

INFORMATION / DÉNONCIATION

CANADA:
PROVINCE OF BRITISH COLUMBIA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Court Identifier:	2040: PRA				
Court File Number:	244069				
Type Reference:	BC				
Inf. Seq Number:	5				
Agency File Number:	VCRT:16-25379-1 704:19-10877				
DNA:	☐	SOR:	☐	K File:	☐

This is the information of / Les présentes constituent la dénonciation de **R Ahira**, a / un(e) **Court Liaison Officer** (the "Informant" / le "Dénonciateur") of / de **Burnaby**, British Columbia / Colombie-Britannique.

The informant says that the informant has reasonable and probable grounds to believe and does believe that / Le dénonciateur déclare qu'il a des motifs raisonnables et probables et croit effectivement que

Count 1

Patrick Henry FOX, on or about the 19th day of March, 2019, at or near Vancouver, in the Province of British Columbia, while bound by a probation order made by The Honourable Madam Justice H. Holmes on the 10th day of November, 2017, and as amended by The Honourable Madam Justice H. Holmes on the 6th day of February, 2019, did without reasonable excuse fail to comply with such order by failing to report as directed, contrary to Section 733.1(1) of the Criminal Code.

Count 2

Patrick Henry FOX, on or about the 15th day of March, 2019, at or near Surrey, in the Province of British Columbia, while bound by a probation order made by The Honourable Madam Justice H. Holmes on the 10th day of November, 2017, and as amended by The Honourable Madam Justice H. Holmes on the 6th day of February, 2019, did without reasonable excuse fail to comply with such order by leaving British Columbia without the written permission of the probation officer, contrary to Section 733.1(1) of the Criminal Code.

Count 3

Patrick Henry FOX, on or about the 15th day of March, 2019, at or near Surrey, in the Province of British Columbia, while bound by a probation order made by The Honourable Madam Justice H. Holmes on the 10th day of November, 2017, and as amended by The Honourable Madam Justice H. Holmes on the 6th day of February, 2019, did without reasonable excuse fail to comply with such order by being within 100 metres of the United States border contrary to Section 733.1(1) of the Criminal Code.

THE INFORMATION SWORN ON **MAY 14, 2019** CONTAINS A TOTAL OF 3 COUNTS ON 1 PAGE.

SWORN / AFFIRMED BEFORE ME /
ASSERMENTÉ / AFFIRMÉ DEVANT MOI
ON / CE **14TH** DAY OF / JOUR DE **MAY, 2019**
AT / À **VANCOUVER**
BRITISH COLUMBIA / COLOMBIE-BRITANNIQUE

K. Anderson 2019.05.14 09:11:09
-07'00'

A JUSTICE OF THE PEACE IN AND FOR THE
PROVINCE OF BRITISH COLUMBIA /
UN JUGE DE PAIX DANS ET POUR LA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

other signer
Tue May 14 2019 09:10:57

SIGNATURE OF INFORMANT /
SIGNATURE DU DÉNONCIATEUR

**Patrick Henry FOX: Previous Process Applies
PROCESS / ACTE DE PROCÉDURE ISSUED**

K. Anderson 2019.05.14 09:11:19
-07'00'

A JUSTICE OF THE PEACE IN AND FOR THE
PROVINCE OF BRITISH COLUMBIA /
UN JUGE DE PAIX DANS ET POUR LA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

	BURNABY RCMP NARRATIVE TEXT HARDCOPY
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GO# 1202 2019-10877

Narrative: **POLICE STATEMENT - 5**

CST. BROWN 076554 - RESPONSE TO CROWN CC/APR 21

Author: **076554 BROWN, KIRSTY**

Related date: **Wednesday, 2019-May-29 at: 12:49**

Related event: **GO 1202201910877**

Burnaby RCMP 2019-10877

R. v. Patrick Henry FOX

Breach of Probation

Supplemental Report
May 29, 2019

On April 21, 2019 Constable Brown received a request from Crown Counsel with respect to accused Patrick Henry Fox's custody, following his arrest on April 4, 2019 by members of the Burnaby RCMP High Risk Offender Unit.

The following information has been confirmed by Constable Brown, and provided in response to that request:

Chain of Custody of Accused/Contact with Police Members & Guard Prior to Interview;

On April 4, 2019 accused Patrick Henry Fox was arrested by Constable Tyler Hawkins at the Peace Arch/Douglas border crossing, Surrey British Columbia, per the police statements of Constable Hawkins and Constable Kirsty Brown, of the High Risk Offender Unit (HROU). Accused Fox was transported by Constable Hawkins and Constable Brown from the border, in a marked police vehicle, to the Burnaby RCMP Detachment, Burnaby British Columbia, as detailed within the respective police statements.

Upon arrival at the Burnaby RCMP Detachment, between 1205 hours and 1310 hours, Constable Hawkins completed the booking process of accused Fox, including removing him from the police vehicle and escorting him into the cell block area, fingerprinting and photographing, examining and documenting his effects, and offering a second opportunity for legal counsel. Upon completing the processing, accused Fox was escorted into his cell by Constable Hawkins, and the duty cell guard Jiri Motak (HRMIS# 000137093). A review of the cell block log confirmed an entry by cell guard Motak indicating that accused Fox, prisoner number assigned as '336', to cell 4 with Constable Hawkins. Cell guard Motak was the only guard on shift at the time accused Fox was brought into cells by Constable Hawkins.

At 1429 hours accused Fox was removed from cell 4 to be taken to an interview room by Corporal Jason Potts.

At 1644 hours accused Fox was returned to cell 4 by Corporal Potts after the conclusion of the interview, as documented by cell guard Motak within the log.

The details of the processing times and entry into the cell were confirmed via review of the police statement of Constable Hawkins and the cell block log, and Constable Brown confirmed directly with cell guard Motak that he was the only guard working the day shift on April 4, 2019, with his shift concluding at 1800 hours (cell block log confirms the evening shift guard start time of 1800 hours). The details of the removal of accused Fox from cell 4 (and subsequent return to cell 4), for the purposes of the interview with Corporal Potts were confirmed

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	BURNABY RCMP NARRATIVE TEXT HARDCOPY
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by Constable Brown via a review of the cell block log entries and Corporal Potts's interview times (as noted by Constable Hawkins in his monitor log/police statement and the recording times documented by Corporal Potts). Constable Brown has also reviewed the transcript of Corporal Potts's interview with accused Fox, and confirmed that the individuals referenced at the top of the transcript (JP- Jason Potts, PF - Patrick Fox, CG - Cell guard, UF - Unknown female, UM - Unknown male, MG - male guard) as having spoken during the recording, are:

JP - Corporal Jason Potts (interviewer)/throughout the interview recording

PF - Patrick Henry Fox (interviewee)/throughout the interview recording

CG - Jiri Motak (Cell guard on day shift April 4, 2019)

UF - Constable Joey So (Burnaby Serious Crimes Unit)/lines 241, 245 (brought coffee to the interview room at the request of Corporal Potts)

UM and MG - Constable Derek Bay, General Duty "C" Watch (in the cell block area when Potts returns Fox and obtains toilet paper for him as he is placed back into his cell)

Interactions with accused Fox from the time of his arrest to the time of his interview included Constable Hawkins, Constable Brown, Corporal Potts, and while in the cell block by cell guard Motak (who was accompanied the investigators each time and whose role consisted of locking and unlocking the cell door/Constable Hawkins and Corporal Potts). Constable Brown is forwarding a copy of the cell block log (page 151) relating to accused Fox being brought into and out of his cell, prior to the interview/see Attachment List - 4 (disk).

Accused Right to Counsel;

On April 4, 2019 Constable Hawkins conducts the arrest of accused Fox, utilizing an arrest script and records the interaction via digital audio recording. During this arrest, and per the arrest audio transcript accused Fox states "Not at this time." (line 4) in response to Constable Hawkins question "And Patrick do you want to call a lawyer." (line 3). As Constable Hawkins repeats accused Fox's response to the question in line 5, Fox then states "It would be physically impossible to do so." (line 6).

During the booking process at the Burnaby RCMP Detachment, Constable Hawkins asked Fox if he wished to speak with counsel, as detailed within his notes (written April 4, 2019 at 1205 hours) and subsequent police statement (written April 11, 2019), and Fox's response was "No."

During the pre-interview briefing between Corporal Potts and Constable Hawkins, the arrest script was reviewed by Corporal Potts, as provided by Constable Hawkins. Corporal Potts details in his notes (written April 4, 2019 during the interview briefing at 1345 hours), and subsequent police statement (written April 8, 2019) that:

- At 1100 hours [on April 4, 2019], Constable Hawkins arrested Fox for three counts of failing to comply with his Probation Order;

- Fox understood section 10B, and he did not want to call a lawyer;

- Fox understood the Police caution;

- Fox understood that he would be subject to audio and video recording; and

- When they arrived at Burnaby Cells, Constable Hawkins asked Fox again if he wanted to call a lawyer but Fox stated that he did not want to call a lawyer.

Following the request from Crown Counsel for clarification, Constable Brown spoke with Corporal Potts, who confirmed that he was satisfied that accused Fox had been chartered and provided an opportunity to speak with

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	BURNABY RCMP NARRATIVE TEXT HARDCOPY
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GO# 1202 2019-10877

counsel, prior to the interview being conducted, per his briefing with Constable Hawkins, review of the arrest script and confirmation that Fox had been offered an opportunity to speak with counsel by Constable Hawkins when being processed in the Burnaby detachment cell block, and that accused Fox's response to this was "No".

Interview Props/Corporal Potts' Notes;

Constable Brown reviewed the previous supplementary reports and attachments, and confirmed that on April 18, 2019 Constable Hawkins forwarded the interview props and Corporal Potts' notes as "Attachment List 3", having obtained copies from Corporal Potts, via the Burnaby Detachment Court Liaison Office.

Constable Brown has obtained additional copies of each (Potts' notes: 3 pages, copy of Fox notes from effects/ props: 11 pages, website print-out/prop: 13 pages)/see Attachments List - 4 (printed copies).

Cst. Kirsty Brown
Burnaby RCMP-GRC High Risk Offender Unit
47608/076554
May 29, 2019

***** END OF HARDCOPY *****

***** CONFIDENTIAL *****

19-04-04

151

	0835	V4		
	0850			
	0904			
	0910			
	0919			
	0925			
	0931			
	0941			
	0955			
	1000			
	1015			
	1022			
	1041			
	1308	336	FOX to cell 4. Cst HAWKINS	
	1320	V4		
	1334			
	1347			
	1400			
	1413			
	1426			
	1429	336	FOX to interview re Col POTTS	
	1628	V4		
	1637			
	1644			
		P/336	FOX to cell 4 Cpl POTTS. Please check olive at rest on back.	
	1653	V4		
	1659			
	1713			
	1724			
	1735			
	1740			
	1756			
	1800	3	P WEBSTER, CONZELL on Duty	
			All inmates checked, April, 4, 2019	

April 4, 19

1815	3	P	V4 [REDACTED] Fox on Back, appear resting	Ch
1830	V4		[REDACTED]	Ch
"			[REDACTED]	Ch
1842			[REDACTED]	Ch
"			[REDACTED]	Ch
"			[REDACTED]	Ch
"	"	"	V4 [REDACTED] + Fox LAY on Back appear	Ch
"	"	"	resting, V4 [REDACTED]	Ch
"	4	P	[REDACTED]	Ch
1900	4	P	V4 [REDACTED]	Ch
"	"	P	Fox on Back, V4 [REDACTED]	Ch
"	V4		[REDACTED]	Ch
1910			[REDACTED]	Ch
"			[REDACTED]	Ch
"			[REDACTED]	Ch
1915			[REDACTED]	Ch
"			[REDACTED]	Ch
1930			[REDACTED]	Ch
"	4	P	W CST. IEL-DARK / Fox on Back, V4 [REDACTED]	Ch
"	V4		[REDACTED]	Ch
1943	4	V	V4 [REDACTED] - Fox on L Ashup	Ch
"	V4		[REDACTED]	Ch
"			[REDACTED]	Ch
1953	4	P	V4 [REDACTED] - Food	Ch
"		P	given to Fox - V4 [REDACTED]	Ch
"	V4		[REDACTED]	Ch
2015			[REDACTED]	Ch
"	4	P	Fox on Back / V4 [REDACTED]	Ch
"	V4		[REDACTED]	Ch
2030	4	P	No CHANGE TO Fox, V4 [REDACTED]	Ch
"	V4		[REDACTED]	Ch
2045	4	P	V4 [REDACTED] - Fox, V4 [REDACTED]	Ch
"	V4		[REDACTED]	Ch
2100	4	V	V4 [REDACTED] + Fox, V4 [REDACTED]	Ch

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Time	Count	Position	Notes	Observer
2100				LW
"				LW
2115	4	P	All inmates appear resting in same positions	LW
2130	4	P	V4, Fox, V4	LW
2145	4	P	All inmates - V4, Fox, V4, Same Positions	LW
2200				LW
"	5	P	RESTING / V4, Fox on Back, V4	LW
"				LW
2215				LW
"	6	P	LAYING ON L SIDE RESTING / V4, Fox	LW
"				LW
"				LW
2230	6	V	All in SAME Position - V4, Fox	LW
2245				LW
2245	6	P	V4, All OTHER SAME Positions	LW
2300				LW
"	6	P	All OTHERS SAME Position Appear Resting	LW
2315				LW
"	6	P	OTHERS IN SAME Position / Fox / V4	LW
2330				LW
"	6	P	All OTHERS SAME Position - V4	LW
"				LW
2331	6	P	All breeding & sleepy Cpl. CWK SLOWS	LW
2345	6	P	V4, Fox, V4, Fox RESTING on R, V4	LW
"				LW
2400				LW
"	6	P	Inmates in SAME Positions	LW
2415	6	V	No change - V4	LW
2430				LW
"	6	P	Fox on Back Appear Resting	LW
2445	6	P	Fox, V4	LW
"	6	P	V4	LW
0100	6	P	All in SAME POSITION / Appear Resting	LW
0115	6	P	V4, Everyone else Same Position	LW

April 5, 2019

0130	V4					LW
"	6	P	Fox on back appear Resting			LW
0145	6	P	V4 Fox on back, V4			LW
"	V4					LW
0200	6	P	V4		- no change to other	LW
0215	6	V	All in SAME Positions V4			LW
0230	6	P	All in SAME Position - V4			LW
0252	V4					LW
"	7	P	V4		- REST OF	LW
"	7	P	Inmates in SAME Positions			LW
0315	V4					LW
"						LW
"	7	P	V4 Fox V4			LW
"	V4					LW
0330	7	P	All SAME Positions, V4			LW
"	V4					LW
0345	7	V	V4		Everyone	LW
"	7	V	else SAME Position / NO CHANGE			LW
0400	8	V	NO CHANGE TO INMATE / V4			LW
"	V4					LW
"						LW
0415						LW
"						LW
"						LW
0430						LW
"						LW
"	8	P	Everyone else SAME Position			LW
0445	V4					LW
"	V4				Everyone else same	LW
"	7	P	Position - CT C (7)			LW
0500	V4					LW
"	7	P	V4		Everyone sleep	LW
"	7	P	same positions			LW
0515	7	V	SAME Positions / V4			

April 5, 2019

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W	"	V4				
W	0521	7	P	One in interview, the other		
W	"	"	"	6 laying down. Cpt. Linc 50457		
W	0530	7	P	All inmate appear resting - same Positions		LW
W	"	V4				LW
W	0545					LW
W	"					LW
W	"	7	P	Everyone else same Position	V4	LW
W	0600	7	P	Everyone else in same	V4	LW
W	"	7	P	Position Asleep / appear Resting		LW
W	0615	7	P	Everyone in same Position		LW
W	0630	7	P	Everyone in	V4	
W	"	7	P	same Position - no changes		LW
W	0645	7	P	Everyone	V4	LW
W	"	7	P	else same Position	V4	LW
W	4	V4				LW
W	0700					LW
W	"	8	P	Everyone else	V4	LW
W	"	8	P	Asleep - same Positions,	V4	LW
W	"	V4				LW
W	0711					LW
W	0718	8	P	All in same Position		LW
W	0718	8	P	BRIS. CHIK. #46359.		LW
W	0735	V4				LW
W	"	7	P		V4	LW
W	"	7	P	OTHERS same Position		LW
W	0745	7	P	All same Positions	V4	LW
W	0800	V4				LW
W	"	7	P	Fox on	V4	LW
W	"	V4				LW
W	0800	7		NAMAZI ON DUTY.		LW
W	0806	7	P	Prisoner check FOX sleeping facing cell door, on his left		LW
W				side.	V4	LW
W		V4				LW

2019-04-05

V4

0820 7 P All prisoners in same position.

0826 7 B Fed all prisoners breakfast V4

0830 V4

0834 7 P Prisoner check. FOX resting on his back.

V4

0850 7 P Prisoner checked. No changes to prisoner movement.

0902 7 P Prisoner check. FOX sitting on the bench, facing cell door. V4

V4

0917 7 P Prisoner check. No changes to prisoner movements.

0921

V4

0928 7 P Prisoner check. Movement noted.

0940 7 P Prisoner check. No changes to movement.

0949 6 336 Prisoner, FOX, Patrick; out of cell # 4 to be taken to court by BC sheriffs. / CST. BAY.

0953

V4