Parole Board of Canada | Commission des libérations conditionnelles du Canada

Elder-Assisted Hearings and Community-Assisted Hearings

What are they? How can I apply?

Canada

ELDER – ASSISTED HEARINGS

An Elder-Assisted Hearing (EAH) is a culturally responsive hearing process for First Nation, Métis and Inuit offenders that takes into account the uniqueness of Aboriginal culture and heritage. As in other hearings, Parole Board of Canada (PBC) members focus on your progress towards addressing risk factors and assessing release plans, but in a setting that is sensitive to Aboriginal cultures.

Role of the Elder

The role of the PBC Elder/Cultural Advisor is to provide Parole Board members with information about the specific culture and traditions of your Aboriginal community, and about Aboriginal cultures, experiences and traditions in general. The Elder may also offer wisdom and guidance to you. The Elder is not involved in making the decision.

What happens at an EAH?

The hearing is held in a circle* and follows these steps:

- Introduction of Elder
- Smudge and prayer (optional)**
- Explanation of process to be followed
- Procedural safeguards
- Hearing process
- Break for deliberations
- Decision given
- Closing prayer (optional)

* *For cultural reasons, some hearings for Inuit offenders are not held in a circle.*

** *For cultural reasons, some Inuit offenders may request a song instead of a smudge.*

Who participates?

- Board members
- Hearing Officer
- Institutional Parole Officer
- PBC and/or CSC Elder

Who else may participate?

- Offender's Assistant
- Aboriginal Liaison Officer
- Community Parole Officer
- Victim(s)
- Aboriginal Community Development Officer

Who may be present to observe?

- Victim(s)' Assistant(s)
- Observer(s)
- Regional Communications Officer

HOW TO APPLY

Ask your Parole Officer or a member of your Case Management Team (CMT) for form PBC-0035, fill out and submit it at least 21 days before your hearing. Your CMT can provide you with assistance in filling it out.

WHAT IS SECTION 84?

The *Corrections and Conditional Release Act* states:

84. Where an inmate who is applying for parole has expressed an interest in being released to an Aboriginal community, the Service shall, if the inmate consents, give the Aboriginal community

a) adequate notice of the inmate's parole application; and

b) an opportunity to propose a plan for the inmate's release to, and integration into, the Aboriginal community.

84.1 Where an offender who is required to be supervised by a long-term supervision order has expressed an interest in being supervised in an Aboriginal community, the Service shall, if the offender consents, give the Aboriginal community

a) adequate notice of the order; and

b) an opportunity to propose a plan for the offender's release on supervision, and integration, into the Aboriginal community.

COMMUNITY – ASSISTED HEARINGS

A Community-Assisted Hearing (CAH) provides community members an opportunity to participate in your hearing and explain their proposed plan for your conditional release and reintegration into the community. This hearing is usually held in the community involved in your proposed Section 84 release plan.

Role of the Elder

The role of the PBC Elder/Cultural Advisor is to provide Parole Board members with information about the specific culture and traditions of your Aboriginal community, and about Aboriginal cultures, experiences and traditions in general. The Elder may also offer wisdom and guidance to you. The Elder is not involved in making the decision.

What happens at a CAH?

The hearing is held in a circle* and follows these steps:

- Introduction of Elder
- Smudge and prayer (optional)**
- Explanation of process to be followed
- Procedural safeguards
- Hearing process
- Break for deliberations
- Decision given
- Closing prayer (optional)

* *For cultural reasons, some hearings for Inuit offenders are not held in a circle.*

** *For cultural reasons, some Inuit offenders may request a song instead of a smudge.*

Who participates?

- Board members
- Hearing Officer
- Institutional Parole Officer
- PBC and/or CSC Elder
- Community members
- Aboriginal Community Development Officer

Who else may participate?

- Offender's Assistant
- Community Elder(s)
- Aboriginal Liaison Officer
- Victim(s)
- Community Parole Officer

Who may be present to observe?

- Victim(s)' Assistant(s)
- Observer(s)
- Regional Communications Officer

HOW TO APPLY

Talk to your Parole Officer or a member of your CMT about a conditional release under Section 84 to start the process. You should also advise your CMT if you would like a Community-Assisted **at least 2 months before your hearing.**