Date:

The Hon. Ralph Goodale MP

House of Commons,

Ottawa, Ontario

KIA 0A6

Recommendations regarding Changes to the Criminal Records Act

Dear Minister Goodale:

I would like to make the following comments regarding the current form of record suspension which contains many unnecessary barriers for the approximately 3.5 million Canadians with a criminal record wanting to move forward.

* The current system is far too complicated and should only take into account the fact that an individual has been crime-free.
* The onus should not be on Applicants to show they deserve a record suspension or that it would be in the public interest for them to have one.
* Current waiting periods are too long and should be reduced to three years and five years for summary and indictable offences respectively.
* Closing a criminal record should apply to all those with a record who meet the requirement of having been crime free for the required period of time once their conviction was complete, regardless of the type and or number of offences involved.
* The fee of $641 is far too high and a barrier to many.

Going forward the process should become free and automatic – as we see in Canada’s youth criminal justice system. This option makes criminal record expungement an operation of law and would eliminate the need for many resources that are required by the current record suspension program. Many countries (for example, Australia, England, and Spain) have an automatic pardon process which minimizes the long-term collateral consequences of a criminal record. A free and automatic process would eliminate the current two-tiered system that is created by high costs (including the $631 user fee) and complicated application process (which is particularly difficult for those with literacy issues).

How Record Closure should 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 individuals 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 those 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.

Sincerely

Name:

Address: