

Pardoned Sex Offenders in Canada: What do we know?

Question: How many sex offenders have been pardoned under the Criminal Records Act and how many reoffend sexually?

Background: Most pardons are granted or issued by the National Parole Board under the Criminal Records Act (CRA). Originally enacted in 1970 and amended in 1992, the intent of the CRA remains to recognize a return to law-abiding behaviour and to remove the disadvantages that result from a criminal record. Since 1970 over 234,000 pardons have been given to individuals who have satisfied the conditions of their sentence and have been crime free for a designated period of time (3 or 5 years). During the same time period, 6,046 (2.6%) pardons have been revoked. The reasons for revocations or automatic cessation of pardons are new criminal convictions, falsified information used to obtain the pardon or a violation of the “good conduct” condition which is defined as “a conviction-free period, with no suspicion or allegation of criminal behaviour”.

Method: Information was collected from National Parole Board files in February, 1999. Personal demographic and criminal history data were gathered

in order to determine the characteristics of persons applying for pardons and their long-term outcome. Separate samples of granted pardons (n=603) and revoked pardons (n=525) were constructed. All 1,128 pardons were granted between 1988 and 1992. The revocations were revoked (55.2%) or ceased to have effect (44.8%) between 1989 and 1996.

Answer: Over a period of 28 years (1970-1998) more than 234,000 pardons were granted or issued while 1.2% (2,785) were denied. The sample findings indicated that among the revoked/ceased files reviewed 5.1% (27/525) of the offenders’ criminal records contained a sexual conviction. Also, 6.1% (32/525) of the revocations/cessations were the result of a sexual conviction, although, most of the sex offenders did not reoffend sexually. In fact, only 10 of the 32 revocations/cessations were previous sex offenders. Therefore, 1.9% of the revocations/cessations were sex offenders who were convicted of another sexual offence. Examining the most common offences resulting in revocation, more than half (56.2%) were liquor/traffic violations (e.g. impaired driving) or property offences.

From the analysis of the research samples it was possible to provide an estimation of the prevalence of sex offenders among the more than 234,000 individuals granted a pardon. Combining both the granted and revoked/ceased samples it was estimated that 2.1% (4,883) of all pardons were granted to sex offenders between 1970 and 1998. Further, it was estimated that 114 (2.3%) pardoned sex offenders would have recidivated sexually over the 28-year period.

Policy Implications:

1. Very few sex offenders were granted a pardon and the vast majority who are pardoned did not reoffend sexually. Thus, automatic denial of pardons to sex offenders would unnecessarily curtail the liberties of the many ex-offenders who remain crime-free.

2. Pardoned offenders with no prior histories of sexual crimes also committed sex offences. But, overall, pardoned ex-offenders commit few of the known sex offences. Consequently, some sexual victimizations would still occur even if all known sex offenders were denied pardons. Therefore, strategies to protect the public from sexual victimization should be more broadly targeted.
3. Monitoring pardons and their outcomes should continue so that statistical information about the pardon process would be available on an ongoing basis.

Source: Wallace-Capretta, S. (2000). *Pardoned Offenders in Canada: A Statistical Analysis*. Ottawa: Solicitor General Canada.

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