

If you are a victim planning to attend an Elder-Assisted Hearing, the following information will be useful to you.

What is an Elder-Assisted Hearing?

When an offender has requested an Elder-Assisted Hearing, this means the hearing will be attended by Aboriginal Elders or Cultural Advisors who can answer questions Board members might have about Aboriginal cultural and spiritual concerns. It is just as rigorous as any other Parole Board of Canada (PBC) hearing. The Elder is not involved in making the decision to grant or deny parole.

Elder-Assisted Hearings are available to offenders who are Aboriginal or to those who have demonstrated a meaningful commitment to an Aboriginal way of life. Their correctional plan could include working with an Elder, or involvement in Correctional Service of Canada (CSC) Aboriginal cultural programming and/or activities.

The offender fills out a request form and should submit it at least 21 days before the hearing. Victims will then be advised by a PBC employee, typically a Regional Communications Officer, that the hearing will be attended by an Elder or Aboriginal Cultural Advisor.

What happens at an Elder-Assisted Hearing?

Elder-Assisted Hearings are often held in a circle. First Nations, Métis and Inuit cultures each have different cultural practices.

If the offender requests it, an Elder may conduct a ceremony – a smudge, a prayer or a song – before the hearing begins. Participation in the ceremony is voluntary.

An Elder may smudge each person by going around the circle or inviting people to approach the smudge themselves, which involves the burning of ceremonial medicines such as sage, cedar or sweet grass. The Elder will then follow up with an opening prayer. After the ceremony, the hearing will begin with a reading of the procedural safeguards – that is, rules that every hearing must follow to be fair.

Board members then discuss the offender's case file with the offender's Parole Officer. If the offender has an assistant, the assistant will make a statement to Board members during the hearing.

Board members will interview the offender in order to decide whether the risk the offender presents can be managed in the community or whether the offender's release presents an undue risk to society. After the interview, participants and observers are escorted from the room to allow Board members to discuss and analyze the interview and the offender's file information, and to make a decision.

Participants and observers are escorted back into the room, where Board members summarize their decision for the offender. Following the hearing, the Elder may say a closing prayer. The Regional Communications Officer will return to the waiting area with the victims to explain the decision and answer any questions they may have.

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Victims Info-Line: 1-866-789-INFO (4636)

Can victims attend Elder-Assisted Hearings?

Yes. The *Corrections and Conditional Release Act* allows observers at PBC hearings in order to contribute to public understanding of the parole decision-making process.

Victims wishing to attend a hearing need to fill out a ***Request to Observe a Hearing*** form and submit it 30 days before the hearing to the PBC office in the region where the hearing will be held. A security screening will be conducted before an individual is approved to attend a hearing. Application forms are available at any PBC regional office.

Can a victim present a statement at an Elder-Assisted Hearing?

Yes. At an Elder-Assisted Hearing, as with all PBC hearings, victims may provide a statement to the Board, either at the beginning or the end of the hearing. This statement will be shared with the offender in advance. Victims may have the opportunity to sit in the inner circle to read their prepared statement. If they sit in the outer circle, they will be provided the same opportunity to present their statement.

What kind of information can a victim provide?

If a victim prepared a victim impact statement for the court, they can send a copy to the PBC. The PBC accepts information that may help it to evaluate the risk an offender may pose if released on parole.

Victims can send the PBC a description of the harm or loss that they have suffered as a result of an offence. They can also send any new or additional information they feel is relevant for the PBC to consider, and they can request that special conditions be imposed on an offender's conditional release.

Is the Elder or Aboriginal Cultural Advisor involved in the decision-making?

No. The Elder or Aboriginal Cultural Advisor does not participate in the decision-making. They provide Board members with general information about Aboriginal cultures and about the offender's specific culture and traditions. They may answer questions Board members might have during the hearing about cultural and spiritual practices.

If victims choose, the Elder or Aboriginal Cultural Advisor may be available to meet with them before the hearing to explain their role and the process.

