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Parole Board
of Canada

Commission des libérations
conditionnelles du Canada

Parole Board of Canada (PBC)

Executive Summary – Record Suspension User
Fee Consultations (2016)

Background

The Parole Board of Canada (PBC) conducted an online consultation with key stakeholders (i.e., general public, criminal justice system partners, individuals who have a criminal record, record suspension companies, offender advocacy groups, and Indigenous groups) to get their input on its record suspension user fee. Specifically, the objective of the consultation was to seek input on:

- The current application process;
- Input on the User Fee (i.e., three possible scenarios);
- Adequacy of current service standards; and
- Any barriers the current application process, fee or service standards (or possible future scenarios) may present to applicants seeking a record suspension.

The consultation ran from May 9 to June 10, 2016. Stakeholders were invited to share feedback and information about the Record Suspension Program and user fee by visiting the PBC Consultation webpage, which included background information, possible service delivery scenarios, and a series of questions – many of which were open-ended.

Invitations to participate in the consultation were sent out to 31 stakeholder organizations. In addition, notices promoting the consultation were prominently displayed on Canada.ca, including in the carousel on the [Policing, justice and emergencies](#) theme page. A notice was also posted on the Consulting with Canadians website. Additionally, links to the consultation were also strategically placed throughout the PBC's website, including the Record Suspension section of the site.

Participation

The PBC received a total of 1,607 responses to its online consultation questionnaire. In addition, the PBC received a number of submissions via email and correspondence which were taken into consideration while preparing this report.

Submissions were received from individuals representing a wide range of backgrounds and interests, including:

- Former, current, and future record suspension applicants;
- Stakeholders (i.e., advocacy organizations, criminal justice organizations, etc.);
- Members of the public;
- Third party service providers (i.e., pardon companies);
- Indigenous groups; and
- Others.

What We Heard

The following provides a summary of the main themes raised by respondents.

On the application process

Respondents were asked if the current approach for applying for a record suspension is fair and reasonable for individuals seeking a record suspension. Out of the responses received, 37% strongly disagreed, 20% somewhat disagreed, 24% somewhat agreed, and 19% strongly agreed.

According to 63% of respondents, the current process for applying for a record suspension hinders accessibility to the program, while 37% indicated that the program is accessible.

Many respondents stated that:

- The current record suspension application process needs to change as it is too long and complicated;
- The wait time to gather information to support an application is extremely labour intensive;
- The number of organizations an applicant must contact varies and it is difficult and time consuming to determine who to contact;
- Dealing with various police agencies and courts present unique difficulties, such as delays in processing information requests, the type of information provided (i.e., format and/or relevance), how long information is retained, etc.;
- There are many hidden costs (i.e., other than the record suspension user fee) required to obtain this supporting information; and
- They said they believe the process is further punishment (punitive).

While many respondents voiced their concerns, other respondents supported the current application process and believe the fee is reasonable. In their view, the work involved in obtaining a record suspension demonstrates the applicant's commitment to the process, and that the current process is a great opportunity for individuals to gain a second chance and a clean start.

On the user fee

A large proportion of respondents (80%) indicated that the current fee is a significant barrier while 16% indicated it was a modest barrier. Respondents who responded that the current user fee is a significant barrier indicated that the user fee is an insurmountable financial burden and deters individuals from seeking a record suspension.

Barriers (application process and user fee)

When asked for comments on the user fee and the current application process, including any barriers they may present to applicants trying access the program, many respondents indicated that:

- It is difficult and time consuming to apply for a record suspension;
- The application process and user fee impacts the contributions record suspensions can make towards the rehabilitation of individuals, especially those seeking to obtain employment or pursue their education;
- The user fee is cost prohibitive for those wishing to make an application;
- The user fee is a further punishment;
- The inability to pay the user fee is a barrier to obtaining a record suspension to facilitate travel to other countries; and
- The process is punitive.

Service delivery scenarios

Participants were presented with three possible user fee scenarios.

Overall, a majority of respondents saw some value and relevance to a scenario (option 1) that would have two separate user fees for summary and indictable offences (i.e., generally the user fee would be linked to the amount of work required to process the application). They felt that this approach could not only help reduce overall costs, but also potentially speed up processing times.

While respondents recognized that any measure taken to reduce the user fee cost would be appreciated by applicants, it was also widely noted that having two separate costs for summary and indictable offences would not be a major improvement if the fee remains at the current level.

Furthermore, a significant number of respondents felt that the issue of successful reintegration should be viewed in a broader context and should consider the larger impact that barriers to record suspension can create.

Many respondents indicated that the second scenario (option 2), where the user fee would be split into two parts (i.e., a non-refundable screening fee and a processing fee) would possibly reduce the overall fee for applicants and ease the financial burden of having to pay one user fee at the beginning of the process. However, there was considerable concern expressed about the overall current cost being too high and inaccessible to the majority of the applicants and the fear that this added step would be an administrative burden on the process.

Although there was considerable support for a modest screening fee, some respondents believe that having a non-refundable screening fee could act as a further deterrent for low-income applicants.

Many of the concerns and comments for the third scenario (option 3 – the current application process) were reiterated in this response (i.e., the cost is prohibitive, gathering information to prepare an application for submission is lengthy and difficult, the time to process an application is too long, this is a further punishment, the process is punitive and inhibits reintegration into communities).

Some respondents were supportive of the current application process, but feel that the current user fee is too high. Respondents were in favour of a single user fee as opposed to multiple user fees (i.e., options 1 and 2 above). Many expressed that the one fee approach allows for people to easily apply for a record suspension and avoids further confusion.

Adequacy of current service standards

A majority of respondents stated that the current 6-month service standard to process an application for a summary offence is too long and creates barriers for applicants. The most common barrier identified by respondents was that the wait time prevents applicants from securing employment. Other barriers noted included preventing travel and restricting educational opportunities.

In general, as with the service standard for the processing of applications in respect of summary offences (i.e., 6 months), a majority of respondents stated that the 12-month service standard to process an application is too lengthy and creates various barriers for applicants, especially when viewed in conjunction with the legislated waiting period they have already endured and the length of time required to gather all the necessary information to submit an application.

Many respondents were unclear about the application of the 24 month service standard when the PBC is proposing to refuse to order a record suspension. In these cases, applications can take up to 24 months to process after application acceptance. The service standard timeframe is in place to allow an applicant to make representations to the PBC to support their application. Based on the comments received some respondents were confused about how much time is allocated for the applicant to make his/her representation versus how much time is set aside for the PBC's processes. Terming the 24-month service standard as "unreasonable" and "excessive", some respondents questioned how much of the delay is due to the PBC's own internal/operational processes. Some respondents suggested 12 months as an alternative service standard.

Next Steps

This information will contribute to the broader criminal justice review relative to the Record Suspension Program.