



Record Suspensions Walkthrough Tool

Revitalized Reintegration Services
The LEARN Hub



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Getting Started

About The LEARN Hub

The LEARN (Legal Education and Reintegration) Hub is an **online database** that provides **accessible, holistic information** about how to navigate the criminal justice system in Ontario, with a focus on providing **BIPOC-centered resources**.

The goals of The LEARN Hub are to:

- To help increase community members' understanding of navigating through the criminal legal system.
- To reduce feelings of uncertainty amongst low-income community members that navigate the criminal legal system.
- To increase low-income community members access to information about the criminal legal system.
- To increase feelings of resiliency and confidence navigating the criminal legal system amongst course participants.
- To provide a user-friendly experience where community members can feel at ease accessing information.



Getting Started

Please note that this glossary is **not intended** to replace sound legal counsel. Please [Revitalized Reintegration Services](#) to be referred to an organization for further support, if needed.



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01

What is a record suspension?



What is a record suspension?

Formerly called a pardon, a **record suspension** is a decision made by the government to keep a person's criminal record hidden. This means that your criminal record will not be given out to businesses or agencies even if a criminal record check is completed. Record suspensions are ordered, issued, and refused by the Parole Board of Canada.

When someone is convicted of a federal offense, their record is kept in the Canadian Police Information Centre. All of the records in this system can be accessed by Canadian police systems including Toronto Police Service and Durham Regional Police. These records can also be accessed by police record systems in other countries, like the U.S. National Crime Information Centre.



What is a record suspension?

There are three types of record suspensions:

1. Free record suspension: “A free record suspension is an absolute, unconditional record suspension” (Government of Canada, 2021). Those who are granted this record suspension are proven to have never committed the crime.
2. Conditional record suspension: If found eligible for a record suspension, a conditional record suspension can be granted. This “is the release of an inmate from incarceration into the community, under supervision and subject to conditions, until the expiration of the sentence imposed by the court” (Government of Canada, 2021).
3. Ordinary record suspension: An ordinary record suspension is a record suspension granted by the National Parole Board under the Criminal Records Act. This is the most commonly received type of record suspension.

For the purposes of this reference sheet, we will be addressing the **ordinary record suspension**.



What is a record suspension?

It is important to note:

- **A record suspension does not destroy your record.** A record suspension only removes your record from the main criminal record database, the Canadian Police Information Centre (Toronto Star, 2011, Government of Canada, 2018). This means when you check this database in a regular record check, your record will not appear.
- Governments from other countries can **still recognize** your offence even if you do have a record suspension.
- **Record suspensions can be revoked or canceled** under special circumstances, such as being convicted of a new offence, doing something to revoke your good standing, or having been found to be eligible for your record suspension at the time you applied.



02

Benefits of a record suspension



What are the benefits of getting a record suspension?

There are many benefits to getting a record suspension. With the public viewing the government as an institution with a high level of morality, receiving a record suspension acts as a recommendation from the government to the public. This recommendation is to support the belief that someone with a criminal background is and can be a reliable and trustworthy community member.

Receiving a record suspension opens doors to new opportunities that are difficult to access without a record suspension:

- **Employment and Volunteer Opportunities:**
According to the John Howard Society (2003) “the Canadian Human Rights Act prohibits discrimination on the basis of a criminal record for which a record suspension has been granted/issued.” This means that federal organizations governed by this Act cannot discriminate against someone who has a criminal record for which they have received a record suspension. Nevertheless, there are conditions when someone could be refused employment, such as if the nature of their offence is reasonably connected to or will affect their role. Additionally, there are specific rules surrounding identifying and disclosing of sexual offences.



What are the benefits of getting a record suspension?

- **Travel:** Other countries have their own policies and legislations for allowing individuals with criminal backgrounds into their countries. Having a record suspension does not guarantee that you will be allowed inside of other countries; however, it can be used to support entry applications (John Howard Society of Ontario, 2003).
- **Housing:** According to Homeless Hub (2011), “private housing providers may accept or reject any applicant because of a criminal history,” however, with a record suspension can be used as a supporting document for your application, should the housing provider inquire about your criminal record.
- **Community Engagement:** Having a criminal background can make it difficult to integrate into community spaces and develop social networks. However, a record suspension acts as a government-ordained “stamp of approval”. With the positive association placed on record suspensions, a record suspension can be used to erase or minimize social stigma, and provide a person with confidence to engage in community.



03

How can I apply for a record suspension?



How can I apply for a record suspension?

There are many community organizations that provide support in applying for a record suspension. View [our list](#) to access this information and their contact information.

The steps listed below are adapted from the Government of Canada (2021, 2022).

These are the required steps to apply for a record suspension.

1. **Get your criminal record:**

First, get your fingerprints taken. Visit your local police station to determine if they offer this service. You can also visit [here](#) for more information.

Second, get a record of your criminal convictions, conditional and absolute discharges **or** a Certification of No Criminal Record. All convictions must be reported on this record. If any of your convictions are missing from your criminal record, you must get a Proof of Conviction for each one.

If the court and/or police service do not have a record of your convictions call the Parole Board of Canada's toll-free info line: **1-800-874-2652**.



How can I apply for a record suspension?

2. Get a Court Information Form for each of your convictions:

The information you **must** collect includes:

- Proof and date of last payment for any fines,
- victim surcharges
- restitution,
- and compensation

You must also include:

- The method of trial for each conviction (either summary, indictable or unknown);
- All of your convictions from that court;
- Signs and dates the form; and
- An official court seal or stamp on the form.
- Note that the information on the court information **must** match the information on your criminal record



How can I apply for a record suspension?

3. **Military Conduct Sheet**

If you are not a current or past member of the Canadian Forces, go to **STEP 4**

“If you are a current or past member of the Canadian Forces (Regular or Reserve) you must get a certified, signed and dated copy of your Military Conduct Sheet. If no conduct sheet exists, you must provide a letter from your Commanding Officer or the appropriate organization, which indicates that no information is available.”
(Government of Canada, 2021)

4. **Get your local police record check(s)**

You must get a local police records check for:

- The city or town where you live now (your current address); and
- Each city or town where you lived during the last 5 years (if you lived in that place for 3 months or more).



How can I apply for a record suspension?

To complete the local police record check:

- Fill in all questions on page 1 of the [Local Police Records Check Form](#).
- Contact and submit your Local Police Records Check Form to the police station closest to where you live now.
- “If you lived outside of Canada you still need to contact the local police service where you lived.” (Government of Canada, 2021)
- “Show your criminal record to each local police service and ask them to fill in the section on the Local Police Records Check Form called “For Police Use Only” on page 2 of the form” (Government of Canada, 2021). You will need to show a current photo ID and a second piece of ID. Make sure you contact your local police station ahead of time to confirm the types of ID that they accept.

5. Get a copy of a document that shows your identity:

You need to provide a clear photocopy of a document to support your identity. This must be a valid government issued document that has your name, date of birth and signature.



How can I apply for a record suspension?

6. Complete the Schedule 1 Exception Form:

NOTE: This step must only be completed if:

- You have a conviction for a [Schedule 1 offence](#) and your first offence was committed on or after March 13, 2012; or
- Your [Schedule 1 offence](#) was committed on or after March 13, 2012.

Visit this [link](#) to see what a Schedule 1 offence is.

“Under Section 4(2) of the Criminal Records Act (CRA), a person is ineligible to apply for a record suspension if they have been convicted of an offence referred to in Schedule 1 (sexual offence involving a child) of the Act with certain exceptions.” (Government of Canada, 2021)

- If you have not been convicted of a Schedule 1 offence, skip to section 7



How can I apply for a record suspension?

- If you have been convicted of a Schedule 1 offence, you must complete the Exemption Form to be considered for a record suspension. This consideration will be determined by Parole Board of Canada, and they must be satisfied that:
 - “was not in a position of trust or authority towards the victim of the offence and the victim was not in a relationship of dependency with him or her;
 - did not use, threaten to use or attempt to use violence, intimidation or coercion in relation to the victim; and,
 - was less than five years older than the victim.”
- All sections of this exemption form must be completed (Government of Canada, 2021).



How can I apply for a record suspension?

7. Complete the Record Suspension Application Form

When filling out this form:

- Answer all of the questions
- Only use black or blue inked pens
- Use capital letters only
- If you need more space for your answers, attach additional pages
- Make sure that you fill out both sides of the form
- You answer all questions truthfully

NOTE: “The Record Suspension Application Form is only valid for 12 months from the date you sign it” (Government of Canada, 2021).

If, in the future, any of your contact information changes (for example, your address or phone number), you must notify the Parole Board of Canada by sending them a letter including:

- Your name;
- Your Record Suspension Application Personal Reference Number;
- Your new mailing address; and
- Your signature. As the Applicant, you must sign the letter.



How can I apply for a record suspension?

8. Complete the Measurable Benefit/Sustained Rehabilitation Form

NOTE: This step is only required if your first offence was committed on or after June 29, 2010.

“As per section 4.1 of the Criminal Records Act, you must clearly describe how receiving a record suspension would provide you with a measurable benefit AND sustain your rehabilitation into society as a law-abiding citizen. Fill in all sections of the [Measurable Benefit/Sustained Rehabilitation Form](#)” (Government of Canada, 2022).

If you need more space for your answers, attach additional pages to your form.



How can I apply for a record suspension?

9. Provide the Payment of the Application Processing Fee

You must include payment with your application. If the fee is missing, incomplete or inaccurate, your application may not be processed and may be returned to you. The current [Record Suspension Application Processing Fee](#) is \$50.00 CDN (Canadian dollars).

Important: In order to include the current fee, consult the updated Record Suspension Application Guide at Canada.ca/record-suspensions or contact the Parole Board of Canada at 1-800-874-2652 or suspension@pbc-clcc.gc.ca.

The accepted payment methods are:

- Credit card (use the Record Suspension Application Processing Fee Credit Card Payment Form);
- Certified cheque;
- Money order; and
- Bank draft payable to the Receiver General for Canada.

Cash and personal cheques will not be accepted



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Notes

