

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A

Adjourned is the term used when court proceedings are suspended, rescheduled or ended for the day.

Adjudication is the process where a judge reviews the evidence and legal arguments of both sides in a legal dispute, and then comes to a decision on those bases.

Affidavit is used to present evidence in court; it is a sworn statement that involves the “affiant” swearing under oath before a commissioner or oaths or a justice of the peace, that what they are saying is true. An affidavit may be used, for example, when a person’s testimony is required in court, but they are unable to physically attend.

Absolute Discharge is the lowest-level adult sentence that an offender can get. If you receive an absolute discharge, a finding of guilt is registered but no conviction is registered. An absolute discharge will stay on your criminal record for one year after the date you received the discharge. The RCMP removes absolute discharges 1 year after the date of the sentence and conditional discharges 3 years after the date of the sentence. But for all discharges before July 24, 1992, you have to make a written request to remove the discharge.

C

Clemency is an act of mercy that can be only granted by Cabinet or the Governor General. It is only considered in very exceptional circumstances and reserved for deserving individuals who suffer excessive hardship as a result of a court imposed penalty.

Certified Criminal Record is the process in which fingerprints are taken on a form c-216, and reveal (or don’t) all of a person’s criminal convictions. The Royal Canadian Mounted Police (RCMP) is responsible for distributing an individual’s certified criminal record.

Consecutive sentence

If an offender is charged and convicted of more than one criminal offence and the terms are to be served consecutively; it means you are to serve them one after the other. For example, if you are convicted of aggravated assault and sexual assault, and sentenced to 4 years for each conviction, to be served consecutively, you will serve a total of 8 years in prison. 4 years for each conviction.

Concurrent sentence

If an offender is charged and convicted of more than one offence and the terms are to be served concurrently; it means that you will serve them at the same time. For example, if you are charged with aggravated assault and sexual assault and sentenced to 4 years for each conviction, you will serve a total of 4 years in prison.

Conditional Sentence

Where a sentence of imprisonment of less than two years is given, the judge may order that the sentence be served in the community subject to conditions. "House arrest" is often a result of a conditional sentence

Conditional Discharge

A conditional discharge is similar to an absolute discharge because a finding of guilt is made, but no conviction is registered. What makes it different from an absolute discharge is that there are conditions that you must follow. The conditions always come in a probation order that can be in effect from one to three years. A conditional discharge stays on an offender's criminal record for three years after the completion of the probation order. The RCMP removes conditional discharges 3 years after the date of the sentence and absolute discharges 1 year after the date of the sentence. But for all discharges before July 24, 1992, you have to make a written request to remove the discharge.

Canadian Police Information Centre (CPIC) is the central police database where Canada's law enforcement agencies can access information on a number of matters. It is Canada's only national law enforcement networking computer system ensuring officers all across the country can access the same information. The CPIC database is where all Canadian criminal record information is kept.

D

Dismissed

When a case is "dismissed" it means that the court proceedings have concluded. In criminal law, if a case has been dismissed, the defendant will not have a conviction registered.

Diversion is used when the police or the Crown elect to divert a criminal sanction (punishment) from the usual process. For example, a first time offender may receive diversion as their punishment, which may involve community service or compensation for the victim(s)

F

Fine is a penalty imposed by the court; before the waiting period for eligibility for record suspension/pardon can begin, all fines must be paid.

I

Indictable conviction offences are the most serious types of offences in the Criminal Code. An indictable offence is punishable by a minimum of 2 years in prison and a maximum term of life. Some examples of Indictable conviction offences are: Murder, Aggravated assault and Theft over 5000\$. If you were convicted of an indictable offence, you must wait a period of 10 years after your sentence was completed before you can apply for a pardon/record suspension.

J

Justice of the peace is a judicial officer who has authority to do a variety of things in criminal matters, including: issuing warrants, hearing bail applications and provincial offence trials.

P

Pardon is the former term used to describe having your criminal record sealed or set apart from other criminal records in the CPIC database. Once you receive a pardon, your criminal record will not be disclosed. In March 2012, the term was replaced, and is now referred to as a "Record Suspension".

Parole Board of Canada is part of the Canadian Criminal Justice System; they grant record suspensions/pardons, conditional release (parole) and make clemency recommendations.

Peace Bond is a court order intended to keep the peace. They usually have conditions attached (stay away from a person or place) and require that you be on good behaviour for a certain period of time. Peace bonds are usually 1 year in length.

Probation is a court order to do (or not do) certain things for a period of time. It is usually called a probation order.

R

Recognizance is a form of bond used in bail court in which the offender must submit a specific amount of money to the court. Recognizance has conditions attached to it, and if the offender does not follow the conditions, they can lose some or all of the money they submitted.

Record Suspension is the term used to describe having your criminal record sealed or set apart from other criminal records in the CPIC database. Once you receive a record suspension, your criminal record will not be disclosed during a routine criminal record search. To qualify for a record suspension, applicants must wait a period of 5 or 10 years from the time their sentence was concluded.

S

Statutory Release

By law, most federal inmates are automatically released after serving two-thirds of their sentence if they have not already been released on parole. This is called statutory release.

Stayed

When the Crown decides to “stay” criminal charges it means that the charges against you have been discontinued. Nevertheless, stayed charges can be brought back (by the crown) for a period of 1 year from the date the charges were stayed.

Sentence of “2 years less a day”

If an offender is sent to jail for two years or more, they will go to a federal penitentiary, such as the Kingston Penitentiary. However, if an offender is sent to jail for “two years less a day”, the offender will go to a provincial institution, rather than a federal penitentiary.

Suspended Sentence is a sentence imposed by the court and requires the offender to follow a set of conditions for 3 years (via probation order). With this type of sentence a conviction is registered and the offender will have a criminal record.

Summary conviction offences are less-serious offences in the Criminal Code. The maximum penalty for most summary conviction offences is a sentence of 6 months of imprisonment, a fine of \$5,000 or both. Examples of summary conviction offences are: Theft under \$5000, harassing telephone calls and impersonating a peace officer. If you are convicted of a summary offence, you must wait a period of 5 years after your sentence is completed before you can apply for a pardon/record suspension.

W

Withdrawn a withdrawn a charge or charges means to end the prosecution of a case. Only the Crown can make the decision to withdraw charges. If all an accused's charge(s) are withdrawn by the Crown, the case is finished, the accused doesn't have to go to court anymore, and they won't have a criminal record.