

Understanding Canada's criminal pardon system



Graham James received a pardon in 2007.

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The National Pardon Centre in Calgary has over 6,500 active cases.

Each case represents an applicant who wants his, or her, criminal record sealed.

Birgit Granberg says a pardon can be essential for a convicted person who is looking for work. "So many employers these days are requiring a clear background check and, obviously, the pardon opens that door for someone who has been convicted in the past."

Anyone with a criminal record can apply for a pardon as long as that person wasn't sentenced to life.

The National Parole Board says "The Criminal Records Act does not differentiate pardon applicants by the type of offence they have committed."

That fact has generated a lot of backlash this week after it was learned Graham James was pardoned three years ago.

James served 3.5 years for sexually assaulting two young hockey players including NHL'er Sheldon Kennedy.

"It sends a message this is not a crime of significance, that it can be forgotten," says Ann Marie Tocha, the executive directors of the Alberta Association of Sexual Assault Centres.

In order for a pardon to be approved, applicants must submit fingerprints and prove, through police background checks, that their record since release is spotless.

A pardon does not erase a criminal record though. What it does do is seal the record so a conviction doesn't show up in a routine background check.

Pardoned sex offenders are still flagged if they apply for a job working with children, the mentally ill, or seniors.

Organizations that provide services to those three groups apply for a more detailed background check, than your average employer, and sex-based offences will still appear even if a pardon is granted.

A pardon will automatically be revoked if a new conviction is laid.