

CANADIAN

**CRIMINAL
RECORDS**

**AND HOW TO
START FRESH**

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Fitzhenry & Whiteside

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Moderator: Maureen Brosnahan, CBC

Panelists:

- Patricia Allard, Deputy Director, Canadian HIV/AIDS Legal Network
- Caleb Chepesiuk, Director, Canadian Students for Sensible Drug Policy
- Eugene Oscapella, Lawyer; Founder, Canadian Foundation for Drug Policy
- Greg Simmons, Prisoners' Rights Expert
- Steve Sullivan, Director, Ottawa Victims Services; First Federal Ombudsman for Victims of Crime
- Krysta Williams, Native Youth Sexual Health Network

**And of course, a heartfelt thank you to Andreas,
for being so *awesome* while I wrote this book.**

FOREWORD

As Co-founders of Pardons Canada, and having been involved with the *removal of criminal records* for 20 years, Antree Demakos and I have helped more than 250,000 of the nicest “criminals” you’d ever want to meet. Now, with the immeasurable and far-reaching effects of the new *Pardon* law, Antree feels that it was time for her to write this book.

In Canada, 4.5 million adults (1 in 5) have been charged with a crime. More than 500,000 people are charged each year, and in the year 2011, more than 2 million crimes were reported by the police. This means that you, or one of your family members, a friend, a neighbour, or someone else you care about either has a criminal record, has already removed it, or will inevitably acquire one. Therefore, whether directly or indirectly, the ramifications of having a criminal record affect us all.

How is it possible for so many of us to be “criminals”? Are we living in a nation of criminals? Simply put, no. In fact, Canada continues to be one of the safest countries in the world. While a very small percentage are *career* criminals, and an even smaller percentage are *dangerous* criminals, the vast majority of people with records are everyday folk. They are found in all socio-economic strata of society. They have jobs. They are mothers and fathers. They pay taxes. They use one name, not five aliases. They don’t own guns, and they don’t *hang out* in gangs.

How did they get into trouble? Most often, people become afoul of the law in trying to deal with real-life issues: including, being young and foolish, falling in with a bad crowd, suffering from depression, experiencing other mental health issues, having addictions (alcohol, drug, gambling), and coping with relationship problems (e.g., divorce).

Furthermore, it is quite *easy to get a criminal record*. Simply being *accused* of a crime, even when the person *is not* formally charged, will lead the police to generate an *incident* and/or *occurrence* report. If the police *do* lay charges, fingerprints and photographs are almost always taken. Although the charge may not result in a conviction – for example, if the case was withdrawn – much to everyone’s disbelief, the criminal record that was created (by the police, the court and the RCMP) will remain on file.

As a result, these reports and records will appear on standard police and RCMP searches. For these people, life as they knew it, is over.

What are the effects of having a criminal record? The discovery of a criminal record creates obstacles in many vital aspects of a person’s life – including the ability to get a job, be accepted into school programs, become licensed for employment or business purposes, travel to the U.S.A., volunteer, rent or buy an apartment or house, or become a Canadian citizen.

In today's world a *police clearance* is required for most applications. In order to provide clearance, the police will conduct a search of their records to determine if there is any information on file. A police records search will reveal information from police reports and will list all charges. Even *very old* records will resurface and be disclosed. In such cases, a person who is now middle-aged or older (likely with children, a home and other responsibilities) will once again be punished for the crime. When the record is discovered, and the consequences are realized – such as losing their job, being turned away at the American border – their lives often fall apart. Similarly, young people, with recent criminal records, are precluded from *starting their adult lives on the right path* when they can't be admitted to school programs or aren't able to get a decent job, after their record is revealed.

The list of problems created by criminal records is endless. Most of all, having a record affects people's self-esteem; which in turn governs how they behave in our society. It is dangerous to allow 20 percent of our adult population to be ostracized, stigmatized and left without hope. As a result, they often feel desperate and are more likely to commit another crime. Whereas, statistics have shown that when people have *Hope* and can *Start Fresh* – by removing their records – the result is tremendous, less than 4 percent reoffend.

With so much at stake, what can be done to remove or erase a criminal record? For the most part, criminal records remain on file indefinitely and keep re-appearing at the most inopportune times. A person with a record, therefore, continues to be punished long after the charges were dropped, or the sentence was served, unless they take steps to clear it. As simply as is possible, Chapter 7 of this book explains the various ways to remove a criminal record.

Why is this book important? Why now? During the past two decades, Antree and I have experienced the outcome of many legislative changes. Now, with *Pardons* being replaced by *Record Suspension*, people are more confused than ever. Our *central* position in the criminal records system has afforded us first-hand knowledge of how these records are handled within the labyrinth of municipal, provincial and federal government departments. Equally important is that we have the benefit of seeing the long-term effects that befall people entangled in this system.

Armed with her extensive experience and unique perspective, Antree has written this book in order to simplify the law pertaining to criminal records, and to dispel the widespread misconceptions and beliefs about them. This book is beneficial to all who work in the criminal justice system, (lawyers, judges, police, probation and parole officers, etc.); as well as those in the social services (rehabilitation and addiction programs, job placement services, immigration and family services, etc.); and of course, all who have a criminal record, or who care about someone who does.

With straightforward explanations, this book will take you through the life of a criminal record – from its creation to its removal.

As the Program Director for Pardons Canada (pardons.org), Ian acquired in- depth knowledge about

the consequences of criminal records and how to re- move them. He has presented over 400 seminars nation-wide, to all levels of government – including police services, correctional facilities, and probation and parole training centres.

Ian D. Levine, B.A., D.M.A.

Pardons Canada, Co-founder, Program Director (1987-2008), Outreach Education Coordinator (2009-2011), Board of Advisors (Current)

LegalLine.ca, Co-founder, Director of Government Alliances

Chapter One

What is a Criminal Record?

– The Creation and Storage of Criminal Records –

1. What is a criminal record?
2. Who can have a criminal record?
3. Who creates criminal records?
4. What is the Royal Canadian Mounted Police (RCMP)?
5. What is the Canadian Police Information Centre (CPIC)?
6. Criminal records are created and stored using more than one system
7. Problems with multiple and varied criminal records systems
8. What are the different criminal record data banks in CPIC?
9. Are criminal records always created and stored in the RCMP data banks?
10. What steps are involved in creating a criminal record?
11. Are provincial or municipal offences included in criminal record files?
12. How long are criminal records kept?
13. Are criminal records removed automatically?

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Understanding what criminal records are, when and how they are created, and where they can be stored can often be confusing.

To start with, it doesn't take much to get a criminal record. Police reports about *incidents* or *occurrences* can result in a police file—even if no charges were laid. Once an individual is charged, however, a whole new can of worms opens up: the criminal record is stored in many different places within the vast criminal justice system, and can be accessed by police services and other government agencies without the individual's knowledge or consent.

Furthermore, there are multiple systems used to create and store criminal records. Canada has 23 different police services (each with multiple offices) and 750 court offices. Each of these creat

criminal records based on their individual record management systems, guidelines, and discretion. There is no consistency as to the type of criminal record information stored at these different government offices, but the information forms the basis for police and court reports.

1. What is a criminal record?

Most people assume a criminal record to be a standard document containing police and court information about their criminal convictions. Those without convictions often assume that they have no criminal record. Both beliefs are wrong.

For practical purposes, any record held at a government office, containing information about a person's criminal activity or involvement is considered to be a type of criminal record. This is so because many different types of criminal information can be collected, stored, and used against an individual. In essence, if anything is on a file, a police clearance cannot be obtained.

In its broadest sense, a criminal record is a host of fragmented government information about a person's criminal history that could include:

- Personal information
(names, aliases, date and place of birth)
- Fingerprints and Photographs
- Physical characteristics
(sex, height, weight, racial group, eye colour, distinguishing marks)
- An indication of whether a DNA sample has been collected
- Whether the person has been convicted of a sexual offence for which a Pardon or Record Suspension has been granted or ordered
- Known associates and connections to organized crime
- Detailed charging information
(including an offence classification, such as violence, theft, drugs, sex, etc.)
- Cautionary codes warning others about the individual
(e.g., violence, escape custody, mental instability, attempted suicide)
- Detailed disposition information (including dates and jurisdiction of convictions that have not been pardoned or suspended and non-convictions, as well as sentences)
- Local police records and reports of incidents
(these incidents may have never resulted in charges, but may include allegations or pending

charges)

- A list of law-enforcement and government agencies that have been provided with the criminal record.

Although such detailed information about a person's criminal history can assist police services in protecting the public, it can also have far-reaching negative effects for those everyday folk who had a temporary lapse of good judgment. Inaccurate or irrelevant information, or information that results in dismissed or withdrawn charges, will be ultimately disclosed as part of a police records check. Criminal record information, no matter how minor, will negatively influence those reviewing the information, such as prospective employers, Canadian Immigration officials, and American border officers.

In my experience, the most common reasons why people committed crimes were:

- They were young and foolish.
- They got in with a bad crowd.
- They were human and made a mistake.
- They were going through an ugly divorce (very often both the husband and wife are charged with assault).
- The person has a mental-health issue (temporary or long-term).
- The person was suffering from depression.
- At the time of trouble, the individual was an addict (drugs, alcohol, gambling, sex).

2. Who can have a criminal record?

Any adult or young person¹ in Canada can have a criminal record—no one is immune. Children under the age of twelve who are engaged in criminal activity do not legally fall under Canada's *Youth Criminal Justice Act*. Therefore, children committing crimes will not be discussed in this book.

Technically, even non-human entities such as corporations or organizations can have a criminal record. The reality is, however, that police will charge human beings because non-human entities cannot be imprisoned, or easily monitored. Indeed, these entities can be changed or dissolved, thereby frustrating law-enforcement efforts to hold them accountable.

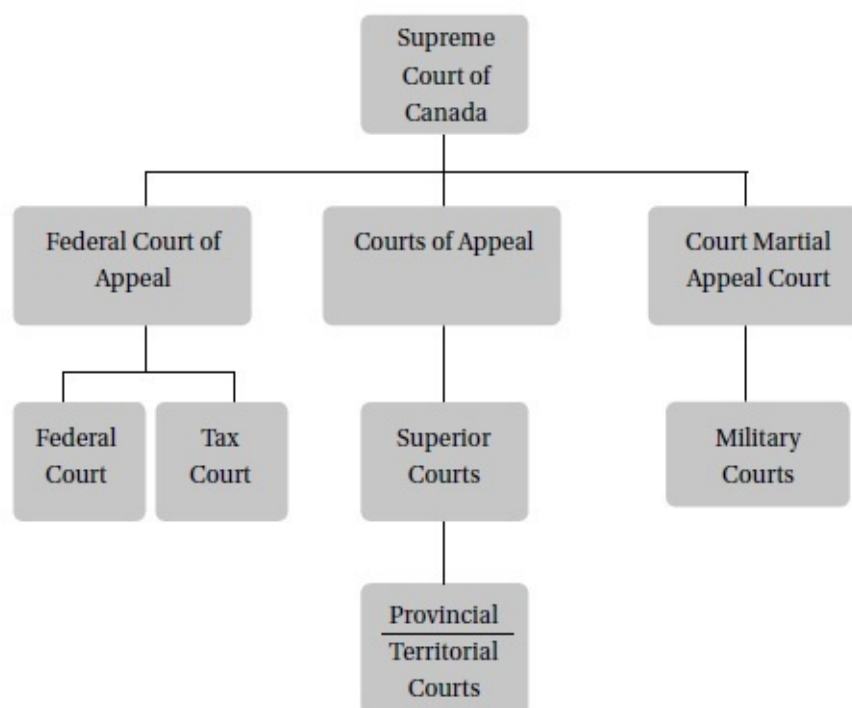
Most people are charged with *Criminal Code* offences. A small percentage of charges (5%) are drug offences under the *Controlled Drugs and Substances Act*, and about 1% of the charges are for offences under various other federal statutes.

3. Who creates criminal records?

Criminal records are almost always created when the police charge a person with an offence. After the police lay a charge, the local court with the authority to deal with those charges then creates its own records.

In most cases, the police photograph and fingerprint the individual in addition to laying charges. The charging police service² can be a municipal police department, a provincial or territorial one, or federal—the Royal Canadian Mounted Police (RCMP).

In addition to police records, each court creates its own criminal records, distinct from the police records and from each other. Courts differ by levels of legal superiority and are separated by jurisdiction (different for each province). Provincial and territorial courts responsible for criminal prosecutions are either considered *inferior* (hearing minor criminal matters) or *superior* (hearing serious criminal matters). Court decisions can be appealed to a higher court, each of which will create its own records.



4. What is the Royal Canadian Mounted Police (RCMP)?

The RCMP is Canada's federal police. They have authority to act across the entire country. With the exception of Newfoundland and Labrador, Ontario, and Québec, the RCMP is also contracted by the provinces and territories to be their provincial or territorial law-enforcement agency.³ Additionally, the RCMP serves as municipal police to many Canadian towns and cities. Headquartered in Ottawa, the RCMP:

- Was established as the North West Mounted Police in 1873 by the Canadian government to police vast areas of western Canada
- Officially became the Royal Canadian Mounted Police in 1920 after absorbing the Dominion Police
- Is organized into four regions, fourteen divisions, with a presence throughout Canada
- Has 26,000 employees and 75,000 volunteers
- Administers or enforces more than 250 federal statutes and agreements
- Is responsible for protective security measures to safeguard designated persons (VIPs), federal properties, and other vital points from security offences and threats
- Administers the Canadian Police Information Centre (CPIC)
- Has over 750 autonomous units.

5. What is the Canadian Police Information Centre (CPIC)?

CPIC is a computerized information storage and retrieval system operated by the RCMP on behalf of the nation's policing community. It contains or provides access to various criminal record data banks. It operates on a twenty-four-hour-a-day, year-round basis, and is located at the RCMP headquarters in Ottawa. CPIC provides instant information about crimes and offenders to over 80,000 law enforcement officers within 2,882 local police departments and to the over 750 RCMP detachments and federal, provincial, and territorial agencies across the country. The users of this information are called *CPIC network users*. CPIC also allows these network users to post alerts and exchange messages.

CPIC originated in 1966 from meetings between federal and provincial attorneys general concerned about how better to assist the police community. CPIC was approved by the Treasury Board of Canada in 1967 and became operational on July 1, 1972. A national *Advisory Committee*, made up of senior police officers from all three levels of government, oversees CPIC's content, use, and regulation, and approves network users.

CPIC is the only national information sharing system linking criminal justice and law-enforcement partners across Canada. American law-enforcement officers also can access CPIC information via the Federal Bureau of Investigation's (FBI) National Crime Information Centre (NCIC).

Accurate CPIC records are necessary not only for the capture of offenders, but also in obtaining proper punishments. Although for the most part, CPIC does provide accurate information, it has not been free of controversy. Its effectiveness has come under fire many times, when different police services failed to share information that could have led to the earlier capture of criminals or to more severe punishments. Also, CPIC has been plagued by backlogs of criminal records that have yet to be

Some information is restricted, such as information on young offenders, and is not supposed to be released to the NCIC.

6. Criminal records are created and stored using more than one system

Criminal records are created according to the laws under which the local police services and courts are governed.⁴ The courts and police also use their own internal record management systems and guidelines. Because municipal, provincial, and federal laws differ, and because these laws do allow the various police services and courts to implement processes and, to some extent, use their own discretion in applying the law, a variety of systems has developed over the years. Examples of record management systems used by Canadian police services include:

- Police Reporting and Occurrence System, used by the RCMP
- Police Records Information Management Environment (PRIME BC), used by British Columbia police forces
- Niche Records Management System, used by the OPP and the forty-three Ontario municipal police services.

If a charging police service transfers a local criminal record to the RCMP, they must do so using the RCMP's forms and guidelines. Currently, the RCMP data banks are the only ones that every Canadian police service can access from anywhere across the country.

All Canadian provinces have their own court case tracking systems.⁵ Each court has a paper record as well as some type of computer record of each case. The information stored in the court computer database systems tends to be limited to name and date of birth, offence information, the date and outcomes of court appearances, the final decision of the judge, and whether fines have been paid, whereas the hard-copy records are more robust, including specific information on the crime, trial transcripts, and the names of co-accused, victims, witnesses, and so on.

7. Problems with multiple and varied criminal records systems

Although most criminal record information is transferred to the RCMP and can be easily accessed by any police service in the country, not all of it is. One needs to know where the criminal record is in order to destroy or remove it.

There is also a growing trend toward making criminal records universally accessible. Alberta, British Columbia, and Ontario police services, for example, are working toward integrating the

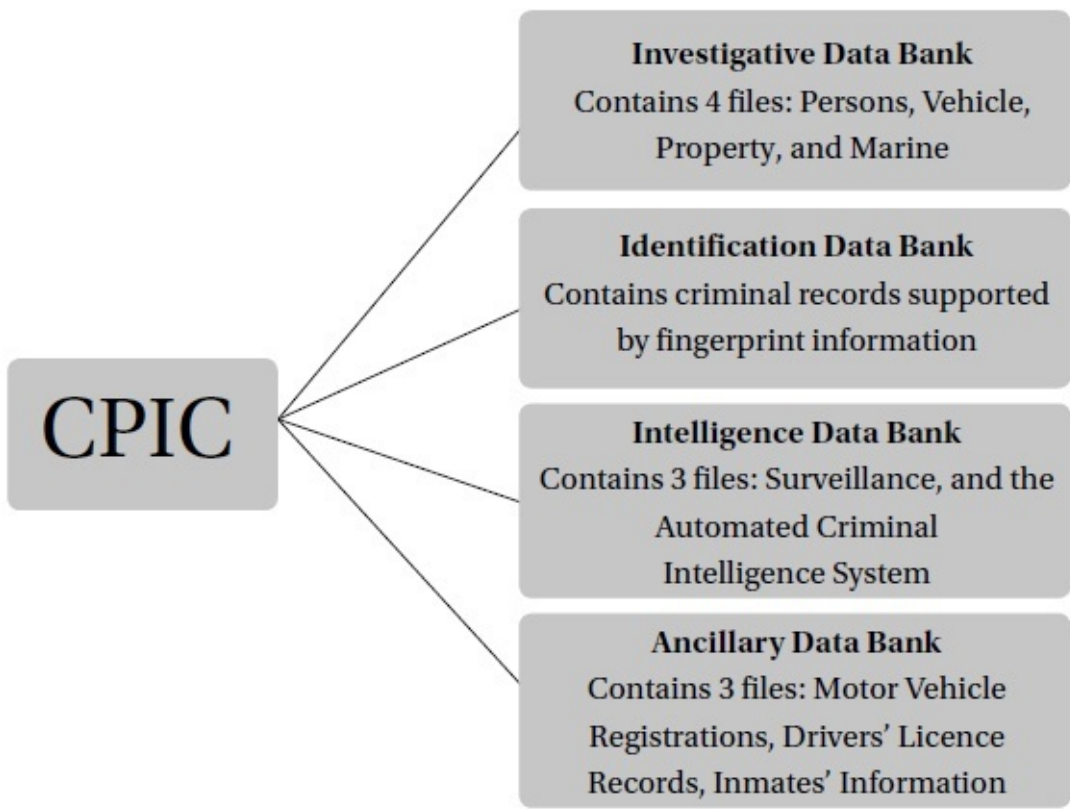
reporting systems so that all police forces in those provinces can access the same criminal intelligence information. CPIC is an example of a concerted effort at the national level, to share information about crimes and offenders with all Canadian police services. As police record management systems continue to be linked, all criminal records may ultimately be accessible from anywhere in Canada without the added step of having each record individually transferred to the RCMP.

Not having a single system means that some criminal records may not be accessible to all police services, courts, prospective employers, and others. All local Canadian police services generally have access only to their own records and those held by the RCMP, and there is no guarantee that copies of all records have been transferred to the RCMP. Moreover, records transferred to CPIC may not have been kept current, and there is no legal obligation on police services or the courts to share their criminal record information with others in the criminal justice system, except for files related to your criminal records. This means that in some cases, a criminal record may never get reported or discovered outside of the charging police service's record management system. Making matters more challenging is that *strictly summary conviction* offences—the least serious types of offences—cannot be included in the RCMP Identification data bank because they are not supported by fingerprints—unless included with another *printable* offence.

The CPIC data banks are often thought to be one data bank, and are commonly referred to simply as CPIC. The RCMP *Identification* data bank is often referred to as the Identification data bank or Ident.

8. What are the different criminal record data banks in CPIC?

CPIC includes four criminal record data banks: Investigative, Identification, Intelligence, and Ancillary. It can be confusing to understand what the different data banks are, as their names are similar. For our purposes, the Investigative and Identification data banks are the two most relevant. See the following page for a sample of a CPIC report showing information being drawn from both of these data banks. Most people have never seen their CPIC reports because the police do not normally allow the public to access them.



** [REDACTED]
** [REDACTED]

THE CRIMINAL RECORD HELD IN THE CPIC IDENTIFICATION DATA BANKS

AS OF: MARCH 15, 2004
NAME: [REDACTED]
D.O.B: [REDACTED]

<u>DATE & PLACE</u>	<u>CHARGE</u>	<u>DISPOSITION</u>
JUL 30 1999 OSHAWA	FRAUD UNDER \$5000 SEC 380(1)(B) CC	SUSP SENT & PROBATION 12 MOS
NOV 05 2002 TORONTO	ASSAULT SEC 266 CC	SUSP SENT & PROBATION 3 YRS & (2 DAYS PRE- SENTENCE CUSTODY) & DISCRETIONARY PROHIBITION ORDER SEC 110 CC FOR 5 YRS

The summary of police information on the criminal record not intended for sentencing purposes has not been included. This summary includes withdrawals and dismissals.

ENTRIES ON THE CPIC INVESTIGATIVE DATA BANKS

AS OF: MARCH 15, 2004
NAME: [REDACTED]
D.O.B: [REDACTED]

<u>TYPE OF ENTRY</u>	<u>AGENCY & DATE</u>	<u>PARTICULARS</u>
<u>PROBATION</u>	TORONTO PS 12-JUN-2003	SUSPENDED SENTENCE ASSAULT START DATE: 05-NOV-2002 EXPIRY DATE: 04-NOV-2005 CASE: 2003 [REDACTED]
<u>PROHIBITED</u>	TORONTO PS 11-MAY-2003	FIREARMS START DATE: 05-NOV-2002 EXPIRY DATE: 04-NOV-2007 CASE: 2003 [REDACTED]

If the person named herein disputes any or all of the information as it is listed, this report should be considered null and void. Reliance should then be made solely on fingerprints. The following should then be applied.

CPIC Report

Investigative Data Bank

The *Investigative* data bank is contained within CPIC itself and includes criminal records broken down into four categories: Persons, Vehicle, Property, and Marine.

Persons Contains data on individuals who are: charged or wanted by police, parolees, those missing (including children), prohibited from driving, or prohibited from possessing firearms, and others	Vehicle Contains data on vehicles (including licence plates, motors, and transmissions) that are stolen, abandoned, or wanted in connection with crime
Property	Marine

There are about seven million records in these four categories. For our purposes, the Persons category is the most relevant. It contains twelve separate classifications.⁶ Criminal records in the Investigative data bank are created by authorized CPIC network users. It is important to understand that not all network users are authorized to create criminal records in that data bank. For the most part, authorized network users means all of the police agencies across Canada.

Authorized CPIC network users have discretion over what information to include in the Investigative data bank. They retain responsibility for its accuracy and immediacy, and are the only ones entitled or enabled to alter their records. All records in this data bank must be supported by a *hard-copy operational case-management file*, which must be maintained by the police agency that created the record in CPIC. Police agencies must be able to confirm their CPIC records promptly 24/7. They must also validate their records six months after entry into CPIC and at least once a year after that.

As the name suggests, the CPIC Investigative data bank is used for investigative purposes only, and therefore, a specific *hit* should not be used or relied upon without confirmation from the police agency that created the record. An example of a hit would be an indication that a person has been charged with a crime (for which there is no outcome) or is subject to an outstanding criminal warrant. Over the past year, CPIC network users searched the Investigative data bank about twelve million times and created forty-three million transactions (e.g., by creating, updating, and deleting records, and messaging other CPIC network users).

CPIC network users are divided into three categories of agencies, each with its own level of CPIC access (based on approval from CPIC's Advisory Committee):

- **Police agencies:** These agencies have full peace officer authority provided under a federal or provincial police act. The primary role of these agencies is law-enforcement. Police agencies include municipal police, provincial or territorial police, and the RCMP. All of these police agencies are authorized CPIC network users and, therefore, can *create, edit, and remove* criminal records in the Investigative data bank.
- **Government agencies with limited law-enforcement roles:** These agencies have limited law-enforcement responsibilities designated under specific federal and/or provincial legislation. Such responsibilities may include responding to complaints, patrol, and investigating suspected offences, which could lead to a prosecution under the *Criminal Code* or other federal or provincial statutes. The primary role of these agencies is *not* law-enforcement. Examples of these types of agencies include:
 - Canadian Pacific Railway Police
 - Canadian National Railway Police

- Canada Border Services Agency
-
- Citizenship and Immigration
 - Canada Revenue Agency
 - Canadian Pacific Police
 - Ports Canada Police
 - Parks Canada
 - Provincial Securities Commission
 - Environment Canada
 - Fisheries and Oceans Canada
 - Provincial Sheriff Services
 - Federal/Provincial Correctional Services
 - Via Rail Canada Inc.

These agencies *cannot* usually create, update, or remove criminal records in the Investigative data bank. Sometimes, however, the CPIC Advisory Committee may give them access to create and manage criminal records pursuant to an application for access.

- **Government agencies with a complementary role to law-enforcement:** These agencies have no direct law-enforcement authority but provide assistance to law-enforcement agencies. Examples of these agencies include: the Canadian Security Intelligence Services, provincial Chief Firearms Officers, the Canadian Auto Theft Bureau, Société de l'assurance Automobile du Québec, and Public Works and Government Services Canada (Seized Property and Management Directorate). None of these agencies can create, edit, or remove criminal records from the Investigative data bank.

Identification Data Bank

The *Identification* data bank is external to, but accessible through CPIC. It contains criminal records supported by fingerprint information. That information could include:

- Personal information (names, aliases, date and place of birth)
- Physical characteristics (e.g., sex, height, weight, racial group, eye colour, fingerprints, distinguishing marks, etc.)
- Whether a DNA sample (e.g., hair and blood) has been collected
- An indication of conviction of a sexual offence that has been pardoned or suspended
- A youth criminal record
- Cautionary codes & warnings (e.g., violence, escape custody, mental instability, attempted

suicide)

- Detailed charging information (including a classification of the offence, such as violence, theft, fraud, drugs, sex, driving, arson, etc.)
- Detailed disposition information (e.g., dates and jurisdictions of convictions, sentences, discharges, and non-convictions)

As with the Investigative data bank, information from the *Identification* data bank should not be relied upon until the person has been positively identified through fingerprint information.

Unlike CPIC's Investigative data bank, where authorized CPIC network users create, edit, and remove records, *only RCMP staff creates records* in the *Identification* data bank. The records are created based on information submitted by the charging police service. No entry into the *Identification* data bank is accepted by the RCMP unless it is supported by a set of current and certified fingerprints.

Over the last fifteen years, the number of criminal records in the *Identification* data bank has remained fairly consistent: in 1997 there were about 2.5 million records; in 2005 there were about 2.5 million records; and in 2012 there were over 3.2 million records. RCMP staff take a number of steps to reduce the possibility of incorrect information being entered into the *Identification* data bank, including: positively identifying people through their fingerprints, reviewing input forms to ensure the accuracy of charges and dispositions, refusing to make entries until all discrepancies have been resolved, and verifying input before and after releasing it to authorized CPIC network users.

9. Are criminal records always created and stored in the RCMP data banks?

With the exception of youth criminal records, there is no legal obligation on police services to report criminal charges and outcomes to the RCMP for inclusion in the *Identification* data bank.

Further, criminal records relating to strictly summary conviction offences *cannot* be included in the *Identification* data bank because police cannot legally fingerprint for these offences, and fingerprints are required for records to be included in the *Identification* data bank.

In 1996, a report by the Privacy Commissioner of Canada stated that:

“Although the RCMP has never done a study to determine what percentage of all charges are reported and what percentage are not reported, the feeling . . . is that a significant number are not reported to them.”

In recent years, technological advancements and the desire of police services to share information has seen most of the criminal record information (for which fingerprints were taken) transferred to the RCMP and included in the *Identification* data bank. When individuals submit to an RCMP criminal records check and have their fingerprints taken, the data bank from which the report is derived is the

10. What steps are involved in creating a criminal record?

Charged by the Police

Being charged by the police is the first step in creating a criminal record. Each year, more than half a million people in Canada are charged with a federal offence; almost all of these offences fall under the *Criminal Code*. Other federal laws under which someone may be charged include the *Controlled Drugs and Substances Act*, the *Income Tax Act*, the *Excise Act*, the *Food and Drugs Act*, the *Customs Act*, and the *Immigration and Refugee Protection Act* (to name a few).⁷

Incident Records and Occurrence Reports

After a charge is laid, the charging police service will create *incident records* and generate an *occurrence report*, using their record management system. Among other things, an incident record could include a host of fragmented information about the accused, such as police notes, newspaper clippings, letters, as well as information about the complainant, the victim, and any witnesses. An occurrence report is a formal report based on incident records. Each year, Canadian police services create an average of about 2.5 million occurrence reports. See pp. 31-33 for a sample Police Occurrence Report.

Fingerprinted and Photographed

After the individual is charged, police will take photographs and fingerprints, pursuant to the *Identification of Criminals Act*. The exemption to this procedure is if the person is charged with a less serious *strictly summary* offence for which fingerprints cannot be taken. Examples of strictly summary offences set out in the *Criminal Code* include: committing an indecent act, being found in a common bawdy house, and loitering.

Practically speaking, the police often charge individuals with more than one offence. Since fingerprints can be taken for most offences, laying more than one charge means the police will be able to take fingerprints for at least one of them. Consequently, where the person was charged with more than one offence, even strictly summary offence records will be included in the RCMP Identification data bank.

Court Record

The court is generally notified of criminal charges in one of two ways: an *Information* or *Indictment* filed with the court for consideration by a judicial official, or a person is arrested and brought before

the court for a bail hearing (judicial interim release). The police provide a hard copy of the record to the court. Court staff use the person's name, date of birth, and the police detailed charging information to create a criminal record of their own. After that, the charging police and the courts will request information from each other and update one another as the case proceeds towards a final outcome. The police often have access to the court computer system in order to keep apprised of upcoming court appearances, but they do not have the ability to alter the data. See the following page for an example of one type of court record, referred to as an *Information*.

PROVINCE OF ONTARIO / PROVINCE DE L'ONTARIO } Information of James Smith Badge No. 12345
 TORONTO REGION / RÉGION DE TORONTO } Dénonciation de: _____
 of/à Toronto Police Service
 Peace Officer
 occupation/profession: _____ The informant says
 Le dénonciateur
 that he/she believes on reasonable grounds that
 déclare qu'il a des motifs raisonnables de croire que
John Doe on or about the 29th day of July in the year 2004 in the City
 of Toronto, in the Toronto Region, did commit Mischief
 contrary to the Criminal Code *JP*

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL / COPIE AUTHENTIQUE CERTIFIÉE ET CONFORME À L'ORIGINAL
 APR 9 2004
 CLERK OF THE COURT / ONTARIO COURT OF JUSTICE / CLERK DE LA COUR / COUR DE JUSTICE DE L'ONTARIO
 DISCLOSED / SEP 09 2004 / GIVEN

Sworn before me at the City of Toronto, in the Toronto Region / Déclaré sous serment devant moi dans la ville de Toronto, dans la région de Toronto,
 this le 29
 day of July 2004
 year de YYYY
 A Justice of the Peace in and for the Province of Ontario / Juge de paix dans et pour la Province de l'Ontario
 Informant/Dénonciateur

Appearance Notice / Citation à comparaître
 Promise to Appear / Promesse de comparaître
 Recognizance for / Engagement pour le _____
 Confirmed on / Confirmé (e) le _____ YYYY P.

Date APR 1 2005
 Crown Elects to Proceed / Choix du poursuivant Summarily / Procédure sommaire
 By Indictment / Acte d'accusation
 Summary Conviction Offence(s) / Infractions punissable(s) sur déclaration de culpabilité par procédure sommaire
 Accused Elects Trial by / Choix de l'accusé(e)
 Judge (General Division) / Juge seul (Division générale)
 Judge and Jury / Juge et jury
 Discharged / Libéré
 Committed - / Renvoyé à procès -
 Ordered to Stand Trial - / Astreint en jugement -
 With Consent of Accused and Prosecutor, / Avec le consentement du prévenu et du poursuivant
 Without Taking or Recording - / Sans recueillir ou consigner -
 Any Evidence (or) / de preuve (ou) -
 Further Evidence / de preuve supplémentaire
 Bail \$ / Cautionnement _____ \$
 Accused Elects Trial by a Judge (Provincial Division) / L'accusé(e) choisit d'être jugé(e) (Division provinciale)
 Absolute Jurisdiction / Jurisdiction absolue
APR 1 2005
 Reads / Pladoyer Guilty / Coupable
 Not Guilty / Non Coupable
 Withdrawn / Accusation(s) retirée(s)
 Found / Décision Guilty / Coupable
 Not Guilty / Non Coupable
 In Absentia / Défaut de comparution
 Absolute Discharge / Absolution inconditionnelle
 Conditional Discharge / Absolution sous condition
 Fined \$ / Amende de _____ & \$ / s/c waived / et de _____ costs. Time to Pay / \$ pour les dépenses. Délai de paiement
 Or / ou _____ Date of Birth / Date de naissance: _____
 Probation for / Période de probation de 18 mths - suspended sentence
APR 1 2005
 Sentenced to Imprisonment for / Peine d'emprisonnement _____
 (Single Accused - Not More than Two Charges) / (Un seul prévenu - maximum deux accusations)
 YC 0924 (rev. 07/93)
 Judge/Juge _____

Court "Information" Record

Example of a Police Occurrence Report

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