

Necessity is the plea for every infringement of human freedom; it is the argument of tyrants; it is the creed of slaves.

- William Pitt
(1759 – 1806)



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Pardons and Bill C-23: An examination

On June 29, 2010, Bill C-23A, "*Limiting Pardons for Serious Crimes Act*", was passed. This legislation has changed the pardon eligibility criteria.

From:

- 3 years of good behavior post sentence completion for summary convictions
- 5 years of good behavior post sentence completion for indictable convictions

To:

- 10 year wait time post sentence completion for:
 - serious personal injury offences with a prison term of more than 2 years
 - sexual offences against children prosecuted by way of indictment
- 5 year wait time for people convicted of summary offences for sexual crimes against children
- National Parole Board (NPB) has complete discretion in granting pardons and is able to deny any pardon that may "bring the

administration of justice into disrepute."

This, in itself, may not seem like enough of a change to warrant a response piece, but Bill C-23B, "*Eliminating Pardons for Serious Crimes Act*", is still awaiting consideration. This Bill is the focus of this article.

If it is passed, the requirements for pardon eligibility will be:

- 5 years of good behavior post sentence completion for summary convictions
- 10 years of good behavior post sentence completion for indictable convictions
- People convicted of the following offences will never be eligible for a pardon.
 - 3 or more indictable offence convictions
 - certain sexual offences

The Bill was first introduced into the House of Commons in early May and was passed at the end of June. This is a short period of time for thorough research and statistical analysis to be completed on the validity of

All, too, will bear in mind this sacred principle, that through the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal must protect, and to violate would be oppression.

- Thomas Jefferson

the changes and their subsequent effects. We have to ask if any research was conducted and if so, how reliable are the results.

Pardons were created with rehabilitation in mind, so that ex-offenders can have their records sealed, which opens opportunities for employment, volunteer activities, and education. It is believed that “meaningful employment is the foundation for successful reentry [into society]” (Ruddell & Winfree, 2006, p. 453). Due to the fact that employers are reluctant to hire people with criminal convictions, a barrier to rehabilitation is created by placing further constraints on, or removing pardon eligibility.

These barriers may cause record holders to commit crimes out of frustration or in order to meet their basic human needs. This belief comes from the sociological Strain Theory, which suggests that “crime is a symptom of the gap between culturally prescribed aspirations and the socially structured means for realizing those aspirations” (Linden, 2004, p. 294). Ultimately, Strain Theory says that people will turn to crime if they cannot find legitimate ways to reach their goals, regardless of what those goals are. So by limiting a person’s eligibility for a pardon, we are limiting the individual’s legitimate means of achieving their goals, which increases their stress level and could push them to find illegitimate ways (criminal means) to achieve the things they desire.

Research shows that the majority of offender reconvictions will occur within the first 6 months of an offender’s release from prison, and each year thereafter shows a decrease in recidivism rates (Offender Recidivism Figures, 2007). This means that the longer a person is out of jail, the less likely they are to reoffend. So

how does increasing the wait times protect society and stop these people from reoffending?

It is also important to look at the type of offenders being targeted by this Bill to see if research supports their eligibility exclusion. The legislation is attempting to target violent, repeat, and child sexual offenders, but it is going to have a greater impact on offenders convicted of property crimes and relatively minor offences. Reason being is that 89% of all convicted offences are property (i.e. theft, vandalism) and administration of justice offences (i.e. failure to appear), 11% of all crime is violent, and 1% of all crimes are sexual in nature (Linden, 2004, pp. 104-105).

Keep in mind that the 11% is an inflated figure as there is a small dark figure around violent crime, because victims are more likely to report to police. This legislation may be attempting to target violent and sexual offenders, but these new parameters affect all people with criminal convictions, especially the non-violent property offenders because they are the majority.

After examining the previously mentioned information, it appears that the consequences of these changes were not fully researched and the changes could potentially be detrimental to an offender’s rehabilitation effort. Sexual offences and violent offences are the minority of crimes being committed, which means that the people committing these offences are not the majority of people applying for pardons. Centering the legislation changes on those types of offenders is irrational; and, if Bill C-23B is passed, it will force ex-offenders to continue to live with their criminal records and limit their re-integration

abilities. Simply removing the stigma of a criminal record is not going to stop criminality, but it could assist an offender in changing his/her self-perceptions and identity into that of a non-offender (Ruddell & Winfree, 2006, p. 454).

These people are going to live in and be a part of the community whether they have a pardon or not, so are we not better off to give them the tools they need to succeed, rather than oppress them until they feel they have no other option but to re-offend? ●

A Message from Chris Hay, Executive Director

The John Howard Society of Alberta celebrated its 60th anniversary in 2009 as an incorporated Society. Since its inception, the JHSA has been committed to creating safety and harmony in our communities. It has grown from a handful of volunteers and staff in the 1950's, supporting a minimum of services to Albertan's. Today the JHS's of Alberta comprise a large organization consisting of hundreds of employees and even more volunteers dedicated to understanding the true nature of criminal activity and alleviating the risk factors associated to offending.

I would like to take a moment to introduce myself. My name is Chris Hay, and I assumed the role of Executive Director of the John Howard Society of Alberta in November 2009. Although there has been a steep learning curve, I am not a stranger to the Society. That is, in the mid 90's I was the Research Manager for this office and in the mid 00's, I was proud to be a part of the Board of Directors for the Edmonton John

Howard Society. Therefore, I have always maintained contact in one form or another and my new position as ED is a little like coming home.

The years 2009/10 were and continue to be significant years of change and growth for the John Howard Society of Alberta in terms of staffing and organizational direction. A new Executive Director, Office Manager, Researcher, and Curriculum Developer were added to the organization and this group brings with them exceptional experience, knowledge, and ideas. Our goals are to build on our relationships with the JHS affiliates in Alberta, to strengthen our relationships with our funders and government partners, to extend further into the community for education purposes, and to engage in significant primary criminological research.

We are grateful to our funders (Alberta Provincial Government, Alberta Law Foundation, Canadian Federal Government, District John Howard Societies, Alberta Gaming and Liquor Control, and personal donations from thoughtful citizens) for their continued support in 2010. Without their support, this office would not exist and their support of our mission and vision is a testament to the value of criminal justice and policy research and the work we produce. 2010 is turning out to be a very productive year for the John Howard Society of Alberta in terms of production of criminological research material, working with our partner District John Howard Societies across Alberta, and our Justice partners in the province and I look forward to our future working relationships. ●

*Nothing
is more
destructive of
respect
for the
government
and the law
of the land
than passing
laws which
cannot be
enforced.*

*- Albert
Einstein*

*Resolve to be tender
with the young,
compassionate with
the aged, sympathetic
with the striving, and
tolerant with the weak
and the wrong.*

*Sometime in your life
you will have been all
of these.*

- Dr. Robert H. Goddard



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The John Howard Society of Alberta is an agency composed of citizens in Alberta who are interested in criminal justice reform and preventing crime in our communities. We recognize that dealing with crime is the responsibility of the community as well as public agencies.

We gratefully accept donations to help offset the costs of our efforts in criminal justice reform and crime prevention. Donations are income tax deductible.

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