

Minister of Public Safety and
Emergency Preparedness



Ministre de la Sécurité publique
et de la Protection civile

Ottawa, Canada K1A 0P8

APR 08 2019

Honourable John McKay, M.P.
Chair
Standing Committee on Public Safety and National Security
House of Commons
Ottawa, Ontario K1A 0A6

Dear Mr. McKay,

On behalf of the Government of Canada, I am pleased to respond to the Thirtieth Report of the Standing Committee on Public Safety and National Security (the Committee), entitled "*M-161, Record Suspension Program.*"

Record suspensions help to reduce the barriers a criminal record may have on a person's ability to find employment, obtain housing, access education programs and travel. The Government remains committed to a record suspension system that is fair and proportionate and that achieves the goal of promoting public safety by allowing people living crime-free to be fully-contributing members of society. As the Committee has noted, this system must, at the same time, operate in a way that is sensitive to victims of crime.

The Government has been conducting a review of the changes made to the criminal justice system between 2006 and 2015, including with regard to the record suspension program and the *Criminal Records Act*. In Spring 2016, a public consultation on the user fees associated with pardon applications was undertaken by the Parole Board of Canada and a broader public online consultation on record suspensions was conducted by Public Safety Canada in Fall 2016.

The results of both consultations, which are available online, continue to guide the Government's efforts to improve the record suspension system. The Committee's recommendations will now also inform the Government's ongoing work on this matter.

One of the key themes arising from the consultation is the importance of accessibility. The Government takes very seriously the Committee's desire to ensure that neither the application fee nor the application process constitutes an undue barrier to the record suspension for eligible individuals. The Government is also mindful of the possibility that these factors may have a differential impact on certain Canadians, including members of communities that are overrepresented within the criminal justice system.

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As the Committee suggests, the Government's examination of the record suspension system indeed includes consideration of models used in other jurisdictions, with a view to determining whether elements of those approaches may be appropriate in the Canadian context.

With regard to terminology, the consultations conducted by Public Safety Canada found that a majority of respondents preferred the term "pardon" to "record suspension" due to its connotation of a clean slate. Among those who preferred "record suspension," one of the main reasons was the feeling that "pardon" implies forgiveness and that only victims can forgive the wrongs done to them. Respondents also raise the possibility of finding a third term that could be more broadly satisfactory.

The same consultations sought input on the subject of automatic record suspensions. A majority of respondents supported this approach in at least some circumstances, generally based on the type or severity of the offense. Concerns raised about automatic record suspensions included questions about the feasibility of implementing such a system across multiple jurisdictions and the way an automatic system would deal with fines and restitution owed to victims.

I would like to take this opportunity to thank the Committee for undertaking this important study and to express my appreciation to the witnesses who appeared before the Committee to share their views and experiences. The Report's constructive recommendations, supported by all members of the Committee, are a significant contribution to the Government's continuing efforts to create a stronger and more effective record suspension program.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Ralph Goodale", written in a cursive style.

The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness