



Parole Board
of Canada

Commission des libérations
conditionnelles du Canada

Chairperson Présidente

410 Laurier Avenue West
Ottawa, ON K1A 0R1

August 11, 2021

Union of British Columbia Indian Chiefs
Founding Head Office
209 - 345 Chief Alex Thomas Way
Kamloops (BC) V2H 1H1

Dear Grand Chief Stewart Phillip, Chief Don Tom and Kukpi7 Judy Wilson,

This will acknowledge receipt of the Union of British Columbia Indian Chiefs (UBCIC) Resolution 2021-46 “Call for Parole Board of Canada to Uphold the Rights of Indigenous Victims and their Families” and your letter dated July 28, 2021.

The Parole Board of Canada’s (PBC or the Board) Corporate Priorities for 2021-22 speak to our commitment to Indigenous communities, namely strengthening our responsiveness to the needs of Indigenous Peoples. I wish to thank you for providing me with this opportunity to respond to your concerns regarding Elder-Assisted Hearings (EAHs).

Resolution 2021-46 calls on the Board to partner with Indigenous victims and their families to amend existing policy that provides for EAHs to be held for non-Indigenous offenders. You emphasize that this policy is an example of cultural appropriation that is harmful to Indigenous victims and their families, and you further call on the Board to partner with Indigenous Peoples to ensure that its policies and procedures respect the needs and experiences of Indigenous victims and offenders and to ensure that Indigenous victims are able to meaningfully and safely participate in the decisions that impact them.

The topic of requests for EAHs from non-Indigenous offenders was recently addressed during a Chairperson’s Indigenous Circle (CIC) meeting. The CIC’s membership includes external representatives from Indigenous organizations and its mandate is to provide information, insight and strategic advice to me on matters related to improving the Board’s efficiency and effectiveness in meeting the needs of Indigenous offenders, victims and communities. Further to this discussion, the PBC will collaborate with CSC to explore ways of informing registered victims as early as possible within the corrections and conditional release process about an offender’s pursuit of an Indigenous healing path, and the possibility that an EAH may be conducted in these cases.

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The PBC has also recently established a Working Group on Diversity and Systemic Racism, to consider issues of diversity, with particular attention to Indigenous concerns and anti-Black racism. As part of its mandate, the Working Group will consider options for enhancing EAHs and Community-Assisted Hearings, to ensure that these hearings are responsive to the specific cultural and spiritual needs of Indigenous offenders, and explore ways of enhancing culturally appropriate engagement with victims.

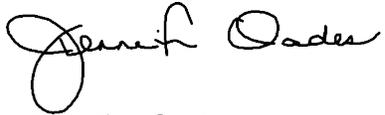
The PBC is committed to ensuring victims' voices are heard and that their rights under the *Canadian Victims Bill of Rights* are respected. I recognize the courage it takes for victims to participate in the conditional release process, and the emotional toll this can take on them. The Board strives to be sensitive and accommodating to the needs of victims within the scope of our mandate and the laws that govern us, and to consider ways of improving trauma-informed practices and communication with victims.

In cases where a review will proceed by way of an EAH, the Board makes every effort to notify victims as soon as possible and to prepare victims on what to expect. Along with the notification, victims are provided with information about the EAH format as well as a link to the PBC's victim-focused EAH fact sheet. A video that provides an overview of an EAH is also publically available on the PBC website. There are a number of steps that must be completed before a hearing, which may impact the timing of victim notifications. Offenders are asked to submit requests for an EAH at least 28 days before the hearing. However, consistent with its responsibility to respect gender, ethnic, cultural and linguistic differences and be responsive to the needs of women and Indigenous peoples, as set out in subsection 151(3) of the *Corrections and Conditional Release Act* (CCRA), the Board will consider a request for an EAH at any time prior to a hearing.

The PBC operates under the legal authority of the CCRA and the *Canadian Charter of Rights and Freedoms* (the Charter), and as emphasized in its mission statement, respects diversity and the rights of all offenders. Non-Indigenous offenders who request an EAH must demonstrate a commitment to an Indigenous way of life. The Board's policy on EAHs is consistent with section 2 of the Charter, which guarantees Canadians' freedom to follow the religion of their choice and freedom of thought, belief and expression. PBC policy is also consistent with the spirit of section 75 of the CCRA, which sets out that inmates are entitled to reasonable opportunities to freely and openly participate in, and express, religion or spirituality, subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons. To this end, the Board does not challenge demonstrated beliefs. However, if the Board is not convinced that a non-indigenous offender is dedicated to following an Indigenous path, they can (and have) refused to hold an Elder Assisted Hearing.

I wish to assure you that while EAHs are conducted in the presence of an Elder or Cultural Advisor who may perform Indigenous cultural protocols and spiritual ceremonies, the risk assessment is as rigorous as any other PBC review – in no way does the hearing format determine whether an offender is granted conditional release. As required by law, public safety is the paramount consideration in all PBC decisions.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Oades". The signature is written in a cursive style with a large, looping initial "J".

Jennifer Oades