

MEMBER STATEMENT—JULIE GREEN, MLA YELLOWKNIFE CENTRE

RECORDS OF NON-CONVICTION

February 9, 2017

MS. GREEN: Mahsi, Mr. Speaker. Mr. Speaker, I am going to return to a topic I raised during the last sitting, as I have had another constituent bring another case of injustice to my attention.

The issue is records of non-conviction, the reports that are produced by the police when a criminal records check is requested. These reports may contain records of a person having been questioned by the police and not charged, or charged and the charges were later dropped, or charged and the person was later acquitted. In the latest case of my constituent, the person was charged with assault in 1990 and received a conditional discharge, which does not result in a criminal record. My constituent has kept the peace these past 26 years, and after graduating from Aurora College as a personal support worker, she has repeatedly confronted obstacles to employment.

She is not alone. National research by the Toronto Star shows that more than 400,000 Canadians never convicted of any offence have records in police databases. Some are recorded under the notations, "attempted suicide" or "mental instability," which show up under the generic indictment "adverse information on file." As I have said before, I will say again, this is outrageous.

In opposing the use of records of non-conviction, the Canadian Civil Liberties Association points out there is no evidence that broad use of these checks materially reduces the risk of crime or violent offences in the workplace. The CCLA points out that systemic barriers to employment undermine the significant efforts and resources put into reintegration and ultimately prejudices community safety.

Mr. Speaker, in our jurisdiction, with its higher rates of mental illness, policing much closer to the population, and the higher concentration of jobs in a few major employers, the injustice of these records can be even more exaggerated.

Again, I come back to the fundamental test of our justice system: you are innocent until proven guilty. If you are not proven guilty, you should not be made to suffer as a result of legally unfounded accusations, mere contact with the police or, in the worst cases, having suffered from mental illness.

These records of non-conviction are used nationally. There is a growing backlash against this injustice. Last sitting, the Minister of Justice said he would not seek a change in this practice. I don't think that is good enough, and I will have questions. Mahsi, Mr. Speaker.