

19 February 2020

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### **Open Letter: Amending the Criminal Records Act**

Dear Minister,

We applaud your government's legislation to waive both the fee and the wait period for Canadians who have a criminal record for simple possession of cannabis through Bill C-93, *An Act to provide no-cost, expedited record suspensions for simple possession of cannabis*, which came into force on August 1, 2019.

The recognition that the stigma and burden of those records are a significant barrier to employment, education, housing, travel, parenting and volunteering is a major step forward to reform the *Criminal Records Act* (CRA) and to improve the lives of thousands of people across the country, many of whom are disproportionately criminalized because of their race or culture.

With 95% of over 500,000 individuals remaining crime-free in the community after obtaining a pardon or record suspension in the last 50 years, the Parole Board of Canada's (PBC) Record Suspension Program continues to demonstrate remarkable success. However, since 2010, when considerable changes to the CRA began, we have seen a decline in applications, reduced value of the process and widespread support to improve the Program *further still*.

The PBC's most recent notice that it must adhere to the *Service Fees Act* by increasing the application fee each year based on the Consumer Price Index compels us to continue pursuing significant reforms to the CRA, like so many other individuals and groups who have given time, knowledge and input over the last decade.

In 2008, representatives from national organizations working in criminal justice took part in consultations with the then National Parole Board (NPB) to consider the NPB's proposal to increase the Pardons Application User Fee from \$50 to \$135. Shortly thereafter, the fee was set to \$150 on a partial-cost recovery basis, which took into account the limited income of potential applicants.

Again in 2010 and 2011, national voluntary organizations (NVOs) took part in consultations with the PBC, Public Safety Canada (PS), and/or appeared before Parliamentary Committees to speak to Bills C-23A and C-23B. While the PBC's online consultation garnered 1,086 responses, only 12 (or 1%) individuals or groups were in favour of the proposed changes that would eventually raise the fee **over 320%** from \$150 to \$631 – and now on a full cost-recovery basis.

Further changes came into force through the "omnibus crime Bill C-10" in 2012, despite similar consultations, representations and submissions from our national organizations and others.

Following the 2015 federal election, the Prime Minister mandated the Ministers of Justice and Public Safety to review and reform the criminal justice system, which led to further consultations,

both online and in person with the PBC and PS in 2016. Key partners and stakeholders within the criminal justice system were very clear that indeed “real change” was needed, particularly for Indigenous peoples. PS Canada’s own consultation report indicated that “nearly nine in ten participants (86%) say there are crimes for which a criminal record should be completely wiped off the record.”

Finally, in the 2018 report on Provincial and Territorial consultations as part of the ‘Criminal Justice System Review’, the Department of Justice recognized that application fees were out of reach for many people, and that “a [criminal] record can even tip the balance in a person’s life towards ongoing criminal behaviour.”

Yet we still have not seen meaningful change. We can and must do more to positively impact many of the 3.5 million Canadians who have a criminal record today. By automatically expiring certain records, these prohibitive fees are eliminated and individuals are more likely to get a job, remain law-abiding, and contribute to Canada’s high-demand trades and the economy. Doing so will also increase social inclusion and allow law-abiding individuals to be more engaged with their families and communities.

Removing the barriers to employment, education, housing, travel, parenting and volunteering must not be limited to simple possession of cannabis offences. As such, we urge you to support Senator Pate’s Senate Bill S-214 to amend the *Criminal Records Act*, in order to truly bring about real change for so many citizens who continue to be punished and discriminated against so needlessly.

Sincerely,

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