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Pardons backlog creates two-tier justice for newer, wealthier applicants

OTTAWA - The Conservative government's decision to quadruple the cost of getting a criminal pardon has left a backlog of about 22,500 applications and a two-tier system for handling applicants.

The Parole Board of Canada has confirmed that since the fee for a "record suspension" was raised to \$631 in February under the Conservative government's omnibus crime bill, new faster processing times only apply to the pricier applications — leaving earlier applicants in limbo.

"The Board is currently looking at options to address the backlog," communications director Caroline Douglas said in an email.

But with new budget cuts to the Parole Board of \$1.6 million this year, \$2.6 million in 2013 and \$4.8 million in every year after that, those options appear limited.

Commercial pardon services say that anyone who applied under the old fee of \$150 is being pushed to the bottom of the pile and may wait two years or more.

The only way to speed up an application that was in the pipeline before February is to forfeit the \$150 already paid and cough up another \$631.

"As the old saying goes, I guess money talks," said Keri Wallis, east coast regional director for National Pardons Centre in Montreal, a commercial enterprise that helps applicants deal with the maze of required background checks.

Azmairnin Jadavji, president of Vancouver-based Pardon Services Canada, said that while he lauds government efforts to improve service standards at the Parole Board, "we believe that it is against

Canadian values of fairness to draw resources away from servicing applicants who had filed in good faith in order to better service applicants who applied later — but paid more."

"By denying their right to procedural fairness, the government is again penalizing Canadians with past criminals records ... as second-class citizens," said Jadavji.

Pardons — recently renamed "record suspensions" by the Conservative government — are designed to allow convicts who have fully paid their debt to society and lived crime-free for years to fully reintegrate, get better jobs and travel abroad.

Advocates, including the Parole Board, say they serve as an incentive not to re-offend and thus help the community beyond the obvious economic benefits of improved employment.

But since The Canadian Press revealed in 2010 that serial sex offender Graham James had received a routine pardon three years earlier, the Conservative government has pursued a very public crackdown on the whole pardon system.

"Canadians gave our government a strong mandate to put the rights of law abiding Canadians ahead of the rights of criminals," a spokeswoman in the office of Public Safety Minister Vic Toews said Friday by email.

"Record suspensions are not a right. That is why we are ensuring that criminals pay their own way when applying for one."

Julie Carmichael, Toews' spokeswoman, added that the recent fee increase was put in place "in order to address the backlog" in the system. She later clarified that the new \$631 fees cannot be used to clear the back-

By: Bruce Cheadle, The Canadian Press

log, "however, what it does is prevent the backlog from increasing at the rate it was prior to the increase."

But commercial pardon companies say the rush of applications was sparked by the pending fee increase, with people hurrying to apply before the price quadrupled. Now they're being penalized by the government.

"They're trying to make it sound like this new record suspension is a new system," said Wallis, a former corrections officer.

"I would believe that if my application instructions were different. I would believe that if there were different things I had to obtain for the record suspension. I don't."

"I think they've gotten themselves in over their head," said Wallis. "It went too fast and it doesn't seem like there is a straight line across the board about what is the rule, what isn't the rule."

Catherine Latimer, executive director of the John Howard Society of Canada, notes that a record suspension or pardon triggers certain human rights protections under federal and provincial laws.

The government has now put up new barriers to accessing that protection based on "bureaucratic efficiency or inefficiency, or your capacity in terms of wealth," she said.

As for Toews continuing to refer to people as "criminals" who have served their sentence, paid their fines and then spent years crime-free, Latimer called it "appalling."

"There's no discharge To marginalize and exclude them is not in anyone's interest. It's nasty."

