



2016-2017 Report to Parliament

Pursuant to section 11 of the *Criminal
Records Act*

Parole Board of Canada
Record Suspension Program

Table of Contents

Introduction	<i>page 1</i>
Background	<i>page 1</i>
Findings for 2016-17	<i>page 2</i>
Number of applications	<i>page 2</i>
Processing timeframes	<i>page 3</i>
Record Suspension Decisions	
Number of applications for record suspensions made in respect of offences referred to in each of paragraphs 4(1) (a) and (b)	<i>page 4</i>
Number of record suspensions that the Board ordered or refused to order in respect of offences referred to in paragraphs 4(1) (a) and (b)	<i>page 4</i>
Number of record suspensions ordered, categorized by the offence to which they relate	<i>page 5</i>
Number of record suspensions ordered by the province of residence of the applicant	<i>page 14</i>
Other Information Required by the Minister	<i>page 14</i>

Introduction

Pursuant to section 11 of the *Criminal Records Act*, within three months after the end of each fiscal year, the Parole Board of Canada must submit a report on the Record Suspension Program to the Minister of Public Safety and Emergency Preparedness. The report must contain the following information:

1. Number of applications for record suspensions made in respect of offences referred to in each of paragraphs 4(1) (a) and (b);
2. The number of record suspensions that the Board ordered or refused to order in respect of offences referred to in paragraphs 4(1) (a) and (b);
3. Number of record suspensions ordered, categorized by the offence to which they relate; and
4. The number of record suspensions ordered by the province of residence of the applicant.

Background

The Parole Board of Canada (PBC), as part of the criminal justice system, makes independent, quality conditional release and record suspension decisions, and clemency recommendations. The PBC is headed by a Chairperson who reports to Parliament through the Minister of Public Safety and Emergency Preparedness Canada. The Board contributes to the protection of society by facilitating, as appropriate, the timely re-integration of offenders into society as law-abiding citizens.

The record suspension program supports the successful reintegration of an individual into society, as it can assist an individual to access employment and educational opportunities, among other things. It is a formal attempt to remove the stigma of a criminal record for people found guilty of an offence under an Act of Parliament and who have completed their sentence and demonstrated law-abiding behaviour for a prescribed number of years. A record suspension is evidence that the conviction should no longer reflect negatively on a person's character. In support of this statement, the *Criminal Records Act* (CRA) restricts access to records under federal jurisdiction and removes any disqualifications that would result from a conviction under federal statute or regulation.

Although the CRA applies only to records kept by federal organizations, many provincial and municipal criminal justice agencies also restrict access to their records once they are informed that a record suspension has been ordered. A record suspension does not, however, erase the fact that an individual was convicted of a crime. The criminal record is not erased, but it is kept separate and apart from other (non-suspended) criminal records. A record suspension removes

disqualifications caused by a criminal conviction, such as the ability to contract with the federal government, or eligibility for Canadian citizenship. It does not, however, guarantee either entry or visa privileges to another country.

Through this program, the PBC reviews record suspension applications for completeness and eligibility, and collects information for investigation and decision-making. The Board has exclusive jurisdiction and absolute discretion to order, refuse to order, or revoke a record suspension under the CRA.

A record suspension can be revoked or cease to have effect. The process for revocation is initiated when the Board is notified (usually by the RCMP) that an individual who was previously awarded a record suspension has been convicted of, charged with, or is suspected of a new offence (is no longer of good conduct). The Board may also commence a revocation if it discovers that an applicant knowingly concealed some material in relation to their application.

The CRA also authorizes the Board to declare that a record suspension ceases to have effect if a person is subsequently convicted of:

- an indictable offence under a federal act or regulation of Canada;
- an offence punishable either on indictable or summary conviction; and
- if the PBC is convinced by new information that the person was not eligible for a record suspension at the time it was ordered.

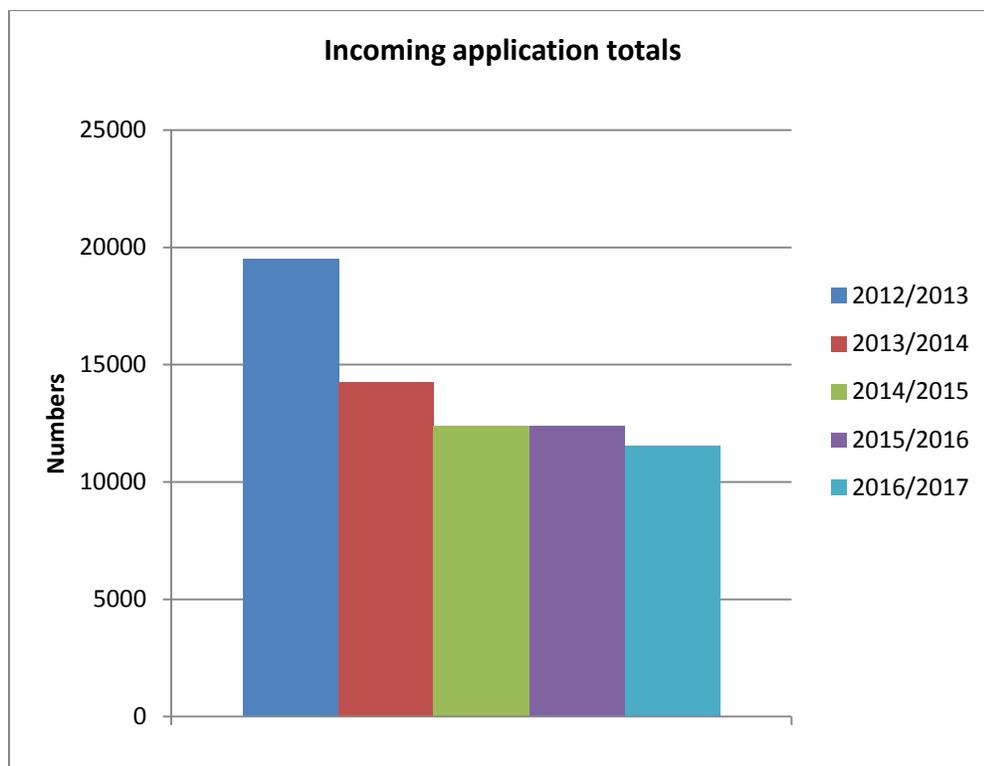
Since February 2012, applicants for a record suspension must pay a user fee of \$631. The user fee includes service standards established under the *User Fees Act*. Specifically, record suspension applications involving summary convictions are processed within six months of the date of receipt of the application, while applications involving indictable offences are processed within 12 months of the date of receipt. Applications in which the Board is proposing to refuse to order a record suspension may require up to 24 months after application acceptance to complete. The reason for this is that under the CRA, the Board must notify the applicant in writing of its proposal to refuse, and advise them that they are entitled to make or have made on their behalf any representations to the Board that they believe relevant.

Findings for 2016-17

Number of applications

In 2016-2017, the Board received 11,563 record suspension applications and accepted 8,191 applications (71%) for processing. There were 3,372 record suspension applications (29%) that were not accepted at screening due to ineligibility, no payment or wrong processing fee and/or missing appropriate documentation. In the previous year, the Board received 12,384 record suspension applications and accepted 8,917 applications (or 72%).

The table below indicates the number of record suspension applications received in each fiscal year over the last five years.



The number of record suspension applications received over the last five years has decreased each year. This decrease in applications may be attributed to key amendments made to the CRA in 2012, which included:

- making individuals convicted of a sexual offence against a minor and individuals convicted of more than three indictable offences (each with a sentence of two years or more) ineligible for a record suspension; and,
- increasing the waiting period to apply for a record suspension from three to five years for all summary conviction offences, and from five to ten years for all indictable offences.

Processing timeframes

In 2016/17, the average processing time of an accepted record suspension application was 153 days for summary files and 259 days for indictable files where the final decision was to order a record suspension, and 273 days for those where the final decision was to refuse to order a record suspension. This is well below the 6-month service standard for summary files and the 12-month service standard for indictable files.

Service standards were fully met for 99.95% per cent of these files.

Record Suspension Decisions

1. Number of applications for record suspensions made in respect of offences referred to in each of paragraphs 4(1) (a) and (b)

As per section 4.1 (a) of the *Criminal Records Act* (CRA), the Board may order that an applicant's record in respect of an offence be suspended if the Board is satisfied that during the applicable period, the applicant has been of good conduct and has not been convicted of an offence under an Act of Parliament. Pursuant to section 4.1(b), the Board may order that an applicant's record in respect of an offence be suspended if the Board is satisfied that during the applicable period, the applicant has been of good conduct and it would provide him/her with a measurable benefit, sustain his/her rehabilitation into society as a law abiding citizen and would not bring the administration of justice into disrepute. The applicant must clearly describe how receiving a record suspension would provide him/her with a measurable benefit and sustain his/her rehabilitation into society as a law abiding citizen.

The number of applications for a record suspension accepted in respect of offences referred to in paragraphs 4(1) (a) and (b) in 2016-17.

Indictable offences*	Summary offences**
3,361	4,830

**Summary conviction offences are considered less serious than indictable offences because they are punishable by shorter prison sentences and smaller fines. The maximum penalty for a summary conviction offence is a sentence of 6 months of imprisonment, a fine of \$5,000 or both. **An indictable offence is an offence which can only be tried on an indictment after a preliminary hearing to determine whether there is a prima facie case to answer.*

2. Number of record suspensions that the Board ordered or refused to order in respect of offences referred to in paragraphs 4(1) (a) and (b)

Ordered (4(1) (a))	Ordered (4(1) (b))	Refused to Order (4(1) (a))	Refused to order (4(1) (b))
3,730	4,610	251	188

3. Number of record suspensions ordered, categorized by the offence to which they relate

Offence	Ordered
Abandoning child	3
Abduction contravening a custody order	1
Abduction of female	1
Abduction under 14	1
Abduction under 16	1
Abstracts, consumes or uses electricity or gas	7
Accessory after the fact to murder	1
Accessory after the fact to the commission of an offence	1
Acquire firearm without firearms acquisition certificate	3
Administer noxious thing	1
Aggravated assault	41
Aiding and abetting any person in committing an offence	1
All breaches of the <i>National Defence Act</i>	60
Allow machine or device to be kept for gambling or betting	1
Armed robbery	27
Arson	8
Arson causing damage to property	7
Assault	1413
Assault against peace-public officer	50
Assault causing bodily harm	293
Assault peace officer	106
Assault with a weapon	244
Assault with intent to resist arrest	47
Assault with intent to steal	2
Attempt break and enter with intent	50
Attempt fraud	21
Attempt fraud over \$5000	8
Attempt fraud under \$5000	26
Attempt robbery	8
Attempt sexual intercourse with female under 14 years	1
Attempt theft	101
Attempt to bribe peace officer	1
Attempt to commit a summary offence	4
Attempt to commit an indictable offence	12
Attempt to obstruct justice	29
Attempt to procure	1
Attempt to suffocate	1

Attempted murder	2
Bookmaking	2
Breach of an undertaking	8
Breach of conditional sentence order	3
Breach of probation	56
Breach of recognizance	23
Breach of terms and conditions of lottery license	1
Breach of the <i>Animal Pedigree Act</i>	2
Breach of the <i>Atlantic Fishery Regulations</i>	1
Breach of the <i>Bankruptcy Act</i>	2
Breach of the <i>Bankruptcy and Insolvency Act</i>	2
Breach of the <i>Canada Elections Act</i>	1
Breach of the <i>Canada Shipping Act</i>	5
Breach of the <i>Canada Wildlife Act</i>	1
Breach of the <i>Citizenship Act</i>	2
Breach of the <i>Competition Act</i>	2
Breach of the <i>Consumer Packaging & Labelling Act</i>	1
Breach of the <i>Controlled Drugs and Substances Act</i>	939
Breach of the <i>Copyright Act</i>	4
Breach of the <i>Customs Act</i>	17
Breach of the <i>Employment Insurance Act</i>	6
Breach of the <i>Excise Act</i>	25
Breach of the <i>Fisheries Act</i>	16
Breach of the <i>Food and Drugs Act</i>	64
Breach of the <i>Government Property Traffic Act</i>	2
Breach of the <i>Government Property Traffic Regulations</i>	4
Breach of the <i>Immigration Act</i>	11
Breach of the <i>Immigration and Refugee Protection Act</i>	8
Breach of the <i>Income Tax Act</i>	3
Breach of the <i>Indian Act</i>	2
Breach of the <i>Juvenile Delinquents Act</i>	2
Breach of the <i>Liquor Act</i>	1
Breach of the <i>Migratory Birds Convention Act</i>	1
Breach of the <i>Narcotic Control Act</i>	1191
Breach of the <i>National Battlefields at Quebec Act</i>	2
Breach of the <i>National Capital Act</i>	3
Breach of the <i>National Defence Act</i>	19
Breach of the <i>Small Vessel Regulations</i>	1
Breach of the <i>Unemployment Insurance Act</i>	7
Breach of the <i>Weights and Measures Act</i>	1
Breach of the <i>Young Offenders Act</i>	99

Breach of the <i>Youth Criminal Justice Act</i>	17
Breach of trust by public officer	2
Break and enter	26
Break and enter with intent	157
Break, enter and commit	255
Break, enter and commit an indictable offence	12
Break, enter and commit mischief	4
Break, enter and theft	488
Breaking out	4
Breaking out after committing an indictable offence	1
Bribery of government officials	1
Bringing into Canada property obtained by crime	1
Care or control of a motor vehicle while ability impaired	106
Care or control of a motor vehicle with more than 80 mg of alcohol in blood	135
Careless storage of firearm, prohibited weapon, prohibited device or ammunition	14
Careless storage of firearms	10
Careless use of firearm	22
Careless use of prohibited weapon, prohibited device or ammunition	12
Carry a concealed weapon	45
Cause a disturbance	158
Cause an explosion that is likely to cause serious bodily harm, death or damage to property	1
Causing bodily harm with intent	5
Causing unnecessary suffering to animals	1
Cheating at play	2
Common assault	35
Common nuisance	1
Communicate for the purpose of prostitution	55
Conspiracy	53
Conspiracy to commit a summary offence	1
Conspiracy to commit an indictable offence	52
Conspiracy to commit extortion	1
Conspiracy to commit fraud	6
Conspiracy to commit robbery	14
Conspiracy to commit theft	28
Conspiracy to import a narcotic	5
Conspiracy to possession of property obtained by crime	1
Conspiracy to produce a scheduled substance	1
Conspiracy to traffic in a controlled drug	2
Conspiracy to traffic in a controlled substance	6
Conspiracy to traffic in a narcotic	14
Conspiracy to traffic in a scheduled substance	2

Conspire to commit murder	2
Contribution to juvenile delinquency	1
Counsel to commit murder	1
Counselling an indictable offence	2
Counterfeiting currency	2
Counterfeiting stamps	2
Criminal breach of trust	1
Criminal harassment	104
Criminal interest rate	1
Criminal negligence causing bodily harm	4
Criminal negligence causing death	4
Criminal negligence in the operation of a motor vehicle	1
Damage to property	5
Damage under \$50	2
Dangerous driving without due attention	24
Dangerous operation of a vessel causing bodily harm	3
Dangerous operation of motor vehicle causing bodily harm	12
Dangerous operation of motor vehicle causing death	6
Dangerous operation of motor vehicle, vessel or aircraft	225
Dangerous use of firearm	1
Deal with a firearm or restricted weapon contrary to regulations	3
Delivery of firearm to person without firearms acquisition certificate	1
Disguise with intent	28
Disobey court order	5
Disposal of property to defraud creditors	2
Disturb the peace	1
Drawing document without authority	1
Drive while impaired causing bodily harm	21
Drive while impaired causing death	6
Driving while ability impaired	1402
Driving while disqualified	253
Driving while licence suspension	10
Driving while prohibited	12
Driving with more than 80 mgs of alcohol in 100 ml of blood	2979
Driving with more than 80 mgs of alcohol in 100 ml of blood causing bodily harm	3
Endorse document without authority	1
Engaging in prostitution	11
Escape lawful custody	45
Extortion	10
Fabricating Evidence	1
Fail to appear	364

Fail to attend court	211
Fail to comply with court order	22
Fail to comply with probation order	649
Fail to comply with recognizance	642
Fail to provide breath sample	326
Fail to report	2
Fail to report a found weapon	1
Failure to comply with conditions of undertaking	249
Failure to stop at scene of accident	147
Failure to stop at the scene of an accident causing bodily harm	4
False alarm of fire	5
False messages	1
False pretences	83
False pretences over \$1000	7
False pretences over \$200	3
False pretences under \$1000	13
False pretences under \$5000	6
False statement	1
False statement to procure firearms acquisition certificate	1
Flight while pursued by peace officer	26
Forcible confinement	27
Forcible entry	13
Forcible seizure	1
Forge a credit card	2
Forgery	48
Found in common bawdy-house	3
Fraud	132
Fraud over \$1000	54
Fraud over \$200	33
Fraud over \$5000	44
Fraud under \$1000	53
Fraud under \$200	9
Fraud under \$5000	153
Fraudulent use of credit card	22
Fraudulent use of slugs	1
Fraudulently obtain transportation	12
Fraudulently obtaining food and lodging	15
Gross indecency	4
Handle firearm or restricted weapon contrary to regulations	4
Harassing phone calls	27
Has under his control any device for gambling or betting	1

Have stolen goods	3
Indecent acts	26
Indecent assault on female	7
Indecent assault on male	1
Indecent exposure	2
Indecent telephone calls	8
Inmate of a common bawdy-house	2
Intimidation	8
Keeping a common bawdy-house	20
Keeping a common gaming house	9
Kidnapping	2
Killing, injuring or endangering cattle	1
Killing, injuring or endangering other animals	1
Living off the avails of prostitution	2
Loitering	2
Lotteries and games of chance	1
Make counterfeit money	1
Make false statement in writing	1
Manslaughter	10
Mischief	235
Mischief endangering life	2
Mischief over \$1000	41
Mischief over \$5000	42
Mischief to data	1
Mischief to private property	55
Mischief to public property	12
Mischief under \$1000	74
Mischief under \$5000	230
Misleading peace officer	2
Neglect to obtain assistance in childbirth	1
Nudity	1
Obstruct justice	5
Obstruct peace officer	232
Obstruct public peace officer	4
Obstruction	74
Obtain credit card by fraud	1
Operate vessel, aircraft or railway equipment while ability impaired	3
Operate vessel, aircraft or railway equipment with more than 80mg of alcohol in blood	4
Participate in a lottery scheme	1
Participate in a pyramid scheme	1
Participation in criminal organization	2

Party to an illegal scheme	1
Party to an offence	1
Passes off other wares or services with intent to deceive or defraud	3
Perjury	8
Permitting use of place as gaming or betting house	1
Personating peace officer	5
Personation	7
Personation at examination	1
Personation with intent	93
Pointing a firearm	20
Possession and sale of telecommunication facility	3
Possession of a prohibited weapon	42
Possession of a prohibited weapon in motor vehicle	3
Possession of a restricted weapon	8
Possession of a sawed-off rifle	1
Possession of a weapon	127
Possession of a weapon dangerous to the public peace	4
Possession of an imitation weapon	1
Possession of an offensive weapon	1
Possession of an unregistered restricted firearm	5
Possession of an unregistered restricted weapon	20
Possession of counterfeit money	14
Possession of credit card obtained by crime	79
Possession of device to obtain telecommunication	1
Possession of explosives	3
Possession of firearm dangerous to the safety of other persons	1
Possession of firearm elsewhere then in dwelling house without a permit	1
Possession of firearm knowing that the serial number has been altered	2
Possession of firearm while prohibited	11
Possession of firearm, prohibited or restricted weapon obtained by crime	2
Possession of housebreaking instruments	102
Possession of instrument to be used to commit forgery	3
Possession of instruments for breaking into coin-operated devices	4
Possession of instruments for counterfeiting	1
Possession of instruments for forging or falsifying credit card	6
Possession of precious metals	1
Possession of prohibited or restricted firearm with ammunition	11
Possession of prohibited or restricted weapon at unauthorized place	7
Possession of property obtained by crime	245
Possession of property obtained by crime over \$1000	111
Possession of property obtained by crime over \$200	62

Possession of property obtained by crime over \$5000	75
Possession of property obtained by crime under \$1000	100
Possession of property obtained by crime under \$200	51
Possession of property obtained by crime under \$5000	174
Possession of safe-breaking instruments	1
Possession of spring knife	1
Proceeds of crime	1
Procures or attempts to procure a person to become a prostitute	1
Procuring	2
Prowl at night	3
Public mischief	158
Publish defamatory libel	2
Rape	1
Refuse roadside testing device	2
Refuse to provide breath sample	93
Register Bets	1
Resist arrest	34
Resist peace officer	9
Restricted weapon in motor vehicle	1
Retaining stolen goods	1
Robbery	132
Robbery with violence	9
Secret commission	1
Selling restricted weapon without permit	1
Setting fire by negligence	2
Setting fire to other substance	3
Sexual assault	68
Sexual assault with a firearm	1
Sexual assault with a weapon	4
Sexual interference	1
Shoplifting	1
Skipping bail	1
Soliciting	2
Store firearm in a manner contrary to a regulation	10
Take motor vehicle without owner's consent	63
Taking part in a riot	1
Theft	161
Theft by conversion	2
Theft by person required to account	1
Theft of auto	12
Theft of credit card	15

Theft of mail	4
Theft of telecommunication service	8
Theft over \$1000	146
Theft over \$200	150
Theft over \$50	18
Theft over \$5000	90
Theft under \$1000	766
Theft under \$200	436
Theft under \$50	23
Theft under \$5000	953
Threatening letter	1
Threatening phone calls	5
Traffic in a credit card	1
Transfer property with intent to defraud creditors	1
Transmit property with intent to defraud creditors	1
Transmit betting by phone	1
Trespass at night	19
Unauthorized possession of a firearm	10
Unauthorized possession of a prohibited device or ammunition	1
Unauthorized possession of a prohibited or restricted weapon	21
Unauthorized use of computer	1
Unauthorized use of credit card data	14
Unlawful assembly	2
Unlawful possession of explosives	3
Unlawful use of credit card	4
Unlawfully at large	51
Unlawfully causing bodily harm	9
Unlawfully in dwelling house	24
Unsafe storage of firearms	1
Use cancelled credit card	1
Use of credit card obtained by crime	59
Use of explosives with intent	1
Use of firearm	7
Use of firearm during the commission of an indictable offence	6
Use of imitation firearm	2
Use of imitation firearm during the commission of an indictable offence	2
Utter death threats	4
Utter forged document	136
Utter forged passport	1
Uttering	6
Uttering counterfeit money	15

Uttering threats	381
Uttering, using or exporting counterfeit money	8
Voyeurism	2
Wilful damage	17
Wounding with intent	4

The numbers represent the offences for which a record suspension was ordered and not the total number of record suspensions ordered. One record suspended may have multiple offences.

4. Number of record suspensions ordered by the province of residence of the applicant

Province	Ordered
Prince Edward Island	15
Nova Scotia	112
New Brunswick	55
Newfoundland and Labrador	105
Quebec	1,835
Ontario	4,753
Manitoba	141
Saskatchewan	111
Alberta	588
British Columbia	589
Yukon	3
Northwest Territories	8
Nunavut	1
Out of country	24

Other information required by the Minister

During this review period there were no requests for information required by the Minister pursuant to CRA paragraph 11(1) (d) of the *Criminal Records Act*.