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IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *LaRue v. Kent Institution (Warden),* 2026 BCSC 1313

Date: 20260714
Docket: 100765-1
Registry: Abbotsford

Between:

Norman Eli Robert LaRue

Petitioner

And

Warden of Kent Institution
Attorney General of Canada

Respondents

Corrected Judgment: The text of the judgment was corrected at paragraph 99 on July 22, 2026.

Before: The Honourable Justice J. Walker

Reasons for Judgment

The Petitioner, appearing in person:	N. LaRue
Counsel for the Respondent:	R. Awal
Place and Dates of Hearing:	Abbotsford, B.C. June 9 and 12, 2026
Place and Date of Judgment:	Abbotsford, B.C. July 14, 2026

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Introduction

[1] The petitioner, Mr. Norman Eli Robert LaRue applies for an order in the nature of *habeas corpus* releasing him from a maximum security institution and returning him to a medium security institution. He claims that his involuntary transfer from Mountain Institution ("Mountain") to Kent Institution ("Kent") and the decision to reclassify him as a high security inmate was procedurally unfair and that the decisions were unreasonable.

[2] The respondent, the Warden of Kent acknowledges that the reclassification and transfer decision deprived Mr. LaRue of his liberty; however, the respondent submits that the decision was lawful. The decision-making process was procedurally fair and the decisions were not unreasonable.

Preliminary Issues

Style of Cause

[3] I agree with the respondent that the style of cause should be amended to reflect that the Warden of Kent is the proper respondent. Although it was the decision of the Warden of Mountain, the relief sought, if granted would only be directed at the Warden of Kent: *Sutherland-Kayseas v. Fraser Valley Institution (Warden)*, 2023 BCSC 1773 at paras. 119-120.

Mr. LaRue's Submissions

[4] Mr. LaRue tendered a substantial volume of materials in support of his petition filed on April 9, 2026, including:

a) Affidavit of Jennifer LaRue, filed April 9, 2026;

b) Memorandum of argument, filed April 9, 2026;

c) Addendum to petition filed, April 22, 2026;

d) Affidavit of Jennifer LaRue, filed April 22, 2026;

e) Addendum to argument, filed April 22, 2026;

f) Reply to the respondent's petition response, filed June 1, 2026;

g) Affidavit of Norman LaRue, filed June 8, 2026; and

h) Letters of support, filed in reply submissions on June 12, 2026.

[5] Mr. LaRue's June 8, 2026 filed affidavit is not dated and was not properly sworn; however, the respondent did not object to the court considering it. Portions of Mr. and Ms. LaRue's affidavits were in the nature of argument rather than evidence. A large number of exhibits were attached to the affidavits, many of which were not relevant to the issues before me.

[6] Some of Mr. LaRue's filed materials and submissions relate to his view that prior allegations of institutional drug activity, dating back to 2021, should not form part of his correctional history due to a prior *habeas corpus* application (*LaRue v Kent Institution (Warden)*, 2022 BCSC 1672). He has made numerous attempts, including in this court (*LaRue v. Canada (Attorney General)* 2024 BCSC 2166), to have his records corrected to no avail. Mr. LaRue's view about the inaccuracy of his correctional history was interwoven throughout his submissions.

[7] This history, the prior allegations, and Mr. LaRue's ongoing attempts related to have his correctional record corrected are not relevant to Mr. LaRue's *habeas corpus* application. Furthermore, these dated allegations were not material to the decision to transfer and reclassify Mr. LaRue. The allegations that Mr. LaRue was involved in the drug subculture at Mountain that led to the present transfer and reclassification are much more recent.

Background Facts

[8] Mr. LaRue began serving his first federal sentence of five years and six months in 2003 for aggravated sexual assault. In 2013, Mr. LaRue received a life sentence following his conviction for first degree murder. The murder occurred while Mr. LaRue was unlawfully at large in March of 2008.

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[9] In 2025 and 2026, Mr. LaRue was serving his sentence at Mountain, which is a medium security correctional facility. On February 11, 2026, Mr. LaRue was involuntarily transferred to Kent, a maximum security correctional facility. The decision to transfer Mr. LaRue to Kent was made on an emergency basis.

[10] On March 3, 2026, following a review board hearing, Warden Quaroni (the "Warden") confirmed Mr. LaRue's transfer to Kent and reclassified Mr. LaRue to maximum security.

The Emergency Involuntary Transfer

[11] On February 11, 2026, Mr. LaRue was observed to appear to pass an item to another inmate. Mr. LaRue was subsequently strip searched and refused to hand over an item in his hand. Among other items located on Mr. LaRue during the search was a jail made cigarette which tested positive for heroin when analyzed using an ION scanner.

[12] Mr. LaRue's cell was subsequently searched and multiple drug paraphernalia items were recovered including: 11 pieces of paper with burn marks, three small squares of leather with burn marks, a bible page with what appeared to be a nicotine patch, and multiple pieces of bible paper cut into strips — all of which tested positive for heroin. A dry erase marker that had been altered containing a glass pipe was also located but it did not test positive for heroin. Mr. LaRue denied he would ever use or be in possession of anything related to heroin but admitted to smoking nicotine patches.

[13] Mr. LaRue's case management team determined that Mr. LaRue's ongoing behavioural concerns and activity had reached the point where he was no longer manageable at Mountain. He was transferred to Kent on an emergency basis under s. 13 of the *Corrections and Conditional Release Regulations*, SOR/92-620 ("*CCRR*") on February 12, 2026.

[14] The core members of an inmate's case management team are their institutional parole officer, their correctional officer, and a manager of assessment

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and intervention. The term “case management” refers to the process of supervising an inmate throughout their sentence.

[15] Upon being transferred to Kent, a review of Mr. LaRue’s security was required which involved completion of a Security Reclassification Scale (“SRS”). The SRS is an actuarial tool used to assist in the assessment of the appropriate level of security for an inmate. The SRS considers 15 factors and generates a score which corresponds to a particular security level. The score is not determinative but assists in determining the appropriate security classification level. Mr. LaRue’s score was 26.5 which is indicative of maximum security. This was the same score when the SRS was administered in September 2024.

[16] A review of Mr. LaRue’s security also required that his Institutional Parole Officer (“IPO”), Stephanie Lawson, complete an Assessment for Decision (“A4D”). The A4D was completed on February 12, 2026. In completing the A4D, IPO Lawson considered observational reports, feedback from elders, Mr. LaRue’s engagement with indigenous services at Mountain, his engagement with his correctional plan, Mr. LaRue’s indigenous social history, Mountain health services, institutional mental health services, his most recent psychological risk assessment, and whether less restrictive alternatives pursuant to s. 28 of the *Correctional and Conditional Release Act*, S.C. 1992, c. 20 (“*CCRA*”) and Commissioner’s Directive 710-2 were available.

[17] IPO Lawson also received a gist of the preventive security information from Security Intelligence Officer (SIO) Kristy Netherly and copied the gist into the introductory section of the A4D. A large volume of the Observations Reports had to be vetted under s. 27(3) of the *CCRA* and many of the Intelligence Observation Reports could not be disclosed.

[18] In the A4D, IPO Lawson set out her analysis of Mr. LaRue’s circumstances considered in view of the criteria set out in s. 18 of the *CCRR*, namely Mr. LaRue’s institutional adjustment, escape risk, and public safety rating.

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[19] The security intelligence information indicated that Mr. LaRue was significantly involved in the institutional drug subculture at Mountain, including through his introduction of contraband, access to a cell phone, associations with other inmates involved in the drug subculture, inappropriate contact with his spouse during personal family visits that continued despite warnings, his spouse's address and phone number appearing in notes from searches of other inmates cells or found in data extracted from a cell phone, and his name appearing on debt sheets.

[20] IPO Lawson assessed Mr. LaRue's institutional adjustment as high, consistent with the SRS, and recommended that Mr. LaRue be classified as maximum security and that his transfer to Kent be maintained.

Disclosure Provided to Mr. LaRue

[21] On February 12, 2026, Mr. LaRue was served with the following:

a) Notice of Involuntary Transfer dated February 12, 2026;

b) The A4D dated February 12, 2026;

c) The SRS dated February 12, 2026;

d) Scoring Matrix;

e) Vetted observation reports;

f) Excerpts of Mr. LaRue's casework record from the offender management system; and

g) Three photographs.

[22] On February 12, 2026, Mr. LaRue was also provided the opportunity to view three videos, but he became agitated and the viewing was terminated. On February 13, 2026, Mr. LaRue was again given the opportunity to view the videos, but he declined to watch them.

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[23] Prior to the Warden's review hearing on March 2, 2026, Mr. LaRue was given an image of the ION scan results from the testing of items confiscated from him on February 11, 2026.

The Warden's Review Board Decision

[24] The Warden of the institution is the decision-maker on security reclassifications and involuntary transfers. The Warden of Mountain was responsible for determining whether Mr. LaRue's transfer to Kent would be confirmed and whether his security rating would be maximum.

[25] Mr. LaRue twice sought extensions of time to prepare his rebuttal. His extensions were granted and his written rebuttal was received on February 27, 2026.

[26] The Warden confirmed Mr. LaRue's transfer to Kent and determined that Mr. LaRue's security rating would be maximum (the "Warden's Decision"). In reaching the decision, the Warden reviewed: Mr. LaRue's written rebuttal, the A4D, the security reclassification scale, the security classification scoring guide, the notice of involuntary transfer and observation reports.

[27] The change in Mr. LaRue's security rating related to the recommendation from Mr. LaRue's case management team that Mr. LaRue's institutional adjustment be raised from moderate to high. Greater structure and control were required to manage Mr. LaRue's behaviours.

[28] The A4D set out multiple incidents since Mr. LaRue's arrival at Mountain in December 2024, which demonstrated the need for a high institutional adjustment rating. Mr. LaRue's problematic behaviour had included disrespectful and disruptive behaviour, possession of contraband, disciplinary problems, and ongoing involvement in the institutional drug subculture.

[29] As a result of this behaviour there had been prior emergency involuntary transfers to maximum security.

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[30] In relation to the circumstances that led to the current emergency involuntary transfer, Mr. LaRue was observed acting in a suspicious manner and appeared to be passing off something to another inmate. The SIO was contacted, and after reviewing CCTV footage, it was confirmed that he did pass off an item believed to be an illicit substance.

[31] During a search, Mr. LaRue was uncooperative and refused to turn over an item in his hand and instead attempted to insert it into his rectum. Force was required to retrieve the item, which contained a variety of items including a jail made cigarette which the ION scan result indicated for the presence of heroin.

[32] The Warden noted that there were multiple drug paraphernalia items located in Mr. LaRue's cell. Some, but not all, of the items tested positive for heroin on the ION scanner. While Mr. LaRue admitted to smoking nicotine patches, he denied using or possessing anything related to heroin.

[33] The case management team believed that Mr. LaRue was highly involved in the illicit subculture and had clearly demonstrated a pattern of behaviour that was no longer manageable in a medium security institution.

[34] It was noted that Mr. LaRue continued to demonstrate an unwillingness to abide by the institutional rules and his institutional adjustment has been poor throughout his incarceration. There had been multiple incidents of possession of illicit substances and unauthorized items, demonstrating active participation in the institutional drug subculture. Mr. LaRue's actions and behaviours had the potential to jeopardize the safety of the institution and those within it.

[35] Mr. LaRue's actions meant that he could no longer be managed in the open population at Mountain due to ongoing behavioural concerns without jeopardizing the safety and security of the institution, staff, and fellow inmates.

[36] On September 19, 2024, Mr. LaRue was assessed as a maximum security offender, however he was maintained in medium security. As described in the

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current A4D, his problematic behaviour has continued despite numerous interventions.

[37] The Warden noted that Mr. LaRue did take some accountability for his actions, specifically that he was in possession of jail made cigarettes, butts and rolling papers. The Warden also accepted Mr. LaRue's explanation that he had "spiraled" and had become depressed. However, Mr. LaRue denied being involved in importing and distributing illicit substances and maintained that the ION scan results were not accurate. While Mr. LaRue acknowledged that there were items in his cell that should not have been there, he stated "brother stepped up and took responsibility".

[38] The Warden appreciated that Mr. LaRue took some limited responsibility, but it was clear that Mr. LaRue continued to be involved in the institutional subculture at Mountain. While each individual incident does not necessarily require an increase in security level, it was not one single event that dictated it, instead it was a culmination of numerous incidents and information that led the Warden to conclude that Mr. LaRue was heavily involved in the drug subculture.

[39] The Warden concluded that Mr. LaRue's behaviour could not be managed at Mountain because of his demonstrated inability to behave appropriately, his inability to follow the rules in the institution, and his heavy involvement in the drug subculture. Mr. LaRue had close ties and associations with other inmates were known to be heavily involved in the drug subculture.

[40] The Mountain Security Intelligence Department (the "SID") had provided a gist for the A4D outlining Mr. LaRue's behaviour and involvement in the institutional drug subculture. The SID had substantial evidence that Mr. LaRue was heavily involved in the importation and trafficking of illicit substances, both inside and outside the institution. These actions placed the security of the institution in jeopardy.

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[41] The Warden approved the recommendation that Mr. LaRue's institutional adjustment be rated as high. As noted in the A4D, Mr. LaRue's behaviour was no longer manageable within a medium security institution. He required ongoing interventions of his case management team, had been involved in numerous incidents and received a number of charges throughout his period of incarceration. His conduct had now jeopardized the safety and security of the institution. All these factors support a rating of high institutional adjustment.

[42] Based on the foregoing, the Warden also accepted that Mr. LaRue's risk to public safety remained high. Mr. LaRue's actions indicated that he was unwilling or unable to comply with the rules of the institution and although he had completed programming, he had not put into practice any of the skills learned. Instead, he continued to associate with negative individuals and engage in the institutional drug subculture. He had an uncooperative attitude and was potentially a serious management problem within a secure institution.

[43] In coming to his decision, the Warden said that he had considered medical and mental health concerns identified by Mr. LaRue. He also considered Mr. LaRue's indigenous social history factors and accepted that Mr. LaRue had experienced many of the systemic effects of colonization and the residential school system that affect indigenous people. His experiences have impacted his thoughts, beliefs, emotions, behaviours, relationships and connection to culture, family and community, which has shaped Mr. LaRue's personal and life experiences. These factors have contributed to his crime cycle.

The Legal Framework

Security Classification

[44] Pursuant to the *CCRA*, the Correctional Services of Canada ("CSC") is responsible for the appropriate classification and placement of inmates. Section 28 of the *CCRA* requires the CSC to take all reasonable steps to house offenders in the least restrictive environment taking into consideration prescribed factors. These factors include the degree and kind of custody and control necessary for the safety

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of the public, the safety of the offender and other persons in the institution, and the security of the institution.

[45] Section 30 of the *CCRA* requires the CSC to assign a security classification of minimum, medium, or maximum to all inmates in accordance with the *CCRR*. Section 17 of the *CCRR* requires the CSC to consider the following factors in assigning a security classification to each inmate:

> (a) the seriousness of the offence committed by the inmate;
>
> (b) any outstanding charges against the inmate;
>
> (c) the inmate's performance and behaviour while under sentence;
>
> (d) the inmate's social, criminal and, if available, young-offender history and any dangerous offender designation under the *Criminal Code*;
>
> (e) any physical or mental illness or disorder suffered by the inmate;
>
> (f) the inmate's potential for violent behaviour; and
>
> (g) the inmate's continued involvement in criminal activities.

[46] Section 18 of the *CCRR* provide that for the purposes of s. 30 of the *CCRA*, an inmate shall be classified as:

> (a) maximum security where the inmate is assessed by the Service as
>
> > (i) presenting a high probability of escape and a high risk to the safety of the public in the event of escape, or
> >
> > (ii) requiring a high degree of supervision and control within the penitentiary;
>
> (b) medium security where the inmate is assessed by the Service as
>
> > (i) presenting a low to moderate probability of escape and a moderate risk to the safety of the public in the event of escape, or
> >
> > (ii) requiring a moderate degree of supervision and control within the penitentiary; and
>
> (c) minimum security where the inmate is assessed by the Service as
>
> > (i) presenting a low probability of escape and a low risk to the safety of the public in the event of escape, and
> >
> > (ii) requiring a low degree of supervision and control within the penitentiary.

[47] Proper security classification and placement are key factors in the CSC's ability to monitor and manage the risks inherent in the penitentiary environment. This

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ultimately relates to the CSC's paramount consideration which is the protection of society under s. 3.1 of the *CCRA*.

Disclosure Requirements

[48] Prior to a warden's review board hearing, the CSC is required under s. 27(1) of the *CCRA*, to provide the inmate with all the information, subject to the exceptions found in s. 27(3), to be considered in the taking of the decision or a summary of that information before a decision is made about the inmate's case.

[49] The duty of procedural fairness requires that the decision-maker disclose the information he or she relied on. The individual must know the case he or she has to meet: *May v. Ferndale Institution*, 2005 SCC 82 at para. 92.

[50] Section 27 does not require the authorities to produce all evidence in their possession. Only the evidence taken into account in the transfer decision is required to be disclosed. A summary of that information will suffice: *Mission Institution v. Khela*, 2014 SCC 24 at para. 83.

[51] Section 27(3) allows for exemptions to information sharing where there are reasonable grounds to believe that disclosure of information would jeopardize the safety of any person, the security of the penitentiary, or the conduct of any lawful investigation. CSC may withhold as much information as is strictly necessary to protect the interests identified in s. 27(3).

[52] In cases, such as this one, where the CSC has relied on s. 27(3) to withhold some of the information considered in the transfer decision, they should, if challenged on an application for *habeas corpus*, provide the reviewing judge a sealed affidavit containing the information withheld from the inmate and the reasons why disclosure of that information might jeopardize the security of the penitentiary, the safety of any person or the conduct of a lawful investigation: *Khela* at para. 87.

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Habeas Corpus **and the Standard of Review**

[53] A *habeas corpus* application requires the applicant to first establish that he or she has been deprived of liberty. Once a deprivation of liberty is proven, the applicant must raise a legitimate ground upon which to question its legality. If the applicant has raised such a ground, the onus shifts to the respondent authorities to show that the deprivation of liberty was lawful: *Khela* at para. 30; *Dorsey v. Canada (Attorney General)*, 2025 SCC 38 at para. 38.

[54] There is no dispute that the transfer decision deprived Mr. LaRue of his liberty and I accept that Mr. LaRue has raised some basis that could allow the Court to conclude that the continued deprivation of his liberty is unlawful. Thus, the issues to be determined are whether the decision-making process was procedurally fair and whether the decision was reasonable: *Dorsey* at paras. 45 and 46.

[55] The standard of review for determining whether a decision-maker complied with the duty of procedural fairness is correctness and the reasonableness standard applies to the merits of the reclassification and transfer decisions: *Khela* at paras. 77-79.

The Petitioner's Arguments

[56] Mr. LaRue argues that the respondent breached its duty of procedural fairness and that the Warden's Decision was unreasonable. Mr. LaRue advanced numerous arguments in support of his contention that CSC failed to comply with its duty of procedural fairness and that the Warden's Decision was unfair. Generally speaking, the arguments Mr. LaRue advanced raised both procedural fairness complaints and were made in support of his position that the Warden's Decision was unreasonable.

[57] Mr. LaRue made detailed submissions, challenging many of the underlying events that formed part of the basis for the Warden's Decision. I have considered all of his arguments but will only address the main issues he has raised, as the other arguments made were subsidiary to his main arguments.

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[58] Mr. LaRue's main arguments relate to the use of the ION scan results, the evidence gathering process, the reliance on informer information and the overall reasonableness of the Warden's Decision.

ION Scan Results

[59] Mr. LaRue argues that because he received late disclosure of a photograph taken of the ION scan results his right to receive disclosure under s. 27(1) of the *CCRA* was breached. He further argues that the ION scan results are unreliable and the Warden's Decision is unreasonable since he relied on the ION scan results to support his conclusions.

[60] Mr. LaRue says, and it is not contested, that he did not receive the photograph of the ION scan results until the day of the Warden's review board hearing, despite the fact that the respondent had the photograph and relied on it to make the emergency transfer decision on February 11, 2026.

[61] Although Mr. LaRue was advised at the outset that items seized from him and from his cell tested positive for heroin based on the ION scan, the photograph was available but not provided to him. The positive heroin test was central to the Warden's Decision which meant that the photograph should have been provided to him.

[62] Mr. LaRue argues that the late disclosure precluded him from making proper submissions and from submitting evidence challenging the reliability of the ION scan results. The photograph shows a message in yellow indicating "waiting for heaters" which Mr. LaRue submits indicates that the analysis was not complete. If the result was positive for heroin, the message would be in red and indicate "alarm".

[63] In support of his position, Mr. LaRue has produced a photograph of an ION scan which shows a message in red indicating "alarm". The photograph is attached to Mr. LaRue's June 8, 2026 affidavit with no indication of where the photograph came from or any basis to support Mr. LaRue's position that the photograph produced by the respondent demonstrates that the ION scan results were

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inaccurate. In the course of his submissions, Mr. LaRue advised that Ms. LaRue generated the photograph he relies on through ChatGPT.

[64] Mr. LaRue also argues that there is no indication that the proper procedure with respect to the use of the ION scan was followed, as required by CSC's Guideline 566-8-2: *Technical Requirements for Ion Mobility Spectrometry Devices*. The Guideline sets out the steps to be taken to ensure that the analysis is accurate. In the absence of any indication that the steps set out in the Guideline were followed, the results cannot be considered to be reliable.

Evidence Gathering

[65] Mr. LaRue takes issue with the manner in which the CSC gathered the evidence relied on by the Warden. He submits that CSC Directives were not complied with and a complete picture was not relayed to the Warden, resulting in breaches of procedural fairness and an unreasonable decision.

[66] Mr. LaRue points out that none of the seized items alleged to have tested positive for heroin were field tested nor sent to Health Canada for analysis. Considering the unreliability of the ION scan, this ought to have been done.

[67] Mr. LaRue also argues that CSC employees were required pursuant to Commissioner's Directive 568-4 to take photographs of what was seized and what was analyzed. Again, considering the unreliability of the ION scan results, this failure compounds the unreliability of the conclusion that there was drug residue on the seized items. Mr. LaRue submits that the Warden cannot rely on unreliable evidence and having done so, the Warden's Decision is unreasonable.

[68] Mr. LaRue argues that Commissioner's Directive 568-5 which requires that when an unauthorized item or contraband is seized a copy of the "Contraband/Unauthorized Item Seizure Tag" be provided to the person from whom the item was seized from was not complied with. In his submissions, Mr. LaRue said he never received the required tags.

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[69] Mr. LaRue says that the Warden's Decision fails to account for the fact that he shared his cell with his adopted brother Mr. Brusso. It was unreasonable for the Warden to attribute the items seized from their cell to Mr. LaRue. Mr. LaRue relies on a Statement/Observation Report dated February 11, 2026, which indicates that several items seized from Mr. Brusso's side of the cell tested positive on the ION scan for heroin. The report also indicates that numerous items seized from Mr. LaRue's side of the cell tested positive on the ION scan for heroin.

Reliance on Informer Information

[70] Mr. LaRue understands that some details of informer information the Warden relied on cannot be disclosed and likely was properly withheld from him under s. 27(3) of the *CCRA*. However, he submits that the principal reason why he was transferred was because the Warden relied on so-called "reliable" information. No information has been provided to Mr. LaRue to support the contention that the informer information was reliable nor was Mr. LaRue able to test the reliability of the informants. As recognized in *Khela* and *May*, decision makers should exercise caution when relying on jailhouse informers.

[71] Mr. LaRue submits that the conclusion that the informers and the information they provided was reliable is based solely on the belief that they corroborate each other. Multiple jailhouse informers saying the same thing does not mean that the informers' information was reliable. He points out that there is no information disclosed to him about what any of the informers' motives were for providing information was. Motive impacts the reliability of the information.

[72] Mr. LaRue also argues that any information provided by informers which alleged that Ms. LaRue was providing him with contraband during family visits and that Mr. LaRue was involved in the distribution of drugs and other contraband in the institution was not corroborated by any seizures. This demonstrates that the informer information was unreliable.

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[73] Ms. LaRue, despite increased screening, has never been found to have any contraband on her. Mr. LaRue is searched after visits and he has never been caught with anything inside the institution.

[74] As a result, reliance on unreliable informer information renders the transfer decision unlawful.

The Warden's Decision was Unreasonable

[75] Relying on the *Khela* and *May* decisions and CSC's Policy Bulletin 451, Mr. LaRue submits that the Warden's Decision is unreasonable. Policy Bulletin 451 requires that decision makers ensure that the following aspects are accounted for in their decision:

a) the decision clearly details what evidence is being relied upon and includes an explanation of why that evidence is credible and persuasive;

b) the decision fully considers and addresses any rebuttal submissions;

c) the decision is written in a manner that is justified (focusing on relevant factors and evidence), transparent (clearly stating the basis for the decision reached) and intelligible (the result clearly derives from the reasons provided).

[76] Mr. LaRue submits that the Warden's Decision fails to explain why the evidence relied on was credible and persuasive. Instead, the Warden's Decision focusses on irrelevant information.

[77] Although Mr. LaRue acknowledges that there was a substantial body of evidence before the Warden, much of it was irrelevant because it did not definitively relate to him. As an example, Mr. LaRue points to the Warden's reference to the fact that Ms. LaRue's phone number was found associated to two other inmates as indicative of his involvement in illicit activities. Mr. LaRue says that this is not evidence of illicit activities and it is hardly surprising that Ms. LaRue's phone number would be associated to these two inmates. One of the inmates is his brother and the

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other is a friend who he has known for 15 years. He submits that the Warden should not have relied on this information.

[78] Mr. LaRue urges the Court to not rely on the volume of information that was before the Warden. The volume was a result of "report stacking" which I take to mean that the volume is as a result of the same information repeated in different formats.

[79] Mr. LaRue also argues that the Warden's Decision failed to address the issues he raised in his rebuttal submission and the Warden failed to consider his *Gladue* factors.

[80] In the end, Mr. LaRue submits that there are several reasons why the Warden's Decision was unreasonable. The fact that the Warden's conclusion was not based on one individual incident but instead was based on the culmination of numerous incidents demonstrates the unreasonableness of the decision. When the events relied on by the Warden are looked at in their proper context, there was no basis at all for the decision.

Discussion

[81] For the reasons that follow, I find that Mr. LaRue's procedural fairness rights were not breached and nor was the Warden's Decision unreasonable.

[82] The difficulty with Mr. LaRue's approach, is that he focusses on alleged frailties of individual events without considering all events or the impact of the series of events.

[83] The reason for Mr. LaRue's transfer was not just because of the February 11, 2026 incident, but the incident was the culmination of many problems and was reflective of his institutional adjustment. His behaviour had reached the point where he could not longer be managed in a medium security institution. There was a solid evidentiary foundation for the conclusion that Mr. LaRue's institutional adjustment was rated high.

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[84] Pursuant to s. 18(a) of the *CCRR*, a high institutional adjustment mandates a maximum security classification. Commissioner Directive 710-6 describes a high institutional adjustment rating where the inmate has demonstrated:

a) frequent or major difficulties causing serious institutional adjustment problems and requiring significant/constant management intervention;

b) the requirement for a highly structured environment in which individual or group interaction is subject to constant and direct supervision;

c) an uncooperative attitude toward institutional programs and staff and presents a potentially serious management problem within an institution.

[85] In applying the criteria in s. 18(a) of the *CCRR* to conclude that Mr. LaRue's institutional adjustment should be rated as high, it was not unreasonable for the Warden to consider the culmination of numerous incidents. Even leaving aside the information withheld under s. 27(3), there was substantial support for the Warden's conclusion that Mr. LaRue was involved in the drug subculture in Mountain and that he was no longer manageable in a medium security institution.

ION Scan Results

[86] The late disclosure of the ION scan photograph did not contravene s. 27(1) nor did it result in any procedural unfairness. It was not unreasonable for the Warden to rely on the ION scan results in coming to his decision.

[87] Disclosure of all evidence is not required, rather the disclosure must be sufficient to allow the inmate to know the case he has to meet. The Warden did not rely on the photograph in reaching his decision, he relied on the statements of the correctional officers who conducted the ION scan.

[88] Mr. LaRue was well aware that items seized from him had tested positive on the ION scan for heroin. The statements of the officers who had conducted the ION scan were disclosed to him on February 12, 2026.

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[89] Neither am I persuaded, on the basis of the materials before me, that Mr. LaRue was prevented from advancing submissions or presenting evidence challenging the positive test result. Mr. LaRue's opinion that the ION scanner was not functioning properly, thus a false positive result was likely, is not based on any evidence other than his own belief. Manufacturing a photograph through ChatGPT is not evidence.

[90] In my view, CSC was not required to detail that the steps set out in CSC's Guideline 566-8-2 had been followed. In SIO Nethery's affidavit, sworn on May 25, 2026 in response to Mr. LaRue's application, SIO Nethery deposed that she was present when the items confiscated from Mr. LaRue were tested using the ION scanner. She states that the ION scanner was in working order and detailed how it was that it was determined that the results indicated that the items tested positive for heroin.

[91] Furthermore, the Warden's Decision was not based exclusively on a positive heroin test result but also on observations made of Mr. LaRue that were consistent with passing unauthorized items to other inmates. As already noted, the Warden's Decision was based upon a pattern of noncompliance and other activities consistent with involvement in the drug subculture. There was a substantial body of information supporting the finding that Mr. LaRue was involved in the institutional drug subculture.

[92] As discussed below, in addition to all of the information disclosed to Mr. LaRue and relied upon by the Warden, there was a substantial body of informer information consistent with the Warden's conclusion that Mr. LaRue was heavily involved in the institutional drug subculture.

Evidence Gathering

[93] Mr. LaRue's complaints about how the evidence was gathered and the lack of additional testing of the seized items are in my view without merit. There was no obligation on the respondent to submit seized items to Health Canada for testing or conduct some other analysis to confirm the positive heroin result. Furthermore, any

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deficiencies relating to a failure to provide a tag or otherwise document the seized items is of no consequence. Mr. LaRue was provided with complete information about what items were seized and Mr. LaRue knew the case he had to meet.

Informer Information

[94] In *Khela*, the court explained how a reviewing judge on a *habeas corpus* application is to address information withheld under s. 27(3) of the *CCRA*:

> [85] A decision to withhold information pursuant to s. 27(3) is necessarily reviewable by way of an application for *habeas corpus.* Such a decision is not independent of the transfer decision made under s. 29. Rather, s. 27 serves as a statutory guide to procedural protections that have been adopted to ensure that decisions under s. 29 and other provisions are taken fairly. When a transfer decision is made under s. 29 and an inmate is entitled to make representations pursuant to the *CCRR*, s. 27 is engaged and decisions made under it are reviewable. If the correctional authorities failed to comply with s. 27 as a whole, a reviewing court may find that the transfer decision was procedurally unfair, and the deprivation of the inmate's liberty will not be lawful. This is certainly a "legitimate ground" upon which an inmate may apply for *habeas corpus*.

[95] The onus is on the decision maker to prove that there were reasonable grounds to believe that disclosure of that information would jeopardize one of the listed interests: *Khela* at para. 86.

[96] As Mr. LaRue has challenged the information withheld under s. 27(3) of the *CCRA*, counsel for the respondent tendered a confidential affidavit sworn by SIO Clark. I ordered that the affidavit be sealed and I have reviewed it to assess Mr. LaRue's submissions.

[97] Mr. LaRue was provided with a significant amount of information relating to the informer information about his involvement in Mountain. He was told that there were multiple protected sources identifying his involvement in the Mountain drug subculture and other illicit activity. The information that could be shared was summarized in the A4D. It was significant, recent, and came from five different sources who all provided similar information.

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[98] Furthermore, the A4D set out information that appeared to corroborate the informer information, including observations made of Mr. and Ms. LaRue's behaviour, CCTV footage, intercepted telephone communications between Mr. and Ms. LaRue, and results of searches of inmates and cells.

[99] In my view, even without resort to SIO Clark's sealed affidavit there was a compelling body of information supporting the Warden's conclusion that Mr. LaRue was heavily involved in the drug subculture at Mountain. As I will describe further, a review of the sealed affidavit presents an even more compelling conclusion.

The Withheld Information

[100] Based on the affidavit of SIO Nethery and on my review of SIO Clark's sealed affidavit, the respondent has demonstrated that there are reasonable grounds to believe that disclosure of the information withheld from Mr. LaRue would jeopardize the safety of any person and the security of the institution.

[101] As set out in SIO Nethery's affidavit, a confidential informer puts himself at a great risk by informing on fellow inmates. If the identity of the confidential informer were to be revealed he would face grave danger from those seeking revenge. This revenge can range from verbal abuse, to violent physical abuse, such as beatings, stabbings and murder. Retribution may extend to retaliation against the informer's family and friends outside of the institution.

[102] Seemingly innocuous information such as dates, times, and references to particular items can lead to the identification of an informer. The likelihood of a confidential informer being revealed by the disclosure of seemingly innocuous information is higher in an institutional setting given the lack of anonymity and an inmate's heightened ability to keep track of the movement of other inmates. This is particularly the case where the inmate is involved in the institutional subculture engaged in illicit activities.

[103] In order to ensure the safety and security of informers and others, it is critical that their identities be protected, including nondisclosure of details of information

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they have provided that might allow the recipient of the information to determine who provided it.

[104] Maintaining the confidentiality of an informer's identity is critical to ensuring that institutional authorities continue to receive information with respect to illicit or illegal activities within the correctional institution. Informers can provide valuable information to ensure the safety and security of the institution and community at large.

[105] In relation to the information withheld from Mr. LaRue, SIO Nethery deposed that further disclosure would jeopardize the safety of persons within the institution as well as the security of the institution generally. The information that was withheld included the following:

a) The identity of informers which if disclosed could put those individuals at risk;

b) The specific date the informers disclosed information which if disclosed could indicate who an informer is;

c) Overly explicit details of what was reported by an informer which if disclosed could indicate who the informer is;

d) The reasons why information received from informers was assigned a specific reliability standard, as the reasons could indicate who the informer is.

[106] The sealed affidavit of SIO Clark sets out the type of information described by SIO Nethery. SIO Clark provided more detail of the information provided by the informers than what was disclosed in the summary provided to Mr. LaRue. The sealed affidavit provides specific dates and times, along with an explanation as to how the reliability of the information provided was determined.

[107] I have no hesitation in concluding that if the withheld information were disclosed the dangers outlined in SIO Nethery's affidavit would be realized. The

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respondent has discharged its onus and satisfied me that non-disclosure was necessary. As a result, Mr. LaRue has not been denied procedural fairness by the failure to provide him with more information.

Reliability of the Informer Information

[108] As noted, SIO Clark's affidavit sets out more details about the information received from informers and it explains the basis for the belief that it was reliable. SIO Clark further explains why some information was confirmed reliable and why some information was believed to be reliable. Importantly, SIO Clark links the information received to other events and observations made that are independent from the informer information which corroborates much of the information received.

[109] The affidavit demonstrates that there was a significant body of compelling information showing the likely involvement of Mr. LaRue in the illicit drug trade in Mountain. The reliability of the information provided is not, as contended by Mr. LaRue, merely the result of multiple informers providing the same information. It is much more than that.

[110] I accept Mr. LaRue's submission that motive can be an important consideration in the assessment of the reliability of information provided by an informer. SIO Clark's affidavit does not disclose the motive of the informers in this case and I agree that caution must be exercised in assessing the reliability of informer information received from inmates in a correctional facility.

[111] However, in this case, the most important factor relating to the reliability of the informer information is the independent information gained, including Mr. LaRue's own conversations with Ms. LaRue, all of which tends to corroborate the provided informer information.

[112] I also accept Mr. LaRue's submission that the reliability of the informer information would be proven if drugs had been found on Mr. or Ms. LaRue; however, the fact that searches of Mr. and Ms. LaRue did not locate drugs does not mean that Mr. LaRue was not involved in the Mountain drug subculture. As indicated, the

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informer information combined with the independent corroboration demonstrated that Mr. LaRue was likely involved in the drug subculture, or at very least his conduct was such that he was no longer manageable in a medium security facility.

[113] As a result, insofar as the Warden's Decision relied on both the gist of the informer information provided and the informer information not disclosed, it was reasonable to do so.

The Reasonableness of the Warden's Decision

[114] Mr. LaRue acknowledges that this Court owes deference to the Warden's Decision and accepts that the Warden has expertise in the environment of the penitentiary: *Khela* at paras. 74-76. Nevertheless, Mr. LaRue submits that the Warden's failure to avert to all of his submissions made in his written rebuttal renders the decision unreasonable.

[115] When conducting a reasonableness review, the Court must consider both the rationale for, and outcome of, the administrative decision: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para. 96.

[116] While a decision maker is required to meaningfully grapple with key issues or central arguments raised by the parties, there is no requirement to respond to each argument advanced: *Vavilov* at para. 128.

[117] In my view, the Warden's Decision was rational, coherent and followed a logical pathway. The decision appears to consider the relevant factors required by the overall regulatory regime and relate to the evidence that was presented: *Moazami v. Kent Institution (Warden)*, 2023 BCSC 61 at paras. 66-67.

[118] Mr. LaRue's complaints are mainly focussed on his disagreement with the underlying facts, accepted by the Warden, rather than the reasonableness of the Warden's conclusions. Mr. LaRue steadfastly maintains that he had no involvement in the drug subculture and argues that the Warden's conclusion that he was heavily involved in it was unreasonable. However, there was a substantial body of evidence

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supporting the Warden's conclusions and a disagreement with the result or the conclusions reached does not render a decision unreasonable.

[119] While Mr. LaRue may not accept that some of what the Warden considered in his analysis was directly relevant, such as the presence of Ms. LaRue's phone number in possession of other inmates, in my view it was open to the Warden to consider events not directly connected to Mr. LaRue in his analysis.

[120] Having reviewed Mr. LaRue's rebuttal, I do not accept that there were material submissions made by Mr. LaRue that the Warden failed to consider or that there were issues raised that he was obliged to consider.

[121] Contrary to Mr. LaRue's submission, the Warden explicitly considered Mr. LaRue's indigenous social history and recognized that Mr. LaRue has experienced many of the systemic effects of colonization and the residential school system. The Warden recognized that these experiences have impacted his thoughts, beliefs, emotions, behaviours, relationships and connection to culture, family and community, which has shaped his personal and life experiences. These factors brought about by his indigenous social history contributed to his crime cycle.

[122] There was a compelling basis set out in the Warden's conclusion that Mr. LaRue could no longer be managed in a medium security institution. There was no need for the Warden to respond to every detailed submission raised by Mr. LaRue, as the decision was based on the overall circumstances and not one individual fact or event. There was no need for a more detailed analysis than what was provided, bearing in mind that the warden also properly relied on the A4D which described the factual matters, relevant to the transfer decision in detail.

Conclusion

[123] The respondent has demonstrated that the transfer and reclassification decision was lawful. Mr. LaRue's procedural fairness rights were not breached. He knew the case he had to meet. The Warden's Decision was reasonable. There was

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a compelling basis for the conclusion that Mr. LaRue could no longer be managed in medium security institution.

[124] Mr. LaRue's *habeas corpus* application is dismissed.

"J. Walker J."

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