



Type of law:  
**CRIMINAL LAW**

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A 2021 Alberta Guide to the Law

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# Pardons, Record Suspensions and Youth Records

**TOP SECRET**

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# 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 \$657.77.

## 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 require 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.

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 **PIKTOCHART**

## Pardons, Record Suspensions and Youth Records

### Table of Contents

<b><i>WHAT IS A RECORD SUSPENSION?</i></b>	<b><i>1</i></b>
<b><i>WHAT ARE THE LIMITS OF A RECORD SUSPENSION?</i></b>	<b><i>1</i></b>
<b><i>DO I NEED TO APPLY TO GET A RECORD SUSPENSION?</i></b>	<b><i>2</i></b>
<b><i>HOW DO I APPLY FOR A RECORD SUSPENSION?</i></b>	<b><i>4</i></b>
<b><i>HOW LONG DOES IT TAKE TO PROCESS APPLICATIONS?</i></b>	<b><i>6</i></b>
<b><i>RECORD SUSPENSION FOR MARIJUANA CHARGE</i></b>	<b><i>6</i></b>
<b><i>YOUTH CRIMINAL RECORDS</i></b>	<b><i>7</i></b>
<b><i>WHERE CAN I GET HELP OR MORE INFORMATION?</i></b>	<b><i>9</i></b>

## 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).



## 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, although they often do.
4. Record suspensions do not end prohibition orders.
  - a. For example: 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 (e.g. working with children).
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" (behavior that does not demonstrate a law-abiding lifestyle); or
    - Can look at things like:
      - Any police involvement, even if it did not result in charges or a conviction;
      - Charges that are withdrawn, dismissed or stayed;
      - Absolute or conditional discharges;
      - Convictions under provincial statutes; and
      - Alleged criminal behavior and investigations.
  - 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.
  - a. If this is the case, your record will be automatically destroyed or archived. Youth court is for young offenders (under the age of 18) who are not being charged as adults.
    - This will happen after the applicable amount of time has passed and 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 (see below – Youth Criminal Records).
2. You were sentenced to an absolute or conditional discharge.
  - a. If this is the case, your record will automatically be removed from the CIPC system.
    - This will happen 1 year (for an absolute discharge) or 3 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 were transferred to Canada.
  - Violations of the *Criminal Code* (most criminal offences), and the *Controlled Drug and Substance 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 offences committed before June 29, 2010, you must wait:
  - 5 years **after** you have completed your sentence for indictable (more serious) offences.
  - 3 years **after** you have completed your sentence for summary (less serious) offences.
- For offences committed between June 29, 2010 and March 12, 2012, you must wait:
  - 10 years **after** you have completed your sentence for serious personal injury indictable offences (e.g. assault, manslaughter, etc.), for which you were sentenced to a minimum of 2 years imprisonment.
  - 5 years **after** you have completed your sentence for other (non-personal injury) indictable offences.
  - 3 years **after** you have completed your sentence for summary offences.
- For offences committed after March 13, 2012, you must wait:
  - 10 years **after** you have completed your sentence for indictable (more serious) offences.
  - 5 years **after** you have completed your sentence for summary (less serious) offences.

**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:

- The person was not in a position of trust or authority towards the victim or in a relationship of dependency with the victim;
- The person did not use, threaten or attempt to use violence, intimidation or coercion in relation to the victim; and
- The person was less than 5 years older than the victim.

2. You have been convicted of more than 3 indictable (more serious) offences AND have received a sentence of at least 2 years of more for each.

**Note:** You can check whether you are eligible for a record suspension by using the Parole Board of Canada (PBC) online self-assessment tool.

- Link: <https://www.canada.ca/en/parole-board/services/record-suspensions/record-suspension-self-assessment-tool.html>

## 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.

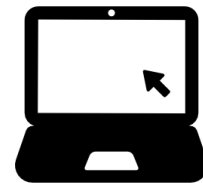
While you can apply for a record suspension with the help of a lawyer or professional organization, it is not necessary. All of the information required for you to complete application yourself is available on the Government of Canada's website.

- Link: <https://www.canada.ca/en/parole-board/services/record-suspensions.html>

### 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
  - o Edmonton office:
    - Canada Place, #720, 9700 Jasper Ave NW
    - Edmonton, AB T5J 4C3
    - Phone: (780) 495-3404



The Record Suspension Application Guide contains step-by-step application instructions.

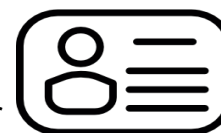
The guide can be found online at:

[https://www.canada.ca/content/dam/pbc-clcc/documents/form-formulaire/rs-sc/PBC\\_Record\\_Suspension\\_Application\\_Guide\\_April\\_2021.pdf](https://www.canada.ca/content/dam/pbc-clcc/documents/form-formulaire/rs-sc/PBC_Record_Suspension_Application_Guide_April_2021.pdf)



The instructions will ask you to submit these things as part of your application:

1. Your criminal record from the RCMP
  - a. Ensure all convictions are included
  - b. **MUST** also include information about convictions outside of Canada (if any)
  - c. Get your fingerprints taken and have them uploaded electronically
2. Your court information (for each conviction)
  - a. Must include proof and date of last payment for any fines
3. Your Military Conduct Sheet (if you are a current or former member of the Canadian Forces)
4. Your local police records check(s)
  - a. For the city/town where you are currently living
  - b. For each city/town you have lived in for the past 5 years (if you lived there for more than 3 months)
5. Supporting identification documents
  - a. A valid government issued document must include your name, date of birth and signature
6. Completed Schedule 1 Exception Form (if necessary)
  - a. Only required if you have a conviction for a Schedule 1 offence and your most recent offence was committed on or after March 13, 2012 or your Schedule 1 offence was committed on or after March 13, 2012
  - b. **Note:** Schedule 1 offence is a sexual offence involving a child
7. Completed Record Suspension Application Form
8. Completed Measurable Benefit/Sustained Rehabilitation Form (if necessary)
  - a. Only required if your most recent offence was committed on or after June 29, 2010
  - b. 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
9. Provide payment for Application Processing Fee
  - a. The fee is \$657.77 as of March 31, 2021. If an application was mailed and post-marked on or before March 30, 2021 it will be processed under the old fee of \$644.88



\*If your record suspension is **denied**, you can re-apply after 1 year.

## HOW LONG DOES IT TAKE TO PROCESS APPLICATIONS?

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

- For **summary offences** (less serious), applications will be processed within **6 months** upon acceptance.
- For **indictable offences** (more serious), 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.

## RECORD SUSPENSION FOR MARIJUANA CHARGE

Now that marijuana is legal in Canada, a person convicted of simple possession of cannabis may apply for a streamlined record suspension process where the waiting period and application fee are waived. Simple possession refers to possession of 30 grams or less of cannabis for personal use. The Cannabis Record Suspension Application Guide contains step-by-step application instructions.

This guide can be found online at:

<https://www.canada.ca/en/parole-board/services/cannabis-record-suspensions/cannabis-record-suspension-application-guide.html>

The instructions will ask you to submit these things as part of your application:

1. Your criminal record from the RCMP
  - a. Ensure all convictions are included
  - b. Get your fingerprints taken and have them uploaded electronically
2. Your local police record check(s)
  - a. For the city/town where you are currently living
  - b. For each town/city you have lived in for the past 5 years (if you lived there for more than 3 months)
3. Your court information (if necessary)
  - a. Only required if your police record check(s) do not clearly show that you were convicted only of simple possession of cannabis and that your sentence was only a fine or victim surcharge or both
4. Your Military Conduct Sheet (if you are a current or former member of the Canadian Forces)

## 5. Completed Cannabis Record Suspension Application Form

Individuals with convictions other than simple possession of cannabis may still apply for a record suspension through the regular process, provided that they meet the eligibility requirements. You can still apply if you have unpaid fines or victim surcharges related to the cannabis conviction(s), if you have completed the other parts of your sentence (e.g. probation order).

## YOUTH CRIMINAL RECORDS

If you are between the age of 12 and 17 and are alleged to commit a crime, then you will be treated as a youth offender and tried in a Youth Justice Court. Indictable offences committed by a youth over 14 years of age can lead to an adult sentence. However, those under 18 are not to be incarcerated in adult correctional facilities until they reach the age of 18.

A youth record connects you to a case in the youth justice system. It is not the same as an adult criminal record. It may contain things like photographs and police notes regarding the incident, as well as the youth's name and date of birth, details about the charge or sentence, and information provided by family and community members about the offence. However, a youth record can become an adult criminal record if:

- Your youth record is still open when you turn 18;
- You commit another crime; and
- You are convicted.

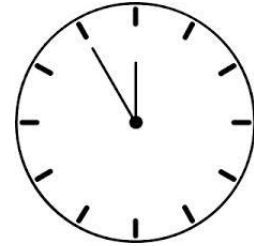
### Who can see my youth record?

- You;
- A government employer;
- Police;
- Your lawyer & Crown Prosecutors;
- Courts and review boards;
- Your parents or guardians;
- The Victim;
- Directors at EYOC (Edmonton Young Offender Center) or other correctional facilities where the youth serves their offence;
- Persons involved in a youth justice conference; and/or
- Other government officials (see s. 199(1) of the YCJA).

Note that non-governmental employers can request a criminal record check to prove that the applicant does not have a record. Young persons have the right to refuse such request, although doing so may jeopardize the employment opportunity.

### How long will my youth record last?

The access period for most offences is most commonly between **2 months to 5 years**, depending on the offence & sentence. In most cases, the following guidelines apply:



- Acquitted or charge dismissed – 2-3 months.
- Reprimanded – 2 months.
- Charge stayed – 1 year.
- Absolute discharge – 1 year.
- Extrajudicial sanction – 2 years.
- Conditional discharge – 3 years.
- Summary (less serious) conviction – 3 years after the sentence is completed.
- Indictable conviction (more serious) – 5 years after the sentence is completed.

However, there are a number of exceptions to the timelines listed above. For example:

- This can be extended if you commit another offence during this time;
- If you turn 18 and commit another offence during this time, your youth record will become part of your adult record, and the rules for an adult record then apply;
- Youth records may be kept indefinitely for very serious charges like murder, manslaughter or aggravated sexual assault;
- There are also certain offences designated as “schedule offences” for which the record will be kept for an extra 5 years; or
- If a youth is sentenced as an adult, the rules for adult records apply.

To find out what your charge is, please contact your lawyer.

If you are not sure whether your youth records has been sealed, you can check with your local police service.

## WHERE CAN I GET HELP OR MORE INFORMATION?

<b>Parole Board of Canada</b> Record Suspension Information Line	<b>Contact:</b> 1-800-874-2652 <a href="mailto:suspension@pbc-clcc.gc.ca">suspension@pbc-clcc.gc.ca</a>
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Provides information related to record suspensions/pardons and can provide assistance with applications.

<b>Elizabeth Fry Society of Edmonton</b> Record Suspension Program	<b>Contact:</b> Record Suspension Program Coordinator 780-784-2205 (Toll free: 1-866-421-1175) <a href="mailto:community@efryedmonton.ab.ca">community@efryedmonton.ab.ca</a>  Suite 900, 105 Street Building  10242 105 Street  Edmonton, AB  <a href="http://www.elizabethfry.ab.ca">www.elizabethfry.ab.ca</a>
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Helps *women* with the process of applying for a record suspension.

<b>Edmonton John Howard Suspension</b> Adult Support Services Youth REE*Start Program	<b>Contact:</b> 780-428-7590 <a href="https://johnhoward.org">https://johnhoward.org</a>  Suite 401, 10010 105 Street Edmonton, AB T5J 1C4
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Helps adults and youths with the process of applying for a record suspension.

<b>Lawyer Referral Service</b>	<b>Contact:</b> 1-800-661-1095
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When you call, you will speak to an operator and you will describe the nature of your problem to them. The operator will then provide you with the contact information for up to three lawyers who may be able to assist you. When contacting these referred lawyers, make sure to let them know that you were given their information by the Lawyer Referral Service. The first half hour of your conversation with a referred lawyer will be free and you can discuss your situation and explore options.

**Note:** This free half hour is more for consultation and brief advice and is not intended for the lawyer to provide free work.

<b>Student Legal Services</b>	<b>Contact:</b>
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Criminal Project Legal Education & Reform Project	780-492-2226  11036 88 Avenue Edmonton, AB
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Law students can provide more information about applying for a record suspension.