



Type of law:
CRIMINAL LAW

A 2018 Alberta Guide to the Law

Pardons & Record Suspensions

TOP SECRET



Student Legal Services
of Edmonton



COPYRIGHT & DISCLAIMER

GENERAL

All information is provided for general knowledge purposes only and is not meant as a replacement for professional legal advice. If you have a personal legal question that requires legal advice, please consult a lawyer.

COPYRIGHT

Copyright 2018, Student Legal Services of Edmonton. All rights reserved. Copying any material, in whole or in part, is prohibited unless prior consent has been obtained. Some material may be subject to copyright from an outside source and thus there may be different restrictions on the reproduction of this material.

LIMITATION OF LIABILITY

Student Legal Services of Edmonton is not liable for any loss or damage caused by an individual's reliance on information or material obtained from Student Legal Services of Edmonton. By accessing the information, individuals agree that any usage is at their own risk.

INFORMATION AND OPINIONS

In some instances, information obtained by Student Legal Services may have been provided by outside sources. Even with the high standards set by Student Legal Services of Edmonton, we accept no responsibility for the accuracy and reliability of the material. Opinions and Informations provided by third parties does not represent that of Student Legal Services of Edmonton.

IMAGES

Icons made by Freepik from www.flaticon.com.

Infographics sourced from Piktochart from www.piktochart.com.

How to get a PARDON / RECORD SUSPENSION



1. Wait the required time

You will have to wait 5 or 10 years. Time starts AFTER your sentence is complete (not after you are charged or convicted).

2. Make sure you qualify

Certain offences do not qualify. Too many serious offences may mean you do not qualify.

3. Understand its limits

For example: a record suspension does not guarantee you can travel to another country, such as the USA.



6. Submit the application package & fee

The application fee is currently \$631.

5. Collect the documents needed

You will need to collect (and pay for) certain documents to go with your application, such as fingerprints.

4. Fill out the application form

This is found online at the Parole Board of Canada website. You do not need a lawyer or professional to help.



7. Make sure your record suspension will not be cancelled

If you are granted a record suspension it can still be cancelled. For example, it can be cancelled if you commit another offence or if you lied on the application.

8. Enjoy your record suspension if it is granted!

If you get a record suspension employers and police officers will not be able to see your previous offences on CPIC.

PARDONS / RECORD SUSPENSIONS

Table of Contents

WHAT IS A RECORD SUSPENSION?	1
WHAT ARE THE LIMITS OF A RECORD SUSPENSION?	1
DO I NEED TO APPLY TO GET A RECORD SUSPENSION?	1
HOW DO I APPLY FOR A RECORD SUSPENSION?	3
HOW LONG WILL IT TAKE FOR MY RECORD SUSPENSION TO PROCESS?	4
WHERE CAN I GET HELP OR MORE INFORMATION?	5

WHAT IS A RECORD SUSPENSION?

A record suspension (formerly called a pardon) removes a person's criminal record from the Canadian Police Information Center (CPIC) database.



- This means that when a person (for example, an employer) asks for a criminal record check, they will not be able to see your criminal record (or that you have a criminal record and a record suspension).
- A record suspension also removes any ineligibility for Canadian citizenship caused by a criminal conviction.

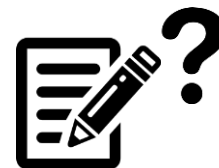
WHAT ARE THE LIMITS OF A RECORD SUSPENSION?

1. A record suspension *does not mean that your criminal record is destroyed*. Your criminal record is removed from CPIC, but the government still has it on file.
2. A record suspension does *not* guarantee entry into another country.
3. Record suspensions only relate to federal agencies, so municipal and provincial agencies do not have to seal the records of an individual with a record suspension.
4. Record suspensions do not end prohibition orders. If your sentence included a ban on the possession of firearms or driving, this remains in effect.
5. If you have been convicted of a sexual offence, then this conviction will remain flagged in the CPIC system. It will show up when a vulnerable sector record check is conducted.
6. A record suspension may be cancelled/taken away if:
 - a. You are later convicted of an offence under a federal act,
 - b. You are “no longer of good conduct”, or
 - c. You provided false or deceptive information in your application.



DO I NEED TO APPLY TO GET A RECORD SUSPENSION?

You need to apply and be approved for a record suspension *unless*:



1. You were found guilty *only* in a youth court. If this is the case, your record will be automatically destroyed or archived.
 - o This will happen after the applicable amount of time has passed *if* you have not been convicted of more offences during this time. The amount of time you have to wait depends on what offence you were convicted of.
2. You were sentenced to an absolute or conditional discharge on or after July 24, 1992. If this is the case, your record will automatically be removed from the CPIC system.

- o This will happen one year (for an absolute discharge) or three years (for a conditional discharge) after the court decision.



You are eligible for a record suspension if:

1. You were convicted of an offence in Canada under a *federal* act or regulation, or you were convicted of an offence in another country and transferred to Canada.
 - Violations of the *Criminal Code* (most criminal offences), and the *Controlled Drug and Substances Act* (most drug-related offences) are federal.

AND

2. You have completed your sentence.
 - All fines, surcharges, costs, restitution and compensation orders are paid in full,
 - All terms of imprisonment and conditional sentencing orders have been served, AND
 - All probation periods are over.
 - *If you have a prohibition Order (for example a ban on possessing firearms), it does *not* need to be expired for the sentence to be complete.

AND

3. You have waited the required waiting period.
 - For summary (less serious) offences, the wait time is 5 years **after** you have completed your sentence.
 - For indictable (more serious) offences, the wait time is 10 years **after** you have completed your sentence.



AND

4. You can demonstrate that you are now a law-abiding citizen.

You are not eligible for a record suspension if:

1. You have been convicted of a Schedule 1 Offence (a sexual offence involving a child) under the *Criminal Records Act*.

Note: A person who has been convicted of a Schedule 1 Offence may apply for a record suspension if the Board is satisfied that:

- o The person was not in a position of trust or authority towards the victim or in a relationship of dependency with the victim,
- o The person did not use, threaten, or attempt to use violence, intimidation, or coercion in relation to the victim, and
- o The person was less than five years older than the victim.

OR

2. You have been convicted of more than three indictable (more serious) offences AND received a sentence of two years or more for each.

HOW DO I APPLY FOR A RECORD SUSPENSION?

Record suspensions are *ONLY* granted by the Parole Board of Canada (PBC). The PBC's official website is <https://www.canada.ca/en/parole-board.html>. The PBC can be recognized by this symbol:



Parole Board
of Canada

Commission des libérations
conditionnelles du Canada

Note: Any agency or person claiming they can guarantee you a record suspension, or make the process faster, is not telling you the truth. All applications are treated equally by the PBC.

- You can apply for a record suspension with the help of a lawyer or professional, but *you do not need to*.

Record Suspension Application Guide and Application Form

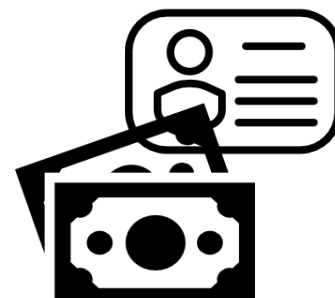
The first step in applying for a record suspension is getting a Record Suspension Application Guide from the PBC. These can be found at the following locations:

- Online (Parole Board of Canada Website: <https://www.canada.ca/en/parole-board/services/record-suspensions.html>)
- Local Police Station
- Local Parole Board of Canada office
Edmonton office:
Canada Place, #720, 9700 Jasper Ave NW
Edmonton, AB T5J 4C3
Phone: (780) 495-3404



The Application Guide contains step-by-step application instructions. The instructions will ask you to submit these things as part of your application:

1. Your criminal record from the RCMP in Ottawa
2. Your court information
3. Your military conduct sheet
(If you are a current or former member of the Canadian Forces)
4. Your criminal record from the local police station
5. Proof of Canadian citizenship, or immigration documents
6. A photocopy of your government identification
7. An application fee of \$631
8. A completed Schedule 1 Exception Form
(If you were convicted of a Schedule 1 (sexual offence involving a child)).



9. A completed Measurable Benefit/Sustained Rehabilitation Form

(You must clearly describe how receiving the Record Suspension would provide you with a measurable benefit and sustain your rehabilitation into society as a law abiding citizen)

If your record suspension is **denied, you can reapply after one year.*

HOW LONG WILL IT TAKE FOR MY RECORD SUSPENSION TO PROCESS?

The Parole Board of Canada has certain circumstances for processing record suspensions once an application has been accepted:

- For record suspensions for **summary offences**, applications will be processed within **6 months** upon acceptance
- For record suspensions for **indictable offences**, applications will be processed within **12 months** upon acceptance
- For applications where the Parole Board is proposing to refuse to order a record suspension, processing can take up to 24 months after acceptance.

WHERE CAN I GET HELP OR MORE INFORMATION?

Parole Board of Canada Record Suspension Information Line	Contact: 1-800-874-2652 suspension@pbc-clcc.gc.ca
Provides information related to record suspensions/pardons and can provide assistance with applications.	
Elizabeth Fry Society of Edmonton Record Suspension Program	Contact: Record Suspension Program Coordinator 780-784-2205 (Toll free: 1-866-421-1175) community@efryedmonton.ab.ca Suite 900, 105 Street Building 10242 105 Street Edmonton, AB www.elizabethfry.ab.ca
Helps <i>women</i> with the process of applying for a record suspension.	
Student Legal Services Criminal Project Legal Education & Reform Project	Contact: 780-492-2226 11036 88 Avenue Edmonton, AB
Law students can provide more information or presentations about applying for a record suspension.	