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**From:** MARSHALL-COPE, Dawna  
**Sent:** Monday, June 08, 2015 12:12 PM  
**To:** DE HAAS, John; HARRIS, Jeff  
**Subject:** FW: Criticism for the Jail

John and Jeff,

Just so you know that there was additional video to watch, Brett was going to do this Saturday. It appears from this morning's e-mail, that the review is now complete. Brett will review the logs when he returns to work Thursday.

Dawna

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**From:** FARRAGHER, Brett  
**Sent:** Monday, June 08, 2015 9:41 AM  
**To:** MARSHALL-COPE, Dawna  
**Subject:** RE: Criticism for the Jail

Hi Dawna,

Sorry I haven't got back to you sooner. I was the Station NCO on Saturday and it was busy, so I didn't get the opportunity to look through the video.

I have now completed looking at the video. There does not appear to be anything of note coming out of the video. It is obvious from watching the video that they are not overly happy with their surroundings, but the cells appear clean from the video. I did note that on the first night, May 30, that both Korody and Nuttall were given blankets and food but on May 31 they were not given blankets but they were given food. I do not know why this would have happened.

I have not yet had an opportunity to look at the prisoner logs to see if there is anything there. I am back at work on Thursday June 11 and I will look then.

I hope this helps,  
Brett

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**From:** MARSHALL-COPE, Dawna  
**Sent:** Friday, June 05, 2015 3:26 PM  
**To:** FARRAGHER, Brett  
**Subject:** RE: Criticism for the Jail

Got it thanks ( I will change it on the version I send to the Chief.)

Great work by the way. For tomorrow, I know that you will be reviewing the video of Korody, and prisoner logs. Is there anything else you need to look at?

Lastly, do we usually note when someone is fed? Or is it only noted for Nuttall because he asked for two meals? (I am just wondering if perhaps Korody declined a meal, as it is not in the log).

Thank you,

Dawna

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**From:** FARRAGHER, Brett  
**Sent:** Friday, June 05, 2015 3:16 PM  
**To:** MARSHALL-COPE, Dawna  
**Subject:** RE: Criticism for the Jail

I'm sorry Dawna. The time mentioned above the yellow highlighted time is a typo. It should read 2043 hours (not 2243 hours) Observed awake and sitting up.

Brett

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**From:** MARSHALL-COPE, Dawna  
**Sent:** Friday, June 05, 2015 3:11 PM  
**To:** FARRAGHER, Brett  
**Subject:** RE: Criticism for the Jail

Hi Brett,

Thanks very much for this... can you please confirm the time I have highlighted below- it is out of sequence.

Thank you,

Dawna

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**From:** FARRAGHER, Brett  
**Sent:** Friday, June 05, 2015 3:02 PM  
**To:** MARSHALL-COPE, Dawna; DE HAAS, John  
**Cc:** HARRIS, Jeff  
**Subject:** FW: Criticism for the Jail

Dawna and Inspector de Haas,

The Vancouver Jail is a short term maximum security detention facility designed primarily to hold prisoners upon arrest and to stage pre-court prisoners for transfer to the Sheriffs for court appearances.

Prisoners can be held by Vancouver Jail for Canada Border Services Agency (CBSA) on condition that the jail is provided with a detention order.

The Vancouver Jail is used to hold people who have been lawfully arrested for being in a state of intoxication in a public place (H/SIPP) that are violent and require restraint or are refused admittance by the Detox Centre, as well as those lawfully arrested for a Breach of the Peace.;

The Vancouver Jail will also be used to hold prisoners when they are awaiting a jury verdict and are lawfully being held by the Sheriff Service at Supreme Court, and the Sheriff Service has requested the accused to be held overnight for return transport back to Supreme Court the next day.

In the matter of John Nuttall and Amanda Korody, they were brought to the Vancouver Jail on Saturday May 30, 2015 at 20:11 Hours and booked into the Jail as they were awaiting a jury verdict and were lawfully being held by the Sheriff Service at Supreme court, and the Sheriff Service had requested they be held overnight for return to the Supreme Court the next day.

Relating to John Nuttall;

22(1)



Relating to Amanda Korody;

22(1)



On Sunday May 31, 2015 at 20:20 hours John Nuttall and Amanda Korody were returned to the Vancouver Jail.

22(1)



A number of concerns have been raised in relation to these two prisoners. I will attempt to address them all.

1. It is the procedure in the Vancouver Jail to offer blankets to prisoners at 2200 hours and then to remove the blankets at 0500 hours so that they can be cleaned.
2. Prisoners are generally offered food at 0500 hours, 12 noon and 1700 hours daily. The meals provided are the same for every meal; a Juice box, Protein Bar and a Fruit Bar.
3. The Vancouver Jail is a facility as noted above that houses Prisoners that have been arrested for Criminal offences where they are waiting to attend Court or have been remanded in custody. The Vancouver Jail also houses people that are being held on Detention Orders for the Canada border Services Agency. The Vancouver Jail also houses arrested people for Breach of the Peace, Apprehended Breach of the Peace and violent people under the influence of Intoxicating liquor or drugs. On weekends, the Vancouver Jail is filled with people arrested for all the reasons mentioned and many of these people are not happy to be in the Jail and will scream, yell and kick at the doors all night long. The Vancouver Jail is a very noisy place to be.

4. After looking at the Observation Logs I could find no mention of any time during the stay by Mr. Nuttall or Ms. Korody where an issue was raised in relation to their treatment in the Jail.
5. If a complaint is made relating to the cleanliness of a Jail cell, either by a prisoner or a Jail employee, it is common practice to have cleaning staff attend and clean the area. Again, after studying the logs of the days in question there is nothing of note.
6. The Vancouver Jail is a holding location for prisoners of the Vancouver Police Department. Prisoners are brought to the Jail from all areas of Vancouver and other areas of the Lower Mainland. It is not uncommon for prisoners to arrive at the Jail in unkempt condition and with a variety of diseases. Prisoners come to Jail in differing states of intoxication where they have vomited on themselves, urinated on themselves or have feces on their clothing and bodies. The staff at the Vancouver Jail attempt to treat prisoners with respect and try to offer them a clean environment.
7. Sergeant Farragher spoke to Jail Guard <sup>22(1)</sup> who viewed the video of the time that Mr. Nuttall and Ms. Korody are in the Vancouver Jail and he states that he has observed nothing of note in relation to the cleanliness of the Vancouver Jail, with the exception of when Mr. Nuttall was first placed in cells. There was a plastic cup of water spilled on the floor of the cell and Mr. Nuttall appears to step in the water in his socks.

Please find attached to this email a series of screenshots taken by JG <sup>22(1)</sup> showing an example of the state of the cells BOTH Mr. Nuttall and Ms. Korody were placed in during their stay at the Vancouver Jail.

It should also be noted that on May 9, 2015 Mr. <sup>22(1)</sup> of the Red Cross Detention Monitoring Program attended the Vancouver Jail to inspect the condition of the Jail for detainees of the CBSA. At this time we have not received any negative feedback from him.

As I receive further information I will forward it to you. If you need anything else from me, please don't hesitate to ask. I can be contacted at 778-<sup>22(1)</sup>

Regards,  
Brett

Brett Farragher  
Sergeant 1897  
Court Liaison  
Court and Detention Services  
Vancouver Police Department  
3585 Graveley Street, Vancouver, B.C. V5K 5J5  
Email: [brett.farragher@vpd.ca](mailto:brett.farragher@vpd.ca)  
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**From:** DE HAAS, John  
**Sent:** Friday, June 05, 2015 7:45 AM  
**To:** FARRAGHER, Brett  
**Subject:** Fw: Criticism for the Jail

Brett

I did not see any log entries of when these two reportedly were in our jail.

Can you find out when and were there any sanitary issues. Thx.

Sent from my BlackBerry 10 smartphone on the Bell network.

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**From:** FLEMING, Stu <[stu.fleming@vpd.ca](mailto:stu.fleming@vpd.ca)>  
**Sent:** Friday, June 5, 2015 7:34 AM  
**To:** MANOJLOVIC, Drazen; <sup>22(1)</sup>  
**Subject:** Criticism for the Jail

Hey Drazen,

This is from the Vancouver Sun this morning. If I was on the Police Board, I may be asking to have the earlier S&P complaint re-visited!! Doug King is actually quite kind in his comments, as he suggests it may be an issue of lack of resources.

## **Police nix judge's order to clean jail cells of feces, vomit, blood: lawyer**

By Geordon Omand, THE CANADIAN PRESS June 5, 2015 6:19 AM

**John Nuttall and Amanda Korody are seen in an artist's sketch in court on Friday, May 29, 2015 in Vancouver.**

**Photograph by: Felicity Don , THE CANADIAN PRESS**

Vancouver police refused to clean up their act even after reports of feces, vomit and blood smeared across jail-cell walls led a British Columbia judge to demand more hygienic lockup conditions for two prisoners, says a lawyer.

B.C. Supreme Court Justice Catherine Bruce ordered the Vancouver Police Department to provide more sanitary accommodations, along with proper food and bedding, for terror suspects John Nuttall and Amanda Korody. The pair began spending their nights in the Downtown Eastside facility when jurors started deliberations on Sunday.

"It was reported to me by my client that the conditions were horrendous and unhygienic: blood smeared on the walls, a toilet that was disgusting, a thin blanket for overnight, no food," said Korody's lawyer Mark Jette on Thursday.

"Leaving aside the fact that it's disgusting, it's not healthy," he added. "Who knows what diseases those things may contain. You may end up infecting someone with HIV or tuberculosis."

A jury found Nuttall and his wife Korody guilty on Tuesday of planting homemade pressure-cooker bombs on the front lawn of the B.C. legislature on Canada Day two years ago.

While Bruce's order to the Vancouver police carried no legal weight, Jette said it was an attempt to assert "moral authority" -- an attempt that ultimately failed.

**"We were advised later that day through the court registry that the Vancouver jail would not meet the criteria set out in (the judge's) direction," said Jette. "So they just frankly refused."**

**As a result, the jury's schedule was shortened to accommodate transporting Nuttall and Korody to and from their remand centres, in Coquitlam and Maple Ridge, respectively.**

The accused spent a total of two nights in separate cells at the Vancouver lockup.

"I'm of the view that the way we treat our prisoners is a reflection of the degree of civility of our country," said Nuttall's lawyer Marilyn Sandford, who explained that her client had complained of the same cell conditions as Korody.

"I think it reflects very poorly on the city and that there's no excuse for it."

The Vancouver police declined to comment, citing security reasons.

"We would not put anyone's safety at risk by commenting on a particular case," wrote Sgt. Randy Fincham in an email.

He estimated the number of prisoners who move through the Vancouver jail at roughly 14,000 per year.

The Ministry of Justice said in an email that police have sole responsibility for their own lockups and it's an established practice for sheriffs to take an accused to a local facility if a jury sits late.

Doug King, a lawyer who has taken on many police-accountability cases, drew a link between unsanitary cell conditions and the underlying issue of jails being forced to grapple with inadequate resources.

"Especially when you talk about cleanliness issues and general upkeep of the jail, if the guards and staff are not capable of doing that, that's a pretty good indication that they're understaffed or under-resourced," he said.

Earlier this year Vancouver police dismissed a complaint from a man claiming a similar experience to that of Nuttall and Korody.

"He alleged that the wagon smelled of urine and feces, the jail cells were dirty, and that the food provided to him was inadequate," read a report to the Vancouver Police Board.

Police said this was the first such complaint they had received.

Read more:

<http://www.vancouversun.com/news/metro/Police+judge+order+clean+jail+cells+feces+vomit+blood+lawyer/11111674/story.html#ixzz3cCKS7I6F>

Corporal #310 Stu Fleming  
Vancouver Police Department  
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**From:** HARRIS, Jeff  
**Sent:** Monday, June 08, 2015 4:10 PM  
**To:** VPD Jail Guards - DL; [larissa](#)<sup>22(1)</sup>  
**Cc:** VPD Jail Sergeants - DL  
**Subject:** Cell cleanliness issues

Folks,

I'm sure many of you are aware of the formal complaints the VPD recently received regarding the cleanliness of our cells. These complaints were also brought out in court and made the National news and newspapers. The media compared the VPD Jail to Abu Grab prison in which several very high profile prisoners we housed claimed they had to exist in cells coated in feces, urine and blood. Although we know the complaints are for the most part unfounded, our reputation has been tarnished across the country and the investigations which I am a part of with Sgt Farragher, Jeannie Kwan, Inspector de Haas, and others, are taking up valuable time and resources to disprove. I submitted an update today with Sgt Farragher's report, which the Executive will be reviewing tomorrow then forwarding to the Police Board for their review. I have followed up with Alpine Cleaners (who will be power washing several cells tomorrow) and hope that we will improve our current standard.

**I want to remind you that you need to check each cell BEFORE lodging a prisoner in it. It must be clean of bodily fluids, clothing, and trash. If it isn't, use a different cell AND report the issue to the cleaners immediately so that the cell can be cleaned. When you have "down time", please check under the mattresses in the cells to make sure there is nothing stashed or left behind. Remember that these investigations are a huge waste of resources and time, and all of our reputations suffer because of them.**

Larissa – Please let your nursing staff and doctors know that if they have any concerns when doing rounds, to please make them known to our guard staff.

Thanks

Jeff

Staff Sergeant Jeff Harris  
Vancouver Police Department  
265 E. Cordova St  
Vancouver, BC  
604-717-<sup>22(1)</sup>



## HURWITZ, Darrin

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**From:** HURWITZ, Darrin  
**Sent:** Friday, June 05, 2015 1:06 PM  
**To:** MARSHALL-COPE, Dawna  
**Subject:** News Reports today re : VPD Jail and judges 'order' to clean up

Dawna.

I made a call to the Supreme Court (Vancouver) Criminal Registry today and asked how I could go about obtaining the 'order' or 'directions' from Justice Bruce referenced in today's media. I received a call back from Ross McKenna (Director of Provincial Programs, Sheriff Services) and Steve Jervis, also I understand with BC Sheriffs. It is interesting that I called the Supreme Court Registry and received a call back from the BC Sheriffs.

They provided me with the following information:

- On June 1<sup>st</sup> (in the afternoon), Defense Counsel in the Nuttall / Korody trial made allegations in open court about unclean conditions in their clients' VPD Jail cells for the past 2 nights. They alleged vomit and feces and unsanitary conditions and apparently went into some depth.
- Justice Bruce made verbal comments that these conditions were inappropriate and directed the Sheriffs to talk to the VPD. There was no order made or entered. There was apparently no communication to the VPD about the Judge's concerns or possible direction.
- Circumstances changed that day such that the two accused did not return to the VPD Jail. This could be why no concern was conveyed to the VPD although this is not clear at this time.
- McKenna and Jervis again confirmed to me that there is no indication that VPD was given any indication of these issues, either by the Sheriffs or Crown Counsel. Nothing was communicated to the VPD Jail NCO. There was no need to address these concerns as the accused were not returning to the VPD Jail.
- Re: Reports that Defense Counsel Jette was advised through the court registry that VPD Jail would not meet the criteria set out in the Judge's direction... This element is most curious and I think most hurtful to the VPD's reputation. I understand that a Senior Court Manager is investigating this issue. They may contact Jette and ask him where he received this information. The general consensus, I understand, is that it would be very unusual and unlikely for any registry staff member to say or confirm this sort of information. At the same time I have a hard time believing that senior counsel JETTE would make this up. Perhaps there has been media embellishment or a miscommunication somewhere.
- McKenna will let Insp. deHaas know the results of their internal investigation. It is unclear when this will be completed. Jervis apologized for the miscommunication.

As an aside, it is very unusual and probably just contrary to process to have a direction or order made against the Vancouver Police Department by a Supreme Court Judge without any opportunity for the VPD to defend its interest. There clearly was an accusation made. Perhaps the Judge asked the Sheriffs to communicate the concern to the VPD. That clearly wasn't done. This matter was compounded by the alleged Court Registry comment, as reported in the media, that VPD refused to comply with the order. That alleged comment is under investigation by Court Services.

Certainly an unusual set of events.

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**Darrin Hurwitz**

## **Counsel, Access and Privacy**

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