 5 years older than the victim

The Parole Board of Canada must be convinced that all three exceptions are present. If they are, a person may be able to apply for a record suspension after the 10-year waiting period.

- a. If you have been convicted of **MORE** than 3 indictable offences with a prison term of 2 years or more each, you are ineligible for a record suspension.

WHO CAN APPLY FOR A RECORD SUSPENSION IN CANADA?

You can apply for a record suspension if you are an adult who has been convicted of an offence in Canada or if you were convicted of a crime in another country and transferred to Canada under the *Transfer of Offenders Act* or *International Transfer of Offenders Act*.

In order to apply, you must have:

- Completely served your sentence, including all time to be served in custody, conditional sentences, and statutory and conditional release;
- Paid all associated fines or surcharges;
- Completed all restitution;
- Completed all probation as part of your sentence; and
- Completed the relevant waiting period.

Absolute or Conditional Discharges

If you have received an absolute or conditional discharge, you do not have to apply for a record suspension. Absolute discharges received on or after July 24, 1992 have been removed from the system by the RCMP one year following the court decision. If you received a conditional discharge on or after July 24, 1992, it will be removed by the RCMP three years after the court decision.

Contact the RCMP to ensure that any absolute or conditional discharges prior to July 24, 1992 have been removed.

Young Offenders and Record Suspensions

Young offenders who were convicted as adults may apply for a record suspension that will include both youth and adult records.

You do not have to apply if you were only found guilty in a youth court or youth justice court because youth records are destroyed or archived once the time limits are complete.

Can a Record Suspension be Denied?

Yes, a record suspension can be denied if:

1. A new offence has been committed;
2. A person is no longer determined to be of good conduct; and
3. During the application process, a person has provided a false statement or withheld information.

APPLICATION PROCESS FOR A RECORD SUSPENSION

The Record Suspension Application Guide will give more detail about each part of the application package. Please consult the application guide found online at the Parole Board of Canada website for detailed instructions.

The Parole Board of Canada treats all applications the same, whether you complete the application yourself or have help from a third party service provider to apply. **Your application will not be treated more favourably, or handled more quickly, if a third-party organization assists in the application process.**

If you are eligible to apply for a record suspension by completing your sentence and the appropriate waiting period, you will need to complete the following steps:

1. *Request a copy of your Criminal Record from the local police.* Proof of Convictions documents may also be necessary.
2. *Gather all court information for ALL convictions.* This information includes proof of payment for fines, victim surcharges, or any other court charges you have paid, as well as whether your convictions were summary or indictable.
3. *Request your Military Conduct Sheet, if applicable.* If you are a current or past member of the Canadian Armed Forces, you need to submit this conduct sheet. If no conduct sheet exists, you must submit a letter from your Commanding Officer.
4. *Get a Local Police Records Check.* Request this records check from your local police for
 - a. The town you currently live in at your current address; and
 - b. For each city or town you have lived in for the last five years, if you lived there for 3 months or more.Remember that each Local Police Records Check is only valid for 12 months after being issued.
5. *Gather Proof of Citizenship Documents or Immigration Documents.* If you were born outside Canada, you must submit copies of citizenship or immigration documents. **Do not send original documents.**

6. *Submit a copy of a Document to Support your Identity.* In your application package, you must include copy of a clear piece of identification that supports your identity such as a driver's license or a health card. This identification must be issued by the government and include your name, date of birth, and signature.
7. *Complete the Schedule 1 Exception Form.* This form **ONLY** needs to be completed if you have been convicted of a Schedule 1 sexual offence (sexual offence involving a minor). If you have not been convicted of this, you do not need to include this form.
8. *Complete the Record Suspension Application Form.* The Record Suspension Application Guide and Application Form is available to download on the Parole Board of Canada website.
9. *Complete the Measurable Benefit/Sustained Rehabilitation Form.* You must explain how a record suspension will help you reintegrate into society and make you a more law-abiding citizen. You can also find this form at the back of the Application Guide found on the website above. Ensure that you fill in ALL sections of this form as it will be returned to you if there is any information missing.
10. *Look at the checklist in the Application Guide to ensure you have everything you need to send.*
11. *Pay the \$631.00 application fee.* If you have gathered all the correct information and documents to send, you can pay the application fee in a variety of ways, including via credit card, certified cheque, bank draft, or money order payable to the Receiver General of Canada.
12. *Mail completed application form, documents, and fee to the Parole Board of Canada.*

**Parole Board of Canada
Clemency and Record Suspension Division
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Ottawa, ON K1A 0R1**