



EMPLOYMENT BARRIER #1: THE PARDONS SYSTEM

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Obtaining a criminal pardon has never been trickier for ex-felons, according to Willie Gibbs, the former chair of the Parole Board of Canada.

The Conservative government wants to quadruple the cost of getting a federal pardon to \$631 from \$150 - a prohibitively expensive hike for many seeking a clean slate and already facing limited job opportunities.

"It's terrible for the people trying to come out and make their way in life as law-abiding citizens," Gibbs said, adding that during his time as chairman of the parole board from 1994-2000, applying for a pardon only cost \$50.

The board recently estimated that it expects to process 15,000 pardon applications annually, down from 27,750.

Public Safety Minister Vic Toews said the steep fee increases would ensure taxpayers don't have to subsidize the process, reasoning that the new payment structure was adjusted for inflation and workload increases.

"People aren't entitled to pardons; that's something society decides," Toews said last February.

Parliament toughened the pardon rules in 2010 with bill C-23 part A. If the second part of bill C-23 passes into law as part of the omnibus crime bill, pardon eligibility wait periods will be further extended after completion of a sentence:

- The ineligibility period to apply for a record suspension for a minor or summary conviction offence (ex: driving under the influence, assault, possession of narcotics) would increase to five years; previously the wait time was three years.
- The ineligibility period to apply for a record suspension for a more serious or indictable offence (ex: possession for the purpose of trafficking, assault with a

weapon) would jump to 10 years; previously the wait time was five years.

"And if you have three indictable offences with more than two years of jail time, you can't get a pardon," explained Scott Mindel, a counsellor with Pardons Canada.

"They're going to really clamp down on sexual charges against minors, so in some respects there's some good things happening, but I think a three-year wait on a DUI is really sufficient. Making it a five-year wait is going to make it really tough."

The omnibus crime bill, C-10, is currently before Senate and is expected to pass early this year.

Gibbs objected to the proposed lengthened ineligibility periods for pardons.

"Your criminal life is way far behind you, but now the government wants to increase those from three years to five years, and from five years to 10 years," Gibbs said.

"You're going to be old before you can apply for anything."

Brian, one of the participants in Redemption Inc., already feels the eligibility periods are too long.

"It really takes a lot longer than what it's made out to be," he said, giving the example of a person sentenced to serve two years in jail and two years probation.

"You'll do your two years, get out, then you'll have to finish your two years probation. And until that two years probation is up, that's when the five years or whatever you need for the pardon will kick in."

According to Michael Ashby, the director of the non-profit National Pardon Centre in Montreal, more than 96 per cent of the 400,000 people issued pardons since

1970 have never reoffended.

"I don't even think you can mop the floors in Parliament with a criminal record," Ashby said.

"Any jobs that would involve crossing the border, for example, you can't have a criminal record."

Such was the case for Pierre Charade, a Quebec TV producer who found himself barred from entering the U.S. for a sports shoot in 2002, due to a 30-year-old breaking and entering misdemeanour.

"It was a stupid thing from long ago," said Charade, 67, recounting an incident when he broke a window as a teen to access a Toronto health-club pool.

"We shook the door a little hard and it broke. The alarm went off, the police came, they put us in jail. The following day, they let us go for \$100."

Decades later, as an adult on business waiting for his Orlando flight, Charade was pulled aside at immigration.

"The guy took my passport and he said, 'You're a criminal, sir. You're not welcome in the United States of America.' I thought it was a joke," Charade said.

It took at least half a year for Charade to obtain a letter with help from the National Pardon Centre clearing him for U.S. trips so he could continue his job.

Azmairin Jadavji, president of Pardon Services Canada, said the spectre of a five-year waiting period to clear up what he calls "garden-variety offences" - such as shoplifting, marijuana possession and assault - seems "mean-spirited."

"We find that that a lot of these offences are done by people in their late teens or 20s, but then they become our clients in their mid-30s. By that time they've got families and are trying to get their careers going," Jadavji said.

