SUPREME COURT OF NOVA SCOTIA

Citation: *Campbell v. Correctional Service of Canada*, 2015 NSSC 371

Date: 2015-12-22
Docket: Amherst No. 443627
Registry: Amherst

Alvin Campbell

Applicant

v.

Correctional Service of Canada (Springhill Institution)

Respondents

Judge:	The Honourable Justice Simon J. MacDonald
Heard:	October 27, 2015, in Amherst, Nova Scotia
Oral Decision:	November 5, 2015
Written Release of Oral Decision:	December 22, 2015
Counsel:	Alvin Campbell, Applicant, Self-represented Jill Chisholm, for the Respondent

By the Court:

Introduction

[1] The Applicant, Alvin Campbell, has applied for *habeas corpus*. The Respondents are Correctional Service of Canada (CSC) and the Attorney General of Canada. In his Notice, Mr. Campbell alleges that his detention is unlawful because (1) the CSC Springhill Institution (the Institution) has provided no disclosure to support holding him in segregation, and (b) the Institution has stated that it did not complete an investigation before placing the Applicant in segregation.

Background

[2] Mr. Campbell is serving a two-year federal prison sentence for break and enter with intent, possession of property obtained by crime, assault, use of force, theft, and failure to comply with a probation order.

[3] Mr. Campbell was granted statutory release on July 9, 2015, to a halfway house in Halifax. At that time he was in Administrative Segregation at the Institution. His statutory release was suspended by the Parole Board after an incident at the halfway house. The court has been advised that as a result of the revocation of his statutory release, he will be eligible again on either December 15 or December 23, 2015 (both dates were referenced in the hearing).

[4] On readmission to the Institution on July 17, 2015, Mr. Campbell was housed in the Temporary Detention Range (TDR) while undergoing the initial offender security classification and placement process, in accordance with the usual procedure when a prisoner is brought into the Institution. This process was completed on August 5, with Mr. Campbell being classified as medium security. The basis for this classification was the conclusion that he could not be integrated into the general population because his safety could not be assured, on account of his involvement in gang activities. These officials also concluded that the same concerns would arise at Dorchester Penitentiary, the other medium security institution in the region.

[5] The evidence indicates that the once the Respondents' officials determined that Mr. Campbell could not be placed in the general population, he was offered a place in the Enhanced Supervision Range (ESR), also known as protective custody.

According to the Respondents, this is done for inmates whose security is at risk. They indicate that the ESR at the Institution is less restrictive than the TDR where Mr. Campbell was housed when he was first returned to the Institution.

[6] Mr. Campbell's placement in segregation is discussed in the thirtieth day review, where the Acting Warden stated:

> Mr. Campbell, you have returned to Springhill Institution as a TD offender after a suspension of your Statutory Release (SR). At the time of SR, you were released from Administrative Segregation at Springhill Institution.
>
> Upon review of your case at the time of readmission it has been determined that your safety cannot be guaranteed in the general population of Springhill Institution due to your alliance with a security threat group. Similar concerns with incompatibility also exist at Dorchester Penitentiary – Medium Security Sector, which preclude you from merging into the general population there.
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> You have refused placement on an Enhanced Supervision Range (ESR) at Springhill Institution therefore the only option available to attempt to ensure your well-being is for [you] to be in Administrative Segregation.
>
> The Psychology Department has concerns with your mental well-being and have submitted a referral to HIIU (DP- High Intensity Intervention Unit) for psychological treatment. Other viable options to release your segregation status are also being explored but until such time as a safe option can be determined the recommendation is for your segregation status to be maintained.

[7] After being placed in segregation, Mr. Campbell was offered a placement in the High Intensity Intervention Unit (HIIU) at Dorchester. This would have alleviated his segregated status. When a place became available in the HIIU on September 28, 2015, a transfer was arranged for September 30. Mr. Campbell refused to go. According to the Respondents, as of the date of the hearing Mr. Campbell still had the option of going to the HIIU, pending space availability, should he decide to do so. Counsel for the Respondents reiterated this offer in the hearing, while the Applicant was on the witness stand. He indicated he was now amenable to this option. However, despite attempting to find out during a recess, counsel was unable to confirm whether a space was available at that time.

[8] The Court heard from Mr. Campbell, who was cross-examined by Ms. Chisholm, counsel for the Respondents. The Court also heard from Security Intelligence Officer Neil Rideout, from the Springhill Institution; Mr. Campbell's Parole Officer Renee Henderson; and Parole Officer Ferne Findlay. They were cross-examined by Mr. Campbell.

[9] On cross-examination Mr. Campbell stated that he was told by Neil Rideout that he would be returned to the general population after being assessed in July 2015. He also said Ferne Findlay told him that he would be going to the ESR, but that she did not give him a reason. Throughout his cross-examination, Mr. Campbell seemed to be arguing with counsel about what he took to be a promise by Mr. Rideout followed by a change in plans by Ms. Findlay. He said Mike Hector of the Inmate Committee was present because Ms. Findlay was trying to force him to go to ESR. He said he was not given a reason as to why he was being placed in the ESR, but then said they indicated it was for his own safety. He admitted later in cross-examination that he was made aware of why he was going to ESR rather than the general population. He also acknowledged he was told why he was classified as medium security.

[10] Mr. Campbell said he questioned why his safety would be at risk, because (he said) he had no gang involvement and his life was not in danger. He said that when he was out on parole he associated with members of one of the gangs, but had no problems. He said he understood that he was being placed in ESR due to his alleged gang involvement, but that the institution kept changing its reasons for putting him in ESR. He admitted to on cross-examination that he did not challenge his last segregation. His explanation for this was that he did not know he could do so, and he thought that it would all blow over. Mr. Campbell admitted he lost his job as a unit cleaner because he sprayed cleaner under an inmate's door when he was told not to do so.

[11] As noted earlier, Mr. Campbell refused to go to the HIIU. He said he was asked to go just before this application, and he believed that the Institution was forcing him to choose between going to that unit or pursuing his *habeas corpus* application. This belief, I find, arose from a discussion in a pre-hearing teleconference between Mr. Campbell, Ms. Chisholm and Justice Hunt. Justice Hunt indicated that he would keep the hearing date even if Mr. Campbell was transferred to the HIIU. Mr. Campbell replied that this was a "band-aid" solution that would not address his situation. He told the Court that he had problems in his head, there had been a death in his family, and being locked up imposed stress that impacted his mental ability.

[12] Mr. Campbell questioned the existence of a problem with former gang members, such as figures connected with gangs in the area of Uniacke Square, because when he was out on parole he was with them every day. He said he would

walk through Uniacke Square in perfect safety, without a problem. He said the Institution was keeping him where he was in order to avoid admitting its mistake.

[13] Mr. Campbell admitted on cross-examination that he could have participated in his fifth working day review but chose not to. He also chose not to attend his thirtieth working day review, but signed off on it. He did attend the sixtieth working day review. He agreed that the intelligence information was shared with him and that he was told why he did not get specifics under s. 27(3) of the CCRA. He agreed then that he would continue to do his time in segregation until his release. Confronted with the sixtieth day review, Mr. Campbell admitted that his reintegration plan was discussed with him at that meeting.

[14] Neil Rideout was cross-examined on his affidavit by Mr. Campbell. Mr. Campbell questioned Mr. Rideout several times as to whether Mr. Rideout told him he was going to be going to the general population or not. Mr. Rideout responded that he was meeting with Mr. Campbell to look at reintegration options, and that he had no authority to authorize a return to the general population. Mr. Campbell raised the question of whether Mr. Rideout told him that he would never return to the general population while he was in the institution. When asked directly if he said this, Mr. Rideout's response was, “I don't think that happened.” Mr. Campbell seemed to be arguing with Mr. Rideout both about what Mr. Rideout told him (or did not tell him) about a return to the general population, and also about his safety. Mr. Campbell appeared to be convinced he was, as he said, “100% safe.” Mr. Rideout tried to explain why he was not, and said this conclusion was based on security intelligence information.

[15] Renee Henderson, one of Mr. Campbell's Parole Officers, tendered an affidavit and was cross-examined by Mr. Campbell. He questioned her about alleged leakage of information and about his involvement with the Uniacke Square gangs. She stated that he was a key player in a feud and therefore, in her opinion, his safety could not be guaranteed in either Springhill or Dorchester. Mr. Campbell asked Ms. Henderson about charges against him related to gang involvement, weapons or anything else of that nature, to which she responded “no.” She indicated that it was not only Mr. Rideout's allegations that led to their conclusions about his safety and gang involvement, but that there was also information from other sources on his security intelligence file.

[16] Ms. Chisholm questioned Ms. Henderson on re-direct about the entry of Mr. Campbell in the TDR. She said he was there for about two-and-one-half weeks.

She also answered questions about the HIIU and the inmates who attend there, and about the availability of a bed for him and how he lost it because he refused to go. She stated that he would have to meet with his psychologist and have a referral approved by the Warden, and would then go on a wait list for a bed.

[17] Mr. Campbell did not cross-examine Parole Officer Ferne Findlay. Ms. Chisholm, on behalf of the Crown, questioned her about the process of Mr. Campbell's re-entry at the Springhill Institution. She said that she met Mr. Campbell the week of July 20 and recommended that he go to the ESR Unit, as it was less restrictive than Administrative Segregation. She testified that this was based on security intelligence information indicating that he should not go into the general population due to concerns about his safety, and said she said she told him this. She said she and Mr. Rideout met with Mr. Campbell and told him he would be unable to go into the general population, and that he was aware of why he was going to segregation.

[18] Mr. Campbell then asked to question Ms. Findlay after Ms. Chisholm finished. The Court permitted him to do so. He put it to Ms. Findlay that he was told by Mr. Rideout that he was going to the general population and that she told him she spoke with the Security Intelligence Unit and told him differently. She told him and the Court that Mr. Campbell did vocalize his desire to go to the general population.

Law

[19] I am satisfied this Court has the jurisdiction to hear Mr. Campbell's *habeas corpus* application relative to both his administrative segregation and increased security classification. This can be seen from such cases as *May v. Ferndale Institution*, 2005 SCC 82, [2005] S.C.J. No. 84; *Bradley v. Canada (Attorney General)*, 2011 NSSC 463; and *Bradley v. Canada (Attorney General)*, 2012 NSSC 173. The procedure followed by the Courts in this matter is described in *May*, *supra*, where the Court said as follows:

> 74 A successful application for *habeas corpus* requires two elements: (1) a deprivation of liberty and (2) that the deprivation be unlawful. The onus of making out a deprivation of liberty rests on the applicant. The onus of establishing the lawfulness of that deprivation rests on the detaining authority.

[20] In *Springhill Institution v. Richards*, 2015 NSCA 40, Beveridge, J.A. said:

62 Over the course of time, the writ developed to enable an inmate to seek review of the legality of the conditions of his or her incarceration. In the 1980's, the Supreme Court of Canada released a trilogy of cases relating to an inmate's "residual liberty" while being held in detention.

63 One of these cases was *R. v. Miller*, [1985] 2 S.C.R. 613. The Court held (at p. 641) that *habeas corpus* was available "to challenge the validity of a distinct form of confinement or detention in which the actual physical constraint or deprivation of liberty, as distinct from the mere loss of certain privileges, is more restrictive or severe than the normal one in an institution". The Supreme Court in *Khela* observed (at para. 34) that "Decisions which might affect an offender's residual liberty include, but are not limited to, administrative segregation, confinement in a special handling unit and, as in the case at bar, a transfer to a higher security institution."

64 In *May v. Ferndale Institution*, 2005 SCC 82, the Court emphasized the importance of the writ:

> [20] From the 17th to the 20th century, the writ was codified in various habeas corpus acts in order to bring clarity and uniformity to its principles and application. The first codification is found in the *Habeas Corpus Act*, 1679 (Engl.), 31 Cha. 2, c. 2. Essentially, the Act ensured that prisoners entitled to relief "would not be thwarted by procedural inadequacy": R.J. Sharpe, *The Law of Habeas Corpus* (2nd ed. 1989), at p. 19.
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> ...
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> [22] *Habeas corpus* is a crucial remedy in the pursuit of two fundamental rights protected by the *Canadian Charter of Rights and Freedoms*: (1) the right to liberty of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice (s. 7 of the Charter); and (2) the right not to be arbitrarily detained or imprisoned (s. 9 of the Charter). Accordingly, the Charter guarantees the right to *habeas corpus*:
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> 10. Everyone has the right on arrest or detention
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> ...
>
> (c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful. [Emphasis by Beveridge J.A.]

65 More recently, in *Khela* the Court extended the reach of habeas corpus to include the ability of provincial superior courts to determine whether decisions of prison officials which deprive the residual liberty interests of inmates are reasonable. If not, the deprivation is unlawful and the applicant is entitled to relief.

[21] This Court is also mindful of the deference that must be afforded the administrators of penal institutions respecting administrative decisions, in particular, administrative segregation and classifications respecting security. This can be found in cases such as *Khela v. Mission Institution*, 2011 BCCA 450, affirmed at 2014 SCC 24, *Bradley*, *supra*, and *R. v. Farrell*, 2011 ONSC 2160. In *Maltby vs. Saskatchewan (Attorney General)* (1982), 2 C.C.C. (3d) 153 (Sask. Q.B.), Sirois J. stated:

> 20 Prison officials and administrators should be accorded wide ranging deference in the adoption and execution of policies and practices that in their judgments are needed to preserve internal order and discipline and to maintain institutional security. Such considerations are peculiarly within the province and professional expertise of corrections officials, and in the absence of substantial evidence in the record to indicate that the officials have exaggerated their response to these considerations, courts should ordinarily defer to their expert judgment in such matters. *Bell v. Procunier*, 417 U.S. at 827 . The unguided substitution of judicial judgment for that of the expert prison administrators on matters such as this would to my mind be inappropriate.

[22] In *MacLeod v. AG (Canada)*, 2013 ONSC 4304, Tranmer, J. commented on the principle that segregation of an inmate constitutes a reduction in residual liberty within the institution:

> [20] In *R. v. Miller* [1985] 2 S.C.R. 613, the court held that confinement in a special handling unit or in administrative segregation is a form of detention that is distinct and separate from that imposed on the general inmate population. It involves a significant reduction in the residual liberty of the inmate. The court stated that it is in fact a new detention of the inmate. It is a particular form of confinement for which *habeas corpus* should be available to determine the validity of. The court stated that it was not saying that *habeas corpus* should lie to challenge any and all conditions of confinement in a penitentiary, including the loss of any privilege enjoyed by the general inmate population. The court said it should lie to challenge the validity of a distinct form of confinement or detention in which the actual physical constraint or deprivation of liberty, as distinct from the mere loss of certain privileges, is more restrictive or severe than the normal one in an institution.

[23] Van den Eynden, J. (as she then was) put this matter succinctly in *Cain v. Canada (Correctional Services)*, 2013 NSSC 367, at para 34 where she said:

> 33 In short, this Court's role is not to determine whether the administrative segregation and/or the security classification was the "proper decision" but rather whether the Respondent had the jurisdiction to make those decisions and whether

> such decisions were lawful and reasonable in the circumstances, taking into consideration the rights and procedural safeguards which Mr. Cain is to be afforded at law.

[24] In his submissions, filed on October 23, 2015, Mr. Campbell argues that he was being returned to Involuntary Administrative Segregation due to the previous issues at his statutory release date. He argues all the time should be considered total accumulated days in segregation. He questions whether the Institution followed proper procedures and guidelines from CSC. He goes on to question whether all the relevant documentation had been produced on all segregation forms, and whether they had been signed off properly by the correct people. He raises issues about whether there were any weapons charges, or any other kind of charges against him, while he was in the institution, or any evidence that he was involved gang activity through phone calls or mail. He also says there is an issue as to whether there was any exit strategy outlined for his eventual release from administrative segregation back to the general inmate population. Mr. Campbell suggests that the Institution had conflict resolution procedures available in the event of conflict situations. He further questions whether CSC observed the law respecting detention by having Security Intelligence (SI) recommend, and leaving him in administrative segregation until his new statutory release date.

[25] Mr. Campbell further argued that he was never provided with an exit strategy that would allow him to return to the general population. I find upon reading the fifth, thirtieth, and sixtieth-day reviews that there was always a discussion about his exit strategy, and that he was going to be continually reviewed to determine whether he could return to the general population. Mr. Campbell questioned the lack of the Warden's signature on certain documents, which were actually signed by the Acting Warden. Nothing turns on this, in my view.

[26] I conclude that Mr. Campbell's main argument is he feels he is being placed in "the hole" and has no chance of ever returning to the general inmate population. He told the Court that he felt he was being blamed for gang activity which has not been proven against him. He claimed that this, along with other issues, such as his mother's death, has impacted his mental ability.

[27] In short, Mr. Campbell argues that the decision by CSC to place him into administrative segregation at Springhill was unlawful. He argues that the Respondents did not comply with the required statutory and common law duties, especially with respect to procedural fairness and due process. He seeks to be released to the general population.

[28] The Respondents argue that there has been no deprivation of liberty, given that it is within Mr. Campbell's own power to change his status (albeit not to move to his preferred location, the general population). It was open to him to leave segregation, at his own volition, for a less restrictive environment at any time, but he has chosen not to avail himself of that opportunity. Mr. Campbell could have been placed in the Enhanced Supervision Range (ESR) at Springhill. This represented a less restrictive option than the Temporary Detention Range (TDR). Mr. Campbell refused to go to the ESR. Thus, the Respondents argue, the only option for him was to be placed in Administrative Segregation. Furthermore, subsequent to his placement in segregation, Mr. Campbell was offered a place in the High Intensity Intervention Unit at Dorchester Penitentiary. He initially agreed to this placement, but when space became available there, he refused to go, and his place went to someone else. According to the Respondents, it is still open to Mr. Campbell to go to HIIU, pending a space becoming available.

[29] If there is a deprivation, they say, Mr. Campbell has not raised a legitimate ground to challenge its lawfulness, as per *Wood v. Atlantic Institution (Warden)*, 2014 NBQB 135, at paras. 38-39, since it is his own refusal to go to the ESR or the HIIU that has necessitated his placement in segregation. In any event, the Respondents submit, his segregated status is lawful.

[30] I have considered all of the material filed in this matter and the testimony, as well as the arguments of both Mr. Campbell on his own behalf and Ms. Chisholm for the Respondents. I have considered the relevant provisions of the *Corrections and Conditional Release Act*, S.C. 1992, c. 20 (the CCRA), and the *Corrections and Conditional Release Regulations*, SOR/92-620 (the *Regulations*), as well as the relevant Corrections Service of Canada Directives. In particular, I have considered, among other provisions, ss. 31 to 37 of the of the CCRA and ss. 19-23 of the *Regulations*. I have also considered various Commissioner's Directives, including CD 705-7 (Security Classification and Penitentiary Placement) and 709 (Administrative Segregation).

[31] As is clear from the CCRA, the Correctional Service of Canada has the authority to make decisions respecting Mr. Campbell's security classification. I have no hesitancy in concluding that CSC followed Directive 705-7 in making an initial offender security classification placement when Mr. Campbell was first returned to Springhill on July 17, 2015. I am further satisfied that they took the proper procedure in classifying Mr. Campbell as a medium security offender. I say so because it was one of the placements that they had the authority to make and the

reason provided – relative to his safety not being guaranteed – led to a reasonable outcome in the circumstances. There was an abundance of information in the Security Intelligence Unit material to support this conclusion. This reasoning would apply to the Springhill general population as well as the Dorchester Penitentiary. The evidence also establishes that Mr. Campbell was told why he was so classified and informed about the concerns about his safety. This is apparent from the affidavits of Mr. Rideout and Ms. Henderson. While Mr. Campbell maintained that he was not told, I prefer the evidence of the Respondents' witnesses to the effect that he was so informed.

[32] Mr. Campbell argued in his oral and written submissions that the proper procedure was not followed and he was not treated fairly. I find as a fact he was. I find that Mr. Campbell's claims do not carry any weight, based on a review of the evidence submitted by the Respondents. For instance, Mr. Campbell said he was not given an opportunity to attend hearings. However, on cross-examination, he agreed that he attended his sixtieth day review. Further, the documentary evidence clearly shows that Mr. Campbell was invited to attend the fifth day and thirtieth day reviews, but declined. I am also satisfied that he was provided with the necessary reports required by Correctional Services Canada.

[33] I am satisfied that the information considered in the decision to segregate Mr. Campbell was disclosed in accordance with s. 27 of the CCRA. That section provides, in part:

> Information to be given to offenders
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> 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.
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> 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.
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> 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
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> (a) the safety of any person,
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> …
>
> 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).

[34] Mr. Campbell received the required documents, he was told why he was classified at the Medium Security level and he was told why he was being placed in Administrative Segregation. Contrary to his assertion that the Respondents have not followed Commissioner's Directive 709, I find they are doing so, as can be seen from the fifth, thirtieth, and sixtieth-day reviews. I find that the required information was shared with him in advance.

[35] The Respondents argue that Mr. Campbell is in segregation by his own volition. They point out that, after Mr. Campbell completed the classification and placement process at Springhill, he was offered a cell in the ESR but refused. In September 2015 he was offered a cell in the HIIU but refused that as well, stating that he was unwilling to go anywhere but general population. As I said earlier, when Mr. Campbell first returned in July the Springhill authorities made a reasonable decision that he should not go to general population because of fear for his safety.

[36] Subsection 31(3) of the CCRA provides:

> (3) The institutional head may order that an inmate be confined in administrative segregation if the institutional head is satisfied that there is no reasonable alternative to administrative segregation and he or she believes on reasonable grounds that
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> …
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> (c) allowing the inmate to associate with other inmates would jeopardize the inmate's safety.

[37] I conclude that the Springhill authorities had ample security intelligence information before them and that they complied with s. 31(3) of the CCRA in deciding to place Mr. Campbell in Administrative Segregation for his own safety.

[38] I do not accept Mr. Campbell's explanation that he was forced to decide between going to HIIU and his court appearance. I am satisfied that he would have been able to continue with his court case had he gone to the HIIU. I agree with the Respondents' argument that the decision to remain in segregation is his, and his alone. On that basis his *habeas corpus* application is dismissed.

[39] Even if I am wrong on this, I am satisfied on the basis of the affidavits, the oral evidence, and the parties' arguments that the Respondents have complied with their obligations to accord procedural fairness to Mr. Campbell. I find that he did in fact receive proper process, in terms of proper procedures and legal principles, in determining that he should be placed in Administrative Segregation. I am further satisfied that any irregularities in the process or in the facts or information that the Respondent relied upon in completing his security classification process were not material or substantive enough to undermine that process.

[40] That being said, I would encourage officials at the Springhill Institution to assist Mr. Campbell in receiving treatment at the HIIU. As I observed and listened to Mr. Campbell, it was obvious that consideration should be given to his agreement to go to an HIIU. This would address two problems: it would assist him in his treatment of his "head" problems, as he describes it, and it would alleviate his segregated status. I understand that the authorities at Springhill are attempting to get him another referral to the HIIU. I also conclude that, having found the original assessment made by the personnel at Springhill Institution when he first returned to that institution reasonable, if successful he would return to that particular unit.

[41] I should add that Mr. Campbell provided a further brief after the hearing. I reviewed it because Mr. Campbell is not a lawyer, and it is essential that he have the fullest possible chance to present his arguments. This brief essentially re-argued his previous positions, with emphasis on *Bradley, supra*. However, I am satisfied that the facts here are distinguishable from those before Bourgeois J. in *Bradley*. For example, in *Bradley* there was a failure to disclose relevant documents, the least intrusive or restrictive measures were not considered, and the Court found that there was insufficient evidence to support the findings and the various reviews. Here, I found the exact opposite. In fact, I found all this was done properly in Mr. Campbell's case. Mr. Campbell's concern about his security classification not being in question is obvious based from the material before the Respondent and in their assessment of it.

[42] The Respondents requested costs in their-pre-hearing brief. Mr. Campbell said in his brief if costs are awarded against him that a one-time cost award be made, relying on Gallant v. AGC and NPB Docket No. T-2216-14 in the Federal Court of Canada. Neither party raised the issue at the hearing. I am not prepared to award costs to either party in this matter.

Conclusion

[43] In conclusion, I find that Mr. Campbell was offered less restrictive deprivations of his liberty on two occasions: first in the ESR and again in the HIIU, both of which he refused. The CSC staff at Springhill concluded that the only other place available was administrative segregation, where he now resides. I am also satisfied that the decision to place Mr. Campbell in Administrative Segregation was reasonable and lawful. I thus dismiss the *habeas corpus* Application respecting his segregation placement.

[44] Accordingly, the application for *habeas corpus* is dismissed.

MacDonald, J.