

# Overview and Glossary of Terms and Concepts

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Pardon and Record Suspension Outcomes Dataset

## Foreword

The Parole Board of Canada (PBC or "the Board"), as part of the criminal justice system, makes independent, quality conditional release and record suspension decisions and clemency recommendations. The Board contributes to the protection of society by facilitating, as appropriate, the timely reintegration of offenders as law-abiding citizens.

The Board makes conditional release decisions for federal offenders, as well as for provincial offenders in provinces and territories that do not have their own provincial boards. Only the provinces of Ontario and Quebec currently have their own parole boards that make parole decisions for offenders serving sentences of less than two years.

The PBC has four core responsibilities: Conditional Release Decisions, Conditional Release Openness and Accountability, Record Suspension Decisions/Clemency Recommendations, and Internal Services.

**Conditional Release Decisions:** Conditional release is based on the principle that community safety is enhanced by the gradual, supervised release of offenders to the community. Quality conditional release decisions, based on the risk of re-offending in conjunction with effective programs and treatment, and effective community supervision all contribute to the process. Through this core responsibility, the Parole Board of Canada (PBC) staff provides timely, accurate information for Board member decision-making, and develops training and policies that are essential tools for risk assessment and decision-making.

**Conditional Release Openness and Accountability:** This core responsibility ensures that the PBC operates in an open and accountable manner, consistent with the provisions of the [Corrections and Conditional Release Act](#). This core responsibility includes working with victims of crime, offenders, and the public by providing information about our policies and programs, including access to the PBC's Registry of Decisions, as well as providing assistance for observers at hearings. The core responsibility also includes working to encourage citizen engagement, enhancing public education and awareness, investigating major incidents in the community, monitoring the PBC's performance and reporting on conditional release results.

**Record Suspension Decisions/Clemency Recommendations:** A record suspension or pardon is designed to support the successful reintegration of an individual into society. 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, who have completed their sentence and demonstrated law-abiding behaviour for a prescribed number of years. Record suspensions or pardons can be revoked or cease to have effect for a number of reasons. Through this core responsibility, the PBC screens applications for completeness and eligibility, collects information for Board member decision-making and develops policy to guide decision processes. The PBC is also responsible for assessing requests and providing recommendations under the Royal Prerogative of Mercy (i.e., clemency) and providing advice to the Minister on the merits of each case. Additionally, the PBC is responsible for ordering or refusing to order expungements for historically unjust convictions that would be lawful today.

**Internal Services:** Internal Services are those groups of related activities and resources that the federal government considers to be services in support of core responsibilities and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the ten distinct service categories that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. These services are:

- Management and Oversight Services;
- Communications Services;
- Legal Services;
- Human Resources Management Services;
- Financial Management Services;
- Information Management Services;
- Information Technology Services;
- Real Property Services;
- Materiel Services; and
- Acquisition Services.

Outcomes of the PBC's work can be found in its annual [Performance Monitoring Report](#) (PMR). The PMR provides performance and statistical information for the past five years for the PBC's legislative based core responsibilities. The report presents information using easy to read graphs, as well as text and provides links to detailed statistical tables, which are found in the Appendix.

The [Departmental Results Report](#) is an annual report tabled in Parliament each Fall. The DRR plays an important role in how government departments report to Parliament and Canadians by providing a snapshot of the Parole Board of Canada's performance and achievements over the past fiscal year as a measure against expected results identified in the corresponding [Departmental Plan](#).

Additional information on the PBC's operating environment can be found in the PBC's [Quick Stats Fact Sheets](#).

## About this Dataset

The Pardon and Record Suspension Outcomes dataset provides information on the number of decisions regarding Pardon and Record Suspension applications taken by the PBC for a given period. Items found in this dataset include, among others, request type, method of trial (summary or indictable), offence type qualifier, outcome, province of applicant residence, month and fiscal year of outcome.

The data extracted from the Pardon and Record Suspension System (PARSS) reflects the decisions taken within the selected fiscal year. Due to processing times, these applications may not necessarily have been received during the selected fiscal year.

## Laws and regulations

All record suspension applications are processed under the current legislation, that is the *Criminal Records Act* (CRA) (Bill C-10, March 13, 2012). The eligibility criteria are the following:

- Sentences must be complete (which includes payment of fines, restitution orders, surcharges, as well as completion of probation orders, imprisonment and parole periods).
- For summary offences, an individual may only apply 5 years following the date of completion of all sentences.
- For indictable offences, an individual may only apply 10 years following the date of completion of all sentences. This includes service offences under the *National Defence Act* for which he or she was fined more than \$5,000, detained or imprisoned for more than 6 months.
- The following individuals are ineligible to apply for a record suspension:
  - If convicted of a Schedule 1 offence of the CRA (sexual offence against a child), except if they meet the "Close in Age" clause, which is:
    - the person was not in a position of trust or authority towards the victim;
    - the person did not use, threaten to use or attempt to use violence, intimidation or coercion in relation to the victim; and
    - the person was less than five years older than the victim.

- If convicted of 4 or more indictable offences for which he or she was sentenced to two years or more in prison for each offence.

## Pardons

Applications submitted by individuals currently residing in British Columbia or Ontario, and whose most recent offence occurred no later than March 12, 2012, will be processed as pardon applications. In April and June 2017, court decisions in British Columbia and Ontario respectively declared the transitional provisions unconstitutional in the 2010 and 2012 legislation that amended the CRA to increase waiting periods for obtaining record suspensions and change eligibility criteria. Consequently, these applications will be processed under:

- Bill C-47 (for offences that took place prior to June 28, 2010):
  - for summary offences, 3-year waiting period;
  - for indictable offences, 5-year waiting period;
- Bill C-23A (for offences that took place between June 29, 2010 and March 12, 2012 inclusively):
  - for summary convictions (no sexual offence), 3-year waiting period;
  - for indictable convictions (no sexual offence), 5-year waiting period;
  - for sexual summary offence against an adult, 3-year waiting period;
  - for sexual summary offence against a child, 5-year waiting period;
  - for sexual indictable offence against an adult, 5-year waiting period;
  - for sexual indictable offence against a child, 10-year waiting period;
  - for serious personal injury offence, 10-year waiting period.

## Terms and Concepts

Number (ID) – Unique record identifier.

Request Type – This corresponds to the type of application (Pardon or Record Suspension) based upon the Legislation it is processed under.

**Method of Trial: Summary or Indictable** – The scheme of the Criminal Code is to classify offences as pure indictable, purely summary or hybrid. For hybrid offences, the prosecution may elect whether to proceed by way of summary conviction or by indictment, usually based upon the severity of the offence.

**Offence Type Qualifier** – This corresponds to the category of the file based upon the conviction(s) included, and the legislation. Please note that since Offence Type Qualifier is dependant on legislation, the use of the qualifiers has changed over time. Historically, “Serious Offence” was applied further to C-47 (1985) and C-23A (2010), and was discontinued further to C-10 (2012). Similarly, “Serious Personal Injury Offence(s)” was only used for C-23A (2010), and was discontinued further to C-10 (2012). “Sexual Offence(s)” and “Sexual Offence(s) (Child)” were reported as of 2009/2010 and are grouped as such due to application timelines:

- Summary Offence(s) – contains only offences tried summarily (excluding sexual offence).
- Indictable Offence(s) – contains at least 1 or more offences tried by indictment (excluding sexual offence).
- Serious Offence(s) – contains at least one offence, treated by indictment, included in Schedule 1 of the *Corrections and Conditional Release Act* (CCRA).
- Serious Personal Injury Offence(s) – contains at least one offence, treated by indictment, within the meaning of section 752 of the *Criminal Code*, including manslaughter, for which the applicant was sentenced to imprisonment for a period of two years or more.
- Sexual Offence(s) – contains at least one offence listed in Schedule 1 of the *Criminal Records Act* (CRA) against an adult.
- Sexual Offence(s) (Child) – contains at least one offence listed in Schedule 1 of the *Criminal Records Act* (CRA) against child (meaning a person who is less than 18 years of age).

**Province** – This corresponds to the province of residence of the individual who applied. “Unknown” is a default option if the script cannot identify a province of residence for the applicant. While we should have a mailing address province for those cases, it is not used in these statistics; oftentimes an applicant will apply through an agency which is not in the same province as they reside.

Outcomes:

Pardon files processed under C-47 legislation:

Pardon Issued, Pardon Granted, Pardon Denied.

Pardon files processed under C-23A legislation:

Pardon Granted, Pardon Denied.

Record Suspension files processed under C-10 legislation:

Record Suspension Ordered, Record Suspension Refused.

**Outcome Fiscal Year** – This identifies the fiscal year during which the decisions were taken. A fiscal year starts on April 1st of a given year and ends on March 31<sup>st</sup> of the following year (e.g. Fiscal year 2016-17 starts April 1, 2016 and ends March 31, 2017).

**Outcome Month** – Indicates the month during which the decisions were taken.

Acronyms used in this dataset

|       |                                     |
|-------|-------------------------------------|
| CRA   | Criminal Records Act                |
| CSC   | Correctional Service of Canada      |
| PARSS | Pardon and Record Suspension System |
| PBC   | Parole Board of Canada              |

**Note:** Due to ongoing data quality assurance processes, data may differ from previously reported numbers.

**Source:** Parole Board of Canada, June 7, 2019.