This is part of a package of materials criminal records reform that I helped develop together with John Howard Society of Canada. As you will read, we are proposing a simple, free and easy solution to the process of getting a record suspension, and that is automatic file closure. And it would really help to have as many people as possible echo this call as part of a consultation process the government has set up.

Please consider doing three things in this regard:

**1. Take a few minutes and fill out the on-line survey** *– link is attached, below.* To make it easier you can open the JHSC response as a word document and copy and paste answers to the survey.

**2. Print copies of the letter** *and invite people to sign and address them.* We can mail them to the Minister postage free by December 7th.

**3. Share the message, below with your networks***, encouraging other people to fill out the survey asking for automatic file closure and or send in a copy of the letter.*

Deadline for doing the survey, sending the letter is *December 7th*)

Over the next two weeks we have a unique opportunity to promote a reform of the Criminal Records Act by calling for a system of no fee automatic file closure to replace Record Suspension.  It is critical that as many people as possible respond in support of the recommendation that the John Howard Society of Canada created earlier this year to convince the new government that this is the best way forward.

You can add your voice to ours in one or two ways.  By filling out an on-line survey, or by printing off and sending a letter we have created to the Minister of Public Safety (and nothing prevents you from doing both.)  **But you have to respond by December 7th.**

Attached *find a copy of our response to the survey* which may make it easier for you to respond.  *As well there is an attached a form letter that can be printed off and mailed to the Minister of Public Safety by December 7th,* ***postage free****, for anyone not able or willing to fill out the survey on-line.*

As many as three and a half million Canadians could benefit from real change to the criminal record act (see attached CBC article).  *I hope you can take a few minutes to respond, by mail or on-line.*

The link to the **Consultation on the Review of Record Suspensions is here** [**https://www.canada.ca/en/services/policing/parole/consultation-record-suspensions**](https://www.canada.ca/en/services/policing/parole/consultation-record-suspensions.html)**.html**

**Keep reading to see JHSC`s position on pardons/record suspensions which you are free to copy and share.**

**Record suspensions a failure, time to close the file**

***John Howard Society of Canada’s position on reforming legislation around criminal records***

***November, 2016***

Canadians with a criminal record comprise more than 10% of our population.  As has been well established, having a criminal record can be a significant impediment  for someone looking for housing, work, promotion or even to volunteer in their own community.  Currently fewer than 4% of those who receive a pardon or record suspension  are ever charged with an offence again .  Yet under the current system:

Waiting periods are double what they were in 2010and are currently **five** years for those with a summary conviction, and **ten** years for those with an **indictable** conviction.

Those with four or more indictable offences are currently not able to get their record sealed – ever.

Those convicted of certain types of offences can never have their record suspended.

The current system puts the onus on the applicant to show that the record suspension is necessary for them to lead a crime free life.  As this is *subjective* the clause can be used to deny *anyone* a record suspension at any time.

The federal government is currently seeking public input for reform of the legislation around criminal records *from now until December 7*.  JHS is urging Canadians to use this opportunity to call for an entirely new system.  Instead of forcing some to apply for a record suspension *the government could* ***automatically close*** *a criminal record 3 to 5 years after the sentence or conviction is complete.* The onus would be on the government to do this, at little or no cost to the individual with the record.  Finally this should be available to everyone without discrimination based on the type or number of convictions. (It is important to note that those serving a life sentence are *not* currently eligible to have their record suspended, and would *not* be able to have their file closed, as the court has ordered it to remain open for their lifetime).

How Record Closure could work.

At the time a conviction or sentence is registered an expected completion date is recorded electronically.  When that date comes up, if the conviction and or sentence is in fact complete the government would then ‘close’ the file so that no information about the conviction would come up as a result of a criminal record search. *The criminal matter is considered closed when all fines have been paid, all conditions of the sentence have been met, and any period of probation or parole has ended.*

However the information on file is still available to the police *should the individual reoffend at some point in the future, which would cause the file to be re-opened.*  Also, as was done prior to 2010, when an individual is applying for a criminal record check to work with a vulnerable population the employer would be informed if there is a closed conviction involving sexual assault or some other offence that would make the applicant potentially unsuitable for working with that population.

In cases where the conviction or sentence is not closed by the expected date, the onus would revert back to the individual to inform the government when the matter has been closed and the waiting period served in order for the file to be closed.

Currently the system is so complex that it has become unmanageable.  Tens of thousands of Canadians have been excluded from ever getting a record suspension, and the cost has also risen beyond the reach of many of those on social assistance, who may not be able to find employment because they have a record.  Moving to a system of automatic file closure would ensure that Canadians who have not reoffended can move forward and not have their past hold them back for ever.  As well this could be done for little or no cost – except in the case where the individual might have to gather information after the date, showing that the criminal matter is closed and the waiting period complete.

It is in all of our interests that those who have not reoffended to have an opportunity to put their criminal past well and truly behind them.  There are already too many barriers in the path of those seeking to turn over a new leaf, and the regressive record suspension system is an unnecessary obstacle that diminishes public safety and make our communities less strong.  This is the time to replace that system with something with shorter waiting periods, that applies to all offences, and which truly makes us safer.