

Letter of Understanding
ON
Access to Ontario Correctional Institutions
BETWEEN
The Canadian Red Cross Society (Hereinafter "CRCS")
AND
The Ontario Ministry of Community Safety and Correctional Services
(HEREINAFTER "MCSCS")

PREAMBLE

The CRCS is a humanitarian organization, which, in accordance with an MOU between Canada Border Services Agency (CBSA) and the CRCS, monitors federal immigration holding centres and provincial correctional facilities holding immigration detainees held under the *IRPA* (hereinafter called detainees) in relation to four key areas, namely:

- conditions of detention, including access to medical services;
- treatment of detainees, including complaint mechanisms;
- legal guarantees, including access to counsel; and
- family contact, including access and communication.

CRCS has requested access to immigration detainees who are held in Ontario correctional facilities in accordance with the above mentioned monitoring mandate and the current agreement between the Canada Border Services Agency (CBSA) and the Ministry of Community Safety and Correctional Services (MCSCS).

MCSCS operates correctional institutions in Ontario that house immigration detainees in accordance with its statutory mandate.

OBJECTIVES

The intent of this Letter of Understanding, between CRCS and MCSCS is to establish a framework regarding terms of access.

MODALITIES OF WORK

Access to Ontario correctional institutions will be permitted to CRCS representatives at specific times and in accordance with specific procedures. Each correctional institution may have different times and procedures.

- Prior to the initial visit to an Ontario correctional institution all CRCS representatives will be subject to security checks as per Ministry of Correctional Services Polices, ref. "Functions of Ministry" and 'Visiting Privileges'. Representatives will be responsible to contact the correctional institution's Superintendent/Director or designate to confirm the process for gaining access to the secure area of the correctional institution. The CRCS shall ensure that all CRCS representatives who visit Ontario correctional facilities have on file with the CRCS a completed vulnerable sector check and a standard police background check prior to engaging in detention monitoring activities. CRCS will provide a copy of the police background check (CPIC) to MCSCS.
- The CRCS representatives must participate in any security orientation offered by the correctional institution.
- The MCSCS will provide CRCS with basic non-identifying information regarding the detainees held at each Ontario correctional facility, including number of immigration detainees held in the facility, nationality of the detainees, and any other information reasonably required for CRCS to carry out its monitoring mandate.
- The CRCS will have the opportunity to conduct a minimum of 4 visits per facility annually. The visit, including the time, date and the exact location(s) where access will be provided must, where possible, be agreed upon and scheduled in advance.

- In cases where advance notice is not possible or not appropriate, the CRCS will be permitted reasonable access to the correctional facility taking account of necessary security measures.

The standard process and procedures for CRCS visits includes:

- Upon arrival to the institutions the CRCS personnel will meet with the Superintendent/designate for an initial discussion.
 - The CRCS personnel will be permitted a tour of the immigration living unit[s] and relevant facilities and service areas accessed by detainees, e.g. medical facility, food services, recreation areas.
 - The CRCS personnel will be permitted to access all immigration detainees in order to conduct private confidential interviews regarding the four areas listed in the preamble (i.e. conditions of detention, treatment of detainees, legal guarantees, and family contact, including access and communication) provided the detainees have consented to such interviews.
 - At the conclusion of the visit the CRCS personnel will meet with the Superintendent/designate to discuss their observations and recommendations.
- An identification card will be provided to the CRCS personnel while in the institution, and it shall be worn in a visible place at all times while the CRCS personnel are in the institution. In addition they will wear CRCS identification.
 - CRCS personnel will sign the "Professional Visitors' Register" upon entering and departing a correctional institution.
 - Cell phones and other electronic devices are not permitted in the secure part of the correctional institution except with the prior permission of the Superintendent/designate of the Ontario correctional facility visited. Personal items such as purses should be placed in a locker in the reception area and not brought into the secure area of the correctional institution. Any items that are brought into the institution and not secured into a locker may be subject to a search consisting of the visual inspection and the use of a metal detector.
 - CRCS personnel cannot pass to, or leave anything except for Red Cross printed materials with the inmate during a visit without prior consent of the Superintendent/designate.
 - A visit may be cancelled at any time prior to or during the visit depending on the operational or security requirements of the correctional institution. CRCS personnel will be required to follow the direction of the correctional personnel at all times.
 - The CRCS will meet with MCSCS corporate designates to review the findings from the monitoring visits on a semi-annual basis and prior to sharing findings with CBSA according to the MOU between CBSA and CRCS.
 - The CRCS and the Ministry will designate persons as the primary contacts for the purposes of correspondence, notifications, special requests, electronic or otherwise to send notices or address issues relating to this Letter of Understanding.
 - Subject to any lawful limitations, the CRCS and MCSCS undertake to fully respect and protect the confidentiality of any information collected under this agreement and not to release such information to any person except if such release is specifically authorized by law or by this agreement.

DURATION AND ENTRY INTO EFFECT


This Letter of Understanding will come into effect on the date of signing of this Letter of Understanding by both parties and it will remain in effect the following 5 years unless

terminated prior to this as per the provisions in this section. Both parties will review the Letter of Understanding within 5 years and if interested, shall work together to enter a new Letter of Understanding, based on the framework of this document. This Letter of Understanding may be terminated at any time by mutual written agreement of both parties. Either party may terminate this agreement unilaterally by giving the other party reasonable advance, written notification of its decision to withdraw from the terms of this Letter of Understanding.

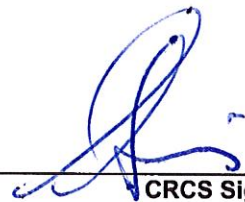
Any issues related to this Letter of Understanding will be brought to the attention of the designated representatives of the parties and efforts will be made by both parties to resolve the issue amicably. When necessary for clarification, written notification of the issue(s) will be shared between both parties. Amendments to this Letter of Understanding require the written consent of both parties.

Curt Arthur
Acting Deputy Minister
Correctional Services- MCSCS

Conrad Sauvé
President and CEO
Canadian Red Cross

 12-June-15

MCSCS Signature/date

 16-June 15

CRCS Signature/date

