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COURT OF KING'S BENCH OF MANITOBA

B E T W E E N:

DEREK ZARICHANSKI,	)	Jason Poettcker
	)	for the applicant
applicant,	)	
- and -	)	Brenna Dixon
	)	for the respondent
THE ATTORNEY GENERAL OF CANADA,	)	
	)	Judgment Delivered:
respondent.	)	October 27, 2023

TOEWS J.

Introduction

[1] This is an application for *habeas corpus* made by a federally incarcerated prisoner, Derek Zarichanski ("Zarichanski"). The application arises out of decisions made by the Correctional Services of Canada (the "CSC") to change Zarichanski's security classification at Stony Mountain Institution ("SMI") from minimum security to medium security.

[2] The decisions made by the CSC arose in response to certain information received alleging that Zarichanski was involved in the illegal drug trade within SMI. In particular, it is alleged that Zarichanski was observed to throw a black sock containing drugs consisting of gabapentin and THC concentrate ("shatter") with an institutional value of

$60,876 while he was being escorted by correctional officers from one building to another within SMI.

[3] The CSC acknowledges that it bears the burden of proof in this application to show that the reclassification and transfer decisions were reasonable and conducted in a manner that was both lawful and fair. While Zarichanski sets out in his brief to the court several points to be argued in the application, I agree with the CSC that the sole issue to be decided is whether the deprivation of Zarichanski's residual liberty interest resulting from his security reclassification and involuntary transfer was lawful. The additional points raised by Zarichanski in his brief can be dealt with in the context of that issue in these reasons.

[4] Zarichanski is a convicted murderer serving an indeterminate life sentence. His day parole eligibility was August 11, 2011, and his full parole eligibility date was August 11, 2014. The remedy Zarichanski seeks is that he be sent back to the minimum-security facility at SMI as soon as possible and an order that the allegations relied upon for his transfer to medium security at SMI be removed from his personal file. He is not seeking, nor is an order available that would order his release from SMI.

The Facts

[5] The documents (the "Record") in the possession of CSC which were before the decision maker relevant to this application are listed at paragraph 2 and attached as Exhibit "A" through to "W" to the affidavit of Margit Pitman ("Pitman"), affirmed on September 20, 2023 ("September 20 Pitman affidavit"), and the sealed affidavit of Jennifer Elyk ("Elyk") affirmed on September 26, 2023 ("September 26 Elyk affidavit").

The facts set out in the September 20 Pitman affidavit and the Record are summarized in the brief of the CSC at paras. 6 to 19. However, given the nature of the information contained in the September 26 Elyk affidavit, in accordance with the governing statutory, regulatory and case law, which will be set out later in these reasons, only a summary of the information in the September 26 Elyk affidavit has been disclosed to Zarichanski.

[6] I would also note that Zarichanski takes issue with the facts presented in the CSC brief and therefore I will set out both the facts summarized and relied upon by the CSC in the material it relies upon as well as various concerns raised by Zarichanski in respect of the CSC material.

[7] The facts as alleged by the CSC summarized in the brief are as follows:

> 6. On November 1, 2022, following a series of security intelligence information linking the Applicant to the institutional drug trade, an intelligence-based search was conducted of house 11, where the Applicant resided, at the SMI minimum security unit. During that search, the Applicant was observed by a correctional officer to throw a sock into the bushes. That sock was retrieved and found to contain gabapentin and THC concentrate with an institutional value of $60,876.00.
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> 7. As a result, the Applicant was immediately moved to a medium security unit on a temporary basis while his security classification was reviewed by CSC.
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> 8. A search of the Applicant's room was conducted following the November 1, 2022 incident with the use of a Drug Dog Detector Team. The dog gave a positive indication in the Applicant's room, specifically around his alarm clock and fan.
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> 9. The Applicant was interviewed by a security intelligence officer and initially denied involvement, then admitted to throwing the sock into the bushes but maintained that he had been given the sock by someone else and the drugs were not his. The following day, on November 2, 2022, the Applicant was interviewed by Parole Officer Margot Pitman and he reversed his earlier confession claiming no knowledge of the sock or drugs found.
>
> 10. On November 14, 2022, the Applicant's Case Management Team completed a Security reclassification Scale which resulted in a score of 22 which is consistent with a recommendation for medium security.

11. On November 15, 2022, an Assessment for Decision was completed, which provided reasons for recommending a change to the Applicant's classification from minimum to medium security. The Assessment for Decision considers all of the facts outlined in section 17 of the *Corrections and Conditional Release Regulations* and relies on the knowledge of experienced CSC staff. In making this recommendation, the parole officer relied, in part, on security intelligence information.

12. CSC invoked subsection 27(3) of the *Corrections and Conditional Release Act* ("*CCRA*") and pursuant to that statutory provision did not disclose the security intelligence information relied upon to the Applicant. The Applicant was provided with a gist ("summary") of the security information relied on in compliance with CSC's obligations pursuant to subsection 27(3) of the *CCRA*.

13. A Notice of Involuntary Transfer was issued on November 17, 2022.

14. The Applicant sought an extension of time to provide his rebuttal submission and was granted an additional 2 weeks by the decision maker. The Applicant then submitted a written rebuttal submission via his legal counsel on December 2, 2022.

15. The Institutional Head, as the decision maker, issued the Referral Decision on December 6, 2022 finding that, in accordance with CD 710-6 and secition 18 of the *Corrections and Conditional Release Regulations*, the Applicant demonstrated behaviour causing moderate institutional adjustment concerns which required ongoing management intervention, and as such, he was approved for a medium security classification. Pursuant to s. 18 of the CCRR, in order for an inmate to be classified as minimum security, they need to be manageable in an open concept setting, one with no barriers, and have a high level of accountability.

16. On December 6, 2022, consistent with the security level decision, the decision maker approved the Applicant's Involuntary Transfer to SMI Medium Institution.

17. The Applicant provided submissions in the Offender Final Grievance Presentation on February 6, 2023.

18. The National Headquarters – CSC provided the Applicant with the Final Grievance Response on April 14, 2023 with fulsome reasons for denying the grievance.

19. The Applicant filed a habeas corpus application on July 18, 2023, in part, challenging the thoroughness of the summary provided, with respect to the security intelligence information, and the invocation of subsections 27(3) of the *CCRA*.

[8] Zarichanski impugns the information which the CSC has relied upon in ordering the transfer to medium security on several fronts, including:

a) The correctional officers who prepared reports in respect of what they state to have observed improperly discussed the incident and colluded with each other before writing their reports;

b) The observation reports contain contradictory information in respect of observations made of Zarichanski throwing the black sock containing the illegal drugs;

c) Zarichanski states he made a false confession that the drugs were his as a result of being pressured, tricked and threatened by the correctional officer who interviewed him. He subsequently recanted his earlier statement and denies throwing the black sock with the illegal drugs after he was told he was going to the medium security area of SMI due to the seriousness of the offence;

d) The failure to set an earlier hearing date on institutional charges he was facing prevented him from challenging the allegations;

e) The drugs in the black sock were only tested through a visual observation of the pills and a narcotics identification kit which he states is not sufficiently reliable to prove beyond a reasonable doubt that the substances were THC and gabapentin;

f) Another inmate admitted to Zarichanski and to two CSC staff members, including Pitman, that the drugs in the sock were his and that he had thrown the sock into the bushes;

g) On November 17, 2022, CSC served Zarichanski with its decision explaining the reasons for his transfer to medium security, including 18 reports prepared over the preceding two years alleging that he was involved in the institutional drug trade, as well as various other infractions of the SMI rules governing inmate behaviour. He states that none of these reports were disclosed when he went to a Parole Board hearing on October 27, 2022, on the basis that the disclosure of this information could result in the identification of the source of the material which would jeopardize their safety; and

h) Zarichanski questions the reliability of the reports prepared by CSC staff members, including the observation reports of the officers who reported the incident involving the black sock and the drugs and alleges the failure of those assessing his transfer to medium security to consider the evidence he had presented to them.

The Law

[9] There is no issue between the parties in respect of the elements of the law governing *habeas corpus*. The two elements necessary for the granting of *habeas corpus* are a deprivation of liberty and an unlawful deprivation of that liberty. In an application for *habeas corpus* the burden of proof rests on the applicant, Zarichanski, to demonstrate

the first element while the respondent CSC must establish the lawfulness of the deprivation.

[10] Furthermore, CSC admits that Zarichanski has established the first element, namely that the transfer of Zarichanski from minimum security to medium is a deprivation of liberty. This concession is consistent with the case law. As noted by LeBel J. in ***Mission Institution v. Khela***, 2014 SCC 24, [2014] 1 S.C.R. 502 (QL), at para. 40:

> … on an application for *habeas corpus*, the legal burden rests with the detaining authorities once the prisoner has established a deprivation of liberty and raised a legitimate ground upon which to challenge its legality (*May*, at para. 71; Farbey, Sharpe and Atrill, at pp. 84-86). This particular shift in onus is unique to the writ of *habeas corpus*. Shifting the legal burden onto the detaining authorities is compatible with the very foundation of the law of *habeas corpus*, namely that a deprivation of liberty is permissible only if the party effecting the deprivation can demonstrate that it is justified. The shift is particularly understandable in the context of an emergency or involuntary inmate transfer, as an individual who has been deprived of liberty in such a context will not have the requisite resources or the ability to discover why the deprivation has occurred or to build a case that it was unlawful.
>
> [emphasis added]

[11] For the deprivation of liberty to be lawful, the decision maker must have jurisdiction to order the deprivation, the decision must have been made in a manner that respects procedural fairness, and the decision must be reasonable.

[12] The jurisdictional basis for CSC ordering the deprivation of liberty is grounded in the ***Corrections and Conditional Release Act***, S.C. 1992, c. 20 ("***CCRA***") which provides at s. 30(1):

> **Service to classify each inmate**
>
> **30(1)** The Service shall assign a security classification of maximum, medium or minimum to each inmate in accordance with the regulations made under paragraph 96(z.6).

Service to give reasons

(2) The Service shall give each inmate reasons, in writing, for assigning a particular security classification or for changing that classification.

[13] Section 18 of the ***Corrections and Conditional Release Regulations*** ("***CCRR***") provides:

> **18** For the purposes of section 30 of the Act, 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.

[14] Further guidance in determining a security classification of an inmate is found at s. 17 of the ***CCRR*** which provides:

> **17** For the purposes of section 30 of the Act, the Service shall 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.

[15] CSC acknowledges that the standard of review in assessing whether a decision was procedurally fair is the higher standard of correctness. In this regard a person who will be affected by a decision is entitled to meaningfully participate in the decision-making process, is entitled to know the case he or she must meet, and an opportunity to make submissions to the decision maker.

[16] In the context of an involuntary transfer, including a reclassification, for a decision to be reasonable, ***Khela*** provides the following directions:

> **72** … an inmate may challenge the reasonableness of his or her deprivation of liberty by means of an application for *habeas corpus*. Ultimately, then, where a deprivation of liberty results from a federal administrative decision, that decision can be subject to either of two forms of review, and the inmate may choose the forum he or she prefers. An inmate can choose either to challenge the reasonableness of the decision by applying for judicial review under s. 18 of the *FCA* or to have the decision reviewed for reasonableness by means of an application for *habeas corpus*. "Reasonableness" is therefore a "legitimate ground" upon which to question the legality of a deprivation of liberty in an application for *habeas corpus*.
>
> **73** A transfer decision that does not fall within the "range of possible, acceptable outcomes which are defensible in respect of the facts and law" will be unlawful (*Dunsmuir*, at para. 47). Similarly, a decision that lacks "justification, transparency and intelligibility" will be unlawful (*ibid.*). For it to be lawful, the reasons for and record of the decision must "in fact or in principle support the conclusion reached" (*Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708, at para. 12, quoting with approval D. Dyzenhaus, "The Politics of Deference: Judicial Review and Democracy", in M. Taggart, ed., *The Province of Administrative Law* (1997), 279, at p. 304).
>
> **74** As things stand, a decision will be unreasonable, and therefore unlawful, if an inmate's liberty interests are sacrificed absent any evidence or on the basis of unreliable or irrelevant evidence, or evidence that cannot support the conclusion, although I do not foreclose the possibility that it may also be unreasonable on other grounds. Deference will be shown to a determination that evidence is reliable, but the authorities will nonetheless have to explain that determination.
>
> **75** review to determine whether a decision was reasonable, and therefore lawful, necessarily requires deference (*Dunsmuir*, at para. 47; *Canada (Citizenship and Immigration) v. Khosa*, 2009 SCC 12, [2009] 1 S.C.R. 339, at para. 59; *Newfoundland and Labrador Nurses' Union*, at paras. 11-12). An involuntary

> transfer decision is nonetheless an administrative decision made by a decision maker with expertise in the environment of a particular penitentiary. To apply any standard other than reasonableness in reviewing such a decision could well lead to the micromanagement of prisons by the courts.

[17] Furthermore, the following comments of the court in ***Athwal and Zakis v. Warden of Ferndale Institution et al.***, 2006 BCSC 1386, [2006] B.C.J. No. 2083, at paras. 49-50 are also instructive:

> **49** This Court should be careful to avoid a too fine reconsideration of the possible dangers that informants might face in the corrections system. A warden, making a decision while faced with knowledge of dynamics within the penitentiary, is better situated than this Court when it comes to assessing the level of threat to individuals and to the institution itself.
>
> **50** In the instant case, while it is possible to parse the information released by the Warden and decide that slightly more could have been given, this is not the Court's proper function. The information provided by the Warden satisfied the requirement of disclosing the case to meet, and should not be upset.
>
> **51** I agree with the comments of Bouck J. in ***Bachynski v. William Head Institution***, [1995] B.C.J. No. 1715 (B.C.S.C.), at para. 37:
>
> > Perhaps the Petitioner was not dealt with perfectly. But, the law does not demand perfection. This is because the system is run by human beings. Very rarely do any of us perform anything perfectly. Courts must always be vigilant in protecting the individual rights of an inmate who is dealt with in an unreasonable manner. On the other hand, we should realize the difficult situations that confront prison officials.

Analysis and Decision

[18] It is my conclusion that CSC has met its onus of demonstrating that the deprivation is lawful, that is, the decision maker here has the jurisdiction to order the deprivation, the decision was made in a manner that respects procedural fairness, and the decision is reasonable. To the extent required, I will reference the respective positions taken by the parties in the context of this portion of my reasons.

[19] Based on the statutory and regulatory provisions referred to in the briefs of counsel and reproduced, in part, in these reasons, I conclude that CSC has the legislative jurisdiction to order the reclassification and involuntary transfer of Zarichanski. Accordingly, these reasons will focus on the issue of procedural fairness and reasonableness.

[20] I do not accept the arguments of Zarichanski that CSC failed to meet the common law and statutory disclosure obligations sufficient to permit Zarichanski to respond to the allegations made by CSC. In my opinion, CSC has met the requisite standard set out in subsections 27(1) (2) and (3) of the ***CCRA*** which provide:

> **Information to be given to offenders**
>
> **27(1)** Where an offender is entitled by this Part or the regulations to make representations in relation to a decision to be taken by the Service about the offender, the person or body that is to take the decision shall, subject to subsection (3), give the offender, a reasonable period before the decision is to be taken, all the information to be considered in the taking of the decision or a summary of that information.
>
> **Idem**
>
> **(2)** Where an offender is entitled by this Part or the regulations to be given reasons for a decision taken by the Service about the offender, the person or body that takes the decision shall, subject to subsection (3), give the offender, forthwith after the decision is taken, all the information that was considered in the taking of the decision or a summary of that information.
>
> **Exceptions**
>
> **(3)** Except in relation to decisions on disciplinary offences, where the Commissioner has reasonable grounds to believe that disclosure of information under subsection (1) or (2) would jeopardize
>
> **(a)** the safety of any person,
> **(b)** the security of a penitentiary, or
> **(c)** the conduct of any lawful investigation,

> the Commissioner may authorize the withholding from the offender of as much information as is strictly necessary in order to protect the interest identified in paragraph (a), (b) or (c).

[21] My review of the Record and other information leads me to the conclusion that Zarichanski was provided with all relevant information or a summary of the information that was considered in making the decision. With respect to the sealed confidential information set out in the September 26 Elyk affidavit, I have reviewed that information. It is my conclusion that any information withheld from Zarichanski was done in a manner that was compliant with s. 27(3) of the ***CCRA***.

[22] I am also satisfied on my review of the sealed September 26 Elyk affidavit, and the material provided to Zarichanski, that he was provided with an appropriate summary of the confidential information as it relates to his reclassification and transfer. The summaries provided to him were sufficient for him to know the case he had to meet and to provide written rebuttal argument. The disclosure of the material generally, and the summaries in particular, are properly balanced between the right of Zarichanski to know the case against him as against the need to protect the safety and security of other inmates, third parties and the security of the institution.

[23] In relying on s. 27(3) of the ***CCRA***, CSC has properly considered the interest of Zarichanski and followed the procedure outlined by the court in ***Khela*** which held:

> **86** *Habeas corpus* is structured in such a way that so long as the inmate has raised a legitimate ground upon which to question the legality of the deprivation, the onus is on the authorities to justify the lawfulness of the detention (*May*, at para. 71). If the Commissioner, or a representative of the Commissioner, chooses to withhold information from the inmate on the basis of s. 27(3), the onus is on the decision maker to invoke the provision and prove that there were reasonable grounds to believe that disclosure of that information would jeopardize one of the listed interests.

> **87** Where, pursuant to s. 27(3), the correctional authorities do not disclose to the inmate *all* the information considered in their transfer decision or a summary thereof, they should generally, if challenged on an application for *habeas corpus*, submit to the judge of the reviewing court a sealed affidavit that contains both the information that has been withheld from the inmate compared with the information that was disclosed 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.
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> **88** When the prison authorities rely on kites or anonymous tips to justify a transfer, they should also explain in the sealed affidavit why those tips are considered to be reliable. When liberty interests are at stake, procedural fairness also includes measures to verify the evidence being relied upon. If an individual is to suffer a form of deprivation of liberty, "procedural fairness includes a procedure for verifying the evidence adduced against him or her" (*Charkaoui v. Canada (Citizenship and Immigration)*, 2008 SCC 38, [2008] 2 S.C.R. 326, at para. 56).
>
> **89** Section 27(3) authorizes the withholding of information when the Commissioner has "reasonable grounds to believe" that should the information be released, it might threaten the security of the prison, the safety of any person or the conduct of an investigation. The Commissioner, or his or her representative, is in the best position to determine whether such a risk could in fact materialize. As a result, the Commissioner, or the warden, is entitled to a margin of deference on this point. Similarly, the warden and the Commissioner are in the best position to determine whether a given source or informant is reliable. Some deference is accordingly owed on this point as well. If, however, certain information is withheld without invoking s. 27(3), deference will not be warranted, and the decision will be procedurally unfair and therefore unlawful.

[24] In respect of Zarichanski's position that CSC is not entitled to rely on certain information as a result of the institutional charge relating to the November 1, 2022 charge being dismissed, I agree with the position of CSC that there is no requirement that when it comes to determining security classifications, the decision maker is prevented from relying on that information and in particular the decision maker is not prevented on relying on that information in the context of a reclassification determination on the basis that it has not been proven beyond a reasonable doubt. The legislative scheme provides significant guidance on security classification and as noted in ***Khela*** affords deference to

CSC decision maker in recognition of the delegation of this duty to them by Parliament. In my opinion, the consideration of the information in this case and the decision based on the information considered by the decision maker in respect of the reclassification determination properly falls within the scope of the delegation granted by Parliament to a CSC decision maker.

[25] In respect of the issue of the reasonableness of the decision rendered here by the CSC decision maker, the decision of the court in ***Khela*** is instructive. It held at para. 73 that a transfer decision:

> **73** … that does not fall within the "range of possible, acceptable outcomes which are defensible in respect of the facts and law" will be unlawful (*Dunsmuir*, at para. 47). Similarly, a decision that lacks "justification, transparency and intelligibility" will be unlawful (*ibid.*). For it to be lawful, the reasons for and record of the decision must "in fact or in principle support the conclusion reached" (*Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708, at para. 12, quoting with approval D. Dyzenhaus, "The Politics of Deference: Judicial Review and Democracy", in M. Taggart, ed., *The Province of Administrative Law* (1997), 279, at p. 304).

[26] Upon a review of the Record, including the sealed affidavit, I conclude the decision here falls within the range of possible, acceptable outcomes "which are defensible in respect of the facts and law".

[27] Zarichanski takes the position that the decision maker's decision here is not reasonable because the decision maker did not address the areas raised by Zarichanski in his lengthy rebuttal to the decision and summary document. The matters raised by Zarichanski in his rebuttal include his position that the reclassification was not based on reliable evidence, that the decision to transfer was procedurally unfair, that his ***Charter***

rights had been violated, and that because of these flaws the security classification was not accurate.

[28] In reviewing the decision found at Exhibit P of the September 20 Pitman affidavit, I would note that the decision maker summarized Zarichanski's arguments in his rebuttal and then addressed each one. The material before the decision maker included the Assessment for Decision which is included in the September 20 Pitman affidavit at Exhibit J.

[29] In respect of the adequacy of the reasons provided by the decision maker, it is important to point out that in making my decision I may, if necessary, look to the Record for establishing the reasonableness of the outcome. As set out in ***Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)***, 2011 SCC 62, [2011] 3 S.C.R. 708 (QL), the question of whether reasons are adequate is subsumed in the broader reasonableness analysis. In that decision Abella J. at paras. 14 - 16 summarized this issue in the following manner:

> **14** Read as a whole, I do not see *Dunsmuir* as standing for the proposition that the "adequacy" of reasons is a stand-alone basis for quashing a decision, or as advocating that a reviewing court undertake two discrete analyses — one for the reasons and a separate one for the result (Donald J. M. Brown and John M. Evans, *Judicial Review of Administrative Action in Canada* (loose-leaf), at §§12:5330 and 12:5510). It is a more organic exercise — the reasons must be read together with the outcome and serve the purpose of showing whether the result falls within a range of possible outcomes. This, it seems to me, is what the Court was saying in *Dunsmuir* when it told reviewing courts to look at "the qualities that make a decision reasonable, referring both to the process of articulating the reasons and to outcomes" (para. 47).
>
> **15** In assessing whether the decision is reasonable in light of the outcome and the reasons, courts must show "respect for the decision-making process of adjudicative bodies with regard to both the facts and the law" (*Dunsmuir*, at para. 48). This means that courts should not substitute their own reasons, but they may, if they find it necessary, look to the record for the purpose of assessing the reasonableness of the outcome.

> **16** Reasons may not include all the arguments, statutory provisions, jurisprudence or other details the reviewing judge would have preferred, but that does not impugn the validity of either the reasons or the result under a reasonableness analysis. A decision-maker is not required to make an explicit finding on each constituent element, however subordinate, leading to its final conclusion (*Service Employees' International Union, Local No. 333 v. Nipawin District Staff Nurses Assn.*, 1973 CanLII 191 (SCC), [1975] 1 S.C.R. 382, at p. 391). In other words, if the reasons allow the reviewing court to understand why the tribunal made its decision and permit it to determine whether the conclusion is within the range of acceptable outcomes, the *Dunsmuir* criteria are met.

[30] In my opinion, the decision on its face reveals a rational chain of analysis and provides sufficient clarity to understand the decision maker's reasoning. The reasons provided by the decision maker for each of the decisions they were required to make satisfy their obligations to provide a rationale to reclassify Zarichanski's security level and transfer him to medium security. If it is necessary to say so, it is also my opinion that my review of the information before the decision maker confirms this conclusion.

Conclusion

[31] In conclusion, the material before me establishes that the decisions by CSC to reclassify and transfer Zarichanski from minimum security to medium security are reasonable. The CSC has met its onus to demonstrate that the decision to reclassify Zarichanski as a medium-security inmate were made lawfully, fairly, reasonably, and in a manner which reflects his security requirements.

[32] In the result, Zarichanski's application for *habeas corpus* is dismissed. Each party shall bear their own costs.

_____ J.