

**Pardons and Record Suspensions:  
Implications of Policy Changes for Criminal Record Holders**

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### Abstract

A criminal label can be the deciding factor in whether a criminal record holder gets access to, employment, housing, education, and volunteering experience, and can also affect how they come to identify in society. Pardons are a formalized response to ameliorating the stigmatizing barriers resulting from a criminal conviction. Since 1970 The Government of Canada has made available, for persons convicted of a federal offense, to apply for a federal pardon. Changes to pardons in 2012 have renamed the process to 'Record Suspensions,' as well as lengthened wait times, and reduced application eligibility. This research project explores these changes, through qualitative interviewing, the experiences and perspectives of criminal record holders who have an interest in, or experience with, record suspensions. In addition, professionals in Alberta who have experience with record suspensions were interviewed. This study details the significance of record suspensions, from the perspective of criminal record holders and as well as the potential impacts of changes to the record suspension process. Participants noted that record suspensions ameliorate some of the stigmatizing effects of a criminal conviction by enabling greater opportunities such as greater access to employment. With regard to the process, participants felt that the process was too expensive and can be time consuming and difficult to negotiate. Participants also noted that changes to the process under Bill C-10, such as increasing the application fee, would make the process more difficult to negotiate resulting in less applications and prolonged stigmatization of criminal record holders. Finally, many participants felt that these changes would not make communities safer but could increase recidivism. This research paper argues that changes to the record suspension process will serve no deterrent value, will subject criminal record holders to more stigma and social barriers, and may negatively impact recidivism.

### Introduction

A criminal record is a detailed history of an individual's criminal convictions. Following a conviction, a criminal record is maintained in the Canadian Police Information System (CPIC): a national database accessible by government agencies. For the purposes of a job application, employers may ask potential applicants to acquire a criminal record check in order for employers to ascertain their liability and criminal history. Having a criminal record reduces one's eligibility for certain forms of employment and hence criminal record holders benefit from processes that allow reformed criminals to be pardoned of their earlier actions. To be granted a pardon is to be given a second chance with a clean slate.

There are two ways to be granted a pardon in Canada. The first is by 'Royal Prerogative' whereby an individual is deemed deserving of a reprieve (such as being wrongfully convicted or in exceptional circumstances whereby considerations of justice and compassion might override the normal process) and a record suspension application is made to the Solicitor General and approved or denied at the advice of the cabinet (Pardon me, 2010). The second method is by applying for a record suspension to the Parole Board of Canada, an administrative body of government, which is available to most law-abiding citizens with a criminal record and is the focus of the present study. The Royal Prerogative, which is extremely rare and not an option for the vast majority of criminal record holders, is omitted from this study.

In the Canadian Criminal Justice System, the pardon process seals criminal records and removes them from CPIC which ultimately provides offenders an opportunity to reintegrate back into the community (Kilgour, 2013). By sealing a record and removing it from CPIC, offenders are granted the opportunity to participate fully as law abiding citizens without enduring ongoing consequences, in the form of social stigma, resulting from a criminal conviction. The granting of

a pardon, now called a ‘record suspension,’ is available to offenders who have demonstrated their reformation and good behaviour as a responsible member of society. In order to be eligible, criminal record holders must have completed their sentence and passed a prescribed waiting period without incurring additional criminal charges. Record suspensions are approved for qualified applications after 5 to 10 years of good behaviour, for summary and indictable offences respectively, with some exceptions introduced in 2012.

Record suspensions play an important role in the reintegration of offenders. In particular they ameliorate some of the societal barriers facing offenders once they have served their sentence, such as lost employment opportunities. Thus record suspensions are one of the last formal steps in the offender’s progress toward reintegration and rehabilitation. Since its inception in 1970 over 400 000 criminal record holders in Canada have been granted a pardon or record suspension (Pardon me, 2010).

In 2012, The Canadian Federal Government passed the omnibus Bill C-10 (41<sup>st</sup> Parliament, 1<sup>st</sup> session) the Safe Streets and Communities Act where some provisions were aimed at amending the Canadian Criminal code to restrict eligibility, increase fees, and lengthen the waiting period for criminal record holders before they can apply for a record suspension. This research study explores how criminal record holders have been affected by these changes. In particular, through the use of semi-structured qualitative interviews, this study explores the significance of federal record suspensions from the perspective of criminal record holders and professionals who work for frontline community agencies or who are knowledgeable in the effects of having a criminal record in Canada.

## Literature Review

### **Punishment**

Philosophical underpinnings of Canadian crime policy can be bisected into two major schools of thought: retributivism and utilitarianism. Retributivism can be understood as ‘backward looking’ insofar as it aims to address offences once they have been committed by administering ‘just desserts,’ whereas utilitarianism is ‘forward looking’ with regard to addressing the potential for future criminal/offensive behaviour (Cuteanu, 2013, p. 50).

Utilitarianism purports that effective crime policy should maximize the potential positive outcomes over negative consequences resulting from crime and punishment (Dyzenhaus, Reibetanz, & Ripstein, 2008). Essentially, this approach views punishment as having negative implications for both offenders and society and hence, seeks to emphasize the potential of punishment for contributing to the betterment of society (Cuteau, 2013). To ameliorate the harm caused by crime, the aim of punishment is to establish social control mechanisms, with regard to criminal behaviour, by reforming or rehabilitating individual offenders or by deterring future criminal behaviour (Moore, 1989; Hudson, 2003). Moore (1989) notes the utilitarian duty to punish offenders is grounded in the principle of deterrence. From this perspective, in order for effective crime policy to deter criminal behaviour it is necessary that punishments be humane in their form and universal in their application (Moore, 1989). Utilitarian punishments, in the form of criminal justice policies aim to change, or otherwise prevent or reform, criminal behaviour and are thus responsive to the individual offender rather than the criminal offence.

In addition to utility, proponents of utilitarianism, such as classical criminologists, view humans as rational and calculating. From this perspective, a person who considers breaking the

law also contemplates what the likely resulting positive and negative outcomes will be (Linden, 2013). To the extent that a punishment fits a crime and that an individual who commits such a crime is likely to incur that punishment, deterrence is a viable option for preventing crime. Cesare Beccaria (1735-94) challenged early proponents of harsh punishments during the enlightenment period (C. 18<sup>th</sup> Century) by positing that certainty, rather than severity, has a greater deterrent effect (Rosen, 1999). Beccaria concluded that the severe punishments used during his time constituted unnecessary torture since rational individuals could be deterred from committing crime (both at an individual and societal level) through the use of written laws and punishments that were appropriate, certain and swift (Rosen, 1999). From this perspective, certainty and swiftness are better able to reduce crime than the possibility of a severe punishment.

Retributivism, conversely, does not argue that punishment should serve some utility; rather punishments are a justified consequence and are imposed on an offender to the extent to which that offender's punishment is deserved (Moore, 1989). Retributivism can be defined as "that theory of punishment which advocates the hard treatment by the state (through an institutionally approved system of due process) of an offender because the guilty offender deserves it, based on [their] degree of responsibility and in proportion to the harm caused by [the] wrongful act" (Corlett, 2006, p. 71). That is, punishment is justified in direct proportion to the degree to which an offender *deserves* to be punished.

Central to retributivism is the concept of proportionality wherein the punishment must reflect the nature and severity of the crime, but extend no further. This perspective is founded on the belief that people possess the rational capacity to choose whether or not to commit an offence, in addition to presupposing all are equal before the law in a free and democratic society

(Moore, 1989). By utilizing retribution, rather than deterrence or rehabilitation, the Safe Streets and Communities Act (Bill C-10) is part of the larger ‘tough-on-crime’ policy trend implemented by the Canadian Federal Government in the past decade (“UN calls,” 2012; Heather, n.d.). This act aims to address crime and safety in Canada by ensuring punitive measures are taken to redress offender accountability for their previous behaviour. As such, this approach demonstrates that the Canadian Federal Government has adopted a retributivist punishment philosophy toward punishment in recent criminal justice policies. These types of policies are antithetical to reintegrative and utilitarian forms of criminal justice policy because the offence, rather than the offender, becomes the focus. Proponents of the ‘tough-on-crime’ approach posit retributive measures are an appropriate response to crime because criminal behaviour justifies punitive consequences. Changes to record suspensions are consistent with the general philosophical shift from utilitarian to retributivist punishment style criminal justice policies. By limiting access to record suspensions the Canadian Federal Government is shifting punishment from a focus on offenders (utilitarianism) toward a focus on criminal acts (retributivism). This shift may have significant impacts on criminal record holders in Canada and is deserving of greater academic inquiry.

### **Outcomes of Punishment**

Labeling theory purports that the consequences of acquiring deviant labels may marginalize offenders (Moore & Morris, 2011). Many criminal record holders experience ongoing social stigma associated with conviction such as losing employment opportunities. Criminal records explicitly identify ‘deviants,’ and record suspensions are formal means of responding to the harm caused by deviant labeling. From the perspective of labeling theory, criminal justice policy should be assessed by its capacity to minimize the risks associated with acquiring stigmatizing

labels (Moore & Morris, 2011). Lemert (1972) outlined two forms of deviance: primary and secondary. Primary deviance refers to the initial deviant/criminal act, such as taking up smoking or stealing a car, whereas secondary deviance encompasses the deviant behaviours developed by offenders in response societal reactions to primary deviance, such as identifying as a smoker or a thief. From this perspective responses to criminal/deviant acts by society may result in social stigma and may provide conditions amenable to recidivism (Bell, 2012). Record suspensions are directed at ameliorating ongoing social stigma resulting from criminal conviction, such as economic marginalization, which can continue to challenge offenders after they have served their sentence. Specifically, record suspensions conceal some aspects of the deviant label thus lessening negative aspects of stigma and social inequality resulting from a criminal conviction. According to Yoko, Sprott, and Doob (2015) when pardons were proposed in 1970 their original intent was regarded as “self-evident – it was seen as a necessary tool allowing for the complete reintegration back into society ... [and pardons were] discussed as something that may help stop offenders from re-offending” (p. 212).

The stigma associated with a criminal conviction poses a significant barrier to offenders because social stigma continues to impact their lives after they have served their sentence. Stigma, according to Erving Goffman (1922-82), is a negative characteristic as evaluated by others in society which belies and denigrates an offender’s identity (1986). Record suspensions are an institutionalized response to ameliorate some of the consequences resulting from a criminal conviction. The primary intent of incarceration is to incapacitate offenders as well as provide specific and general deterrence. However the effects of punishment and sanction can linger long after an offender has completed his or her sentence. The secondary effects resulting from a conviction pose social and structural barriers to employment, housing, child custody,



education, and travel opportunities (Marketwired, 2013; Drapeau & Juneau, 2012,). Offenders who have not been granted a record suspension will continue to have their name appear on CPIC searches. Having to present a clear criminal background check is common for many occupations as well as for gaining volunteer experience and applying for some education programs (Kilgour, 2013). Possessing a criminal record was found to reduce call-backs from potential employers by almost 50% (Pager, Western, & Sugie, 2009). In effect, criminal convictions are a life sentence whereas record suspensions are a means of relieving offenders from life-long socio-economic marginalization.

Social discrimination is a significant barrier to the rehabilitative and reintegrative success of offenders. In many cases, employers routinely evaluate and judge job applicants by requesting criminal records (Uggen, 2008). Research by Visser, Yahner, and La Vigne (2010) found that 71% of male participants indicated that possessing a criminal record had impacted their job searches. In many cases, employers are reluctant to hire criminal record holders because they view such applicants with suspicion of additional criminal behaviour which may give rise to fears of legal liability (Carter, 2009). Pager (2005) refers to this as the ‘credentializing of stigma’ whereby opportunities, status, and resources are becoming increasingly allocated on the basis of ‘status positions.’ He explains this is in contrast to other controversial forms of social stratification in the U.S., such as racial stratification, however; criminal record holders continue to be institutionally discriminated against, such as losing of the right to vote (Pager, 2005). In addition, Shivy, Wu, Moon, Mann, Holland, and Eacho (2007) find that social pressures and barriers pose challenges to prisoner re-entry whereas employment prospects may act as a motivating force. Offenders can be considered a disadvantaged subclass within society since they are prejudged based on their criminal history rather than assessed on the merit of their character

and current credentials. In addition, discriminatory practices can be compounded by race and ethnicity whereby employers are partial in favor of white job applicants (Delgado, 2012).

Having a criminal conviction can also have negative physical and psychological effects on offenders. Porter (2014) found that having been incarcerated is positively correlated with higher consumptions of fast food and smoking cigarettes among young offenders aged 24-32. These poor health choices were found to be associated with financial strife resulting from conviction and may contribute to higher rates of illness and mortality of offenders (Porter, 2014). Furthermore criminal conviction has profound impacts on the psychological wellbeing of offenders. Stress from incarceration can result in feelings of powerlessness and desolation, fear of other offenders, loss of social ties and concomitant emotional support, as well as stress resulting from economic instability (Porter, 2014). Thus the socio-economic inequalities resulting from a criminal conviction may exacerbate inequalities of healthcare.

The social inequalities resulting from possessing a criminal record may be ameliorated in part by record suspensions. By removing criminal records from CPIC for approved applicants, the intended and unintended restrictions of offenders that impede social and economic participation may be lessened. Kilgour (2013) notes that capability of passing a criminal record check can instill a sense of independence and confidence for criminal record holders. Furthermore she argues that record suspensions play a significant role in the reintegration process because offenders are able to distance themselves from some of the risk factors that lead to criminal behaviour, which has implications for recidivism. For example, an offender may be able to acquire gainful employment thus reducing the incentive for lucrative criminal behaviour. In this case record suspensions give criminal record holders something valuable to lose: their forgiven status. By ameliorating the economic barriers for offenders record suspensions may

increase their socio-economic standings, and as such may restore economic and social stability to their lives (Carter, 2009).

### **Crime Policy in Canada and the United States**

Since 2006, the Conservative government has passed a number of crime bills aimed at strengthening the certainty and severity of punishments by imposing mandatory minimum sentences, restricting conditional release, reducing pretrial detention credits, as well as restricting record suspension eligibility (Cook & Roesch, 2012). These policy reforms are decidedly retributivist due to their punitive nature which is antithetical toward rehabilitative measures supported by utilitarianism. Such punitive trends support incarceration, as the primary response to crime.

In the past, Canada has vacillated between utilitarian and retributivist crime policies which have resulted in a relatively stable incarceration rate over the last 50 years (Webster & Doob, 2012). This relative stability has been, in part, fostered by a formal culture of limitation and moderation with regard to punitive measures such as incarceration (Webster & Doob, 2012). Punitive policy trends, as adopted by the United States, Britain, and Wales, have not been chief components of electoral platforms in Canada until relatively recently (Webster & Doob). Use of punitive criminal justice policies as a component of federal electoral platforms are a relatively novel occurrence in Canada. Consequently, Canada's historical position on crime policy may be shifting away from balancing punitive and rehabilitative trends toward increased use of incarceration and punitive punishments, consistent with the 'tough-on-crime' approach espoused by some advocates in the United States. The shift away from a balanced approach to policy has

resulted in changes to the record suspension system in Canada which may have broader implications to the criminal justice system and offenders.

Reaction to the ‘tough-on-crime’ approach suggests that these punitive policies are ineffective, unnecessary, and result in significant financial and social costs (Cook & Roesch, 2012; Elikann, 1996). The extent and significance of how changes to record suspensions contribute to the burgeoning ‘tough-on-crime’ agenda in Canada has largely been ignored. Research suggests that ‘tough-on-crime’ policies are inefficacious at specific and general deterrence (Cook & Roesch, 2012). In addition, there are significant financial costs associated with retributive ‘tough-on-crime’ policies. For example, Bill C-25, also known as the Truth in Sentencing Act, is estimated to cost \$2.8 million a year in addition to \$1.8 billion over 5 years earmarked for the construction of new correctional facilities (Office of the Parliamentary Budget Officer, 2010). Research by Gendreau, Goggin, and Cullen (1999) found that increased use of imprisonment as punishment, over community based sanctions, was associated with higher rates of recidivism. The U.S. experience with these retributivist policies suggests that they will not make streets safer (Elikann, 1996).

Nearly four decades of retributivist policies in the United States has resulted in an extensive body of research (Cullen, 2007; Elikann, 1996; Gendreau, Goggin, & Cullen 1999; Cook & Roesch, 2011) which examines the policy’s objectives as well as their efficacy in terms of outcomes. The rise in retributive crime policies in the U.S. was partly due to the belief, supported by some criminologists, that the criminal justice system has no utilitarian aim, and as such the concept of ‘justice’ became the measure of success rather than reducing crime (Cullen, 2007). This perspective is consistent with retributivist philosophy which justifies punishment based on ‘just desserts’ rather than utility. The concomitant decline of rehabilitation, as a guiding

principle of crime policy, resulted in a lapse of checks and balances of retributivist policies, rendering ‘tough-on-crime’ rhetoric unchallenged. Cullen (2007) argues the punishment paradigm espoused by retributivists is antithetical to the safety and security of the public because the use of incarceration (devoid of rehabilitation) does not reduce recidivism. The failure of retributivist, ‘tough-on-crime’ style policies, is due in part to the belief that crime is a rational choice, which he argues delegitimizes societal risk factors such as socio-economic status (Cullen, 2007). Thus, crime, from this perspective, is limited in scope because it attributes crime to individual choice devoid of larger sociological factors. By not addressing the sociological factors that influence crime and punishment, the ‘tough-on-crime’ approach to criminal justice policy fails to address the needs of offenders as groups; rather this approach views all offenders as equal to one another (re: skills, resources, etc.). Yoko, Sprott, and Doob (2015) note “the majority (Harper) government appears to have shifted toward a view that assumes either individual responsibility for crime or individual pathology ... [which is] important ... in understanding the shift that has occurred in government amendments to the use of pardons in Canada” (p. 210). According to Cullen (2007) rehabilitation should be the guiding paradigm of corrections because it is effective at reducing recidivism, the public supports balanced approaches to criminal justice, and rehabilitation is the right moral position.

The United States provides a valuable case study demonstrating the social and financial consequences resulting from punitive/retributive crime policies. Since the 1970s the U.S. has embarked on implementing retributivist crime policies which incorporate more punitive responses to crime, such as increased use of incarceration (Ruddell & Winfree, 2006). Delgado (2012) notes that new discourses have arisen to challenge the dominance of ‘tough-on-crime’

policies, such as concepts like ‘smart-on-crime,’ which examine practical and humane approaches to crime and punishment.

### **Bill –C10**

Bill C-10, also known as the Safe Streets and Communities Act, was an omnibus bill passed in March 2012 instituting many changes to record suspensions within the criminal justice system (Pardon Services Canada, 2013). According to the Department of Justice (2011) the aim of Bill C-10 is to make communities safer by better protecting vulnerable populations, improving accountability of criminals, as well as improving the “safety and security” of the public.

However, critics have argued that some of these changes are unjustified in reducing crime and are in fact a means of responding to victims, and victims’ advocates, through their ‘tough-on-crime’ approach (Sullivan, 2014). Changes included introducing the Eliminating Pardons for Serious Crimes Act which renamed ‘pardon’ to ‘record suspension,’ as well as increased the waiting period for summary and indictable offences from 3 to 5 years and from 5 to 10 years, respectively (Pardon Services Canada, 2013). The application fee for record suspensions was increased from \$150 to \$631 (Pardon Services Canada, 2013). In addition, eligibility requirements for record suspension applicants have changed. Convicted child sex offenders were added as ineligible for record suspensions as well as persons convicted of three or more indictable offences (each with a sentence of two years or more) which can result from a single incident (Pardon Services Canada, 2013).

The Safe Streets and Communities Act (2012) may have an impact on the rehabilitation/reintegration process of offenders by restricting access to record suspensions. Bill C-10 increases the waiting period for offenders, as well as rendering some offenders illegible for

a record suspension. Proponents of this policy change argue mandating that criminal records be stored in the CPIC system for longer periods allows for greater accountability as well as protects and informs victims and people at risk (Kilgour, 2013). However, by prolonging the secondary effects of punishment, offenders are less likely to find stable and fulfilling employment (Kilgour, 2013). In addition, offenders are subjected to longer periods of stigma and discrimination which can hinder the reintegration process.

The Safe Streets and Communities Act (2012) aims to redress criminal justice policy from the welfare of the offender to the protection of the public, and by doing so subjects offenders to increased social inequality. Record suspensions are a valuable aspect of the reintegration process, however, changes implemented by Bill C-10 favor public protection and accountability of offenders to the potential detriment of reintegration goals and objectives. The success rate for persons granted a record suspension is very high where only 3% have had their record suspension revoked (Ruddell & Winfree, 2006). Thus the rehabilitative quality of record suspensions appears consistent with utilitarian aims of crime control and may even be effective for reducing recidivism.

### **Pardons/Record Suspensions**

Record suspensions are available to most offenders who have been convicted under Canadian federal law or who have been convicted abroad and brought back to Canada (Parole Board of Canada, n.d.). Record suspensions are granted to applicants who have completed their sentence, have passed the required waiting period, have demonstrated their character as law abiding citizens, and submitted a valid pardon application (Ruddell & Winfree, 2006). The formal application process for pardons was first enacted in 1970 under Bill C-5 (28<sup>th</sup> Parliament, 2<sup>nd</sup>

session) which granted offenders the opportunity to remove the stigma resulting from conviction. Unlike the American model, where pardons are granted exclusively at the discretion of the state and federal executive body, Canada's record suspension process is available to all qualified applicants who apply to the Parole Board of Canada. Following the enactment of Bill C-10 in 2012, persons who have committed three indictable offences or have committed a schedule 1 indictable offence, which now includes persons convicted of sex offences against a child, are ineligible to receive a record suspension (Parole Board of Canada, n.d.).

Changes to record suspensions may have a significant impact on the lives of Canadians living with criminal records, as well as community non-profit associations, and the business community. For example, Bill C-10 raises the application fee significantly, which may deter some potential applicants as a function of financial barriers. Indeed, as noted in Ruddell & Winfree (2006), the National Parole Board reported a 25% drop in pardon applications following the introduction of a \$50 application fee in 1997. The impact of Bill C-10 raising fees has already resulted in a significant decline in the number of record suspension applicants (40% between 2012 and 2010) and a rise in rejected applications (Bronskill & Cheadle, 2013). The recent hike in the record suspension fee may implicate recidivism and reintegration of Canadian offenders - since fee changes discourage and discriminate against applicants of lower economic status, thus potentially exacerbating aspects of social inequality in Canada. As noted in Yoko, Sprott, and Doob (2015) when pardons were first proposed in 1970 then Conservative Solicitor General Critic Robert McCleave argued against imposing an application fee because he felt that criminal record holders should not be further penalized after completing their debt to society. This perspective is in direct contrast to the Conservative Government's approach to pardon reform in 2012. In addition, the increase in waiting periods appears inconsistent with Parole



Board of Canada's mission statement which states that "the Board contributes to the protection of society by facilitating, as appropriate, the timely reintegration of offenders as law-abiding citizens" (Parole Board of Canada, 2000). By increasing waiting periods, the 'timely reintegration of offenders' is challenged by changes to the record suspension process.

The role and significance of record suspensions has largely been overshadowed in academia by research focusing on parole and probation structures and processes. In addition, how the changes to record suspensions may affect criminal record holders is deserving of academic inquiry. Rehabilitation as a guiding principle of Canadian corrections appears on the decline while retributivist criminal justice policies are becoming more dominant. These retributivist policies have significant impact on the record suspension process for offenders in Canada. However little is known about the significance of these changes for applicants. The following study aims to examine how changes to record suspensions and the process have impacted criminal record holders in the Alberta.

### Methodology

Ten semi-structured interviews were conducted with criminal record holders seeking record suspensions, prior criminal record holders who have been granted a pardon/record suspension or denied a pardon, members of the Edmonton John Howard Society who work with offenders, as well as business or affiliated agencies who have valuable knowledge of the implications of criminal records for offenders (such as personnel managers, employment agencies, and community non-profits). Since criminal record holders constitute a 'hidden' population, for the purposes of research, this study also includes views of professionals who work with criminal record holders or are knowledgeable about the impact of criminal records on offenders. This

project was conducted in accordance with the procedures outlined by the MacEwan Research Ethics Board and was approved on February 4<sup>th</sup>, 2015.

## Participants

Group 1 consisted of persons seeking, those denied, or individuals who have obtained a record suspension who were known to the Edmonton John Howard Society (EJHS). Access to this population was limited because client visitation at the EJHS was unpredictable and, for ethical reasons, there was no direct means for re-establishing contact with clients who have completed a record suspension process. Group 2 consisted of persons, known to the researcher and faculty mentor, who were seeking, been denied, or have sought a federal record suspension. Group 3 consisted of persons employed, under contract, or were affiliated with the EJHS and work with criminal record holders. Group 4 consisted of professionals in the Alberta business and non-profit community, who worked for agencies affiliated with the EDJH, or were recommended by the EJHS because they have knowledge about record suspension and/or how criminal records impact criminal record holders.

## Recruitment

### Group 1 - Pardon Applicants known to the EJHS

Group 1 consisted of persons known to the EJHS who are seeking, and/or have sought, (been denied, or have successfully acquired) a federal record suspension. These participants were recruited by putting up a poster (see Appendix E) in the lobby of the EJHS which will advertise the opportunity to participate, a Twitter invitation (see Appendix F), and a Facebook invitation (see Appendix G). In addition the Adult Support Services at the EJHS handed out invitations to

clients who indicate interest in applying for a federal pardon (see Appendix H). Participants who responded by email to the Twitter and Facebook posting were sent an invitation to participate in this study (see Appendix H). Interested participants were asked to contact the researcher via email (provided) to schedule an interview at the John Howard Society. Participants in this group were be given a \$10 honorarium on the onset of the interview which took the form of gift-card to a local grocery store. Participants were informed of the honorarium during the consent form process. During the consent form process participants were notified that participation is voluntary and participants were free to withdraw at any time without penalty.

#### Group 2 – Participants Known to the Researcher and Faculty Mentor

Group 2 consisted of participants known to the researcher and faculty mentor who were seeking, have sought, been denied, or have successfully acquired a federal pardon/record suspension. Potential participants were given an invitation to participate (see Appendix H) either in person, over the phone, or via email.

#### Group 3 – Professionals at the EJHS

Group 3 consisted of participants employed or under contract at the John Howard Society. An internal email (see Appendix I) was sent by Robin Murray, the Executive Director of the EJHS, to contact professionals within the organization, if they would like to be interviewed by an undergraduate sociology student about their experiences, knowledge, and perspectives on record suspensions. Participants in this group were also approached by the researcher.

#### Group 4 – Professionals in the City of Edmonton

Group 4 consisted of members of Edmonton Area allied non-profit agencies or businesses with direct knowledge of the record suspension system and its impacts on criminal record holders. Participants were contacted by telephone by the researcher and/or sent an email invitation (see Appendix I). These participants were asked verbal consent and notified that responses to interview questions will be recorded and transcribed.

Exclusion criteria included clients of the John Howard Society who have no criminal record and/or clients who are not interested in applying for a federal record suspension. All persons under the age of 18 were excluded from participation because they were unable to give consent.

Inclusion criteria included clients of the John Howard Society who had a criminal record and were interested in applying for a record suspension and those who were actively seeking, or had been denied a federal pardon or record suspension. Other inclusion criteria include persons knowledgeable on the impacts and significance of record suspensions and the process. Only participants who provided informed consent were interviewed and they were informed that participation is voluntary, and that they may withdraw their participation at any time, for any reason without penalty.

#### Procedures

The semi-structured interviews were conducted at the EJHS office, over the phone, or at Grant MacEwan University. A voice recorder was used for all interviews and they were later transcribed by the principal researcher. Participants were notified that a voice recorder would be

used when voluntary consent was obtained. The purpose of these interviews was to record participant responses and experiences with the record suspension process, its significance for criminal record holders, as well the impact of recent changes to the pardon process. Interview questions are enclosed, see Appendices A, B, C, and D for groups 1, 2, 3, and 4 respectively. Participants were asked 3-4 open ended questions about their experiences and perspectives regarding pardons/record suspensions. Interviews ranged from twenty minutes to approximately one hour. Interviews were later transcribed, coded, and analysed to explore views and perspectives on record suspensions and their implications for criminal record holders

## Results

### **The Significance of Record Suspensions**

The first finding details the significance of record suspensions for criminal record holders. Essentially this details the responses to a question regarding the primary motivations and positive outcomes associated with being granted a record suspension. Employment was noted by participants as a major factor for acquiring a record suspension. Some standardized job application forms ask potential applicants if they have a criminal conviction in Canada to which they have not been granted a record suspension. Record suspensions allow criminal record holders to pass criminal record checks from potential employers allowing them to gain greater access to employment opportunities. Greater upward mobility and more meaningful work were noted as positive outcomes associated with receiving a record suspension. One participant said “I’ve applied at Tim Hortons, I’ve applied at other positons too but the minute I check that yes I have a criminal record they ignore me” (Participant 9). Further, employment was noted by some participants as being positively correlated with lower rates of recidivism.

Travel opportunities were noted as a significant factor in acquiring a record suspension. In particular, record suspensions facilitate travel abroad to places such as the United Kingdom. As noted by one participant “basically I guess in the end I do want to travel and having a record just makes you not be able to go anywhere. I guess it looks better” (Participant 8). This person went on to say that being granted a record suspension would allow them to plan for the future and set goals with regard to traveling.

Another major factor motivating participants to seek a record suspension was housing. Criminal record checks, according to one participant, can be a significant barrier to some housing opportunities in the City of Edmonton. Some housing programs which serve some low income families require applicants to have clear criminal record checks. In addition some of the major property management companies require rental applicants to have clear criminal records. Thus record suspensions ‘open the door’ for many criminal record holders with regard to housing opportunities. In the words of one participant:

“... there’s a lot of housing programs in the [Edmonton] that won’t allow you to come in when have a criminal record so like YMCA Melcor village ... they’re trying to make it safe for families, so I understand where they’re coming from but just because someone has a criminal record does not necessarily mean that they’re going to be a danger to society right?” (Participant 1).

Volunteering opportunities were associated with the desire to acquire a record suspension. Many businesses, community organizations, and some family or sporting activities require clear criminal record checks in order for potential volunteers to participate. According to one participant “you’re not supposed to volunteer for things when you have a criminal record because they don’t deem you trustworthy and yea it hurts because I have to explain to my kids well no I can’t [participate]” (Participant 9). Thus record suspensions provide criminal record

holders with greater opportunities to participate as volunteers and engage the community with their families.

Educational opportunities were noted by some participants as a factor for applying for a record suspension. Some educational programs require students to have a clear criminal record. For example some education programs require field placements that do not admit persons with criminal records. According to one participant:

“if someone had a criminal record I did not even bother placing them in an institution for their field placement. I did not bother placing them in a government probation office because those agencies do their own criminal record checks, they would find out that their person has a record and they would say “no, not going to give those folks access to our files” (Participant 6).

Thus persons with criminal records may be unable to participate or complete some education programs which may include field placements. Thus record suspensions enable persons with criminal records to gain access to educational opportunities that would otherwise be unavailable to them.

Sense of self-identity and feelings of stigmatization were noted by a number of participants as factors associated with acquiring a record suspension. Some participants noted that a record suspension enables criminal record holders the opportunity to ‘put their past behind them.’ In the words of one participant “I used to be a different person and having the record over me just kind of tied me to that old personality, tied me that old identity and now I’m not as tied to it. It’s over, it’s done, it’s done. I don’t have to tell anybody about it if I don’t want to. It’s over, it’s done” (Participant 9). Thus record suspensions allow people to put their past behind them and to enable them to self-identity beyond their criminal label.

The final factor associated with acquiring a record suspension was proposed changes to the application process. Two participants noted that the changes in 2012 to the application process served to motivate them to approach record suspensions in advance. One participant noted that the then upcoming changes in 2012 would make the application process more difficult and as such he was resolved to apply before that change could be implemented. Another participant noted that her decision to apply was in response to concerns that the application process could become more difficult post Bill C-10, or that record suspensions could be abolished altogether. From her perspective, “I think Harper’s switch is also one of the reasons I decided I better maybe start applying for it before it changes it so I can’t even get it” (Participant 9). Thus further changes to toughen the process have also been a factor associated with applying for a record suspension for some participants.

### **The Significance of the Process for Offenders**

Participants noted that the application process was very expensive, time consuming, and difficult to approach. These factors, according to many of my participants, were serious barriers to acquiring a record suspension. Some mentioned they couldn’t afford the application fee and that the waiting periods were so long that it made them question whether or not to consider applying. From the perspective of one participant, “It’s crazy, I don’t understand how they expect someone with a criminal record, who might have a difficult time getting a job to begin with, to be able to come up with all this money to be able to pay for [a record suspension]” (Participant 9). Others said that acquiring the necessary documents and filling out the application forms were difficult and time consuming. In the words of one participant “it’s a disaster. It’s far too expensive. It’s time consuming, and in my view, the time part of it isn’t so bad but the cost is insane”



(Participant 7). In addition some participants noted that they got varied or outdated information from different sources which made it more difficult to approach.

### **The Impact of Changes to the Process**

With regard to increasing the application fee many participants noted that this change would situate record suspensions beyond the financial capabilities of some criminal record holders. As such this was noted as a possible factor which may discourage criminal record holders from approaching the process. In the words of one participant, "... that's an extravagant amount of money to pay for a record suspension. It shouldn't be about the money it should be about you've proven yourself through abiding by the rules of whatever society you're living right" (Participant 1). Another participant noted that this change would create additional social barriers for criminal record holders:

"Well again it just sort of creating more barriers and people with criminal records are already dealing with a lot of barriers in life, that one of the things that our agency tries to help people overcome some of those barriers so again they can be contributing members of society. The more barriers people have placed in them the more ... they could just as easily give up and so all it does is mean less people are going to be able to access that and there'll be more people that'll continue to struggle to try to be contributing members of society" (Participant 3).

The renaming of 'Pardons' to "Record Suspensions" was noted as having two distinct implications. The first, according to some participants, was that renaming the process was beneficial insofar as it clarifies what the process does for criminal record holders. Essentially these participants felt that the term pardon was somewhat disingenuous or vague which resulted in some applicants believing that their criminal record would be erased, rather than set aside. In the words of one participant, "I think the name definitely, it's good in the sense that it shows more of what the change is right 'cause it's not really pardoning the crime anymore it's more I'm just suspending it so that people can't see for now but if you reoffend or you do something

wrong I can unseal that” (Participant 5). From this perspective, the renaming of pardons to record suspensions made it clear that the criminal record is suspended rather than deleted. The second implication, according to some participants, is that language can be powerful and the renaming of the process has an impact on how the process is perceived. From their perspective record suspensions sound ‘tougher,’ less absolute, and less forgiving while pardons sound more absolute, forgiving, and hopeful. According to one participant, “I mean record suspension it’s a negative connotation, it’s just saying that they’re suspending a record. Just the word suspension is, and record, can have more of a negative connotation, whereas pardon is more positive” (Participant 1) whereas another said, “I suppose it doesn’t sound very hopeful, right. If you use the word pardon it’s almost like alright this is I have been pardoned or excused or forgiven” (Participant 4).

Participants were also asked about increasing the application waiting periods for summary and indictable offences from three and five years to five and ten years respectively. Some participants said that these wait times are far too long and would perpetuate some of the stigmatizing barriers that criminal record holders face. In the words of one participant:

“... we’re making these people pay their debt to society for how much longer after they’ve already paid their debt ... so we’re putting these people at risk to go back to certain ways of life because we’re making them, after their warrant expires, wait another 5 to 10 years before they’re even given the opportunity to have a decent choice at a job, have a decent choice at housing and that’s just factors that are going to push them back into their old ways” (Participant 1).

Other participants felt that this change does not take into consideration the context or severity of the crime by treating all summary and indictable cases alike. From the perspective of one participant:

“I mean I feel like they’ve tried to make it really black and white but there is so many grey areas. I feel like for some people for some summary offences 5 years is a really long

time for them to wait especially if it's going to impact their career and whatnot. I mean I understand that people have to be responsible for the decisions they make and the trouble they get themselves into but I also think at some point there should be a little bit of a case by case basis" (Participant 5).

This relates to the change regarding the ineligibility of record suspensions to persons convicted of more and three indictable offences to which each have been given a sentence of two years or more. Many participants said that change is too simplistic as it essentialises the terms summary and indictable which, for many participants, was a grey area. Another participant noted that because some indictable offences are more serious than others, this change does not take into account individual circumstances and further penalizes these offenders. In their words:

"that's also very narrow and restrictive and it's not really taking into consideration the multiple factors that come together to create someone's criminalized situation. I mean I understand in certain situations maybe that's an ok bound to have but to put a blanket statement definitely excludes people who may otherwise be like very eligible for it" (Participant 10).

The final change that participants spoke about was with regard to a change to eligibility which prohibits persons convicted of a child sex offence from receiving a record suspension (with some exceptions). The Parole Board of Canada may consider granting a pardon to a person convicted of a Schedule 1 (sex offence against a child) if the following conditions are satisfied: (1) the offender must complete the Schedule 1 exemption form, (2) there was no trust, authority, or dependent relationship between the victim and offender, (3) the offender did not use, or threaten to use, violence, intimidation, or coercion, and (4) the offender must be no more than five years older than the victim. Participants had mixed feelings with regard to this change noted two distinct implications. The first is that some participants felt this change was appropriate in ensuring the accountability of offenders. In the words of one participant:

"I think it's for the broader safety of the public I think. The change makes sense. On an individual basis I think it can really affect some people but I think once again it kind of comes down to choices and I think people really need to understand the effect of the

choices they make and the effects that these things can have on a lot of people and yourself for a really long time” (Participant 5).

Whereas some other participants felt that this change would exclude these offenders from the opportunities associated with a record suspension. In their words:

“How does that help that client with their own correctional plan right. So if they’re in the institution and they’re coming out on a category – a sex offence – that in itself has a plan, how does move on in the future for them. I don’t know. How do they access service ... in the community, based on that?” (participant 8).

### **Making Communities Safer**

The final question in this research study explored whether or not these changes would improve public safety. Most participants said that these changes would not make communities safer.

Some participants noted that, overall, these changes to the record suspension process would perpetuate issues of stigmatization in the community by reducing their access to opportunities such as employment and housing. In the words of one participant “Not at all. You’re taking away opportunities for people to do better so your taking away their employment, their housing, their hope, their opportunities of being a contributing community member so, if anything you’re pushing people to their old ways” (Participant 1). Another participant said:

“absolutely it won’t create safer communities if anything I think it does the opposite, because if you don’t have people who can find meaningful employment and this is exactly what will prevent them from doing that then they’re always going to be struggling and that means they’re going to be at risk for offending” (Participant 10).

However some participants felt that these changes did make communities safer. From their perspective these changes act as a deterrent to future criminal behaviour by making the record suspension application difficult. In their words:

“I think in the long run it might make people think twice and might really once people learn the whole record suspension process and how, one, it’s not easy to get, it’s not a quick process, you can’t say I need to get a job or I got a job but they’re going to record check me next week so I need to get this done ASAP. So I think in the long run it might make communities safer it might make people think twice as far as the indictable offences

and the sexual offences you know with having that more open and out there and people not being able to just excuse those it may make things safer.”

However these participants also indicated that they felt that this was an optimistic goal and that many offenders either do not think about the long term consequences of their criminal actions or are uneducated in the effects of having a criminal record.

### Discussion

Much of what this research has found by interviewing participants impacted by criminal records is that the current record suspension process appears to put more of an onus on offenders to take responsibility for their criminal actions. In doing so the application process itself has changed and become part of a criminal record holder's punishment, beyond their sentence to include the application fee, waiting 5 to 10 years, or being prohibited from applying for a record suspension altogether in some cases. This new process may result in the perpetuation of some of the significant stigmatizing barriers to criminal record holders in the community. These barriers include limited housing, employment, travel, and volunteering. These barriers may perpetuate issues of stigma for offenders by increasing waiting times and the application fee, by prolonging the exposure to stigmatization, as well as making some offenders ineligible for a record suspension. As predicted by labelling theory, these changes may have significant consequences with regard to secondary deviance and recidivism.

The first set of findings regarding the significance of record suspensions suggests that potential record suspension applicants approach the process in order to gain access or enable greater opportunities which are unavailable to them due to having a criminal record. Record suspension provide an opportunity for criminal record holders to conceal or set aside their criminal record on the CPIC database in order to reduce the effects of a criminal label in

situations like planning travel, housing applications, or job interviews. In particular, employment opportunities for criminal record holders may be seriously impacted by an offender's criminal label. Greater access to employment opportunities can positively impact an offender's reintegration process by reducing the risk of recidivism. Research by Uggen (2000) found that persons with criminal records over the age of 26 given some employment opportunities were found to be less likely to reoffend than criminal record holders not given the same opportunities. One participant in this study noted that when applying at places like Tim Hortons or other low level service jobs she was routinely passed over for employment. As such, her risk for recidivism may increase due to lack of employment opportunities when asked to indicate, on job applications, if she has been convicted on an offence in Canada to which she has not been given a record suspension. Situations like this have garnered 'Ban the Box' initiatives in the United States that seek to eliminate or curtail the ability of employers to scrutinise and/or discriminate against criminal record holders (Garcia, 2013). However, as noted by Garcia these initiatives pose a *Kobayashi Maru*, or impossible trial, because there is a need to both balance the needs of criminal record holders to get gainful and meaningful employment through anti-discrimination legislation with protection of the public and business liabilities (Garcia, 2013).

In addition, although some participants felt that these changes would not make communities safer others felt that they are an attempt to deter potential criminal behaviour. By making record suspensions more difficult and onerous potential criminal behaviour may be deterred or discouraged. This perspective is not supported by criminological deterrence theory. The classical school of criminology was concerned with addressing the role of punishment by establish effective mechanisms, such as a criminal code, to deter potential criminal behaviour (Linden, 2013). Prior to the classical school, punishments were barbaric and uncertain which

included torture, mutilation, and execution (Linden, 2013). For example, according to Linden (2013) “[i]n 18<sup>th</sup> century England as many as 350 offences were punishable by death. About 70 percent of death sentences were given for robbery and burglary” (p. 263). In response, the classical criminological theorist Cesare Beccaria proposed that punishments should be proportional to the situation. He argued that proportionality would be an effective and fair way to deter criminal behaviour (Linden, 2013). From this perspective a rational criminal would do a cost-benefit calculation in favor of avoiding criminal behaviour. As such, a codified system of law approachable to the public would better serve to deter criminal behaviour rather than disproportionate and disparate application of brutal punishments (Symbaluk & Bereska, 2016). Beccaria also argued that punishments should be swift, certain, and severe. As such, a punishment would be an effective deterrent if it: occurred shortly after the time on an offence in order to establish it as a consequence; it must be proportional to the severity to the extent it outweighs the potential gain (and no more); and the punishment must be, or be perceived to be, certain in application (Symbaluk & Bereska, 2016).

The changes to the record suspension process, from the perspective of deterrence theory, will not serve as an effective deterrent to criminal behaviour because they do not have an immediate impact on an offender after they commit a criminal act. Rather these changes inflict a punishment on offenders long after they have been processed through the criminal justice system. Offenders, according to some participants in this study, do not take into consideration the long term effects of criminality or are uneducated on the effects of a criminal record. These changes, at best, serve as retributive measures to put more of an onus on criminal record holders to take responsibility for their actions and to protect the public and businesses from the potential

risk of these individuals. In doing so, these changes may perpetuate issues of stigmatization and reduce employment opportunities which may impact recidivism.

Participants also noted that increasing the waiting periods to apply for a record suspension, as well as setting ineligibilities, would perpetuate the stigmatizing effects of a criminal record. Criminal records subject offenders to barriers to employment, travel, education, housing, and other opportunities. According to Edwin Lemert (1951), argued that persons identified as a criminal or deviant are impacted in the way they are treated and “how they come to understand and identity themselves” (Symbaluk & Bereska, 2016, p. 254). According to Lemert (1951), these persons undergo primary and secondary deviance. Primary deviance refers to the initial deviant or criminal act such as stealing a car or becoming addicted to drugs. Secondary deviance refers to the “process by which individuals are excluded because of particular behaviours/characteristics” (Symbaluk & Bereska, 2016, p. 254). From this perspective the ‘legitimate’ or lawful society is antithetical to the deviant person whereas others in a similar life circumstance (other deviants) are more amenable or identifiable to the criminal record holder (Symbaluk & Bereska, 2016). In addition these deviants/criminals, according to Lemert, come to identify themselves in accord with their criminal label by constructing their identity and behaviour around it.

The changes to record suspensions further marginalize criminal record holders by perpetuating issues of stigmatization and prolong their reintegration process. For persons convicted of an indictable offence must wait an addition 5 years under the new system before qualifying for a record suspension. During that period they may be impacted by the negative effects associated with having a criminal record including limited housing and employment opportunities. As such these criminal record holders may undergo greater secondary deviance



than they otherwise would under the previous pardon process. As such offenders may come to identify more as their criminal label, in accord with Lemert's theory of primary and secondary deviance, and may be more at risk of recidivism than under the previous pardon regime.

### Conclusion

Contrary to the name of omnibus Bill C-10, The Safe Streets and Communities Act, results of this study suggest that changes to record suspensions in the Eliminating Pardons for Serious Crimes Act implemented in 2012 may in fact make communities less safe. Participants said, and generally felt, that the changes to the record suspension process have the potential to perpetuate the stigmatizing barriers to criminal record holders and may reduce their ability to get gainful and meaningful employment or adequate housing. Ineligibilities introduced in this legislation may also result in criminal record holders maintaining marginalizing factors as a life sentence. In addition, criminal record holders may become more amenable to the effects of secondary deviance, and as such may come to identify more with their criminal label. These implications resulting from changes to record suspension may further marginalize criminal record holders and increase their risk of recidivism and negatively impact public safety.

### Limitations of Study and Directions for Further Research

Due to the nature of course-based research, time constraints limited the number of participants to ten. Additional participants seeking record suspensions would have been preferable however the Adult Services component of the Edmonton John Howard Society is mainly dedicated to front line services such as basic needs (hygiene, clothing, and food) as well as employment (assisting with resumes and job applications). Unfortunately, not many criminal record holders made use of the resources available at the Edmonton John Howard Society, with regard to record suspension

consultation, for the duration of the research study. In addition, confidentiality of John Howard clients was maintained and as such the researcher could only access clients who availed themselves of an interest in acquiring a record suspension. Finally, the majority of participants in this research study were Caucasian, and as such, differing perspectives regarding the significance of record suspensions may have been omitted. Additional research into perspectives of record suspensions should include a plurality of ethno-cultural perspectives which may uncover additional sociological data regarding the significance of record suspensions.

Further research regarding the significance of record suspensions should include a longitudinal study of successful applicants. Such research could detail the long term effects of acquiring a record suspension for criminal record holders with regard to factors such as stigma, employment, and recidivism. In addition, further research is needed with regard to the effects of criminality for criminal record holders and the positive outcomes associated with record suspensions and/or pardons. Finally, other components of Bill C-10 should be researched and qualified with regard to improving public safety.

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### Interview Questions – Group 1: Clients at the EJHS

A ‘record suspension’ (formerly known as a pardon) is a process where people with criminal records can apply to the federal government to have their record ‘set aside’ on their database. What this means is that criminal record checks will not reveal your past criminal record on file. This does not mean your criminal record is deleted, rather it is made private after you successfully complete the record suspension process. There have been some recent changes to this process and I am interested in studying how these changes may impact people with criminal records. In the interview I will ask you some questions about your views and experiences with record suspensions and the process for obtaining one.

Question 1. Can you tell me why you are interested in getting a record suspension? What does this mean to you?

Question 2. Do see any other benefits to having a record suspension? How would you be affected if you didn’t have a one?

Question 3. Can you tell me anything about your experience with the record suspension process? How have you been affected by this process (cost/time)? What are your thoughts on this process?

Do you have any other comments you’d like to add?

Do you have any questions for me?

## Interview Questions – Group 2: Participants Known to the Researcher and Faculty Mentor

A ‘record suspension’ (formerly known as a pardon) is a process where people with criminal records can apply to the federal government to have their record ‘set aside’ on their database.

What this means is that criminal record checks will not reveal your past criminal record on file.

This does not mean your criminal record is deleted, rather it is made private after you successfully complete the record suspension process. There have been some recent changes to this process and I am interested in studying how these changes may impact people with criminal records. In the interview I will ask you some questions about your views and experiences with record suspensions and the process for obtaining one.

Question 1. Can you tell me why you are interested in getting a record suspension? What does this mean to you?

Question 2. Do see any other benefits to having a record suspension? How would you be affected if you didn’t have a one?

Question 3. Can you tell me anything about your experience with the record suspension process? How have you been affected by this process (cost/time)? What are your thoughts on this process?

Do you have any other comments you’d like to add?

Do you have any questions for me?

### Interview Questions - Group 3: EJHS Staff

As you are aware, this interview centres on your views and experiences on record suspensions and the record suspension process.

Question 1. In what ways does the record suspension system impact the Edmonton John Howard Society?

Question 2. In your view, what are the benefits to offenders?

Question 3. I'd like to hear your thoughts on recent changes to pardons and the pardon process. Here below are some of the changes.

In 2012 the Government of Canada passed The Safe Street and Communities Act under Bill C-10. Some of the principle changes to pardons include:

- Renaming “pardons” to ‘record suspensions’
- Increasing the wait time to apply for pardons for summary offences from 3 years to 5 years, and indictable offences from 5 years to 10 years.
- Increasing the application fee from \$150 to \$631.
- Person’s convicted of 3 indictable offences are permanently ineligible to receive a pardon
- Person’s convicted of child sex offences are permanently ineligible to receive a pardon

What are your thoughts on the recent changes?

- How do you feel your agency’s goals and objectives will be impacted by these changes?
- How do you feel your clients will be affected by these changes?
- Do think these changes will make communities safer?

Do you have any other comments you’d like to add?

Do you have any questions for me?

### Interview Questions Group 4: Professionals

I'd like to ask some questions about your views and experiences on pardons and the pardon process.

Question 1. Can you tell me a little about your role or what you do at your agency or business?

Question 2. To what extent do pardons impact your business, agency, or organization?

Question 3. To what extent do you think pardons benefit offenders. (How would offenders be affected if they did not have a pardon?)

Question 4. I'd like to hear your thoughts on recent changes to pardons and the pardon process. Here below are some of the changes.

In 2012 the Government of Canada passed The Safe Street and Communities Act under Bill C-10. Some of the principle changes to pardons include:

- Renaming “pardons” to ‘record suspensions’
- Increasing the wait time to apply for pardons for summary offences from 3 years to 5 years, and indictable offences from 5 years to 10 years.
- Increasing the application fee from \$150 to \$631.
- Person’s convicted of 3 indictable offences are permanently ineligible to receive a pardon
- Person’s convicted of child sex offences are permanently ineligible to receive a pardon

What are your thoughts on the recent changes to pardons?

- How do you feel your agency’s goals and objectives will be impacted by these changes?
- How do you feel your clients will be affected by these changes?
- Do think these changes will make communities safer?

Do you have any other comments you’d like to add?

Do you have any questions for me?

- Have you applied for a government pardon?

- Are you interested in applying for a government pardon?

-Would you like to speak about your experiences with the pardon process?

**We are interested in speaking with you about your experiences.**

Please contact a staff member here at the John Howard Society or email [greenjameson90@hotmail.com](mailto:greenjameson90@hotmail.com)



## Twitter Posting

Seeking those with experience in pardon/record suspensions please email [greenjameson90@hotmail.com](mailto:greenjameson90@hotmail.com). All responses will be kept confidential

Character count: 139

### Facebook Invitation

A university student doing a research project on pardons is interested in interviewing people with pardons/record suspensions, people who have been granted one, and people who have sought a one in the past. Please email [greenjameson90@hotmail.com](mailto:greenjameson90@hotmail.com) if you would like to participate in this study.



## Invitation for Groups 1 and 2

Hello,

My name is Jameson Green, I'm a student at Grant MacEwan University placed at the Edmonton John Howard Society for a field placement project. I'm conducting a research project on pardons and I'm interested in the views and experiences of people who are currently seeking a record suspension (formerly known as a pardon), people who have tried in the past to apply for a record suspension, people who have been denied a record suspension, or people who have already been granted a record suspension. Your views are really valuable to my project and I invite you to speak with me brief interview in person, over the phone, or by email.

Please contact me at [greenjameson90@hotmail.com](mailto:greenjameson90@hotmail.com) if you are interested. Thank you for your time.

## Invitation for Groups 3 and 4

Hi,

My name is Jameson Green, I'm an undergraduate student at Grant MacEwan University. I'm doing a project on record suspensions (formerly known as pardons) and I'm interested in obtaining views from professionals who may be affiliated with the Edmonton John Howard Society or are knowledgeable about the impact of record suspensions and the record suspension process. In particular, my research study aims to investigate the impact of the record suspension process on persons with criminal records. I invite you to speak with me for a short interview briefly in person, over the phone, or by email.

Please contact me at [greenjameson90@hotmail.com](mailto:greenjameson90@hotmail.com) if you are interested. Thank you for your time.

### **Resources to Address Minimal Risk to Participants**

This research projects anticipates minimal risk to participants and the researcher. There is always a minimal chance of risk to anyone who partakes in an interview. The following services will be provided to participants should the need arise.

- 24-Hour Distress Line, (780) 482-HELP (4357)
- Boyle Street Community Services, Tel: (780) 424-4106
- Catholic Social Services of Edmonton, Tel: (780) 424-3545
- Community Counselling Centre, Tel: (780) 482-3711
- Integrity Counselling: Jewish Family Services, Tel: (780) 454-1194
- Walk-In Counselling Society of Edmonton (WICSOE), Tel: (780) 757-0900
- Participants may be directed to available on-site therapy provided by the John Howard Society

## **Participant Consent Form Groups 1 and 2**

**Project Title:**

Pardons and Record Suspensions: Implications of Policy Changes for Criminal Record Holders

**Researcher:**

Jameson Green, Sociology Undergraduate Student, MacEwan University.  
[Greenjameson90@hotmail.com](mailto:Greenjameson90@hotmail.com)  
(780) 428-7590

**Faculty Mentor:**

Dr. Diane Symbaluk, PhD. MacEwan University.  
[Symbalukd@macewan.ca](mailto:Symbalukd@macewan.ca)  
(780) 497-5322

**Supervisor:**

Ann Howlett, Director of Evaluation and Quality Improvement. Edmonton John Howard Society.  
[ahowlett@johnhoward.org](mailto:ahowlett@johnhoward.org)  
(780) 970-5119

**Purpose of the Research:**

- The purpose of this study is to learn more about your feelings and experiences regarding pardons/record suspensions, and how changes to the process have impacted criminal record holders.

**Procedures:**

- Should you choose to participate you will take part in a one-on-one interview. In this interview you will be asked a few general questions regarding your experiences and perceptions/feelings about pardons and the pardon process.
- Responses will be recorded by an electronic voice recorder and quotes of this interview may be used for presentations. Any identifying information in transcripts will be removed/redacted.
- By signing this consent form you give your permission to use your words for the research study without reviewing a transcript after the interview. If at any time during the interview you wish to have a comment removed from your transcript please inform me and I will remove what you said.
- Please feel free to ask any questions about the procedures and goals of the study and your role as a participant.

**Potential Risks:**

- There is minimal risk to you and there are no anticipated risks of participation however there is always a minimal chance of risk to anyone who partakes in an interview. If such a need arises, you will be directed to available resources.
- If you have a federal pardon and choose to participate, or withdraw from this research study, your participation will not affect your pardon in any way.
- You can stop the interview at any time for any reason.

**Potential Benefits:**

- There are no direct benefits to you but data may be used to understand your experience and perspective as a criminal record holder

**Compensation:**

- For participating in this study you will receive a \$10 gift-card for a local grocery store which is yours to keep. This compensation is yours and will not be taken away from you should you choose to withdraw from the study.
- Gift-cards are supplied by the Edmonton John Howard Society.

**Confidentiality/Privacy:**

- Your personal information will be kept strictly confidential. Anything said during the interview will remain private information and kept confidential by the researcher and will not be shared with staff at the Edmonton John Howard Society. Quotes of our conversation may be included in the final report and/or presentations. Quotes used will not name the speaker, and all identifying information will be removed in the report.
- Voice recordings, transcripts, and interview notes will be destroyed once the study is complete (around May, 2015).

**Right to withdraw:**

- Your participation is voluntary and you can choose to answer only those questions that you are comfortable with.
- You have the right to request that the voice recorder be turned off at any time.
- You may withdraw from the research project for any reason, at any time without explanation or penalty of any sort.
- Whether you choose to participate or not will have no effect on how you will be treated at the John Howard Society.
- Should you wish to withdraw during the interview you may do so at any time. If you choose to withdraw, your data will be omitted and destroyed from the study and the record of information you provided.
- Should you want to want to withdraw from the study after the interview is complete your right to withdraw from the study will be held until March 31, 2015. After this date some dissemination of the data may have already occurred and it may not be possible to withdraw your data.

**Follow up:**

- To obtain results from the study, please contact the John Howard Society. In addition, you are welcome to attend the Sociology Undergraduate Symposium where I will give a

- brief talk outlining this study and the findings (April 15, 2015). You may also email [greenjameson90@hotmail.com](mailto:greenjameson90@hotmail.com) to request a digital copy once the final report is completed.

**Questions or Concerns:**

- If you have any questions or concerns, please contact the researcher(s) using the information at the top of page 1.
- You may also contact Ann Howlett at the John Howard Society by phone (780) 970-5119 or in person at 10010 105 St NW, Edmonton.
- Do you have any questions?

**Questions or Concerns about Ethical Conduct:**

- This project has been approved on ethical grounds by the MacEwan University Research Ethics Board on February 4<sup>th</sup>, 2015. Any questions regarding your rights as a participant may be addressed to the Board at 780-633-3274 or [REB@macewan.ca](mailto:REB@macewan.ca).

**Documenting Consent:**

- Signing this consent form does not constitute waiving your legal rights in the event of research related harm.

I grant permission to be audiotaped:  Yes  No

My signature below indicates that I have read and understand the description provided. I have had an opportunity to ask questions and my questions have been answered. I consent to participate in the research project. A copy of this Consent Form has been given to me for my records.

<i>Name of Participant</i>	<i>Signature</i>	<i>Date</i>
<i>Researcher's Signature</i>	<i>Date</i>	

***A copy of this consent will be left with you, and a copy will be taken by the researcher***

I read and explained this Consent Form to the participant before receiving the participant's consent, and the participant had knowledge of its contents and appeared to understand it.

<i>Name of Participant</i>	<i>Researcher's Signature</i>	<i>Date</i>
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## **Participant Consent Form Groups 3 and 4**

**Project Title:**

Pardons and Record Suspensions: Implications of Policy Changes for Criminal Record Holders

**Researcher:**

Jameson Green, Sociology Undergraduate Student, MacEwan University.  
[Greenjameson90@hotmail.com](mailto:Greenjameson90@hotmail.com)  
(780) 428-7590

**Faculty Mentor:**

Dr. Diane Symbaluk, PhD. MacEwan University.  
[Symbalukd@macewan.ca](mailto:Symbalukd@macewan.ca)  
(780) 497-5322

**Supervisor:**

Ann Howlett, Director of Evaluation and Quality Improvement. Edmonton John Howard Society.  
[ahowlett@johnhoward.org](mailto:ahowlett@johnhoward.org)  
(780) 970-5119

**Purpose of the Research:**

- In particular, I'm interested in professionals in the Edmonton area who work with criminal record holders and/or have knowledge on the pardon/record suspension process or their significance.

**Procedures:**

- Should you choose to participate you may be interviewed in person, over the phone, or by email. Pending scheduling availability you can choose to be part of a focus group. During the interview you will be asked a few general questions regarding your experiences and perceptions about pardons and the pardon process. Please indicate below if you would like to participate in a focus group.
- Responses to questions will be recorded and transcripts of this interview will be made and may be used for presentations. Any identifying information in transcripts will be removed.
- Please feel free to ask any questions about the procedures and goals of the study and your role as a participant.

**Potential Risks:**

- There is minimal risk to you and there are no anticipated risks of participation however there is always a minimal chance of risk to anyone who partakes in an interview. If such a need arises, you will be directed to available resources.

- You can stop the interview at any time for any reason.

**Potential Benefits:**

- There are no direct benefits to you but data may be used to understand your experience and perspective.

**Confidentiality/Anonymity:**

- Your personal information will be kept strictly confidential. Quotes of our conversation may be included in the final report and/or presentations. Quotes used will not name the speaker and all identifying information will be omitted in the report.
- The researcher will undertake to safeguard the confidentiality of the discussion, but cannot guarantee that other members of the group will do so. Please respect the confidentiality of the other members of the group by not disclosing the contents of this discussion outside the group, and be aware that others may not respect your confidentiality.
- After the focus group, and prior to the data being included in the final report, you will be given the opportunity to review and approve the transcript of our interview, and to add, alter, or delete information from the transcripts as you see fit.
- Research data will be destroyed and disposed of promptly after the study is complete (around May, 2015).

**Right to withdraw:**

- Your participation is voluntary and you can choose to answer only those questions that you are comfortable with.
- You have the right to request that the voice recorded be turned off at any time.
- You may withdraw from the research project for any reason, at any time without explanation or penalty of any sort.
- Participation is entirely voluntary and is not a condition of employment at the EJHS.
- Should you wish to withdraw during the interview you may do so at any time. If you choose to withdraw, I will ask for your consent to keep that data up to that point or whether you would like to have it destroyed. Should you choose the latter your data will be destroyed at the earliest opportunity.
- Should you want to want to withdraw from the study after the focus group is complete your right to withdraw from the study will be held until March 31, 2015. After this date some dissemination of the data may have already occurred and it may not be possible to withdraw your data.

**Follow up:**

- To obtain results from the study, please contact the John Howard Society. In addition you are welcome to attend the Sociology Undergraduate Symposium where I will give a brief presentation outlining this study and the findings (April 15, 2015). You may also email [greenjameson90@hotmail.com](mailto:greenjameson90@hotmail.com) to request a digital copy once the final report is completed.



**Questions or Concerns:**

- If you have any questions or concerns, please contact the researcher(s) using the information at the top of page 1.
- You may also contact Ann Howlett at the John Howard Society by phone (780) 970-5119 or in person at 10010 105 St NW, Edmonton.
- Do you have any questions?

**Questions or Concerns about Ethical Conduct:**

- This project has been approved on ethical grounds by the MacEwan University Research Ethics Board on February 4<sup>th</sup>, 2015. Any questions regarding your rights as a participant may be addressed to the Board at 780-633-3274 or [REB@macewan.ca](mailto:REB@macewan.ca).

**Documenting Consent:**

- Signing this consent form does not constitute waiving your legal rights in the event of research related harm.

I would like to review and approve my transcript:

Yes  No

If Yes, please write your email address and your transcript will be afforded you at the earliest opportunity.

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My signature below indicates that I have read and understand the description provided. I have had an opportunity to ask questions and my questions have been answered. I consent to participate in the research project. A copy of this Consent Form has been given to me for my records.

<i>Name of Participant</i>	<i>Signature</i>	<i>Date</i>
<i>Researcher's Signature</i>	<i>Date</i>	

***A copy of this consent will be left with you, and a copy will be taken by the researcher***

I read and explained this Consent Form to the participant before receiving the participant's consent, and the participant had knowledge of its contents and appeared to understand it.

<i>Name of Participant</i>	<i>Researcher's Signature</i>	<i>Date</i>
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## **Oral Consent Form for Telephone interviews Group 2**

**Project Title:**

Pardons and Record Suspensions: Implications of Policy Changes for Criminal Record Holders

**Researcher:**

Jameson Green, Sociology Undergraduate Student, MacEwan University.

[Greenjameson90@hotmail.com](mailto:Greenjameson90@hotmail.com)

(780) 428-7590

**Faculty Mentor:**

Dr. Diane Symbaluk, PhD. MacEwan University.

[Symbalukd@macewan.ca](mailto:Symbalukd@macewan.ca)

(780) 497-5322

**Supervisor:**

Ann Howlett, Director of Evaluation and Quality Improvement. Edmonton John Howard Society.

[ahowlett@johnhoward.org](mailto:ahowlett@johnhoward.org)

(780) 970-5119

**Purpose of the Research:**

- My research aims to investigate how changes to the pardon process have impacted criminal record holders and the community.

**Procedures:**

- Should you choose to participate you will be asked a few general questions regarding your experiences and perceptions about pardons/record suspensions and the application process.
- Responses will be recorded by an electronic voice recorder and quotes of this interview may be used for presentations. Any identifying information in transcripts will be removed/redacted. This phone interview may take up to 15 minutes.
- If at any time during the interview you wish to have a comment removed from your transcript please inform me and your wishes will be respected.
- Please feel free to ask any questions about the procedures and goals of the study and your role as a participant.

**Potential Risks:**

- There is minimal risk to you and there are no anticipated risks of participation however there is always a minimal chance of risk to anyone who partakes in an interview. If such a need arises, you will be directed to available resources.

- If you have a federal pardon and choose to participate, or withdraw from this research study, your participation will not affect your pardon in any way.
- You can stop the interview at any time for any reason.

**Potential Benefits:**

- There are no direct benefits to you but data may be used to understand your experience and perspective as member of the business or non-profit community.

**Confidentiality/Anonymity:**

- Your personal information will be kept strictly confidential.
- Anything said during the interview will remain private information and kept confidential by the researcher. Quotes of our conversation may be included in the final report and/or presentations. All identifying information will be removed in the report. Research data will be destroyed promptly after the study is complete.

**Right to withdraw:**

- Your participation is voluntary and you can answer only those questions that you are comfortable with.
- You have the right to request that the voice recorded be turned off at any time.
- You may withdraw from the research project for any reason, at any time without explanation or penalty of any sort.
- Should you wish to withdraw during the interview you may do so at any time. If you choose to withdraw, your data will be omitted and destroyed from the study and the record of information you provided.
- Should you want to want to withdraw from the study after the interview is complete your right to withdraw from the study will be held until March 31, 2015. After this date some dissemination of the data may have already occurred and it may not be possible to withdraw your data.

**Follow up:**

- To obtain results from the study, please contact the John Howard Society. In addition you are welcome to attend the Sociology Undergraduate Symposium (April 15<sup>th</sup>, 2015). You may also email [greenjameson90@hotmail.com](mailto:greenjameson90@hotmail.com) to request a digital copy once the final report is completed.

**Questions or Concerns:**

- Do you have any questions or concerns?

**Questions or Concerns about Ethical Conduct:**

- This project has been approved on ethical grounds by the MacEwan University Research Ethics Board on February 4<sup>th</sup>, 2015. Any questions regarding your rights as a participant may be addressed to the Board at 780-633-3274 or [REB@macewan.ca](mailto:REB@macewan.ca)).

**Documenting Consent:**

- Signing this consent form does not constitute waiving your legal rights in the event of research related harm

I read and explained this Consent Form to the participant before receiving the participant's consent, and the participant had knowledge of its contents and appeared to understand it.

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*Name of Participant*

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*Researcher's Signature*

---

*Date*

## **Oral Consent Form for Telephone Interviews Groups 3 and 4**

### **Project Title:**

Pardons and Record Suspensions: Examining the Changing Process and Significance

### **Researcher(s):**

Jameson Green, Sociology Undergraduate Student, MacEwan University.

[Greenjameson90@hotmail.com](mailto:Greenjameson90@hotmail.com)

(780) 428-7590

### **Purpose of the Research:**

- My research aims to investigate how changes to the pardon process have impacted criminal record holders and the community.

### **Procedures:**

- The purpose of this study is to learn more about your feelings and experiences regarding pardons.
- Should you choose to participate you will be asked a few general questions regarding your experiences and perceptions about pardons and the pardon process.
- This phone interview may take up to 15 minutes.
- Responses will be recorded by an audio tape recorder. By consenting you give your permission to use your transcript for the research study however you will be given the opportunity to review and approve your transcripts. If at any time during the interview you wish to have a comment removed from your transcript please inform me and your wishes will be respected.
- Please feel free to ask any questions about the procedures and goals of the study and your role as a participant.

### **Potential Risks:**

- There is minimal risk to you and there are no anticipated risks of participation however there is always a minimal chance of risk to anyone who partakes in an interview. If such a need arises, you will be directed to available resources.
- You can stop the interview at any time for any reason.

### **Potential Benefits:**

- There are no direct benefits to you but data may be used to understand your experience and perspective as member of the business or non-profit community

### **Confidentiality/Anonymity:**

- Your personal information will be kept strictly confidential and will not be shared by any means without your prior consent.

- Quotes of our conversation may be included in the final report and/or presentations and all identifying information will be removed in the report. Research Data will be destroyed promptly after the study is complete.

**Right to withdraw:**

- Your participation is voluntary and you can answer only those questions that you are comfortable with.
- You have the right to request that the voice recorded be turned off at any time.
- You may withdraw from the research project for any reason, at any time without explanation or penalty of any sort.
- Should you wish to withdraw during the interview you may do so at any time. If you choose to withdraw, your data will be omitted and destroyed from the study and the record of information you provided.
- Should you want to want to withdraw from the study after the interview is complete your right to withdraw from the study will be held until March 31, 2015. After this date some dissemination of the data may have already occurred and it may not be possible to withdraw your data.

**Follow up:**

- To obtain results from the study, please contact the John Howard Society. In addition you are welcome to attend the Sociology Undergraduate Symposium (April 15<sup>th</sup>, 2015). You may also email [greenjameson90@hotmail.com](mailto:greenjameson90@hotmail.com) to request a digital copy once the final report is completed.

**Questions or Concerns:**

- Do you have any questions or concerns?

**Questions or Concerns about Ethical Conduct:**

- This project has been approved on ethical grounds by the MacEwan University Research Ethics Board on February 4<sup>th</sup>, 2015. Any questions regarding your rights as a participant may be addressed to the Board at 780-633-3274 or [REB@macewan.ca](mailto:REB@macewan.ca)).

**Documenting Consent:**

- Signing this consent form does not constitute waiving your legal rights in the event of research related harm

I read and explained this Consent Form to the participant before receiving the participant's consent, and the participant had knowledge of its contents and appeared to understand it.

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*Name of Participant*

---

*Researcher's Signature*

---

*Date*

## Data Protection and Destruction Agreement

**Title of Project:** \_\_\_\_\_

I, \_\_\_\_\_, have been placed with Edmonton John Howard Society as part of SOCI 426, the Community-Based Criminology Project, in order to conduct and complete a research project in Edmonton, Alberta. Upon completion of my research project (April 30th, 2015), I agree:

1. to return all research data in any form or format (e.g., flash drives, digital recorders, hard copies or digital copies of transcripts) to the supervisor, Anne Howlett, and
2. after consulting with the supervisor, to erase or destroy all my research data in any form or format regarding this research project (e.g., information stored on my computer hard drive).

\_\_\_\_\_  
(Student Researcher: print name)                      (signature)                      (date)

\_\_\_\_\_  
(Research Supervisor: print name)                      (signature)                      (date)