



Canadian Border Services Agency – Community Case
Management and Supervision Alternative to Detention Program

STATEMENT OF WORK – MEDIUM RISK



John Howard
THE JOHN HOWARD SOCIETY OF CANADA
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STATEMENT OF WORK

PREAMBLE

1.1. Project Background

1.1.1. CBSA Detention Program

Canada's IRPA stipulates who is inadmissible to Canada, including individuals posing a security threat (espionage, subversion, terrorism, danger to Canada etc.); human or international rights violators, and criminals. Under the IRPA, the CBSA has the authority to arrest, detain and remove permanent residents and foreign nationals who are found to be inadmissible to Canada. The CBSA also has the statutory obligation to remove individuals as soon as possible.

The CBSA is the sole immigration detention authority, and as such, is responsible for the care and control of immigration detainees. Detention is typically either used at the beginning of the enforcement continuum when the identity of the individual is not established or when an individual is believed to be a danger to the public or, when removal is imminent and an individual is unlikely to appear for removal.

The CBSA's policy and guidelines are clear; individuals are only detained when grounds for detention exist and no alternatives are available that mitigate the risk posed by the individual if released. Several factors must be considered when deciding to detain, including the availability and potential use of alternatives to detention when appropriate; allowing an individual to be released under specific terms and conditions, such as deposits and guarantees; and, reporting requirements.

When making detention decisions, CBSA officers are guided by the IRPA and its regulations, as well as by the CBSA's detention policies and procedures for detention, as described in CBSA Enforcement Manuals. Each decision must be assessed on its own merits, and officers must always consider the impact releasing someone into the community would have on the safety of Canadians, or the integrity of the immigration continuum.

Detention can occur when:

- A CBSA officer has reasonable grounds to believe that the individual is inadmissible and:
 - could pose a danger to the public;
 - is unlikely to appear for immigration proceedings (flight risk); or
 - their identity has not been established;
 - A CBSA officer has reasonable grounds to suspect that the person is inadmissible for security reasons, violating human or international rights, serious criminality, criminality or organized criminality;
- It is necessary to complete an immigration examination; or
- A foreign national is designated as an irregular arrival by the Minister of Public Safety and Emergency Preparedness.

All individuals subject to detention are entitled to a detention review, according to timelines specified within the IRPA and its regulations. These detention reviews are conducted by the Immigration and Refugee Board (IRB), an independent quasi-judicial body that holds responsibility for reviewing the

reasons for detention, authorities to order either release or continued detention; the authorities of both officers and the ID to impose conditions when ordering release; as well as, the authority to make regulations.

For CBSA officers, alternatives to detention are available either once an individual is arrested and detained, or before the first detention review is held by the Immigration Division within 48 hours of detention (detention avoidance and detention release respectively). The CBSA officer may impose any condition considered necessary on a foreign national or permanent resident to mitigate risk and attain compliance.

If the CBSA detains a foreign national beyond the 48 hour mark, IRB board members are required to hear submissions to ensure continued detention is warranted. The IRB may also impose conditions as per IRPA to facilitate the release of detainees.

CBSA Operations are spread across Canada with the majority of inland enforcement cases residing in one of four regions: Greater Toronto Area region, Quebec Region, Prairie Region and Pacific Region. The total detention volume driven from these regions accounts for approximately 94% of the overall historic annual detention population in Canada. Below is a representation of the average annual detention volumes by region.

	GTA	Quebec	Pacific	Prairie	Northern Ontario	Southern Ontario	Atlantic
Average Detention Volume Annually (people)	5,045	1,300	1,150	423	146	365	39
% of overall detention Nationally	60%	15%	14%	5%	2%	4%	0%

On an average day, approximately 450-500 people are detained under the IRPA nationally at either a CBSA Immigration Holding Centres (IHC) or one of a number of Provincial Correctional Facilities.

The CBSA operates three IHCs, one each in Pacific Region, Quebec Region and GTA Region for individuals detained under the IRPA and who are deemed by the CBSA not to be of high enough risk to warrant detention at Provincial Correctional Facility. All IHC's are a 24/7 operation which accommodates adult males, adult females, as well as children and infants who may accompany a parent who is detained, or unaccompanied minors.

Detention can occur 24 hours a day and 7 days a week. While most detentions result from inland operations and investigations efforts, which are normally undertaken Monday-Friday between the core hours of 8am-4pm, detention of an individual can also occur at any point which include at a Port of Entry (i.e.: Pearson International Airport), through an interaction with local police services or the Royal Canadian Mounted Police (RCMP), or through an off hours investigation.

When considering the scope of work that the JHSC and local John Howard Society (JHS) Affiliates will be responsible for, it is important to understand the circumstances under which an individual may be detained, and to understand that detention may occur at any time.

1.1.2. CBSA Alternative to Detention Framework and Programs

As per the IRPA and IRPR, a CBSA Officer is required to consider ATD when making a detention decision. Consideration for release to an ATD program is based on the assessment of risk an individual may pose to public safety or to program integrity. Consideration for release of an individual detained under the IRPA is an ongoing process, whereby assessment of risk is reassessed at prescribed periods of time by either the CBSA or the IRB.

The Government of Canada (GoC) is committed to exercising its responsibility for detentions, with physical and mental health and well-being of detainees, as well as the safety and security of Canadians as the primary considerations. In keeping with the objective that detention is a measure of last resort, the GoC is expanding the availability of release conditions to ensure there is national consistency in the availability of ATD programming and that the appropriate level of intervention is incorporated in the services offered to individuals, depending on their assessed level of risk.

The CBSA is implementing a national CCMS program to provide eligible CBSA individuals the ability to access services that will mitigate the risks that have led, or could lead, to a detention decision. The CCMS program is a risk based community release program, whereby subsequent to a risk assessment, a CBSA officer or the IRB may determine that an individual's risk can be managed in community, resulting in a release from detention, provided that the individual is enrolled into and supported by a CCMS program, and the individual is released to one of the local JHS Affiliates. Should an officer feel that they lack sufficient information to refer an individual to a John Howard Society Affiliate at the time of arrest, or that the risk cannot be sufficiently managed at that point in time, detention may be warranted. Upon review by another CBSA officer and/or the IRB, a release decision may be made, at which point a local JHS Affiliate would be engaged for support and services.

1. STATEMENT OF WORK

1.1. Objective

1. This requirement is for the "Affiliate" to deliver an Alternative to Detention (ATD) program called Community Case Management and Supervision (CCMS), on behalf of the John Howard Society of Canada (JHSC) for the Canadian Border Services Agency (CBSA), as prescribed under the *Immigration and Refugee Protection Act* (IRPA) section 61(b) and *Immigration and Refugee Protection Regulations* (IRPR) section 248.
2. CCMS is intended to promote detention avoidance or release for individuals who remain cooperative with the CBSA but who may that lack a bondsperson, or who require social service support in addition to a bondsperson to mitigate risk upon release into the community.
3. Services and programming are to be provided by the JHS Affiliate consistent with the Statement of Work.

4. The decision to release someone to the JHS Affiliate into the CCMS programming remains the sole authority of the CBSA and/or the IRB as per the IRPA.
5. Through joint consultations, the CBSA and the JHS Affiliate shall determine the level of intervention required to mitigate risk, support release into the community and encourage compliance until removal where possible, and applicable. All individuals enrolled to the CCMS program will be required to report in person to the JHS Affiliate at an interval agreed to by the CBSA and the JHS Affiliate and as per the guidelines developed by the JHSC, as applicable. The required level of intervention may be determined by the types of support needed by the individual.
6. For the purposes of this requirement, the following definitions are being used:
 - a. **Low Intervention:** for individuals requiring in-person reporting to the JHS Affiliate to maximize program compliance, and up to one type of community-based care (e.g.: once weekly substance abuse counselling or support locating stable housing);
 - b. **Medium Intervention:** for individuals requiring in-person reporting to the JHS Affiliate to maximize program compliance, and various types of community-based care (e.g.: once weekly substance abuse counselling, and/or support locating stable housing, and/or prenatal care); and
 - c. **High Intervention:** for individuals requiring in-person reporting to the JHS Affiliate to maximize program compliance, including at a very high frequency (e.g. daily) and various types of community-based care, including high intensity programming (e.g. daily treatment and/or therapy). High intervention programming may also be paired with release to a bondsperson on a substantial cash/performance bond with limitations on community access (i.e.: with a curfew and/or bondsperson escort to programming activities).
 - d. **High Needs:** for individuals requiring specialized and/or very high intensity programming for particularly problematic issues (e.g.: serious mental health problems, mental health disorders, etc.).

2. SCOPE OF WORK REQUIREMENT

2.1. Overall JHS Affiliate Tasks and Activities

1. Prior to the launch of the CCMS program and the Contract in-service date, the Affiliate shall participate, as required, in an Onboarding Phase in conjunction with the John Howard Society of Canada and the CBSA to establish operations and protocols related to the administration of the CCMS program.
2. As part of the Active Case Management Phase, as outlined in section 2.3 of the State of Work (SOW) Requirement, the JHS Affiliate shall provide CCMS for individuals requiring low, medium and high intervention, as defined in section 1.1 above. CCMS includes programming for men, women, families and minors.
3. Service provision excludes residency programming.
4. CCMS is to be provided under direction of the CBSA and the JHSC, and based on the capacity of the JHS Affiliate.
5. The Affiliate must consider all individuals referred to it by the CBSA and/or IRB as possible clients for CCMS services.

6. If a referred person is a high needs individual and the Affiliate deems itself unable of providing CCMS services for such a person, the Affiliate shall contact the JHSC to discuss alternative solutions for service provision for the individual(s) in question before communicating a decision of refusal to the CBSA.
7. The Affiliate must be available in-office between the core hours of Monday-Friday 8am-4pm local time.
8. The Affiliate understands that the JHSC must meet reporting requirements to the CBSA and shall therefore cooperate with the JHSC to respect timelines for accomplishing all tasks necessary for reporting.

2.2. Start-up and Onboarding Phase

2.2.1. *Overview of Onboarding Phase*

1. During this phase, the Affiliate will cooperate with the JHSC and the CBSA, as applicable, to discuss, advance and finalize details related to CCMS programming, prior to the implementation and start-up of the CCMS program.
2. The Affiliate may also be required to work with the CBSA and the JHSC to confirm a list of subcontractors and/or affiliated service providers to be used in the delivery of the CCMS programming (if relevant), acknowledging that this list is evergreen and can be updated as required by the Affiliate.
3. This phase commences upon finalization of this Agreement and is terminated with the implementation of the CCMS program (projected to be June 22, 2018).

2.3. Active Case Management Phase

2.3.1. *Overview of Active Case Management Phase*

1. The scope of activities to be performed by the Affiliate in the Active Case Management Phase are articulated within the following sub-phases:
 - a) Eligibility Assessment Sub-Phase;
 - b) Enrolment Services Sub-Phase;
 - c) Community Supervision Sub Phase;
 - d) Standard Compliance Review Sub-Phase; and
 - e) Non-Compliance Review Sub-Phase;
2. Additionally, under the Community Supervision Sub-Phase, the Affiliate must provide support services to individuals enrolled in the CCMS program, which may include but are not limited to:
 - a) Compliance monitoring;
 - b) Linkage to health support;
 - c) Linkage to mental health assistance;
 - d) Linkage to addiction & substance abuse counselling and support;
 - e) Information related to housing and employment; and,
 - f) Information related to child-related or family needs.

2.3.2. CCMS Eligibility Assessment Services (pre-enrolment) Sub-Phase

2.3.2.1. Overview of Eligibility Assessment Services Sub-Phase

1. A CCMS eligibility assessment is a function undertaken to assess the viability of an individual's willingness to comply and participate in the CCMS program, to a level that would sufficiently mitigate risk and increase the likelihood of successful integration to community. It includes an assessment on the part of the Affiliate to determine if the individual can be effectively managed in the community.

2.3.2.2. Functions and Activities of Eligibility Assessment Services Sub-Phase

1. The Affiliate shall complete an eligibility assessment for every individual that is referred to it by the CBSA or the IRB. Prior to the commencement of the eligibility assessment, the Affiliate may receive an ATD Plan from the CBSA that documents the proposed CCMS release plan, including any proposed services or level of intervention if relevant. If such an ATD Plan is received, the Affiliate must base the eligibility assessment against the proposed Plan and recommend changes as necessary.
2. In some instances, the IRB will issue a release order outlining the proposed conditions and services of the CCMS program for an individual. The Affiliate must abide by the terms of this release order when conducting the eligibility assessment and enrolment activities.

2.3.2.3. Eligibility Assessment Interviews

1. For all eligibility assessments, the Affiliate shall meet with the individual either in-person, or via telephone, to verify the completeness and accuracy of information provided by the individual to the CBSA, and to identify or confirm appropriate services under the CCMS program to effectively manage and monitor the individual, respecting the parameters of the individual's release plan proposed by the CBSA. The following information may be discussed and confirmed, including but not limited to:
 - a) Current and previous address(es), including the length of residence;
 - b) Current and previous employment history;
 - c) Criminal history and outstanding charges;
 - d) Addictions and mental health history, and commitments to treatment;
 - e) Willingness and ability to comply with conditions of community supervision;
 - f) Family and community ties;
 - g) Financial resources or income;
 - h) Nationality;
 - i) Willingness and ability to complete travel document application(s); and
 - j) Potential bondspersons

2.3.2.4. Privacy Notice

1. The Affiliate must inform each individual undergoing the eligibility assessment of the purpose for which they are being interviewed or questioned, and that the information gathered by the Affiliate throughout the process is not necessarily confidential and may be shared with other government partners, CCMS subcontractors and/or the CBSA.

2. The Affiliate must obtain, where possible, written consent from the individual prior to attempting to interview and verify or gather information. Exceptions may include geographical limitations that prevent in-person interaction.

2.3.2.5. Bondspersons

1. As a result of the eligibility assessment and interview undertaken by the Affiliate, should the individual present information about a potentially suitable bondsperson who might support release of that individual, the Affiliate must highlight this information in the ATD Plan.
2. As a result of the eligibility assessment and interview undertaken by the Affiliate, should the individual present information that would impact the Affiliate's ability to agree with the ATD Plan and/or make suggested amendments to the ATD Plan, the Affiliate must highlight this information in the ATD Plan.

2.3.2.6. Completion and Submission of Eligibility Assessment Forms

1. The Affiliate shall complete all applicable section(s) of the ATD Plan, outlining the results of their eligibility assessment, including the Affiliate's approval that the individual could be enrolled into the CCMS program, confirmation of the required level of intervention, and proposed services and in-person reporting frequency.
2. This form must be returned to the CBSA Community Liaison Officer (CLO) via encrypted email, or other secure file management system, immediately after the eligibility assessment is completed, and/or within six (6) hours of completing the assessment request.

2.3.2.7. Other Specifications

1. As required by the CBSA, and as agreed to by the Affiliate, the Affiliate must attend CBSA offices or facilities in-person or via telecommunication, or other locations as required by the CBSA, to review prospective individual files and meet with CBSA officials to discuss possible individuals for enrollment.
2. In the event that an eligibility assessment is undertaken against an individual currently in detention, the eligibility assessment, as documented and confirmed within the ATD Plan, will be presented to the IRB to motion for release at the individual's next detention review.

2.3.3. CCMS Enrolment Services Sub-Phase

2.3.3.1. Overview of Enrolment Services Sub-Phase

1. A CCMS enrolment interview is a function undertaken to confirm the level of intervention required, to identify the specific type and frequency of CCMS services required for the individual, and to formally confirm cooperation and acceptance by the individual of all program guidelines and rules specific to their case.

2.3.3.2. Functions and Activities of Enrolment Services Sub-Phase

1. Following the CCMS eligibility assessment, the CBSA will confirm via encrypted email, or other secure file management system, to the Affiliate that the individual has been approved for enrolment and has been directed to meet in-person with the Affiliate. The interview will take place at 10:00 AM local time the next business day, unless otherwise approved by the Affiliate and the CBSA. To the extent possible, the enrolment interview will be scheduled to take place within 24 hours of release.
2. The Affiliate will complete the CCMS Supervision Agreement to document the details of CCMS programming identified for the individual, which may include but is not limited to:
 - a) In-person reporting (frequency is dependent on specific release conditions);
 - b) Attending CCMS appointments as required by the CBSA, IRB and/or Provincial and/or Federal Court;
 - c) Participating in specific programs to support the mitigation of risk associated with their release (e.g.: substance abuse counselling); and,
 - d) Attending immigration interviews/proceedings as required by the CBSA, the IRB and/or Provincial and/or Federal Court.
3. During the CCMS Enrolment Interview, the Affiliate shall undertake the following:
 - a) Reconfirm with the individual in question the conditions imposed by the CBSA and/or the IRB and proposed as part of the ATD Plan;
 - b) Assess and confirm the needs of the individual including the provision of services and frequency of in-person reporting required;
 - c) Ensure that the combination of services and conditions do not inadvertently breach conditions imposed by another jurisdiction, i.e.: criminal release conditions, making it difficult for the individual to abide by all conditions related to their release in community;
 - d) Explain all previous and new release conditions, where relevant, including the rules of the program and any rules the Affiliate may have;
 - e) Respond to any questions the individual may have about program participation and the services they will receive;
 - f) Explain to the individual the consequences of a breach of conditions of the program or a failure to comply with their conditions of release; and,
 - g) If further assistance regarding an individual's specific immigration case is required, a referral to legal aid or the CBSA should be provided, where the services are available.
4. The Affiliate shall provide the individual with a copy of the CCMS Supervision Agreement including the date and location of the first in-person reporting appointment to the Affiliate's office, and the first appointment for community support services.
5. The Affiliate shall provide the CBSA, within 24 hours, via encrypted email or other secure file management system to the CBSA CLO, a copy of the signed CCMS Supervision Agreement, and a copy of any new information obtained by the Affiliate during the Enrolment Services phase.
6. During the course of the enrolment interview, if the Affiliate deems an individual inappropriate for CCMS, the Affiliate must contact the CBSA CLO via telephone immediately, in advance of a final

decision to cease enrolment being made. The Affiliate shall not cease enrolment of an individual during an enrolment interview without prior discussion with the CBSA. The Affiliate may contact the JHSC for guidance regarding such issues if it is uncertain about how to proceed.

7. If an individual becomes noncooperative, or refuses to agree to the conditions of CCMS participation, the Affiliate must advise the CBSA CLO immediately via telephone.
8. In situations where the individual is deemed inappropriate for CCMS, or becomes uncooperative or refuses to agree to the conditions of the program, the CBSA will determine the best course of action, which may include arrest and/or detention.

2.3.4. Community Supervision Services Sub-Phase

2.3.4.1. Overview of Community Supervision Sub-Phase

1. Community Supervision is a function undertaken once the individual has been enrolled in the CCMS program and is residing in the community. It involves regular ongoing interactions and management of the individual in community to ensure that the individual is abiding by the terms of the CCMS Supervision Agreement and their release conditions, and continues to access relevant services to address their specific case needs.

2.3.4.2. Functions and Activities of Community Supervision Sub-Phase

1. The Affiliate shall actively case manage all individuals within their case load, while they reside in the community, by:
 - 1.1. Verifying the individual's compliance and continued willingness to comply with the terms of their CCMS Supervision Agreement at each scheduled in-person interview with the Affiliate;
 - 1.2. Ensuring the continued relevance of the CCMS services and support being offered to the individual through their CCMS Supervision Agreement, based on their prescribed case circumstances;
 - 1.3. Actively ensuring that the individual is participating in their required programming (i.e.: substance abuse counselling or drug administration);
 - 1.4. Documenting all additional information obtained by the Affiliate related to the administration of the CCMS Supervision Agreement, in the CCMS Case Summary Form, and providing regular updates to the CBSA as required.

2.3.5. Standard Compliance Review Sub-Phase

2.3.5.1. Overview of a Standard Compliance Review

1. The Affiliate shall to undertake a standard compliance review of an individual's case, as per prescribed timelines.
2. The standard compliance review can result in three potential outcomes, each of which may or may not be relevant to an individual's case. Related information will be documented in relevant forms. The three potential outcomes include:
 - a) Status Quo
 - b) De-escalation
 - c) Case Closure

2.3.5.2. Functions and Activities of a Standard Compliance Review

1. As part of Compliance Review, and as required by the CBSA, but at a minimum within 120 calendar days of enrolment into the CCMS program (and every 120 days thereafter), the Affiliate shall review an individuals' progress against their CCMS Supervision Agreement and document their assessment via the CCMS Case Summary Form and send this via encrypted email, or other secure file management system, to the CBSA CLO within five (5) business days of completion.

2.3.5.3. Outcomes of a Standard Compliance Review

1. **Status Quo**
 - 1.1. If as a result of a standard compliance review, the Affiliate is able to confirm continued compliance, and the level of intervention/supervision remains the same; status quo is maintained.
 - 1.2. Upon completion of a standard compliance review where continued compliance has been established on the part of the individual concerned, the Affiliate will document the review on the CCMS Case Summary Form indicating "No Change".

De-Escalation

- 1.3. A recommendation to de-escalate an individual may be made by the Affiliate or the CBSA when there are circumstances present to suggest the individual has continuously demonstrated good faith and compliance with the CCMS Supervision Agreement and may not require the level of continued services and programming articulated within the CCMS Supervision Agreement. A recommendation to de-escalate must be documented on the CCMS Change of Conditions Form and identify the new proposed set of conditions and services that the Affiliate wishes to be imposed on the individual must be identified.
- 1.4. Upon receipt from the Affiliate of a recommendation to de-escalate an individual in the CCMS program, the CBSA, in consultation with the IRB as required, will determine the appropriateness of the recommendation and render a decision. The decision to de-escalate an individual within the CCMS program resides with the CBSA and/or the IRB.
- 1.5. Once a decision is rendered by the relevant party, the CBSA will provide a revised ATD Change of Conditions and send a copy via encrypted email, or other secure file management system, to the Affiliate.

- 1.6. When the revised ATD Change of Conditions form is received, the Affiliate must meet with the individual within ten (10) calendar days to communicate the revised Plan and update the CCMS Supervision Agreement. Revised forms shall be sent to the CBSA CLO via encrypted email, or other secure file management system, as soon as possible after the meeting has occurred.

2. Case Closure

- 2.1. Discharge of an individual from the CCMS program is to be undertaken when an individual has shown continued compliance and success with community programming and intervention and no longer requires community supervision services, or in instances where an individual's immigration status changes, or where the conditions under which an individual was enrolled to the CCMS program change, the CBSA will advise the Affiliate that supervisory duties can be terminated.
- 2.2. At any given time, the CBSA may request the Affiliate perform an assessment to discharge an individual from the CCMS program, or make its own determination to discharge an individual, in consultation with the IRB where required.
- 2.3. Upon receipt of a recommendation to discharge an individual off the CCMS program, the CBSA in consultation with the IRB as required, will determine the appropriateness of the recommendation and make a determination.
- 2.4. The decision to discharge an individual within the CCMS program resides with the CBSA and/or the IRB.
- 2.5. Once a decision is rendered by the relevant party, the CBSA CLO will update and send an ATD Change of Conditions Form to the Affiliate via encrypted email, or other secure file management system.
- 2.6. Where a decision to discharge an individual from the CCMS program is made by the CBSA and/or the IRB, the Affiliate must meet with the individual within ten (10) calendar days to close the file and send any documents pertaining to the individual's file to the CBSA CLO.

2.3.6. Non-Compliance Review Sub-Phase

2.3.6.1. Overview of a Non-Compliance Review

1. The Affiliate shall undertake active monitoring of an individual's case, as per prescribed timelines, and report any and all non-compliance, suspected non-compliance or breach of conditions to the CBSA within prescribed periods, to assist in the CBSA's efforts with the location and apprehension of individuals as required.
2. In the event of a breach of conditions, non-compliance of an individual or absconding by an individual, the Affiliate must perform (start and finish) a non-compliance review immediately upon confirmation of the breach.
3. The non-compliance review can result in three potential outcomes, each of which may or may not be relevant to an individual's case. Related information will be documented in relevant forms. The three potential outcomes include:
 - a) Status Quo
 - b) Escalation
 - c) Withdrawal of Services

2.3.6.2. Functions and Activities of a Non-Compliance Review

1. A non-compliance review (desk investigation) includes attempting any or all of the following:
 - a) Making contact with the individual via phone;
 - b) Making contact with the individual via text;
 - c) Making contact with the individual in person; and
 - d) Making contact with the individual via email.
2. Non-compliance reviews must take place within 60 minutes of the Affiliate being made aware of the breach.
3. When the issue is unresolved, the Affiliate will complete a CCMS Report of Non-Compliance Form and must send a copy of this form via encrypted email, or other secure file management system, to the CBSA CLO within 60 minutes of receiving confirmation of the breach.
4. When the issue is resolved and contact with the individual is made by the Affiliate, the Affiliate must provide the CBSA, via encrypted email, or other secure file management system, to the CBSA CLO, within 12 hours of the conclusion of the desk investigation, a copy of the completed CCMS Report of Non-Compliance Form.
5. Resolution of a breach may include written confirmation that a situation arose which impacted their ability to abide by the terms and conditions of their CCMS Supervision Agreement. If documentation is not available, or alternative reasons for non-compliance are provided, the Affiliate must document in the CCMS Report of Non-Compliance Form the circumstances of the breach and the reason as to why they are satisfied with the individual's behavior.
6. The Affiliate will complete the CCMS Case Summary Form to provide any new or relevant information collected during the monitoring activities noted above and send this form via encrypted email, or other secure file management system, to the CBSA CLO.

2.3.6.3. Outcomes of a Non-Compliance Review

1. Status Quo

- 1.1. If, as a result of a non-compliance review, the Affiliate is able to confirm continued compliance, and the level of intervention/supervision remains the same, status quo is maintained.
- 1.2. Upon completion of a non-compliance review where continued compliance has been established on the part of the individual concerned, the Affiliate will document the review on the CCMS Case Summary Form indicating "No Change".

2. Escalation

- 2.1. Escalation of an individual on the CCMS program is to be undertaken when an individual has shown evidence of non-compliance or has not shown success while residing in community under the terms of their CCMS Supervision Agreement. Escalation requires a change in the level of intervention an individual requires to be successful in the CCMS program and may require a change to the services the individual receives.
- 2.2. A recommendation to escalate an individual may be made by the Affiliate or the CBSA when there are circumstances present to suggest the current CCMS Supervision Agreement is not sufficient to mitigate the risk the individual may pose, or is not sufficient to ensure continued compliance of the individual. A recommendation to escalate must be documented on the CCMS Change of Conditions Form and identify the new proposed set of conditions and services that the Affiliate wishes to be imposed on the individual.
- 2.3. Upon receipt of a recommendation to escalate an individual on the CCMS program from the Affiliate, the CBSA CLO, in consultation with the IRB as required, will determine the appropriateness of the recommendation and make a decision, including drafting a revised Change of Conditions form to outline the adjusted programming, in consultation with the Affiliate.
- 2.4. If the CBSA or IRB makes a decision to escalate an individual within the CCMS program, the Affiliate must meet with the individual and complete an updated CCMS Supervision Agreement. This meeting is to occur within three (3) calendar days to communicate the revised ATD Plan, and update the CCMS Supervision Agreement. The individual must sign the revised CCMS Supervision Agreement. All forms must be sent to the CBSA CLO via encrypted email, or other secure file management system, as soon as possible following the meeting.

3. Withdrawal of Services

- 3.1. A Withdrawal of Supervision is to be undertaken when an individual indicates to the Affiliate that they no longer agree with the imposed conditions and/or advises the Affiliate that they intend to breach conditions, and/or where an individual has breached conditions of their CCMS Supervision Agreement.
- 3.2. In instances where the individual's behavior changes and they become uncooperative, the Affiliate must inform the CBSA CLO and duty manager via telephone immediately, but no more than six (6) hours, of the recommendation to withdraw supervision services.

- 3.3. This information must be documented in the CCMS Case Summary Form and sent via encrypted email, or other secure file management system, to the CBSA CLO and duty manager immediately upon completion, but within no more than six (6) hours after the incident.
- 3.4. The CBSA will work with the Affiliate to resolve any issues resulting in the recommended withdrawal of an individual from CCMS programming to ensure that all mitigation measures have been considered. Further consultation with the IRB may be required by the CBSA.

2.4. Reporting Requirements

1. The Affiliate must regularly update the computer case management system by inputting, in a timely manner and in accordance with reporting requirement timelines, all data relevant to its caseload and provision of services.
2. The Affiliate must ensure that all data relevant to its caseload is input into the case management system within ten (10) calendar days of the end of each calendar month, and no later than seven (7) calendar days before the end of each calendar month.
3. Relevant data includes:
 - a) Number of new individuals referred to the Affiliate for the month beginning the first day of month and ending the last day of month;
 - b) Source for each individual referred to the CBSA for CCMS program for the month (Individual, CBSA, IRB, NGO, etc.);
 - c) Number of individuals denied for participation into CCMS by the Affiliate for the month inclusive of client identification Numbers for each;
 - d) Number of individuals subsequently enrolled into CCMS by the Affiliate with signed ATD Supervision Agreements;
 - e) Number of individuals enrolled in Low intervention, Medium intervention and High intervention programming for the month;
 - f) Number of individuals who were de-escalated from one level of intervention to another during the month by category (i.e.: High intervention to medium intervention, medium intervention to low intervention);
 - g) Number of individuals who were escalated from one level of intervention to another during the month by category (i.e.: Low intervention to medium intervention, low intervention to high intervention, medium intervention to high intervention);
 - h) Number of individuals who have been discharged from the program during the month by category (i.e.: Low intervention, Medium intervention, High intervention), including identification numbers;
 - i) Number of individuals for whom supervisory services were withdrawn during the month;
 - j) Number of individuals who failed to comply with conditions during the month regardless of resolution;
 - k) Number of individuals who absconded during the month;
 - l) Number of individuals in the CCMS program at the end of the month by level of intervention (i.e.: low intervention, medium intervention, high intervention);

m) Number of individuals who received services within each category below during the month:

- i. Compliance monitoring;
- ii. Linkages to health support;
- iii. Mental health assistance;
- iv. Addiction & substance abuse counselling and support;
- v. Information related to housing and employment; and
- vi. Information related to child-related or family needs.

4. The Affiliate must also provide a list, including individual identification numbers where applicable, of individuals who have been on the CCMS program for more than 365 days.

2.5. Performance Assessment

2.5.1. General Terms

1. On-going performance measurement and periodic assessments by the JHSC and/or CBSA shall be carried out, as applicable. The parameters of performance measurement and assessment are defined below. The JHSC will advise the Affiliate in advance of any planned audit or evaluation to be undertaken; however, it is incumbent on the Affiliate to ensure ongoing collection of data that can be used to undertake such an audit and evaluation, and provide the JHSC and/or CBSA, as applicable, with access to all relevant information.

2.5.2. Definitions

1. **Performance Measurement** is the on-going collection of, and reporting on, information on program implementation.
2. **Evaluation** is the periodic systematic collection and analysis of information on the performance of a program to make judgements about relevance, and progress or success in order to inform future programming decisions.

2.5.3. Performance Measurement and Assessment

1. Ability to support the CCMS Program Objectives will be assessed according to the following performance measures:

a) Performance Measure 1 - Service:

- i. **Objective:** Provide an alternative to detention for immigration individuals to an active caseload as determined by the CBSA, and agreed to by the Affiliate based on referrals.
- ii. **Rationale:** An individual's assessed risk can be mitigated through intervention of a community case management and supervision program.
- iii. **Data Source:** The Affiliate will provide monthly reports highlighting salient program elements.

b) Performance Measure 2 - Security:

- i. **Objective:** Monitor and ensure individual's compliance with CBSA, Immigration Division of the IRB, Federal Court of Canada conditions of release as outlined in the CCMS Supervision Agreement.
- ii. **Rationale:** An effective ATD is one whereby the individual is complying with the conditions of release without the need to actually be detained and the Affiliate is able to monitor and ensure this compliance.
- iii. **Data Source:** The Affiliate will provide information as to who has failed to comply and absconded and reflect this information in the monthly and yearly summaries. The Affiliate will inform the CBSA of efforts undertaken to investigate individuals who have failed to comply or abscond and reflect this information in the monthly and yearly summaries. The Affiliate will inform the CBSA of individuals for whom supervision is being withdrawn and the reasons for the withdrawal.

c) Performance Measure 3 - Savings:

- i. **Objective:** The Affiliate will confirm their ability to deliver low and medium intervention alternatives to detention programming, using the set costing parameters outlined in the terms of Payment and Basis of Payment of this Agreement.
 - ii. **Rationale:** It is intended that the CCMS program be a cost effective alternative to detention, with costs that align with the type of programming required to mitigate an individual's risk. Costs above and beyond historical figures, and industry standards should be reviewed to avoid program cost coverages.
 - iii. **NOTE:** It is intended that the CCMS program includes eventual case resolution and it is not meant to be an indefinite arrangement. As a result, reasonable timeframes have been established to consider the need for continued supervision.
 - iv. An important element in cost analysis is the length of time in detention and on the CCMS Program. As a result, the Affiliate and the CBSA will undertake an ongoing assessment of program participants in order to consider the need for continued supervision and the most effective use of resources.
 - v. **Data Source:** The Affiliate will provide a list of active individuals and additional costs associated with relevant cases. In addition, the Affiliate will provide a list of active individuals who have been in the Program for one (1) year or more.
2. Performance measures may be periodically reviewed, amended or added to ensure services provided are meeting program objectives.
 3. The CBSA will undertake an assessment of the CCMS program at a minimum of twice per year, in November and at year end (April), or as required. The Affiliate shall cooperate with the JHSC and the CBSA during such assessments, as required and as applicable.

4. Assessments shall be made against the performance measures defined in section 2.5 (1) above, using the following scale:
 - a) **Level 3:** Met all performance indicator targets for month(s) to date and progressing well to attain indicator targets;
 - b) **Level 2:** Met most, but not all performance indicator targets for month(s) to date; the Affiliate must make minor changes to attain indicator targets; and
 - c) **Level 1:** Did not meet any performance indicator targets for month(s) to date; CBSA and/or JHSC to assess and implement corrective plan to attain indicator targets.
5. If the Affiliate is assessed for performance improvements (b or c above), there will be an opportunity to respond to the assessment and, in conjunction with JHSC, introduce and implement a corrective plan, if warranted.
6. If a corrective plan is implemented and the Affiliate is assessed for performance improvements a second time, the Affiliate must cooperate with the JHSC to determine and implement measures to improve performance.
7. Subsequent to second unsatisfactory assessment, the Affiliate shall be given a reasonable amount of time to improve performance; if the Affiliate fails to improve performance to a satisfactory level, the JHSC has the right to terminate the Agreement for default.

2.6. Resource Requirement

2.6.1. Personnel Selection and Minimum Experience Requirements

1. The Affiliate agrees to carry out a standardized structured interview for, or assessment of, each applicant or current employee with respect to the selection process, including the determination of personal suitability, and to conduct a background check to confirm the claimed work experience, training and qualifications of the applicant.
2. The Affiliate must design selection standards consistent with the following requirements, and must certify in writing to the JHSC and/or the CBSA as applicable, that each resource meets the minimum standard before providing services:
 - 2.1. All personnel under this contract must:
 - a) Deal effectively and professionally with individuals detained under provincial or federal legislation, lawyers or other counsel and members of the public in a professional and ethical manner, and be aware of the rights and freedoms of the individuals under law;
 - b) Communicate effectively, both verbally and in writing;
 - c) Write reports, protect individual information and case data, and conduct themselves appropriately;
 - d) Effectively manage a caseload of individuals referred to them for services by the CBSA, and proactively ensure continued compliance of the individuals under their care; and
 - e) Must be Canadian citizens or permanent residents.

3. The Affiliate shall use qualified and properly supervised staff, volunteers and students to carry out its obligations provided that they meet the requirements noted above.
4. If personnel are considered to be unsuitable, the Affiliate will cooperate with the JHSC and the CBSA to mitigate the issue in a manner that is agreeable to the CBSA and the JHSC.
5. The Affiliate is responsible for providing properly trained and security cleared staff as well as back up support for illness, holidays or other absences of personnel at no incremental cost to the JHSC, so as to ensure that individual case management is undertaken in a manner that does not impact the individual, or the ATD Supervision Agreement.
6. The Affiliate and its personnel must be familiar with the following:
 - a) Immigration Refugee Protection Act and Regulations
 - b) Treasury Board guidelines for security of information
 - c) Privacy Act
 - d) Access to Information Act

3. OFFICE LOCATION

1. The Affiliate shall maintain an office(s) in which their resources are available to the representatives from the CBSA and to the individuals under its supervision. The office should be located in close proximity to public transit and easily accessible by individuals under their supervision. The Affiliate will allow CBSA employees access to this space as required to deal with eligible or enrolled individuals in the CCMS program.
2. The Affiliate shall ensure that the office is set up to enable personnel to easily communicate with the CBSA via telephone, fax and encrypted email, or other secure file management system, be equipped to properly store personal information, and enable private discussions with individuals, as required.

4. LANGUAGE REQUIREMENT

1. Services must be available in both official languages of the Government of Canada – French and English. Communications with the JHSC and CBSA (as applicable) will however occur in English primarily. If services cannot be provided by the Affiliate in one of the official languages, the Affiliate may contact the JHSC for assistance.

5. INTERPRETATION

1. This English version of this Agreement stands for the official version.
2. The English version shall prevail in case of any discrepancy between it and the French version, or for any interpretation difficulties that may arise.