



Parole Board sifts through thousands in pardon backlog

Application fee quadrupled to \$631 since last year

The Canadian Press | Posted: Mar 10, 2013 1:45 PM ET

The Parole Board of Canada has begun to tackle a backlog of almost 22,000 pardon applications, many of which have been stuck in limbo for years.

The effort, which began with the hiring and training of 21 temporary, full-time clerical staff and pardons officers in November and December, isn't expected to clear the backlog for another two years, according to the board.

All the files pre-date the March 2012 omnibus Conservative crime bill, when the Harper government quadrupled the application fee to \$631.

Those who applied under the higher fee are at the front of the line, having their criminal record suspensions handled within months.

But people like Luc, a 39-year-old industrial mechanic who turned his life around in his early thirties after years of addiction, have been effectively sidelined.

Luc, whose longest jail stay was three months for burglary as an 18-year-old, paid \$150 to apply for a pardon in 2010.

"It's been three years and I'm just stuck here," Luc, whose real name is being withheld to protect his privacy, told The Canadian Press.

"Yesterday, I had a job interview. And the guy told me clearly: 'As long as you have a record, I can't pay you full salary, you have to fix this.' He wants to see my pardon and all the papers so I can fit his hiring criteria."

The Parole Board says all the backlogged files have been screened up to the eligibility stage, meaning the applications are fully in order, but they're two or three years behind.

"Right now, the board is processing pardon applications accepted in March 2011 [for summary offences] and applications accepted in September 2010 [for indictable offences]," Parole Board spokeswoman Caroline Douglas said in an email.

The board expects it will take about three months to pass judgment on each backlogged application as it comes up, with longer wait times for bids that are being rejected.

Graham James case triggers backlog

The backlog is the result of a massive pardons crackdown sparked by a single, ugly case.

The Canadian Press revealed in May 2010 that Graham James, a former high-profile junior hockey coach convicted of sexually assaulting young players under his influence, had been quietly pardoned three years earlier.

At the time, James — whose victims included future NHLer Sheldon Kennedy — was facing fresh allegations, to which he



An estimated 2.4 million Canadians have a criminal record. (Lars Hagberg/Canadian Press)

has since pleaded guilty. The public outcry over his pardon prompted immediate political reaction.

The James case, and the hypothetical prospect of convicted schoolgirl killer Karla Homolka following a similar path, led Parliament in June 2010 to unanimously beef up the system by giving the Parole Board a new mandate to ensure no pardon would be granted that could bring the administration of justice into disrepute.

But the Conservative government was not finished.

A three-strikes rule was proposed, so that anyone with more than three convictions for indictable offences with two-year sentences (even if all served concurrently) could never be pardoned. Certain offences, such as sex crimes against children, were made ineligible.

The crime-free cooling off period after a sentence was fully served was also increased to five years from three for lesser offences, and doubled to 10 years from five for indictable offences.

And the application fee — long set at an affordable \$50 to reflect the notion that pardons benefit society as much as the individual — was jacked to \$150 and then to \$631.

"We believe that ordinary Canadians shouldn't have to be footing the bill for a criminal asking for a pardon," Vic Toews, the public safety minister, said when he first announced plans to quadruple the application fee.

Toews has run into trouble for his us-versus-them rhetoric — notably when he suggested any critic of an internet snooping bill was a friend of child pornographers — but the estimated 2.4 million Canadians with a criminal record are much easier to stigmatize.

People seeking pardons, as a rule, don't want to make a lot of noise about it, go public, or portray themselves as victims.

The Canadian Press, with the assistance of two competing commercial pardon services, Toronto-based National Pardon

Centre and Vancouver-based Pardon Services Canada, located half a dozen individuals caught in the backlog.

Their mundane stories bear no resemblance to the high-profile sex predators the government has used to justify the crackdown.

'The drug charge means I can't go [across the B.C. border] to Washington...It really adds up to nothing more absurd.'

—Jonathan Graham, 40, on his 19-year-old drug possession charge



Jonathan Graham, an equipment operator for the District of West Vancouver, was the only one willing to go on the record.

Graham, 40, was charged with possession of marijuana and mischief under \$1,000 when he was 21. He paid a small fine, around \$100.

“You paid your debt to society in full. You can’t be punished a second time,” Graham said in an interview.

He’s been waiting more than two years for his pardon, something he sought mainly to allow him to travel to the United States — maybe a vacation in Hawaii — and perhaps to open up job avenues elsewhere in B.C.

“The most ludicrous thing about it is the drug charge means I can’t go [across the B.C. border] to Washington State,” said Graham, noting the irony that the American state last year became the first to legalize and regulate marijuana.

“You won’t let me cross the border into your state because of an old possession charge when it’s legal [there]? It really adds up to nothing more absurd.”

One year since omnibus crime bill

Early next month, a group of academics, lawyers, social workers and former convicts will hold a conference at the University of Ottawa to mark the one-year anniversary of the Conservative omnibus crime bill.

The Criminalization and Punishment Education Project plans to “highlight new problems with the pardon system that are the result of recent changes made by the Harper government, including challenges the criminalized face obtaining employment, education, housing and other things that assist in their integration into society,” according to the conference literature.

They’re seeking individuals willing to describe their experience with the pardons system, from those who have benefited from getting a pardon to those who are now forever ineligible and people caught in the backlog.

‘Criminal one day doesn’t mean criminal for the rest of your life.’

—Luc, jailed for burglary as an 18-year-old

People like Luc, who doesn’t pretend to have lived a saintly life.

He said when he applied for his pardon, his rap sheet

of minor offences was as tall as he was. But he’s turned himself around, gone to rehab and back to school and is ready to be get on with a productive life.

“A mistake when you’re young,” he said. “Criminal one day doesn’t mean criminal for the rest of your life.

“Someone can re-educate himself.”

