

IRSSS Bulletin

DRAFT

**Persons of Interest (POI)
in the Independent Assessment Process (IAP)**

Former students and community members are being contacted as Persons of Interest in the Independent Assessment Process (IAP). The IAP is a process for former students to get compensation from Canada only for physical and sexual abuse in Indian Residential Schools. The IAP is a program, **not** a legal proceeding. Therefore it does **not** involve criminal charges or compensation between individuals.

What is a POI?

POIs are people named by survivors in the IAP and are:

1. witnesses of events that the survivor experienced or;
2. people who are alleged to have offended against the survivor.

In the IAP former students can name staff and other adults as offenders as well as other students.

1. Adults conducting school business on or off school premises:
 - a. Staff;
 - b. Clergy;
 - c. Adults authorized to be on the residential school grounds (coaches, cooks, etc.).
2. Other students on the school premises.

Why are POIs contacted?

1. Assess credibility of the survivor making the claim;
2. Maintain Human rights guidelines- if a person makes a claim about you, you have the right to be informed about it;
3. In the IAP, POIs are given the opportunity to address any claims about them if they want to.

Who contacts POIs?

An employee of the Dispute Resolution Office at Indian and Northern Affairs Canada or a private investigator makes contact by:

1. Telephone
 - a. To identify the person and make sure that the right person has been contacted
2. Follow-up Letter
 - a. Simple letter with no details if no prior phone contact has been made;

- b. Detailed letter if phone contact has been made outlining the process.

The Indian Residential School Survivors Society (IRSSS) does not know of and does not contact POIs. Only INAC employees or private investigators will contact POIs.

If you are named as a POI, you can:

1. Seek out legal advice.
2. Participate in the IAP process if you want to make a statement;
 - a. POIs can make a "Witness Statement" to respond to the allegations being made against them. They make the statement at a POI hearing with an Adjudicator and the claimant's lawyer.
 - b. POIs **cannot** attend claimant's IAP hearing (Independent Assessment Process)
 - c. POIs cannot make appeals - since IAP is not public nor is it a legal process, there is no appeal to be made.
3. Not participate in the IAP process if you don't want to make a statement
4. Choose to be contacted again if you are named again
5. Choose to not be contacted again if you are named again.
6. Seek out resources, support, counselling, etc. Please call the IRSSS at 1-800-721-0066.
7. Address the issue culturally: accept responsibility; apologize; seek treatment.
8. Possibly be charged criminally.

If you have named someone in an IAP process:

1. It is your right to speak about what happened to you in residential school.
2. You can do so in the IAP process and receive compensation from Canada for physical and sexual abuse. IAP is not a legal process and does not allow for compensation from an individual
3. You can have supports from Aboriginal support workers called Resolution Health Support Workers. You can have counselling, go to a residential school healing program and other supports. Please call the IRSSS at 1-800-721-0066.
4. If you wish to speak of physical or sexual abuse, you should know that you can take time to prepare for this.
 - a. Some things to think about:
 - i. Way to get acknowledgment for what happened to you
 - ii. Way to get compensation
 - iii. Can bring up painful and emotional memories
 - iv. Family and or community may not respond well to it.
5. Can also criminally charge the offender

What can communities do?

1. Be aware that POIs are currently being named all over Canada
2. Consider if your community will be affected
 - a. Do you have any residential school survivors in the IAP process
3. Consider some of the issues:
 - a. Anyone who went to residential school could potentially be named
 - b. It could even be leaders, respected people or even women
 - c. It could raise feuds in your community
 - d. It could be a chance for your community to face the sexual abuse legacy of residential school
 - e. Duty to report
4. If you want to respond as a community here are some things you can do:
 - a. Call a group together to talk about the issue including the dynamics of victim/offender living in the same community
 - b. Have a community workshop to discuss what is happening. IRSSS has a workshop developed which includes the above issues and lots of time for community discussion.
 - c. Find out about support resources. Please call IRSSS at 1-800-721-0066
 - d. Look at restorative justice resources in your area
 - e. Workshop on sexual abuse cycle
 - f. Find out about resources for community members
 - i. Spiritual support
 - ii. Counselling
 - iii. Treatment programs
 - iv. On-going support groups
 - g.