

ENF 34

Alternatives to Detention Program

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1. Updates to chapter

1.1. Listing by date

- 22 June 2018 – Initial version

2. What this chapter is about

This chapter describes the elements of the Alternatives to Detention (ATD) Program and provides information and guidance on how the tools available under the ATD Program should be used.

This chapter is meant to be read in conjunction with

- ENF 3 Admissibility, hearings and detention review proceedings
- ENF 7 Investigations and arrests
- ENF 8 Deposits and guarantees
- ENF 20 Detentions
- ENF 22 Persons serving a sentence

3. Definitions and specific terminology

Alternative to detention	An alternative to detention is any condition that may be imposed on an individual to offset a risk they represent to the enforcement objectives and the mandate of the Canada Border Services Agency (CBSA).
Deposit	See ENF 8 Deposits and guarantees.
Community case management and supervision (CCMS)	CCMS promotes detention avoidance or detention release for people who lack a bondsperson or require support in addition to a bondsperson to mitigate risk upon release into the community. The CBSA has entered into contracted partnerships with third-party service providers to support individuals in the community.
Review	A review of the available information to determine the circumstances of an individual's failure to comply with conditions, also called a desk investigation, may involve phoning the individual and other parties as well as conducting system and database searches.
Detention review	See ENF 3 Admissibility, hearings and detention review proceedings.
Electronic monitoring (EM)	EM is limited to a portion of select higher-risk individuals who are monitored through a global positioning system (GPS), radio-frequency (RF) system or both. The EM monitoring system is built on real-time location data, which is collected and analysed in a central facility and reported to regional staff to pursue for enforcement, as appropriate. EM is available in the Greater Toronto Area (GTA) only.

Case closure	Case closure happens when an ATD Program individual no longer requires CCMS or electronic supervision (for example, an improvement to the individual's risk level, a change in circumstances where the individual has other support mechanisms, the individual has been compliant after already being de-escalated or the individual is removed from the country).
In-person reporting	In-person reporting is a condition imposed on individuals where they are required to physically appear at a specified place and make themselves known to an official. Usually, this means attending a CBSA inland enforcement office and checking in with a CBSA staff member, who verifies the individual's identity and records their attendance in the system.
Location-based service	Location-based service uses GPS data to identify the location of a cellular telephone. Location information is provided by a third party and is used by the Voice Reporting System (VRS) to record the location of individuals when they call in, as required.
Guarantee	See ENF 8 Deposits and guarantees.
Service provider	Service providers provide CCMS services on behalf of the CBSA to eligible individuals and regularly provide information to the CBSA on CCMS participants.
Voice reporting	Voice reporting is an imposed condition whereby the individual is required to call an automated system at regular intervals. The individual's identity is authenticated on each call by comparing a biometric sample of their voice with a sample given at enrolment. Individuals reporting by cellular telephone may have their GPS location recorded for each call. Additional conditions, such as the time and place from which the call must be made, may also be imposed.
Voice Reporting System (VRS)	The VRS is an automated system that authenticates an individual's identity by using voice biometrics during a telephone call to an automated system.
Withdrawal of supervision	Withdrawal of supervision is a recommendation made by the CCMS service provider to the CBSA when the provider is of the opinion that the individual can no longer be managed in the community (that is, when the individual is no longer willing to comply with the requirements of the program).

4. Description of the ATD program

The ATD Program encompasses all conditions that can be imposed to reduce the risk posed by an individual in relation to the enforcement objectives of the Immigration and Refugee Protection Act (IRPA) and the CBSA's mandate. Prior to the launch of the expanded ATD Program, the nationally available conditions were general conditions, deposits, guarantees and in-person reporting.

The expanded ATD Program was implemented on June 22, 2018 and is intended to augment the existing options that were available to the CBSA and the Immigration and Refugee Board (IRB) to manage individuals subject to immigration detention. The ATD Program provides officers with an expanded set of tools and programs that enable them to manage individuals released into the community more effectively.

The expanded ATD Program is a mechanism to protect the integrity of Canada’s immigration detention system by ensuring individuals are treated fairly and in accordance with the overarching principle that detention is a measure of last resort, and the decision to detain or release an individual is based on the risk they present related to the objectives of the IRPA and the enforcement mandate of the CBSA.

The expanded ATD Program provides one new community supervision tool and two new electronic supervision tools. To manage the application and administration of these new tools, a new position, called the community liaison officer, was created in each region.

Below is a description of all the conditions that are part of the expanded ATD Program as well as the role of the community liaison officer.

4.1. General conditions

General conditions are the conditions that are commonly imposed by Immigration, Refugees and Citizenship Canada (IRCC), the CBSA and the IRB for most individuals subject to a removal order. The intent of these conditions is to require individuals to keep the CBSA apprised of events in the individual’s life that are relevant to the CBSA’s mandate and encourage behaviour that supports the objectives of the IRPA.

The following are commonly imposed conditions that are appropriate in a majority of cases:

Condition	Risk mitigation
Keep the CBSA updated with a current address	A current address allows the CBSA to locate the individual if they fail to comply with conditions or requirements, including removal. A current address is likely to provide investigative leads if the individual fails to comply.
Report criminal charges and convictions	Criminal charges and convictions are a good indicator that the individual may be a danger to the public, which is the primary concern for the CBSA. Criminal charges might also lead to an inadmissibility investigation and previously unknown risks of being unlikely to appear.
Co-operate with obtaining an identity or travel document	The lack of an identity or travel document is often the sole impediment to removal for many individuals. Obtaining an identity or travel document can take a long time, and the sooner the process begins, the more likely the timely removal of the person will take place if it becomes necessary.
Other conditions	An officer may impose other conditions that address risk specific to each individual.

4.2. Issuance of deposits and guarantees

Deposits and guarantees provided by people in the community are intended to positively influence an individual to comply and provide support while in the community. Deposits and guarantees are discussed comprehensively in ENF 8 Deposits and guarantees.

4.3. In-person reporting

In-person reporting is intended to keep the individual connected with the CBSA through regular face-to-face interactions. Regular reporting allows the CBSA to obtain updates on information relevant to the mandate of the CBSA and allows the individual to ask questions of the CBSA in relation to their immigration enforcement proceedings.

4.4. Community Case Management and Supervision

Community case management and supervision (CCMS) provides released individuals with services in the community that reduce the risk they pose through case management and pro-social treatment options. CCMS is delivered by existing non-governmental organizations and community organizations contracted by the CBSA to provide these services.

CCMS service providers perform an initial assessment of the individuals referred to them by the CBSA while they are in detention and provide the results of the assessment to the CBSA. If CCMS is imposed as a condition by either the CBSA or the IRB, the CCMS service provider enrolls the individual in the appropriate programme and services and monitors the individual as they participate in the program.

CCMS services are primarily focused on reducing the risk of non-compliance associated with physical health, mental health and addiction. Additionally, the CCMS service provider can refer individuals to existing community resources that provide housing and shelter assistance as well as child and family services.

For a limited number of individuals who present a high flight risk or danger to the public, CCMS service providers have community residential facilities that individuals can be released to, under strict conditions and subject to very close monitoring. Individuals released to these facilities are required to reside in the facility, follow facility rules and participate in any programmes deemed necessary to mitigate the risk the individual poses.

CCMS service providers report any violations of conditions to the CBSA, who then make a decision, in consultation with the CCMS service provider, if appropriate, on the most suitable response.

4.4.1. Description of CCMS services

CCMS is intended to address factors that are likely to impact the individual's ability to maintain a stable community living situation. The underlying premise is that an individual who is stable in the community is more likely to comply with imposed IRPA requirements and conditions.

The following services provided by the CCMS service provider assist individuals in becoming and remaining stable in the community:

Service	Description
Case management	Every individual enrolled in CCMS receives case management services. The CCMS service provider performs an assessment to determine the appropriate nature and frequency of case management services. At a minimum, the individual is required to report to the CCMS service provider at regular intervals to update on changes to their living situation, daily activities (such as work and school) and any specific issues that could impact compliance with the imposed conditions.
Links to health support	Individuals who have a serious medical condition that requires significant ongoing treatment may be eligible to receive support from the CCMS service provider in arranging and managing their treatment in the absence of a support system of their own.
Mental health assistance	Individuals with mental health issues that are likely to impact their compliance with conditions may have treatment options available to them that are designed to support and encourage compliance with IRPA requirements and imposed conditions. These services may be provided by out-patient treatment program operators available through the CCMS service provider or subcontracted by the CCMS service provider.
Addiction and substance abuse counselling and support	Individuals whose ability to comply with conditions is impacted by addiction may be eligible to participate in treatment programs designed to minimize the impact of their addiction and assist with maintaining stability in the community. These outcomes are expected to support the individual's ability to comply with imposed conditions.
Information regarding housing and employment	<p>Individuals who are eligible to work in Canada may be eligible to receive assistance from the CCMS service provider in accessing local employment resources. Employment provides stability in the community as well as a legitimate source of funds to live on, both of which contribute to the individual being more likely to comply with conditions.</p> <p>Individuals who are or anticipate having difficulty finding a stable residence may be eligible to receive assistance from the CCMS service provider in accessing local housing resources. A stable residential address is one of the strongest contributors to an individual complying with conditions.</p>
Information regarding child-related or family needs	Individuals with child-care needs may be eligible to receive assistance from the CCMS service provider in accessing local resources. A stable community and family situation both contribute to an increased likelihood of compliance.
Mandatory residency	High-risk individuals who require close supervision may be eligible to be placed into residential facilities operated by the CCMS service provider. These facilities closely monitor the individual's behavior and report any concerns or violations of curfews or other conditions to the CBSA

	immediately. Individuals may receive treatment services in some of these facilities and be escorted to appointments and treatment programs by the CCMS service provider when necessary.
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4.4.2. Referral to the CCMS service provider

At any time from initial contact with an individual through to dealing with individuals who have been detained for a lengthy time, an officer, including the arresting officer, the hearings officer and the community liaison officer, may form the opinion that the risk the individual presents could be reduced or offset by one of the services available through the CCMS service provider. When the officer forms such an opinion, they may send a referral for assessment to the CCMS service provider.

The decision to refer an individual for assessment by the CCMS service provider should take into account these factors:

- Expected removal timeline
 - CCMS is intended to provide risk mitigation over a longer time frame, as part of a case management process. If the individual is being removed within a few weeks or less, CCMS is likely not appropriate, as the assessment and enrolment process may take some time.
- Stability of the individual in detention
 - In the event an individual possesses medical or mental health issues that have contributed to their detention, these issues must be stabilized while in detention to a point that the individual can effectively participate in the assessment process.
- Risk level of the individual
 - If the risk level of the individual is so high that release on even the strictest conditions is only plausible far into the future, an assessment should not be requested. The relevance of an assessment by the CCMS service provider diminishes over time and should be done only when there is a realistic possibility of release.

In most instances, the decision to refer an individual for assessment rests solely with the CBSA. Referrals to the CCMS program may also be initiated through outside parties, such as the individual themselves, counsel or another party associated with the individual. These may be directed to the CBSA for referral or to the CCMS provider themselves. In most instances, the CBSA, in conjunction with the CCMS service provider, reviews the request and takes appropriate action. Depending on the particular circumstances of the case, the CCMS provider may undertake an initial assessment of an outside referral following notification to the CBSA. If the IRB requests that an individual be referred for assessment, the CBSA makes the referral, in consultation with the IRB.

In the instance of a CBSA referral, the referral includes all the information the CBSA has available that may be required to assist the CCMS service provider in assessing the individual for services and treatment that could mitigate their risks.

4.4.3. Assessment by the CCMS service provider

Upon receipt of a referral, the CCMS service provider performs an initial review of the information and contacts the community liaison officer with a plan to complete the assessment. When relevant, the community liaison officer assists the CCMS service provider in gathering additional information that may be required and in setting up interviews with the individual.

The CCMS service provider interviews the individual in person or remotely, if necessary, using the services of an interpreter, as required. The service provider provides the results of the assessment to the CBSA as soon as it is completed and within timelines outlined in the CCMS contract.

The completed assessment is reviewed by the CBSA and used in a subsequent detention review by the hearings officer, as appropriate. The assessment provides the CBSA with sufficient information related to a proposed release plan for presentation to the IRB. If the assessment is undertaken in advance of the 48 hour detention review, the CBSA has the authority to release the individual, according to the release plan agreed to with the CCMS service provider.

4.4.4. Enrolment with the CCMS service provider

Once enrolment with a CCMS service provider has been imposed as a condition of release by the CBSA or the IRB, the community liaison officer makes arrangements with the CCMS service provider to enrol the individual. In most cases, the individual is released from the detention facility with a direction to report to the CCMS service provider at a scheduled time.

High-risk individuals may be transported to the CCMS service provider office or residential facility by the CBSA or contracted guard service for enrolment, when deemed necessary. The CBSA or the contracted guard service can only transport individuals who have their release conditions explicitly worded that release is contingent upon enrolment.

At the enrolment appointment, the CCMS case worker reviews the release conditions imposed and the particulars of the individual's case to develop an appropriate program of reporting and community services that collectively mitigates risk factors present. They further explain what is required of the individual to participate in the CCMS program. The specific services and programs that the individual is subject to, as part of their participation in the CCMS program, are documented within the Agreement of Supervision or the Supervision Contract initiated between the CCMS service provider and the individual. This document is sent to the CBSA to be placed on the file, in accordance with the CCMS contract. Any relevant information is put into the National Case Management System (NCMS) by the community liaison officer.

4.4.5. Monitoring and enforcement by CCMS service provider and CBSA

Once the individual has been enrolled into the CCMS program, the CCMS service provider has regular and ongoing interactions with the individual to ensure that the individual is abiding by the requirements of the program and their release conditions. Over the course of their participation in the program, the CCMS service provider, in accordance with the parameters of the contract,

provides the CBSA with any new information received from the individual that may be of interest to the CBSA in the ongoing administration of the program.

On a regular schedule, the CCMS service provider reviews the services the individual is enrolled in and provides the community liaison officer with a recommendation to maintain the current services or modify them, in accordance with the CCMS contract. In general, individuals enrolled with the CCMS service provider are expected to gradually require less support over time from the CCMS service provider in the community, to the point where they can remain stable in the community without support from the CCMS service provider.

If the CCMS service provider becomes aware that the individual is not abiding by the requirements of the CCMS program or other conditions of their release, the CCMS service provider should contact the CBSA with the details. The CBSA, in conjunction with the service provider, may have a discussion to determine the appropriate response. Depending on the nature and severity of the violation, the history of the individual and the risk level of the individual, more restrictive conditions may be imposed, withdrawal of supervision may be undertaken or the case may be referred for investigation and further enforcement action.

4.5. Voice reporting

Voice reporting (VR) allows individuals to report the CBSA by phoning an automated system that verifies their identity by using their voice. The results of VR are recorded in the NCMS in real time.

Individuals can enrol and report using a landline or a cellular telephone. Recognizing that most individuals possess cellular telephones, it is preferred that enrolment be initiated by using the individual's cellular telephone. This enables more effective management of the individual on the VR program, with the overall objective to promote compliance. Regular reminder notifications and other direct communications are only possible through the use of short message service (SMS) text messaging. Individuals reporting by landline have the address from which they are calling recorded by the CBSA. Individuals reporting by cellular telephone have their location captured with GPS, which enables the CBSA to confirm the location of the call.

VR most significantly offsets the risk of an individual not appearing by maintaining a relationship with the individual, while they are the subject to immigration enforcement proceedings. It is an effective alternative to in-person reporting, particularly for individuals located in remote areas or who reside in an area not easily accessible to a CBSA inland enforcement office.

4.5.1. Cellular telephone reporting

The individual must use a cellular telephone from one of the below providers. Any provider outside of those listed below cannot be accepted at this time. This list should be updated when new cellular telephone providers are added.

Approved telephone providers

- a. Telus and sub-brands – Telus, Koodo

- b. Bell and sub-brands – Bell, Virgin Mobile
- c. Rogers and sub-brands – Rogers, Fido

Up-to-date information may also be found on Atlas.

Officers and the IRB can impose additional conditions related to VR, if necessary, to offset the risk posed by the individual. The following is a list of some VR-related conditions that may be appropriate for select medium and high risk individuals:

1. report using the VR System from a specific location and at a specific time
2. not be in possession of or use a cellular telephone, other than the one used to report to the CBSA
3. carry the cellular telephone used to report to the CBSA at all times and answer any call from the CBSA or return a call in response to a message left within the timeframe assigned by the officer.

Individuals who report via a cellular telephone are sent a reminder SMS text message on the morning they are required to report. Individuals who fail to report are sent an SMS text message shortly after midnight the next morning, informing them of the violation and directing them to report using the VR System immediately.

4.5.2. Landline

While cellular telephone use for VR is preferred, the CBSA may allow individuals to report using a landline telephone. Individuals must have a landline telephone that is directly connected to the public telephone network. Voice over Internet Protocol (VOIP) or Internet telephones are not permitted. Individuals must produce a telephone bill from a telephone service provider that lists their name, address and telephone number. The name on the telephone bill must match the name of the individual being enrolled in the program, a family member or a guarantor. The address on the telephone bill must match the individual's residential address that is registered with the CBSA.

If the individual is moving, they must provide the CBSA with documentary proof of the new address of service for the landline telephone and the new telephone number, if it is changing, before moving. This requirement is in addition to any other address notification requirements imposed by the CBSA, per case-specific conditions.

In instances where an individual may be subject to other conditions, such as mandatory residency, or may reside in a facility that is not a residential address (such as a shelter), the CBSA officer may elect to allow the individual to report using the registered telephone of the service provider. Advance consultation with the facility may be necessary.

4.5.3. Location-based services

Location-based services are also called geolocation, which refers to the ability to locate the cellular telephone the individual has used to enrol and report to the VR System. It is the policy

of the CBSA that the location of the cellular telephone **may be requested only in the following four circumstances:**

1. when the individual contacts the CBSA VR System, using their registered telephone number
2. when the VR System contacts the individual by using their registered phone number for the purpose of performing a call back, as required by program guidelines
3. when the VR System contacts the individual by using their registered telephone number for the purpose of sending them an SMS text message notification that they have failed to telephone report, as required by program guidelines
4. when the individual fails to comply with conditions imposed by the CBSA or IRB, and the CBSA has opened an investigation into the individual's failure to comply; in such instances, an officer may use the VR System to determine the location of the individual's registered cellular telephone after obtaining supervisor or manager approval

To maintain the integrity of the VR Program, geolocation should be used for all individuals reporting by cellular telephone, unless there are unusual circumstances that would make the sharing of their location at the time of their reporting to the CBSA inappropriate.

4.5.4. Enrolment

Once an individual has the VR condition imposed by the IRB or CBSA, the enrolment process is initiated by regional CBSA staff. Enrolment can be done as soon as the condition is imposed, or the individual may be scheduled to return at a later date for enrolment, depending on the circumstances.

Enrolling in the VR System takes approximately 30 minutes and is usually done in a CBSA inland enforcement office, in a quiet, interview-type setting. Enrolment is possible in alternative sites, if necessary, due to geographic or other logistical factors.

Officers use GCMS, NCMS and the VR System to enter information and move the individual through the enrolment process. Individuals call a toll-free number and follow the voice prompts and written instructions provided to them by the CBSA officer to record five samples of their voice print, repeating the same phrase each time. The phrase is standard for all individuals enrolled in the VR System, and it has been translated into 40 languages, enabling individuals to report in their primary language of choice.

Instructions and prompts in the VR System are in English and French only, so an interpreter may be necessary to assist the individual in following enrolment instructions.

When an individual is successfully enrolled, they are provided with detailed written instructions on how to report, tips and troubleshooting, and contact information for assistance.

4.5.5. Reporting

Once enrolled, individuals report on a schedule determined by the CBSA or IRB by calling a toll-free number and following the voice prompts to say the standard, pre-recorded script three times. The VR System generates a match score by comparing the individual reporting event to the pre-recorded script captured at enrolment. All results are recorded in the VR System and transmitted to NCMS for review by a CBSA officer, if necessary. The reporting process takes approximately 90 seconds.

To support individuals with compliance with their reporting schedule, a reminder SMS text message is sent to all individuals who report by cellular telephone on the morning they are required to report.

4.5.6. Monitoring

The monitoring phase is undertaken with the objective of ensuring that all individuals enrolled in the VR System are reporting in accordance with their prescribed conditions and time of reporting. It facilitates early intervention to determine if any violation of reporting using the VR System was intentional on the part of the individual and if it should be referred to the region for further investigation.

A new unit, called the Alternatives to Detention Monitoring Centre (ATDMC), has been created to conduct an initial case review of any individual who fails to report by telephone, as directed, or of any file that has been flagged as questionable. To ensure program integrity and effectiveness of the VR System even further, the ATDMC may randomly review individual reporting events to ensure consistency of reporting, comparison matching to pre-recorded voice prints and any other case analysis that they deem necessary to ensure effective program management.

In the event of a failure to report on the part of an individual, the VR System sends the individual a reminder SMS text message shortly after midnight the day after their scheduled reporting event to remind the individual to report immediately to the CBSA VR System. These files are flagged for further follow up to the ATDMC. If the file is not resolved, following the reminder SMS text, the ATDMC performs a review of the violation. If the ATDMC is unable to reach the individual or is not satisfied that the individual will report in the future, the case is referred to the region. If the ATDMC is satisfied the individual will report in the future, they should reactivate the individual in the VR System, enabling reporting to continue. All functions are undertaken in accordance with ATDMC policies.

In the event of a questionable reporting event, the ATDMC may undertake an assessment of the reporting event by comparing the pre-recorded script captured at the time of enrolment to the reporting script that was recorded at the time of the reporting event. If the ATDMC is not satisfied with their assessment, the file may be referred to the region.

The ATDMC is located in Ottawa and is staffed by ATD monitoring officers. ATD monitoring officers determine the nature and severity of each violation by using all available systems and

by attempting to contact the individual or other people associated with the individual who is enrolled in VR, to resolve any issues.

The results of this review are forwarded to the region on a schedule determined by the priority the region has assigned to each individual case.

For further information on the ATDMC, see the ATDMC standard operating procedures.

4.5.7. Enforcement

When the region receives the results of a review from the ATDMC, they assess and action it, as appropriate, based on the individual's determined risk level and any case-specific factors.

According to program guidelines and policies, for individuals enrolled in VR, officers may request to have the location of an individual's telephone determined by the VR System without notifying the individual only if the individual has violated conditions imposed under the IRPA, and the CBSA is investigating the violation. Officers may only collect this information if it is necessary for the investigation of the violation of conditions.

Officers are required to confirm that the above requirements have been met and that a supervisor or manager has been briefed on the investigation. The supervisor or manager must provide concurrence with the officer's decision to determine the location of the individual's telephone. A written record of the approval, including the justification of the necessity, is required to be placed on the file. If exigent circumstances allow for only verbal approval, a written record of the approval must be generated as soon as practicable and placed on the individual's file. Audits of the collection of location information using this method are performed on a regular basis.

4.6. Electronic monitoring

Electronic monitoring (EM) is offered through a relationship with Correctional Service Canada (CSC) and is executed only in the Greater Toronto Area region as a pilot project, until March 31, 2020. The success of the pilot will be assessed before March 31, 2020, and a decision to continue, discontinue or expand the program will be made.

EM involves attaching a bracelet-type device to the individual's ankle that allows the location of the individual to be continuously monitored while they are released in the community. The bracelet is securely attached and should only be removed in cases of medical necessity, unless otherwise directed by the CBSA or IRB.

EM is intended to be used in conjunction with CCMS, a deposit or guarantee, or both for individuals who present a high risk if released into the community but whose predicted length of detention favours release. Individuals on EM usually have restrictions on places and times that they can be in the community. Compliance with these conditions is monitored at all times by staff in the Monitoring Centre, operated by CSC. Any violation of EM conditions is reported immediately to the CBSA for review and action, as required.

4.6.1. Enrolment

Once an individual has an EM condition imposed by the IRB or CBSA, the enrolment process is initiated by regional CBSA staff. EM enrolment is a two-step process: installation of the ankle monitor on the individual and installation of the Radio Frequency (RF) modem in the individual's residence. The installation of the EM monitoring device takes approximately 60 minutes and is done by a CBSA inland enforcement officer.

Before the individual's official release from detention, the officer performs an assessment of the proposed residence and tests the functioning of the RF unit and the ankle monitor at the proposed residence by verifying the operation of the units with the CSC Monitoring Centre. After verifying the equipment is functioning correctly, officers explain to the individual the terms and conditions of their participation on the EM program and install the ankle monitor. The officer subsequently transports the individual to their residence and releases them from detention.

Enrolment in the EM program is undertaken in English and French only, so an interpreter may be necessary to assist the individual in following enrolment instructions.

When an individual is successfully enrolled, they are provided with detailed written instructions on how to remain compliant with EM program requirements and the particular conditions associated with their participation on the program. They are also provided with a handbook that provides tips, troubleshooting and contact information for assistance.

4.6.2. Monitoring and enforcement

Individuals on EM are monitored by the CSC Monitoring Centre, in conjunction with the CBSA. Any breach or non-compliance is referred to the region for immediate action. All functions related to monitoring and enforcement are undertaken in accordance with EM policies and guidelines and are governed by the established memorandum of understanding between both departments.

5. Roles and responsibilities

5.1. Community liaison officer

The community liaison officer position was created to manage the ongoing administration and use of the VR, CCMS and EM programs in the regions. All CBSA regions have dedicated community liaison officers to ensure the effective and ongoing use of alternatives to detention, in accordance with program objectives, national policies and guidelines. Community liaison officers are the primary point of contact in all regions for alternatives to detention and are primarily responsible for advising officers on the effective use of ATD Program tools and providing case management support for individuals released in the community. While the community liaison officer is not likely the primary file holder for specific cases, they are a regional point of contact responsible for ensuring that all cases in detention have been considered for alternatives to detention and for ensuring the inland enforcement officer and hearings officer are equipped with the necessary information and tools to make decisions. The community liaison officer is the sole point of contact in the region for the CCMS service provider.

Community liaison officers are regional program officers with the delegated authorities under the IRPA to make decisions. Despite this authority, they are not expected to make decisions on detention, release or the imposition of conditions. Rather, they support inland enforcement officers, border services officers and hearings officers in the management of their cases and the execution of their work. Community liaison officers, in conjunction with inland enforcement officers, monitor individuals released into the community to assess their continued compliance with the ATD Program. Community liaison officers remain the subject matter experts on alternatives to detention programming.

5.2. ATDMC

The ATDMC performs monitoring and first-stage review of VR violations, including fraud detection and data integrity assessments. The results of the review are forwarded to the regions for action, as appropriate. This function is intended to reduce pressure on regional inland enforcement offices to allow for a more focused emphasis on regional desk and road investigations.

5.3. CSC Monitoring Centre

The CSC Monitoring Centre monitors the status of individuals enrolled in EM 24 hours per day and seven days per week and immediately notifies the CBSA of any violations of EM conditions. The CSC Monitoring Centre also confirms the successful installation and application of EM equipment during enrolment and provides technical support to CBSA officers responsible for managing individuals on EM.

5.4. CCMS service provider

The CCMS service provider writes an assessment of individuals referred to them that describes the services and support available that are expected to mitigate the individual's risk in the community. Once the individual is enrolled in CCMS programming, the CCMS service provider monitors the individual and provides case management services. Information regarding changes in circumstances and violations is reported to the CBSA for review and action, if required.

The CCMS service provider must ensure the necessary services and programs are available in the service locations listed in the contract and fulfill the reporting and administrative obligations outlined in the contract. The CCMS service provider must provide qualified, security-cleared staff to perform case management functions, as specified in the contract.

6. Instruments and delegations

No delegations were added or amended in relation to the ATD Program.

7. Authority to impose conditions

Designated CBSA and IRCC officers, as well as the Immigration Division, have authority to impose conditions under subsection A44(3). In addition, designated CBSA officers are also authorized to arrest and detain foreign nationals and permanent residents in circumstances prescribed in section A55 and to impose conditions under section A56. The Immigration Division may order the release of an individual from detention, in accordance with section A58.

Subsection A44(3) should be used when the conditions are being imposed on an individual who is not detained under the IRPA, and no grounds for detention are present. Individuals who are not detained usually present a lower level of risk, which means that less intrusive intervention options are most likely appropriate.

8. Assessment of alternatives to detention

8.1. Risk identification

Risk identification requires an evaluation of the information available at the time and includes any pieces of information or evidence available that may help predict future behaviour.

Risks are related to the objectives of the IRPA and can generally be categorized in one of the following two ways:

1. The first is risk to public safety, as described in paragraphs A3(1)(h) and A3(2)(g). Public safety is the top priority for the CBSA. When the public safety consequences associated with this risk are significant, these risks need to be virtually eliminated before release.
2. The second is risk to program integrity. These risks relate to a negative impact on achieving all other objectives of the IRPA. The acceptable degree of risk depends on the specific circumstances and is discussed further below.

At this stage, the focus is on identifying information that will be analyzed in the next step.

8.2. Conducting the risk analysis

Once all the available information on the risks has been gathered, officers must analyze the information to determine the weight to be given to the information. The following factors and questions assist in determining the weight to be given:

1. How reliable, accurate and comprehensive is the information?
 - a. Greater weight should be given to information that is believed to be unbiased and fully describes the behaviour or circumstances.
2. How likely is it that the risk will impact the CBSA's enforcement mandate or IRPA objective?
 - a. Greater weight should be given to information that directly relates to the objectives of the IRPA. For example, a history of failing to appear for immigration proceedings should be given more weight than failure to appear for regulatory (traffic) proceedings.

Using the information gathered, officers consider the prescribed factors, as identified in sections 244 to 247 of the Immigration and Refugee Protection Regulations (IRPR), as well as some additional factors discussed below, as they relate to the grounds for detention.

8.2.1. Flight risk

Individuals who pose a risk of not appearing for proceedings (Unlikely to Appear) should be more likely to appear than not after the imposition of conditions, taking into account the factors in section R245 and paragraphs R248(b), (c) and (d) as well as any other relevant factors, such as

- objective assessment of their chances of gaining durable status in Canada
- existence of strong ties to a community in Canada
 - Strong ties are a factor in favour of release if the ties are to a person or people who can influence the person to appear for proceedings. Strong ties are a factor against release if the person or people have shown not to have a positive influence and, therefore, become a strong pull factor motivating the individual not to appear for removal.
- access to a significant amount of wealth, which may provide an increased ability to abscond
- use of false identity documents and aliases to evade detection from the authorities
- attempts to hide their presence in Canada
- lack of credibility, as demonstrated in dealings with immigration or police officials
- co-operation of the individual
 - If an individual is uncooperative with the CBSA, this is a strong indicator that the individual is unlikely to comply with imposed conditions.

8.2.2. Identity

It is rarely appropriate for individuals who are detained for identity to be released on the basis of alternatives to detention when the length of detention is anticipated to be short. Establishing the identity of an individual is the cornerstone to all immigration proceedings, including the assessment of the risk the individual poses. Every case must be assessed on its individual details, and if the length of time in detention, predicted future length of detention or other circumstance warrants the consideration of release on conditions, individuals should be evaluated by using the same criteria as danger to the public and flight risk, given the information available.

The CBSA must have enough reliable, accurate and comprehensive information to assess effectively the risk posed by an individual if released. If the CBSA does not have sufficient information, release on the basis of alternatives to detention is generally not appropriate until the CBSA is able to, based on a balance of probabilities, feel sufficiently comfortable that the information on file is enough to predict risk.

8.2.3. Danger

Individuals who are detained for danger to the public should have their risk mitigated, so the risk of serious harm to the public is significantly reduced by the conditions being imposed. Factors to be assessed include the following:

- assessment related to present or future danger based on prior history
- positive danger opinion from the Minister
- association with criminal organizations, including people smuggling and human trafficking (membership is not required, just association; a criminal record is not required either)
- convictions in Canada for offences involving violence or drug trafficking
- charges or convictions outside Canada involving violence or drugs trafficking
- age of convictions must be considered, as the more time that has passed since the convictions the lesser the risk, taking into account efforts by the individual to rehabilitate, including any associated factors, such as substance addiction (more weight should be given to this factor if the individual has been living in the community as opposed to in detention, where there is limited opportunity to re-offend)
- parole and bail decisions are good references when evaluating the level of danger (both decisions take danger into account but use different criteria)
- nature of the risk posed
 - For example, if an individual presents a very likely risk of serious harm to the public, the risk should be significantly reduced by the conditions being imposed. If the risk posed to the public is based on predictive factors and is more general in nature, the imposed conditions should reasonably be expected to reduce the general risk posed.

8.2.4. Mental health concerns

The risk posed by individuals with mental health concerns depends largely on the available treatment options and the individual's ability and willingness to participate in the treatment. The history of the individual's compliance with previous treatment is a good indicator of future compliance.

The National Risk Assessment for Detention (NRAD) form is used to determine the appropriate placement of individuals in detention. Many of the factors identified and analyzed in the NRAD form are likely relevant to a risk analysis for alternatives to detention; however, the analysis of risks for purposes of alternatives to detention must be done separately from the NRAD form decision.

For more information on risk analysis and the use of the NRAD form, see ENF 20.

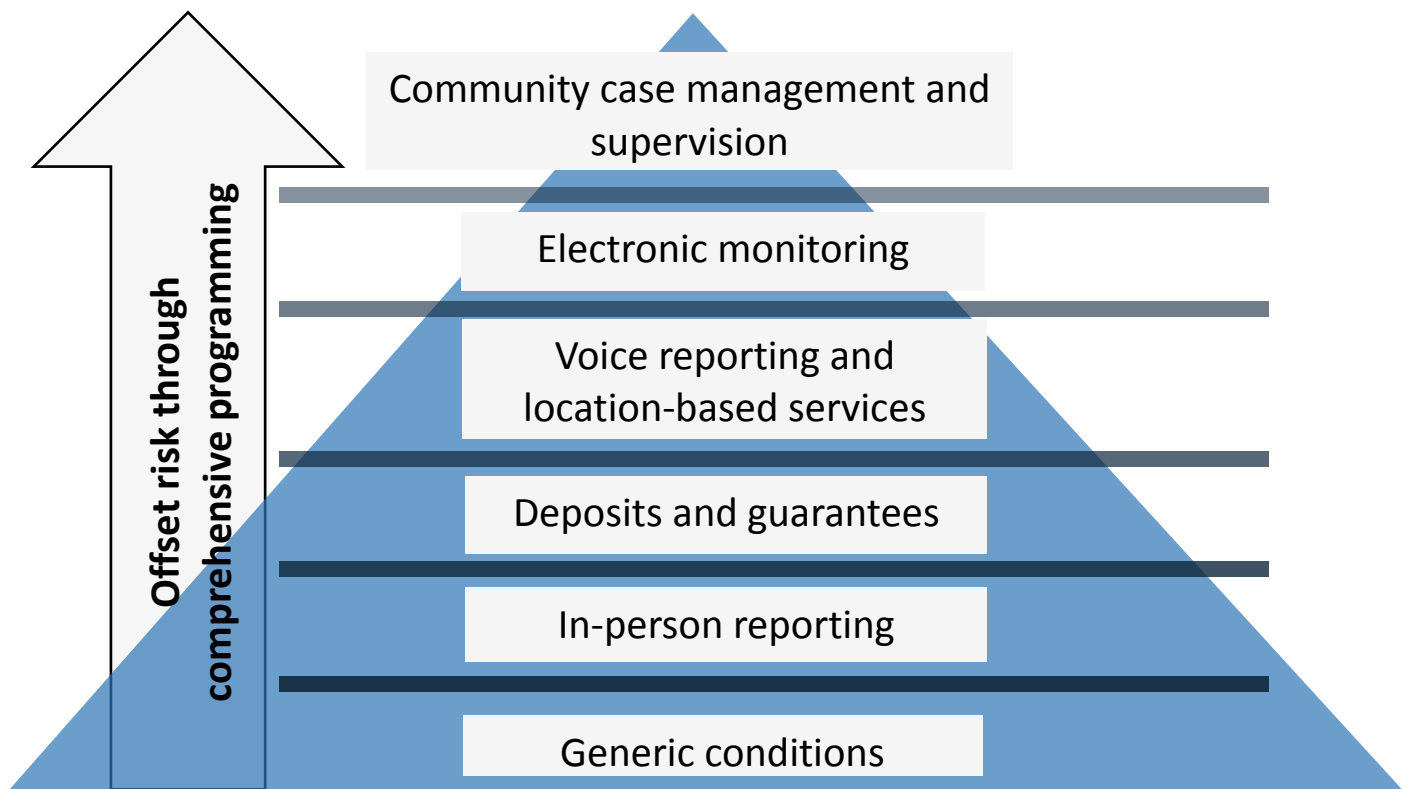
8.3. Risk offset

Risk offset describes the degree to which the condition that is imposed is expected to reduce the risk posed. Identifying conditions that effectively reduce the specific risk or risks posed is the intended outcome of this phase of the assessment of alternatives to detention.

A condition imposed as a risk offset should

- reduce the likelihood of the risk impacting the enforcement outcome
- reduce the risk of harm to the public
- address specific negative behaviours of the individual
- be reasonable and only as intrusive as necessary

The graphic below depicts the risk offset provided by the tools available in the ATD Program, with the least intrusion and least risk mitigation at the bottom and the most intrusion and most risk mitigation at the top. CCMS (mandatory residency) and EM are generally too intrusive to be imposed under subsection A44(3) or A56(1) by CBSA officers and should only be imposed under subsection A58(1) by the IRB, except in rare circumstances.



Below is a general guide to the risk offset provided by the elements of the ATD Program.

Risk offset	Conditions	Rationale
Minimal risk offset	General conditions, in-person reporting and VR	These conditions maintain a close relationship between the CBSA and individuals under immigration enforcement proceedings. This

		communication channel supports individuals in voluntarily complying with requirements.
Moderate risk offset	Deposits and guarantee(s), CCMS and VR, with location restrictions	These conditions influence individuals to comply with requirements by providing support in the community, coupled with closer oversight and monitoring.
High risk offset	CCMS high intervention programming, EM (in GTA) or both	These conditions provide restrictions on the activities of individuals in the community and constant monitoring of their compliance with these restrictions.

Below is a guide to the specific elements to be considered when determining suitability for the tools provided by the expanded ATD Program.

Elements		Suitability considerations
Level of co-operation	VR CCMS low or medium intervention	These conditions are intended for co-operative individuals; uncooperative individuals are unsuitable, due to high risk of non-compliance.
	VR, with location requirements CCMS high intervention EM (GTA only)	These conditions are intended for co-operative individuals; uncooperative individuals are generally unsuitable, unless higher intervention programming can mitigate risk.
Detained for unlikelihood to appear	VR CCMS low or medium intervention	These conditions are intended for individuals who can remain compliant in the community, despite a previous history of failure to comply.
	VR, with location requirements CCMS high intervention EM (GTA only)	These conditions are intended for individuals who can remain compliant in the community with very stringent conditions and for those who could possibly become compliant with mandatory residency to transition into the community.
Detained for identity	VR CCMS low or medium intervention	These conditions are intended for individuals whose identity concerns can be appropriately risk-managed in the community.
	VR, with location requirements CCMS high intervention EM (GTA only)	These conditions are intended for individuals whose identity concerns can be appropriately risk managed in the community.
Detained for danger	VR, with location requirements CCMS high intervention EM (GTA only)	These conditions are intended to mitigate high levels of risk, that is, serious criminality [A36(1)].

8.4. Evaluation of residual risk

Residual risk is the level of risk that remains if it is decided that an individual be placed on conditions. It is either acceptable residual risk (the risk has been sufficiently mitigated) or unacceptable residual risk (the risk has not been sufficiently mitigated). When an officer is considering release, or when a hearings officer is making submissions on release to the IRB, the residual risk posed by the individual after conditions are imposed is the primary consideration.

What is acceptable or unacceptable in any given case depends on the unique facts of the case. Therefore, a case-by-case analysis is required. It is important for officers to remember that risk elimination is not possible.

When deciding if the residual risk is acceptable for individuals who are unlikely to appear, officers should be evaluating on a balance of probabilities whether the individual is more likely to appear than not.

When deciding if the residual risk is acceptable for individuals who are detained for identity, officers must evaluate the risk of the individual not appearing and the possible danger to the public the individual poses, taking into account the risks inherent in not being satisfied with the individual's identity. Additionally, officers must be satisfied that the ability to continue the investigation into the individual's identity is not negatively impacted by releasing the individual on the conditions available.

For individuals who present a danger to the public, the residual risk must be very low. The IRPA prioritizes the safety of the public and, therefore, any risk posed must be minimal, taking into account all the individual circumstances.

If the residual risk is acceptable, in the officer's opinion, they may decide to release (pre-48-hour detention review) or present the release options to the IRB (at a detention review).

If the residual risk is unacceptable, in the officer's opinion, taking into account the factors in paragraphs R248(a) to (d), they should proceed with making a recommendation for continued detention to the authorized reviewing manager or the IRB, as appropriate.

ENF 3 provides guidance on evaluating residual risk at detention reviews.

8.5. Documenting the decision

Officers are required to document their assessment of alternatives to detention and the reasons the decision to continue detention or release on the basis of alternatives to detention was made. The written assessment of alternatives to detention must include, at a minimum

- the information that was available at the time the assessment was made
- factors used to determine the weight given to the information

- the risks identified
- for decisions to continue detention, the factors in paragraphs R248(a) to (d) that weighed in favour of detention, when balanced against the risk offset provided by the available alternatives to detention
- for decisions to release on the basis of alternatives to detention, the risk offset provided by the alternatives to detention
- justification for any decision that is an exception to the guidelines provided in this manual or other operational guidance

The form and location of the written assessment depends on the circumstances but must be placed on the physical file, in accordance with policies.

9. Vulnerable persons

Some vulnerable persons have an increased risk, based on their vulnerability. Vulnerable persons may include but are not limited to individuals with health, mental health or addiction issues; the elderly; minors; and victims of trafficking. The nature and severity of the vulnerability need to be taken in account when determining an acceptable residual risk for a vulnerable person.

It is recognized that detention has a greater impact on vulnerable persons, and detention should be minimized to the extent possible for such groups. Risk tolerance may be influenced by vulnerability factors. Each case needs to be assessed on its case-specific factors to determine if release is a viable option.

See ENF 20 for more information regarding vulnerable persons.

10. Minors

See ENF 20 for guidance on the factors to be considered when a case involves a minor child. This includes detention decisions related to parents and legal guardians of minors when the minor is affected.

11. Use of Alternatives to Detention Program tools at ports of entry

The assessment process for alternatives to detention is the same at ports of entry (POE) as it is for inland cases. However, most POE cases have factors under paragraphs R248(a) to (e) that may make the residual risk too high for release to be appropriate when those factors are taken into account.

Most POE detentions are for a very short amount of time, and the grounds for detention are usually related to a high or unknown risk. These factors usually weigh heavily in favour of

detention. However, this does not preclude the officer's responsibility to assess and consider alternatives to detention in all cases where detention may be continued. Consideration for an alternative to detention may be limited by time constraints that are present at a POE. In instances where an individual may be considered for release on an alternative to detention, but where the alternative to detention is not available at the time of detention, notes to file must be documented to refer the individual for further consideration within the first 48 hours by an inland enforcement officer or a community liaison officer.

If an officer working at a POE is of the opinion that the imposition of CCMS, VR or EM may be appropriate, they need to consult with the community liaison officer or local inland enforcement office in their respective region. The community liaison officer reviews the case and provides guidance on the best course of action.

12. Presenting the alternatives to detention assessment at detention reviews

The results of an alternatives to detention assessment is used by hearings officers when making submissions to the IRB on the residual risk posed by an individual if released. This may include the assessment by the CCMS service provider, if enrolment in CCMS is being proposed. In general, hearings officers make submissions on whether the factors in paragraphs R248(a) to (d) weigh in favour of detention or release, taking into account the residual risk after the available alternatives to detention are considered.

See ENF 3 for more information on the factors for consideration and procedures at detention reviews.

If the CBSA has not referred the case to the CCMS service provider and does not intend to in the foreseeable future, hearings officers should provide a brief explanation of that decision. If the IRB requests that the individual be referred to the CCMS service provider for assessment, the CBSA should do so.

When making submissions on the wording of the conditions for VR, CCMS and EM, hearings officers should propose language that allow the CCMS service provider and the CBSA the latitude necessary to manage the person effectively while released. The proposed wording of the conditions should authorize the CBSA to modify or cancel the conditions imposed by the IRB related to VR, CCMS and EM.

13. Privacy and information-sharing

Information collected under the ATD Program can only be disclosed under the provisions of the Privacy Act. See CBSA guidelines of information-sharing for details.

In general, collected information can be shared under paragraph 8(2)(a) of the Privacy Act if it is shared for a use consistent with the purpose it was collected for. Information related to alternatives to detention is collected for the purpose of administering and enforcing the IRPA.

13.1. Privacy and geolocation information

Individuals who have their location shared with the CBSA when enrolled in the VR System must provide written consent for the third-party service provider to obtain their location from their cellular telephone service provider and provide it to the CBSA.

Due to the sensitivity of the location information collected as a part of the VR Program, it is CBSA policy not to share this information under paragraphs 8(2)(e) and 8(2)(f) of the Privacy Act. If this information is requested by outside parties, such as law enforcement partners, another authority must be used to share the information.

Location information is collected for the purposes of monitoring and enforcing compliance with conditions imposed under the IRPA. Location information may only be viewed and used by CBSA officers for these purposes.

13.2. Community case management and supervision Privacy Notice form

The CBSA is authorized to share information necessary for assessment and participation in CCMS with the CCMS service provider without the consent of the individual, as prescribed in paragraph 8(2)(a) of the Privacy Act. However, the individual must be notified that their information is being shared. The CCMS Privacy Notice form notifies the individual that their information may be provided to the CCMS service provider to start the assessment process and as needed, if enrolled. The sharing and use of information must be conveyed to the individual by the officer, using an interpreter, if required, before the individual's information is shared outside the CBSA.

13.3. Requesting sensitive information from the community case management and supervision service provider

While enrolled in CCMS, individuals may provide sensitive information, such as health and mental health information, to the CCMS service provider. The CBSA does not have routine access to this information. The CBSA only requests sensitive information from the CCMS service provider if it is required to protect the health or safety of the individual, CBSA staff or the public.

All requests for information from the CCMS service provider must be submitted by a community liaison officer. The community liaison officer ensures that the requested information meets the requirements of the above policy and other applicable policies, regulations and legislation.

Appendix A

13.3.1. Forms

The forms below are specific to the ATD Program. The forms necessary for the imposition of conditions and administration of deposits and guarantees are found in ENF 8 Deposits and guarantees.

CCMS Privacy Notice form [BSF 803]	Provided to all individuals being considered for CCMS before their information is shared outside the CBSA
CCMS Referral form [BSF 801]	Used by the officer, community liaison officer, CCMS service provider or all of the above to document the proposed release plan
CCMS Supervision Agreement [BSF 802]	Documents the detailed programming and associated requirements specific to an individual's release plan with a CCMS service provider
Alternatives to Detention Change of Conditions form [BSF 806]	Used by the CCMS service provider to recommend and justify a change of conditions
CCMS case summary form [BSF 805]	Used by the CCMS service provider to convey new, pertinent information regarding an individual enrolled in a community supervision program to the CBSA
CCMS Report of Non-Compliance [BSF 807]	Used by the CCMS service provider to provide the CBSA with details of an individual's failure to comply with a requirement of the CCMS Supervision Agreement
EM Client Set Up [BSF 808]	Used to provide CSC with the details necessary to set up a CBSA individual on EM in the CSC monitoring software
EM Instructions [BSF 809]	Provides details and instructions on what is required of an individual enrolled on an EM program
VR Consent form [BSF 804]	Explains the collection of geolocation information and records the individual's consent to be a participant in the VR Program, confirms the individual is the account holder or has the permission of the account holder and has exclusive use of the cellular telephone (only required if reporting by cellular telephone)
Toronto Bail Program (TBP) Bail Supervision Contract	Used by the TBP to outline the rules of supervision, including reporting frequency and ability of the TBP to share information with the CBSA
TBP Interview Results Sheet	Used by the TBP to record the outcome of the assessment interview and provided to the CBSA for information and recording purposes
TBP Agreement of Supervision	Used by the TBP to confirm that the individual has agreed to abide by conditions required for release
TBP Withdrawal of Supervision Letter	Used by the TBP to advise the CBSA that supervision must be terminated and supervision services are withdrawn
TBP Graduation Request	Used by the TBP to advise the CBSA that supervision may no longer be required and to request that the individual be graduated from TBP programming

