

Guide to Record Suspensions in Manitoba

CRIMINAL
RECORD

- What is a Criminal Record Suspension?
- Do I qualify?
- How do I apply?

We can Help!

February 2023

Canada

*This program is made possible with
financial assistance from the Government
of Canada's Department of Public Safety
and Emergency Preparedness.*

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THE JOHN HOWARD SOCIETY OF MANITOBA



Record Suspension Support Program

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Introduction


This resource guide was produced by the John Howard Society of Manitoba. It is designed to help people navigate the steps that must be taken in order to apply for a Record Suspension or Pardon.

In addition to this guide the John Howard Society of Manitoba Record Suspension Case Workers offers a complete service free of charge to assist individuals throughout the process of making an application. The John Howard Society of Manitoba Case Workers specialize in the eligibility, paperwork and steps required by the Parole Board of Canada to make applications for a Record Suspension/Pardon.

The John Howard Society of Manitoba is a provincial charitable organization delivering services in communities throughout the province. Our mission is to work towards effective, just, and humane responses to crime and its causes. We offer programs to assist people who have been involved in the criminal justice system with the goal of helping them to find a healthy path on their personal journey.

Please visit our website at www.johnhoward.mb.ca, to learn more about us and a variety of publications on criminal justice research and policy topics that are available for access on the website.

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Frequently Asked Questions

What is a criminal Record Suspension?

People who obtain a Record Suspension will have their visible record of convictions removed from the Canadian Police Information Center (CPIC) records. A Record Suspension (formerly called a Pardon) stops information about a criminal record from being shared in most situations. For example, a Canadian Police Information Center (CPIC) criminal record check for employment will not show convictions after receiving a Record Suspension. Obtaining a Record Suspension can open doors for people who may have been held back from career, volunteer, or other opportunities due to a criminal record.

It is important to know that a Record Suspension does not eliminate the fact a person was convicted of a crime. There are limited circumstances where a record could be released. For example, law enforcement can obtain access to a record for investigation purposes in some circumstances.

Does a Record Suspension clear all court and provincial records?

A Record Suspension does not automatically clear provincial or municipal records but most criminal justice agencies limit access to their records once they are notified that a Record Suspension has been ordered.

Does a Record Suspension eliminate all court ordered responsibilities?

No, Record Suspensions do not have any impact on prohibitions such as restraining orders, firearm restrictions, and driving restrictions. They will continue to exist and be in force

Who can apply for a Record Suspension?

Eligible individuals can apply if they have been convicted of an offence;

- a) In Canada under a federal act or regulation of Canada, or
- b) In another country and were transferred to Canada under the Transfer of Offenders Act or International Transfer of Offenders Act.

Are there any restrictions regarding who can obtain a Record Suspension?

Not everyone is eligible for a Record Suspension. There are restrictions that may apply based on the date of the offence as well as the type and number of convictions on a criminal record. Depending on the nature of the conviction(s) there are minimum time frames that must pass from the completion of a sentence before a person can make an application. For more detail please see page 8 in this guide; *Waiting Periods for Record Suspension*.

There are some situations where a person is not eligible to make an application. These would include matters where a person has received a life sentence, indeterminate sentence or is otherwise ineligible under the Criminal Records Act. Depending on the date of the record and facts surrounding the offence, offenders with sexual related offences involving children may be barred from making an application. Each conviction should be reviewed prior to making an application to determine if there are any restrictions that would apply. For more detail please review the information provided on the Parole Board of Canada's website or contact the Record Suspension Case Workers at the John Howard Society of Manitoba to discuss your circumstances. (Phone Number 204-775-1514)

Who makes the decision whether a Record Suspension is granted?

The Parole Board of Canada.

How does the Parole Board of Canada make their decision?

The Parole Board of Canada reviews information about a person's criminal record and the specifics of the offence(s) committed, the completion of sentence, history of behaviour, conduct and the potential benefits to the individual in order to make a decision whether or not to grant a criminal Record Suspension. They are guided in their decision making by legislation, regulations and policy for Parole Board members. Board members are instructed to consider whether the applicant's behaviour has been law-abiding. They have the ability to review cases that may not have led to charges, been stayed or withdrawn, and provincial or municipal offences.

Am I able to proceed with an application? How does the John Howard Society of Manitoba help me if I want to pursue an application?

The John Howard Society of Manitoba has a program to help people with the entire process. That includes reviewing the eligibility requirements for an application as well as assisting with the procedures necessary to obtain and file the documents with the Parole Board of Canada. Simply contact the Record Suspension Program Support Workers at 204-775-1514 to start the discussion. This service is provided to you at no cost due to support from the federal government Department of Public Safety and Emergency Preparation.

Alternatively, the requirements for an application are in this guide or can be found on the Parole Board of Canada website for those who want to proceed on their own. ([Parole Board of Canada Guide and Forms](#))

How much does it cost to obtain a Record Suspension?

As noted above, there is no cost for the assistance provided by the John Howard Society. There are costs to obtain the required records from police and courts as well as a \$50.00 fee payable to the Parole Board of Canada that must accompany the application. The fee for the application to the Parole Board of Canada was recently reduced from approximately \$656.00.00 to \$50.00.

The police and courts charge for the records that are required to accompany the application to the Parole Board of Canada. Examples of costs that will be incurred are the cost of obtaining fingerprints, criminal and court records. These costs vary depending on the number of requests that may be required and the agencies that provide them. In some cases there may be other fees. For example, if a person does not have valid identification such as a passport, birth certificate, or driver's license, there will be a cost to obtain new copies.

Will a Record Suspension guarantee me entry into the United States?

A Record Suspension does not guarantee entry into the United States. In some circumstances, a United States entry waiver form (I-192) may be required to gain entry. The US entry waiver form currently costs \$585 in United States dollars and takes 6–18 months to receive from American officials.

A waiver may not be required for offences deemed to be less serious but the decision that will be made about your entry is made by U.S. officials, not Canadian. Some convictions that will likely require a US entry waiver form to guarantee entry are murder, manslaughter, prostitution, kidnapping, serious drug offences, sexual assault, and theft over \$5,000 matters. If the offence isn't listed above or there are questions about entry into the U.S., it may be helpful to contact the US consulate to determine whether a US entry waiver form is recommended:

Consulate of the United States of America in Winnipeg
201 Portage Avenue, Suite 860
Winnipeg, Manitoba R3B 3K6
Phone: 204-940-1800
Fax: 204-940-1809
Website: winnipeg.usconsulate.gov

Will a Record Suspension guarantee me entry into other foreign countries?

No, entry it is not guaranteed. Each country makes their own entry decisions. If there are concerns about the restrictions it is recommended that contact be made with the embassy of the country to ask about their restrictions and requirements.

Do I need a Record Suspension to apply for a passport?

No.

Can someone convicted of a sexual offence involving a child apply for a Record Suspension?

Depending on the date of the offence and the facts surrounding the offence committed some individuals will be eligible to apply for a Record Suspension. The criteria for eligibility are noted in the Parole Board of Canada's website. The Record Suspension Case Workers with the John Howard Society of Manitoba can also assist with the statutory eligibility requirements.

Do I need to apply for a Record Suspension if I was a young offender?

In rare circumstances it may be necessary to apply for a Record Suspension if the person was convicted or sentenced as an adult while still a young offender. Normally a person will not need to apply for a Record Suspension if they were found guilty of an offence in youth court. Youth records are automatically destroyed or stored separately after a specified period of time set out in the legislation, although there are circumstances where they may remain because of further offences in adult court.

Do I need to apply for a Record Suspension if I received an absolute or conditional discharge?

An Absolute Discharge indicates a person was found guilty of an offence but not convicted in the eyes of the law and they are discharged with no conditions. Absolute discharges usually will not be added to the individual's certified criminal record but may be located on local police records.

A Conditional discharge also indicates a person was found guilty of an offence but not convicted. They are discharged but have conditions listed in a probation order. It usually will not be added to the individual's certified criminal record but may be located on local police records.

If a person received an absolute or conditional discharge, they do not need to apply for a Record Suspension to have the record removed from CPIC. If a discharge was received after July 24, 1992, the RCMP will automatically remove absolute discharges one year after the court decision and conditional discharges three years after the court decision.

If the conditional or absolute discharge was imposed before July 24, 1992 they can be removed upon written request by contacting the RCMP at:

RCMP Pardon and Purge Services

P.O. Box 8885

Ottawa, Ontario, K1G 3M8

The request may also be faxed to 613-957-9063.

Do I need a representative or a lawyer to apply for a Record Suspension?

No. A person can apply without assistance. Having a lawyer or representative does not speed up the process or guarantee a Record Suspension but it can be helpful to navigate the application

requirements. The Parole Board of Canada follows the same process for all applications whether or not a person uses a lawyer or other program for assistance.

The Record Suspension Support Caseworkers are pleased to provide you with assistance without charge due to funding from the Public Safety and Emergency Preparedness Department of the Federal Government.



Can a Record Suspension be denied?

Yes, but people can re-apply after one year.

Can a Record Suspension be revoked or cease to have effect?

Yes, the Parole Board of Canada may revoke a Record Suspension if;

- the person is later convicted of an offence under a federal act or regulation of Canada;
- the Parole Board finds the person is no longer of good conduct, e.g. reoffends;
- the Parole Board learns a person lied, made a false or deceptive statement, or concealed relevant information at the time of the application; or
- the Parole Board is convinced by new information that the person was not eligible for a Record Suspension at the time it was granted.

If a Record Suspension is revoked, the records of the offences will once again be kept with the other conviction records.

1. Waiting periods for Record Suspension

The amount of time that needs to pass before an application can be made depends on the legislation that was in effect at the time of the first offence. The legislation has changed through the years and the waiting times have also changed depending on the year the first offence was committed. Waiting times can vary considerably. For example, there is no waiting period following completion of a sentence for a simple Possession of Cannabis charge if it is the only conviction on the record. On the other hand, depending on the date an offence was committed some indictable (more serious) offences will require a waiting period of 10 years following the completion of a sentence.

For cases other than simple Possession of Cannabis matters, all waiting periods begin on the date the individual completes their sentence. Completion of the sentence includes finishing jail terms, probation, community service work and having fines, and restitution/compensation orders paid. Prohibition orders such as firearm restrictions, driving restrictions and restraining orders do not have to be expired before the start of the waiting period.

The dates and waiting periods are identified in the Parole Board of Canada's website and with more detail in the next section. The Record Suspension Case Workers with John Howard Society of Manitoba can help you determine the waiting periods that would apply to your situation based on your history with the criminal justice system.

A summary showing the needed wait time was developed by the Parole Board of Canada and available on their website. It is re-produced for your convenience (see next page). The website can be accessed by using the attached hyper-link. [Record Suspensions - Parole Board of Canada](#)

Record Suspension Application Guide

Are you eligible to apply for a record suspension?

IMPORTANT!

- If you were convicted of **simple possession of cannabis**, please consult the *Special Instructions* found on the next page.

1. Check that you have **completed all of your sentences**, which includes:

- all fines, surcharges¹, costs, restitution and compensation orders²;
- all sentences of imprisonment, conditional sentences, including parole and statutory release; and
- any probation order(s).

Important: Your weapons or driving prohibition order do not need to be expired before the waiting period begins.

2. Check that you have **completed the appropriate waiting period** by referring to the table below. In order to do so:

- identify when you have **committed** your first offence (not the date of sentencing); and
- identify if you were convicted of a summary or indictable conviction.

Tip: You may contact the court to obtain this information.

Important:

- If the court cannot confirm the method of trial, the longest waiting period will apply.
- The waiting period starts after you have completed **all** of your sentences.

Your first offence was committed before or on June 28, 2010:	Your first offence was committed between June 29, 2010 and March 12, 2012:	Your first offence was committed on or after March 13, 2012:
Pardon	Pardon	Record Suspension
Summary offences: 3 years	Summary offences: 3 years	Summary offences: 5 years
Indictable offences: 5 years	Indictable offences: 5 years	Indictable offences: 10 years
	10 years for serious personal injury offences ³ for which you were sentenced to a prison term of 2 years or more or an indictable offence found in Schedule I of the <i>Criminal Records Act</i> .	

¹ Victim surcharges imposed under section 737 of the *Criminal Code* on or after October 24, 2013 and on or before December 13, 2018 will not be considered in determining eligibility for a record suspension.

² If you were ordered to pay restitution to an individual or entity, courts may not be able to confirm payment (if this is the case, call the Parole Board of Canada at 1-800-874-2652).

³ As per section 752 of the *Criminal Code*.

Explanation - The duration of the waiting period

The length of a waiting period depends on whether the sentence was for a summary conviction or an indictable conviction offence. Summary convictions offences are generally less serious criminal matters than indictable matters under the Criminal Code. Strictly indictable offences include offences such as murder, manslaughter, robbery with firearm, and break and enter into a dwelling house with intent to commit an indictable offence. Summary conviction offences would include offences such as causing a public disturbance and harassing phone calls.

The vast majority of criminal charges in Canada are hybrid offences which means they could be either summary conviction or indictment. They are matters where the Prosecution (Crown) decides how they are designated by the court. Offences such as Theft Under \$5000.00, Theft over \$5000.00, Mischief, and Assault may all proceed by either method. A longer waiting time for a Record Suspension will be required where a charge was proceeded by way of indictment.

Depending on the date an offence took place, the waiting period for a Record Suspension (Pardon) on a summary conviction matter will be 3 to 5 years following the completion of the last sentence. For indictable offences the waiting period ranges between 5 and 10 years following the completion of the sentence.

Cannabis Note: *Simple possession of cannabis charges are in a separate category for the purpose of Record Suspension Proceedings and they will be detailed later in this section of the guide.*

The chart on the previous page is reproduced from the Parole Board of Canada website. It may look complicated at first glance but the key to the chart is the date of the first offence. The date an individual committed their first offence determines which waiting period applies.

The date of the first offence guides what waiting period will apply to a Record Suspension or Pardon. As an example, Mr. X was convicted of a robbery that took place in June of 2006 as his first offence. His waiting period for all eligible matters is set by his first offence. His waiting period is 3 years after his last sentence is finished for summary conviction matters and 5 years for indictable cases.

To carry on the example, if Mr. X committed another indictable offence on June 15th, 2013, and was sentenced the same day to a one-year jail sentence, his sentence would be complete on June 14th, 2014. He would be eligible to apply 5 years after the completion of his sentence. In X's case that would be June 14, 2019. If it was a summary conviction offence he would be able to apply 3 years after he completed his sentence.

Indictment or summary conviction

Once the date of the first offence is known, the determination of the waiting period is determined by how a case proceeded in court. The waiting period depends on whether a conviction proceeded by way of indictment or summary conviction. If that is unknown the applicant can try the following methods to determine how the case proceeded;

- ask the defence lawyer on the case

- check the court or probation records;
- review the police records showing the convictions, which may indicate if it was an indictable or summary matter.

Waiting periods and law-abiding lifestyle

During the waiting period, the Parole Board of Canada is required to determine that the applicant has been living a law-abiding lifestyle. This can be demonstrated through a local police record which is required as part of the application package sent to the Parole Board of Canada. These are easily acquired and the Record Suspension Case Workers can assist with them.

The waiting period can be a good time to attend programming, upgrade education, get training, volunteer with organizations, and take part in support groups to show the Parole Board the positive steps that have been taken to benefit the applicant and help avoid future criminal involvement. It is helpful to keep documentation.

Simple possession of cannabis impact on waiting requirements

If the only conviction on an individual's record is for simple possession of cannabis, **the individual does not have to wait** to apply for a Record Suspension (pardon). They will be able to apply immediately regardless of whether there is a fine and/or victim surcharge still outstanding.

The process has also been simplified for people who only have a simple possession of cannabis charge(s). An applicant will not be required to get court information unless the criminal record or local police record check(s) is unclear regarding the cannabis conviction. It is important to note however that if there are other matters on the criminal record the normal application process with waiting periods for a Record Suspension will be necessary.

There are different forms that are used for people seeking Record Suspensions for simple Possession of Cannabis convictions. The application form may be found at the following link. [Cannabis Record Suspension Guide and Forms](#).

2. Where can I get a Record Suspension application form?

Record Suspension applications and information are available on the Parole Board of Canada website: www.pbc-clcc.gc.ca. There is also a video tutorial on this site. The Record Suspension Case Support Workers with the John Howard Society of Manitoba will be pleased to assist you with the paperwork needed to gather the documents and complete the Record Suspension application.

A completed Record Suspension package should include the following.

- Completed Record Suspension Application Form,
- Completed court information from all locations where an individual was sentenced
- Identification documents

- A completed local police record check form from all locations where the applicant has lived in the past 5 years, and
- A measured benefit/sustained rehabilitation form if the first offence took place on or after June 29, 2010.

3. To make the application and obtain the records required there must be valid identification

For many of the steps, identity verification through valid government issued photo and at least one other piece of supporting identification will be needed. Government-issued photo identification must be current and valid and include the applicant's legal name, photo, date of birth, and signature.

Types of government-issued photo identification can include the following:

- Driver's license
- Manitoba Identification Card
- Secure Certificate of Indian Status
- Permanent resident card
- Citizenship card
- Passport

Supporting identification must include the applicant's name on it. Types of supporting identification can include the following:

- Lease or mortgage agreement
- Utility bill
- Birth certificate
- Health card

If you do not have proper identification, the Record Suspension Support workers can help you to obtain a copy. Please be aware there are costs to obtain some of the documentation. For convenience, the contact information and costs at the time of writing with the various forms of identification may be found below;

Government-issued photo identification

Passport

Fee: \$120 for a 5-year passport or \$160.00 for a 10-year passport

Go to <http://www.cic.gc.ca/english/passport/forms/pdf/pptc153.pdf> to get the passport application form.

Processing Times: It will take approximately 10 business days for in person applications or 20 business days if made by mail.

Passport Canada Office in Winnipeg

Address: 433 Main Street, Suite 400, Winnipeg, MB R3B 1B3 *Hours of operation:* 8:00 am to 4:30 pm on weekdays

Brandon Service Canada Centre

Address: 1530 – 12th Street, Brandon, MB R7A-7Y6 *Hours of operation:* 8:30 am to 4:30 pm on weekdays

Note that the Brandon Service Canada Centre acts as a service representative, so it will take approximately 20 business days to process an application.

Other locations in Manitoba

Service Canada has many locations throughout Manitoba and their locations and addresses are identified through their website. [Service Canada Locations](#)

Manitoba Identification Card

Fee: \$20 for a Manitoba Identification Card valid for up to five years. A person is eligible for a Manitoba Identification Card if they

- are a Manitoba resident,
- are allowed to be in Canada, and
- do not already hold a driver's license or Manitoba Enhanced Identification Card

If the eligibility requirements are met, visit www.mpi.mb.ca or contact an Autopac agent or a Manitoba Public Insurance Service Centre to obtain a Manitoba Identification Card.

Permanent Resident Card

Fee: \$50 for a Permanent Resident Card valid for five years.

This is only for non-Canadian residents. Applications for a permanent resident card can be made if the person

- has permanent resident status,
- currently resides in Canada, and
- is not a Canadian citizen or registered under the Indian Act.

Get the permanent resident card application at

<http://www.cic.gc.ca/english/pdf/kits/forms/IMM5444E.pdf>

Print the application, fill it out, and then mail it with all required documents to the Case Processing Centre, P.O. Box 10020, Sydney, NS, B1P 7C1.

Processing time: It may take 10 to 12 weeks for the application to be approved.

Citizenship Card

A citizenship card can be used as government issued photo identification.

Secure Certificate of Indian Status

Get the application at <http://www.aadnc-aandc.gc.ca/eng/1100100032776/1100100032782> and look under the Secure Certificate of Indian Status Application forms.

Print the application, fill it out, and deliver it to Aboriginal Affairs and Northern Development Canada (Manitoba Region), 365 Hargrave Street, Room 200, Winnipeg MB R3B 3A3

Or, mail it to SCIS Processing Unit, 10 Wellington Street, Gatineau, QC K1A 0H4

Driver's License

Fee: A driver's license will initially cost \$65 for one year and may change in following years, depending on the driving record.

To apply or reapply for a driver's license, visit any of the Manitoba Public Insurance locations in Manitoba.

Supporting identification

Lease or mortgage agreement/utility bills

Copies of these documents are acceptable forms of supporting identification. Utility bills include hydro/electricity, water and sewage, and telephone/internet service.

Manitoba Birth Certificate

Birth certificates can only be issued in Manitoba for people born in Manitoba. The cost for a birth certificate is \$30, and can be paid by cash, cheque, money order, debit, Visa, or MasterCard.

The birth certificate application can be filed out in person, or you may visit the website ([Vital Statistics Birth Certificates Information](#)) to download and print the application.

The Vital Statistics Agency is located at 254 Portage Avenue, Winnipeg, MB, R3C 0B6.

Hours of Operation: 8:30 am to 4:30 pm, weekdays. Phone: 204-945-9296

Fax: 204-948-3128

Processing time: It will take one to two weeks for your application to be approved.

If you were born in another province or country, contact your place of birth to obtain a duplicate or new copy of your birth certificate.

Manitoba Health Card

All valid Manitoba residents who are Canadian citizens or have recognized immigration status are eligible for a Manitoba health card.

To be considered valid, an individual must physically reside in Manitoba for six months out of the year.

To apply for a Manitoba Health Card, please contact Registration and Client Services at Manitoba Health at 300 Carlton Street, Winnipeg, MB, R3B 3M9.

Phone: 204-786-7101

Toll Free: 1-800-392-1207

4. Obtaining a criminal record check with fingerprints

There are two requirements for criminal record checks in the process to obtain a Criminal Record Suspension.

1. A record check with fingerprints from a Canadian Police Information Centre (CPIC).
2. A local police history or local records check. These are used to ensure a person has been of good behaviour and to capture any other convictions that may exist. This record is necessary from all jurisdictions where the applicant has lived in the past 5 years.

Fingerprints and Canadian Police Information Centre (CPIC)

Fingerprints and CPIC record can be obtained in most cases from the local police agency where the applicant resides. There are also private agencies that can assist and some police detachments may utilize private companies for fingerprint services. The local police agency or detachment will be able to provide direction on what needs to be done and where to go..

Obtaining your fingerprints from the Winnipeg Police Service or private agencies

To obtain fingerprints through the Winnipeg Police Service, it is necessary to attend the first floor of their Headquarters on 245 Smith Street in Winnipeg. This location is the only police station in Winnipeg that provides fingerprinting and criminal record check services to the public.

Government-issued photo identification and one copy of another identification is required in order to obtain fingerprints and a CPIC record. If you are not sure whether your identification is acceptable or sufficient, it is possible to call ahead to check at 204-986-6073. If there is not proper identification, the Identification Unit may be able to confirm identify with fingerprints at no extra cost but it is recommended to call ahead to confirm if this is possible.

The Winnipeg Police Service have a form that requires the full name, address, date of birth, and gender. After the form is completed and fingerprints are taken, the Winnipeg Police Service will submit your request. A transcript of the record will be sent in the mail or it will be sent electronically.

The fee for one to two sets of fingerprints is approximately \$91.00. The criminal record check is a further \$49.00. Payment can be made by postal money order, certified cheque or personal cheque made payable to the City of Winnipeg, or major credit card (MasterCard/Visa/American Express).

There are also private agencies in Winnipeg accredited by the RCMP that will be able to take your fingerprints for the purpose of your record check.

A list of the companies is available on the RCMP website ([Private fingerprinting companies accredited by the RCMP](#))

(Control/click to access) under the Criminal Record and Vulnerable Person section. Please check with those services and companies for their pricing.

Fingerprints and criminal record inquiries outside of the City of Winnipeg

Fingerprints and Criminal Records can be obtained from local detachments of the RCMP or the Police Service that is responsible for your location. For example, people who live in Brandon would contact the [Brandon Police Service](#) (control/click to access). People who reside in areas under the jurisdiction of the First Nations Police should go to the applicable office closest to their homes. ([First Nations Police Detachments website](#)) The RCMP also have a list of their

detachments in Manitoba which can be accessed at the following link. [RCMP Detachments](#) (control/click to access). If you double click on a detachment it will show a map with each area of their jurisdiction.

There are other municipal services in Manitoba so if the applicant lives in an area under their jurisdiction they would need to contact their offices. If you are unsure of the correct police agency please contact a local detachment for assistance.

The costs will vary depending on the agency and some police departments may use a third parties for fingerprinting. Each detachment will be able to provide information regarding process and the expected costs.

General information for all fingerprinting locations

RCMP criminal record checks with fingerprints must be sent by accredited fingerprint agencies. This includes police agencies and approved private agencies. ([Private fingerprinting companies accredited by the RCMP](#))

Processing times: Fingerprint submissions for criminal records submitted by mail will take longer than electronic submissions. Processing time could take up to 120 days in some situations but the waiting time is more likely to be measured in days and weeks rather than months.

Obtaining your local police record

Once the criminal record (CPIC) transcript is received from the RCMP the next step will be to obtain the local police record check. The local police record check is required by the Parole Board of Canada. It will show charges that may not appear on the CPIC record as well as local involvement including Provincial and municipal matters such as the Highway Traffic Act. The Parole Board of Canada will review the local records to assist them in determining whether the person applying has been “of good conduct and behaviour”.

The Parole Board requires local police records from the place where a person is residing at the time of the application as well as other places they may have lived in the previous 5 years. Fortunately, there is a Local Police Record Check form which eases the process of obtaining these necessary records.

The Local Police Record Check form is available from the Parole Board of Canada Record Suspension Guide and may be found at the following hyperlink: [Parole Board of Canada Local Police Record Check Form](#). One of these forms will be needed for each local police service where the applicant has lived over the previous 5 years. The Criminal Record Suspension Caseworkers with John Howard Society of Manitoba will be able to assist with these request documents.

If the applicant lived outside of Canada for some or all of this time, they will need to get a local police record check from those locations as well. If the police agency cannot give a local police

record check, a letter from them saying the person has been in good standing may be sufficient. If the criminal record check or letter is in a foreign language, it will need to be translated to English or French. Both the original and the translated versions must be submitted with the application.

Local criminal record checks are only valid for 12 months from the dates they are issued. As a result it is important to move forward with an application in a timely way.

Local Police Record Check Form

- Fill out sections A, B, and C of the local Police Records Check Form - [Parole Board of Canada Local Police Record Check Form](#);
- Provide two pieces of valid identification (one must be government-issued and include your name, date of birth, signature and photo);
- Provide a copy of your RCMP criminal record transcript;
- Check with the Police Detachment to determine if they will accept the materials by mail and the method of payment they will accept

The Local Police Record Check will be sent in the mail.

IMPORTANT -The Local Police Records Check Forms must include the following information or the Canadian Parole Board will return the application.

- All information required in the **‘For Police Use Only’** section on page 2;
- The signature and date stamp of the local police service; and
- The local police service official seal or stamp.

5. If necessary, obtain proof of conviction from the court

It is your essential to check to see if all of the criminal convictions are listed on the records received from the police. If charges are missed the Parole Board may return or refuse the application. If there are convictions missing from the police records, it is necessary to obtain proof of conviction documents. To get them contact the court that heard the case and/or the Police Service that did the arrest for proof of the charges.

The trial Courts in Manitoba are the Court of King’s Bench and the Provincial Court of Manitoba. The locations and contact information for the courts can be found by using the following links, [Court of King's Bench Locations in Manitoba](#) and [Provincial Judges Court Manitoba Locations](#)

The courts and/or police services will have fees they charge to pay for copies or for the work they have to do to put together the required information. It is recommended that the court be contacted to determine what they may charge for their service. The court fees in Manitoba will vary depending on the time required to do the requested work.

The information needed from the court includes:

- the date and court that did the sentencing,
- the offence that resulted in the conviction,

- the sentence received,
- the arresting police force, and
- a stamp or seal indicating that it is an official document.

In some cases the court records will not be available or will take longer to process due to the age of the convictions. If the records are not available a letter may be issued by the court if the convictions can be confirmed.

If the court or police service does not have a record of the conviction(s), make a formal request to them in writing and call the Parole Board of Canada's toll-free help line at 1-800-874-2652 for assistance.

6. Required court records to prove completion of sentence

Court Records are needed for a Record Suspension application. The legislation for Record Suspensions requires:

1. that all fines, victim surcharges, restitution, and compensation have been paid with the date that the final payments were made with two exceptions that are outlined below in Note 1 and Note 2.

Note 1. Victim Surcharges ordered between or on October 24, 2013 and December 18, 2018 under s. 737 of the Criminal Code will not be considered in the application if they are not paid

Note 2. Convictions for Simple Possession of Cannabis where there are no other convictions have reduced requirements for completion of sentence

2. that all sentences, conditional sentences, and probation are completed and the date they were completed.
3. the method by which the charge(s) proceeded (summary conviction or indictment) to determine the waiting period and how the application is processed.

Information regarding the above 3 points must be obtained for each conviction. In some cases the convictions may all come from one court on a particular date but if the convictions come from different courts then separate requests will need to be made to each court. The National Parole website has a standard [Court Record Request Form](#). You will need one for each court that must be contacted (to open, save the link and then open it from the saved location).

All questions in sections A and B on the first page of the Court Information Form and the Application Information section on the second page of the form must be answered. The information on page 1 and page 2 must match.

The court will need to:

- complete all of the information on both sides of the form that are marked "For Court Use Only,"
- sign and date the form, and
- put their official court seal or stamp on the form.

Two copies of all court documents should be requested so that one copy can be kept for personal records. They may be useful for other purposes such as entry to other countries.

If there was an order to pay restitution to a person or entity, the court may not be able to confirm that these payments have been made. If this is your situation, please call the Parole Board of Canada Help line at 1-800-874-2652 for further assistance.

7. Military conduct sheet

This section will only apply if the person applying has been a member of the military or involved in the Reserves. If not a current or past member of the Canadian forces, this section would not apply, and you may move on to the next step.

If the applicant has ever been a member of the Canadian Forces (Regular or Reserve), they must get a certified, signed, and dated copy of their Military Conduct Sheet to provide with the Record Suspension application. They must also keep and file all of the correspondence (any written documents or emails) from their Commanding Officer, National Defence or Library and Archives Canada.

The request for the Military Conduct Sheet must include:

- the reason for the request (Record Suspension Application),
- the first and last name,
- the name used during the time of service (if the name has changed since then),
- date of birth,
- Military Identification Number or Service Number,
- the applicant's signature, and
- enlistment and discharge dates.

Current Members of the Canadian Forces Information Access

If the person applying for a Record Suspension is currently a member of the Canadian Forces or has recently completed their service it is possible to get the Military Conduct Sheet from the Commanding Officer. The Military Conduct Sheet is valid for six months from the date it is issued. As long as the application is submitted before the Military Conduct Sheet expires, the National Parole Board will accept it for processing.

Regular Member who left on or after January 1, 1998

A Regular member who left the Forces on or after January 1, 1998 or currently serving can obtain their Military Conduct Sheet from the Director of Information and Privacy (DAIP) by mailing a written signed request to:

Access to Information and Privacy Coordinator
National Defence Headquarters
Major-General George R Pearkes Building
101 Colonel By Drive
Ottawa, Ontario K1A 0K2

The form may be downloaded and mailed.

PDF Form: [Application Form for Military Service Information](#)

Regular Member who left the Canadian Military before January 1, 1998

If the applicant is a Regular member who left military service before January 1, 1998, please contact the Library and Archives Canada (ATIP) Section:

Access to Information, Privacy and Personnel Records Coordinator

Access to Information and Privacy Branch

550 de la Cite Boulevard

Gatineau, Quebec J8T 0A7

Fax 613-947-8456

PDF Form: [Application Form for Military Service Information](#)

Website: [Military Conduct Sheet for Record Suspension](#)

The Access to Information Website above indicates that the Online Request Service is a “faster, easier and more convenient way to submit requests”. To proceed online you will need to create an account to start the application.

Requests may also be made by mail and by fax.

Former Reserve Members who left on or after March 1, 2008:

If the applicant was a former reserve member who left the Reserve Forces on or after March 1, 2008, please mail the written signed request to the Department of National Defence, Access to Information and Privacy (ATIP) Section under the Privacy Act:

Access to Information and Privacy Coordinator

National Defence Headquarters

Major-General George R Pearkes Building

101 Colonel By Drive

Ottawa, Ontario

K1A 0K2

PDF Form: [Application Form for Military Service](#)

Former Reserve Member who left before March 1, 2008

Former reserve members who left the Reserve Forces before March 1, 2008 can send their written signed request by mail, fax or online to:

Access to Information, Privacy and Personnel Records Coordinator

550 de la Cite Boulevard

Gatineau, Quebec J8T 0A7

Fax 613-947-8456

PDF Form: [Application Form for Military Service](#)

Conduct Sheet unavailable

If no Conduct Sheet is available, a letter will be required from the commanding officer.

8. Born outside of Canada and currently living in Canada

Obtain your proof of citizenship or immigration documents

If the person applying was born in Canada or does not currently live in Canada, this step is not necessary and can be skipped.

If the person applying for a Record Suspension was born outside of Canada and is currently living in Canada, they must include a photocopy of the official and valid immigration documents with the application. Do not send original immigration documents – photocopies are sufficient. Expired documents are not accepted. If the documents expire while the Parole Board of Canada is processing the application, an updated valid photocopy is required or the application will be delayed.

9. Sexual assault charges related to children - Schedule 1 Exception form

People who have been convicted of an offence identified in Schedule 1 of the [Criminal Records Act](#) are not eligible for a Record Suspension unless they meet certain exceptions detailed in the legislation or they have a criminal record that predates the more restrictive legislation.

Schedule 1 offences are set out in detail near the end of the Criminal Record Act which can be accessed at the above link. This section generally applies to people who have been convicted of sexual offences related to a matter where a child was involved.

An exception form is required if an individual has a conviction for a Schedule 1 offence and the offence was committed on or after March 13, 2012. If they have a criminal record that pre-dates March 13, 2012 they may not require a Schedule 1 Exception Form.

The exception form is reviewed by the Parole Board to determine if certain conditions are met that would permit a Record Suspension in the limited circumstances that are defined under s. 4(3) of the [Criminal Records Act](#). The Parole Board must be satisfied that:

1. The person was not in a position of trust or authority towards the victim of the offence and the victim was not in a relationship of dependency with him or her.
2. The person did not use, threaten to use or attempt to use violence, intimidation or coercion in relation to the victim.
3. The person was less than five years older than the victim.

If the Parole Board is not satisfied on any of the three requirements they will not grant a Record Suspension.

10. Record suspension application form

The [Record Suspension Application](#) must be completed and all questions on the form must be answered (save the link first and then open with Adobe Reader). If more room is needed to complete the answers to the questions additional pages can be added to the form. All questions must be answered truthfully and completely. If not, the application may be denied, refused or returned by the Parole Board of Canada. The application must be in blue or black ink and the information must be printed, not written in cursive handwriting. Typewritten responses are also accepted.

The Record Suspension Application Form is valid for 12 months following the date of your signature. Assistance filling out the form is permitted but the applicant must sign the document. If it is not signed the application will be returned by the Parole Board of Canada

11. The measured benefit/sustained rehabilitation form

The [Measurable Benefit/Sustained Rehabilitation Form](#) must be completed if the first offence on the person's record was committed on or after June 29th, 2010. It does not have to be completed if the first offence date was prior to that date.

If a Measured/Benefit Rehabilitation Form is needed it should indicate how a Record Suspension would assist with;

- getting a job (or a better job),
- improving living conditions,
- getting a better education,
- bettering themselves or
- helping with financial stability.

It must also state how a Record Suspension would help the applicant to remain a law-abiding citizen ("Sustained Rehabilitation") by;

- making a positive contribution to society,
- maintaining a lifestyle no longer connected with criminal behavior,
- taking responsibility for offences and sentences,
- identifying a support system, and/or
- having healthy social relationships and networks.

It is important to describe and provide proof of all positive changes in lifestyle that have been made. This may include supporting documents about

- employment,
- educational/vocational training,
- character references, or
- volunteer work.

Answers must be clearly written or typed on both sides of the [Measurable Benefit/Sustained Rehabilitation Form](#) in blue or black ink. This form is located at the back of the Parole Board of Canada's Record Suspension Guide and Application or can be accessed at the above link. It is

important to include as much detail as possible, and remember to sign and date both sides of the form.

12. Photocopy all documents included in your application to keep for your records

As the applicant it is important to keep a copy of all of documents and forms for your records. Photocopy everything and keep it together in a safe place! The Record Suspension Case Workers will be able to assist you with the photocopying of your records.

13. Mail the completed application package to the Parole Board of Canada

Record suspension application checklist

1. Original Criminal Record or Certification of No Criminal Record documents, as required
2. Original Local Police Record Check documents
3. All Proof of Conviction documents required
4. Original Court Information Form for each court you attended
5. Original Military Conduct Sheet – only if you are or have been a member of the Canadian Forces
6. Photocopy of proof of citizenship or immigration documents – only if you were not born in Canada.
7. Photocopy of your identification document.
8. Original Record Suspension Application Form
9. Measurable Benefit/Sustained Rehabilitation Form if required
10. \$50.00 application processing fee. Payment must be in Canadian funds by certified check, bank draft, or money order payable to the Receiver General for Canada

Mail the Application Form, \$50.00 application fee and all official documents to the Parole Board of Canada at:

Parole Board of Canada

Clemency and Record Suspension Division 410 Laurier Avenue West, 5th Floor Ottawa, Ontario K1A 0R1

Important

It is crucial that the Parole Board of Canada can contact the applicant directly. If they cannot make contact and/or the information that has been provided is not provable, the application may not be processed. If there is a change in the mailing address the Parole Board of Canada must be notified by letter with the new mailing address. If the Record Suspension Support Workers have assisted with the application they can help update the address.

The letter changing the contact information will need to include:

- full name,
- new mailing address,

- the application Personal Reference Number, and
- the applicant's signature. It must be signed by the applicant!

Send the letter to:

Parole Board of Canada

Clemency and Record Suspension Division 410 Laurier Avenue West, 5th Floor

Ottawa, Ontario, K1A 0R1

14. Wait for a response from the Parole Board

Once the completed application is submitted to the Parole Board of Canada, they will send a letter confirming receipt. The letter will have a personal reference number on it, which will be needed for submitting a change of address, providing additional documents or inquiries about the application. Keep this letter in a safe place! If the Record Suspension Case Workers have assisted you they will be able to keep a copy of the letter with your file.

It will normally take between 6 and 12 months for the Parole Board of Canada to review and make a decision on an application once they have all the documentation. If the application is limited to simple possession of cannabis convictions then the wait is expected to be approximately 3 months. The Parole Board of Canada targets making their decisions within 6 months for a summary conviction matter and 12 months where the matters are indictable. If there are questions and further investigation required on an application the process can take up to 24 months so it is important to provide the most accurate information possible in the initial application.

Each application is reviewed on an individual basis and the Parole Board will make the final decision on whether a Record Suspension will be granted in your application.

15. Record suspension granted or denied

If a Record Suspension is granted a RCMP criminal record check should come back as being clear approximately 2 to 3 weeks after the applicant is notified by letter.

If the application is denied, there is a waiting period of one year before another application can be made. The application fee is not refundable if the application is denied.

16. Conclusion

An application for a Record Suspension or Pardon may appear to be complicated but it is a logical step by step process that the Record Suspension Case Workers can help applicants navigate. If an applicant decides to proceed on their own the John Howard Society of Manitoba is hopeful that this guide will be helpful and assist with the application. If at any stage of an application there are questions please contact the John Howard Record Suspension Case Workers at 204-775-1514 and be assured, there is no fee to help applicants.