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## Criminal and Police Records

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If you receive an Absolute Discharge, Conditional Discharge or Suspended sentence, you will receive a **Criminal Record** which will list the **criminal offence you were charged with and what sentence you have received.**

With an Absolute Discharge or Conditional Discharge, you can **apply to the Toronto Police Services' File Destruction Office** to have your record, photographs and fingerprints destroyed after a certain period of time. For an Absolute Discharge, you must wait **1 year**. For a Conditional Discharge, you must wait **3 years**. Due to the current backlog that the Toronto Police is experiencing, it may take **up to 1 year for this information to be erased after the period of time for each sentence has passed.**

If you receive a suspended sentence, you can apply for a **Pardon to have your record deleted. You must wait 3 years after you have completed your sentence** before you can apply. If probation was part of your sentence, you must wait 3 years after the period of probation has expired. You can go to any courthouse to obtain a **Pardon Application Guide**, or Online at [www.npb-cnrc.gc.ca/pardons/servic\\_e.htm](http://www.npb-cnrc.gc.ca/pardons/servic_e.htm)

Having a criminal record may impact your ability to obtain employment. Some jobs will request a **Criminal Record Check**, and it will produce a positive result if you have received an Absolute Discharge, Conditional Discharge or Suspended Sentence. It is very important that you apply to the Toronto Police Services' File Destruction Office to remove your record so this does not impact your ability to obtain employment.

Certain jobs, such as working with children, the elderly, or government positions, will also request a **Police Record Check. This is different than**

**a Criminal Record. A Police Record details any and all police contact, whether or not you have been charged.** A potential employer must specifically request a police record check. If you consent to this, a police record check will produce a positive result if you receive anything from a withdrawal to a suspended sentence. **The Police CANNOT release any details about a positive police check to your potential employer and you ARE NOT required to provide any details about a positive police check to your employer.**

For more information on Police and Criminal Records please contact: Toronto Police Services at 416-808-2222 or Criminal Record Information Services, RCMP at 613-998-6362

For information on the impact of a Criminal Record on your Immigration status, please contact: Citizenship and Immigration Canada at 1-888-242-2100 (TTY Service at 1-888-576-8502) or <http://www.cic.gc.ca/>

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**This is only intended as a guide and is not a substitute for legal advice. If you have any additional questions or concerns, please do not hesitate to contact us at C.L.A.S.P.**

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## Navigating the Criminal Justice System...

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A Guide to the Criminal Court Process in Toronto for Adults Charged with Summary Offences

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**C.L.A.S.P.**

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The criminal court process is frustrating and hard for anyone to understand. If you have been charged with a criminal offence, we hope that this pamphlet will help you understand the process and assist you in making the right choices for your case.

## Obtaining Legal Representation

You can apply to **Legal Aid Ontario** for a Legal Aid Certificate that allows you to obtain a lawyer who will represent you for free if you are eligible. The number for the Toronto Legal Aid Office is (416) 598-0200.

Certain lawyers are also willing to create special payment plans for low-income individuals.

## Understanding the Court

The Court that you will be attending is known as **Set Date Court**. The Justice of the Peace is a person who will direct the proceedings and make decisions. He or she will want to know whether you are seeking legal representation, whether you have received disclosure from the Crown and what you plan to do. You speak directly to the Justice of the Peace or you can speak through duty counsel. All cases in this court are adjourned for a period of time or transferred to plea or trial court rooms.

**What is Disclosure?** Disclosure is a package of documents that you receive in court from the Crown. It details the case against you and what the Crown is relying on to charge you. It contains a summary of what happened from the police's perspective, as well as their notes and any witness statements. **It is your right to receive disclosure, so you should ask for it in court.**

## Who Can Help Me In Court?

If you cannot afford a lawyer and cannot receive Legal Aid, you can talk with **Duty Counsel**. These are lawyers who can provide you with **free advice** about the charges against you, court procedures and your legal rights. Duty Counsel have an office in each courthouse and can also be found in **Set Date Court, Bail Court and Guilty Plea Court** to assist you with your matter.

## What Are My Options?

**Meeting with the Crown:** Before your next court appearance or when you are in court, you can request a **Pre-Trial Meeting with the Crown** where a Crown will tell you what sentence they will request from the Judge if you plead guilty or go to trial.

**Pleading Guilty:** If you agree with the facts set out in the disclosure, and admit responsibility for the offence you are charged with, you can plead guilty. Duty Counsel can help you with your guilty plea

**Going to Trial:** If you do not agree with the facts in the disclosure and do not admit responsibility, you can set a Trial date in **Set Date Court**. Always speak with Duty Counsel first before setting a Trial date.  
**If you decide to schedule a trial date, you may want to get a lawyer to assist you with the Trial.**

**BEFORE MAKING ANY DECISION, INCLUDING WHETHER TO PLEAD GUILTY, ALWAYS SPEAK WITH DUTY COUNSEL FIRST.**

## Understanding the Sentence You May Receive

**Withdrawal:** The charge is dropped by the Crown. This requires NO admission of guilt and you do NOT receive a criminal record.

**Peace Bond:** This is an agreement signed by you to not commit any more criminal acts and usually not to contact the complainant. The agreement typically lasts for **1 year**. NO admission of guilt is required, but you may be asked to accept responsibility. This will NOT give you a criminal record, but **breaching the terms of a peace bond is a criminal offence.**

**Absolute Discharge:** You must admit responsibility and plead guilty, but there are no conditions attached to this sentence. You will receive a **criminal record for 1 year**. You may apply to the police to have it removed from your record after a year.

**Conditional Discharge:** Conditions are attached to the discharge. Conditions may include no contact with the complainant, to enter into counselling, etc. There is a term of probation usually. You must admit responsibility and plead guilty. You will receive a **criminal record for 3 years**. You may apply to have this record removed after the probationary period has expired and the 3 years have passed.

**Suspended Sentence:** Instead of imposing a penalty, the judge elects to impose conditions on the accused for a set period of time. If you do not comply with the conditions during this period of time, this could result in a serious sentence such as a fine or incarceration. You must plead guilty and accept responsibility. **You will receive a criminal record and this will only be removed from your record with a Pardon.**

