

REQUEST FOR THE DESTRUCTION OF CRIMINAL RECORDS, FINGERPRINT RECORDS, AND PHOTOGRAPHS

CRIMINAL RECORDS, FINGERPRINT RECORDS, AND PHOTOGRAPHS

A. Criminal record files, fingerprint records, and photographs may be destroyed when:

- (1) The subjects have been criminally inactive (local and national repository) for twenty-five years, and have requested destruction in writing;
- (2) The subject of the record is eighty (80) years of age with no criminal activity reported in the last ten years, except where the subject:
 - (a) Has been sentenced to life imprisonment;
 - (b) Has been designated a dangerous offender, and/or is still under the sentence of a court;
 - (c) Is still the subject of a prohibition order which has not expired; and/or
 - (d) Has an outstanding warrant or an interest has been expressed by an agency engaged in the execution or administration of the law.

In each of these instances, the criminal record is retained until:

- (a) The subject completes his/her sentence and remains crime free for a period of ten years; and/or
 - (b) The subject attains one hundred years of age.
- (3) The subjects' death has been substantiated by fingerprints and the current year, plus five years has elapsed; or
 - (4) A federal statute, such as the Youth Criminal Justice Act, provides the authority to do so.

B. Eligibility to Request Criminal Record Destruction:

- (1) A person may apply to have their local criminal record destroyed if any of the following periods of time have elapsed since final disposition:
 - (a) In the case of an absolute discharge, the person may apply for destruction of the local record after one year following the date of disposition;
 - (b) In the case of a conditional discharge, the person may apply for destruction of the local record after three years following the date of disposition;
 - (c) In the case of a finding of not guilty (other than by reason of a verdict of not criminally responsible on account of mental disorder), the person may apply to have such entries removed from their local record on the expiration of three months after the disposition date, or where an appeal is taken, on the expiration of three months after all proceedings in respect of an appeal have been completed;
 - (d) In the case of a charge that is stayed, the person may apply to have such entry removed from their local record after one year, provided the stayed charge has not been proceeded with;
 - (e) In a case where a charge is withdrawn by the Crown Attorney, the person may apply to have such entry removed from their local record after thirty days following the disposition date;
 - (f) In the case of a charge being withdrawn with a resulting Peace Bond, the person may apply to have such entry removed from their local record after the expiration of the Peace Bond (normally one year); and
 - (g) In cases where a charge is diverted by the Crown Attorney to the alternative measures program, the person may apply to have such entry removed from their local record after two years following the date of diversion.
- (2) In considering whether or not to grant the request for destruction of records, any of the following factors may be taken into consideration:
 - (a) The requestor is a first-time offender with no subsequent offences;
 - (b) The requestor has not been the subject of other criminal investigations; or
 - (c) The type of offence or other information on file for the applicant does not raise safety concerns. Offence types that would be of concern include but are not limited to murder, attempted murder, manslaughter, aggravated assault, robbery, sexual offences, suspicious person, break and enter, indecent act.

Requests to destroy criminal records shall be in writing and shall be addressed as indicated on the reverse side of this form. When a request for criminal record destruction is approved, the requestor will be notified in writing after the destruction of the records.

When a request for criminal record destruction is refused, the requestor will be notified of the refusal and the reason for the refusal. The requestor shall have the right to appeal the refusal. The request for appeal shall be in writing and shall be addressed as follows:

Saugeen Shores Police Service
1240 MacKenzie Road
P.O. Box 1269
Port Elgin, Ontario, N0H 2C0

No oral representations or hearings will take place. The appeal will be reviewed by the Chief of Police, Administration, the Inspector, and the Criminal Investigation Unit and a final decision will be made by that committee. The Chief, Administration will notify the requestor the results of the appeal.