

BURNABY RCMP
NARRATIVE TEXT HARDCOPY

GO# 1202 2019-10877

Narrative: **OCCURRENCE REPORT - 14**
Supplemental Report - Disclosure 8.0
Author: **076554 BROWN, KIRSTY**
Related date: **Friday, 2019-Aug-02 at: 12:34**
Related event: **GO 1202201910877**

Burnaby RCMP 2019-10877

R. v. Patrick Henry FOX
Breach of Probation

Supplemental Report
August 2, 2019

On July 29, 2019 Constable Brown received a telephone call V2 with respect to previously disclosed statement of Steve Riess (taken by Greater Sudbury Police Service & forwarded as Disclosure 6.0 by Constable Hawkins). V2 some information contained in the statement be vetted, in relation to information provided by Riess during the interview (re: daughter and ex-wife). V2

On July 30, 2019 Constable Brown reviewed the previously disclosed materials, noting that the statement had not been transcribed, as Constable Brown had requested be completed prior to disclosure. The materials consisted of two video clips from the interview room (same interview, two camera angles from the interview room), the KGB form completed, the photograph of Fox, and detailed scribe notes taken during the interview. Constable Brown arranged for the statement to be transcribed and for specific sections of the video to be vetted (of the audio).

The completed transcription was subsequently reviewed, converted into pdf format, and the pertinent sections redacted (one copy marked for redaction and another with redactions applied) by Constable Brown. The vetted video clips were also reviewed once completed and a copy of the vetted video clips and the redaction applied transcript were copied to a disk, which Constable Brown transported directed to the Crown Regional office at 1250 hours and handed to the identified Crown staff member responsible for the disclosure upload and delivery of the laptop. A copy of the marked for redaction transcript was subsequently emailed to Crown.

On August 2, 2019 Constable Brown copied another disk (DVD) to be forwarded as supplementary disclosure to Crown, containing both marked and applied redaction transcripts and the vetted video clips of the interview of Steve Riess. The disk was forwarded with the supplementary report and an attachment list, via Court Liaison office, for delivery to trial Crown Counsel Bernie Wolfe (only one copy required as materials already disclosed to accused electronically). An additional copy of the disk was forwarded to the Master file.

Cst. Kirsty Brown
Burnaby RCMP-GRC High Risk Offender Unit

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	BURNABY RCMP NARRATIVE TEXT HARDCOPY
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GO# 1202 2019-10877

47608/076554
August 2, 2019

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

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	BURNABY RCMP NARRATIVE TEXT HARDCOPY
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GO# 1202 2019-10877

Narrative: **OCCURRENCE REPORT - 15**

Supplemental Report - Disclosure 9.0

Author: **076554 BROWN, KIRSTY**

Related date: **Thursday, 2019-Aug-08 at: 11:33**

Related event: **GO 1202201910877**

Burnaby RCMP 2019-10877

R. v. Patrick Henry FOX

Breach of Probation

Supplemental Report
August 8, 2019

On August 6, 2019 Constable Brown received email correspondence from Rod O'Dell, Senior Paralegal with the U.S. Border & Customs Protection (CBP) Port of Blaine, indicating he had secured three short video clips of the Blaine border crossing from March 15, 2019, per a request & follow-up requests from Constable Hawkins and Constable Brown. O'Dell advised that the clips showed Patrick Henry Fox approaching and entering the Blaine Command building on March 15, 2019, where he subsequently presented to CBP officers for inspection as a pedestrian, having entered into the U.S. side of the border. O'Dell advised he also had additional reports to substantiate Fox's presence at the crossing on March 15, 2019.

On August 7, 2019 O'Dell emailed the video clips, via separate emails sent to Constable Brown (advised he had attempted to send the information in a single email on the 6th, but that email was not received), and a further email with the two referenced reports and a letter from U.S. CBP authorizing the use of the disclosed information for court purposes by the RCMP and Crown. Constable Brown reviewed the video clips and made the following observations:

Clip 1: 'Lane 5 Entry'. This video clip ones runs 1 minute 34 seconds and shows the traffic lanes and the sidewalk leading from the Peace Arch border to the U.S. CBP Blaine Command building. The peace arch memorial is visible in the very background, and a a small black movement is observed at the top of the screen walking on the sidewalk (a bit obscured by the watermark date/time) which will gradually become more clear as the person walking gets closer to the building/camera. The person is not identifiable from this clip.

Clip 2: 'Command Exterior'. This video clip runs 2 minutes 1 second and shows the exterior of the CBP Command building, with the previously observed sidewalk from clip 1 leading directly to the building. The subject walking is visible from the top of the screen and toward the camera, and just before leaving the view at the bottom of the screen, the subject is clearly identifiable as Mr. Fox (black jacket, pants and carrying black laptop bag which were the items he was wearing and/or within his effects when Constable Brown and Constable Hakwins arrested Fox at the border after his return to Canada on April 4, 2019).

Clip 3: 'Public Lobby Entry'. This video clip runs for 15 seconds and shows the exterior entry door to the Blaine Command building. The subject identified by Constable Brown is observed walking into view and opening the entry door and entering the building.

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The two reports provided detail Patrick Henry Fox's attendance at the crossing on March 15, 2019 and other previous dates related to other interactions (going back to 1999)/'Person Query report' and the inspection of Fox on March 15, 2019 (initial inspection and subsequent searches after he is in custody)/'Referral report'.

Constable Brown sent Clip 3 and the reports, via email to Crown Counsel, as the information was requested on an expedited basis.

On August 8, 2019 Constable Brown forwarded the remaining video clips to Crown Counsel via email, V2 [REDACTED] and subsequently prepared a supplementary report and a disk of the material to be forwarded to Crown via the Burnaby RCMP Court Liaison Office

 47608

Cst. Kirsty Brown
Burnaby RCMP-GRC High Risk Offender Unit
47608/076554
August 8, 2019

*** END OF HARDCOPY ***

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	BURNABY RCMP NARRATIVE TEXT HARDCOPY
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GO# 1202 2019-10877

Narrative: **OCCURRENCE REPORT - 16**
Supplemental Report - Disclosure 10.0
Author: **076554 BROWN, KIRSTY**
Related date: **Friday, 2019-Aug-23 at: 10:52**
Related event: **GO 1202201910877**

Burnaby RCMP 2019-10877
R. v. Patrick Henry FOX
Breach of Probation

Supplemental Report
August 23, 2019

On August 16, 2019 Constable Brown received a request from Crown Counsel with respect to accused Patrick Henry Fox's trial matter, advising that the trial had been adjourned until October 8, 2019. In addition, Crown Counsel was seeking additional information with respect to interactions between the accused and the Canadian Border Services Agency on March 15, 2019.

The following information has been compiled by Constable Brown, and provided in response to the request from Crown:

Canadian Border Services Agency (CBSA) Interactions/Records - Relating to Patrick Henry Fox on March 15, 2019;

Initial Contact Between Police and CBSA

Within Burnaby RCMP file 2019-10877, the initial Report to Crown Counsel Narrative (RCC Narrative/ Occurrence Report #8, dated 2019-03-22), detailed contact with CBSA by Vancouver Police Department on March 19, 2019 and the Burnaby RCMP on March 21, 2019. The following excerpts from the RCC Narrative are provided below;

Vancouver Police Department/Investigative Actions - March 19, 2019 (located within the RCC Narrative "Allegation of Breach of Probation Conditions - Initial Reports" Section)

On March 19, 2019, Detective Fontana contacted U.S. Homeland Security to ensure that FOX would not be eligible to enter the United States and to have him flagged, at which time she learned that FOX entered the United States on March 15, 2019 at the Blaine border crossing, and had used his BC driver's licence as identification. Further inquiries by Detective Fontana into FOX's crossing were not disclosed, and she was advised this was because U.S. Homeland Security and VPD did not have a Memorandum of Understanding (MOU) in place.

Detective Fontana contacted CBSA to advise of FOX's movements and completed a lookout form to have FOX flagged if he attempted to enter back into Canada. **V1**

[REDACTED]

[REDACTED]

[REDACTED]

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Burnaby RCMP HROU/Investigative Actions - March 21, 2019 (located within the RCC Narrative "Contact with Canadian Border Services Agency (CBSA) and U.S. Department of Homeland Security (U.S. DHS - ICE)" Section)

On March 21, 2019 at 1055 hours, Constable Hawkins contacted Shan-Marie PEREIRA, Intelligence Officer, Operations Branch, Canadian Border Services Agency (CBSA) to discuss FOX's current situation. PEREIRA was aware of FOX from previous involvement with his removal case in 2016, and advised that Homeland Security - U.S. ICE officers (her counterparts) notify CBSA when an individual is being removed from the country back to Canada, and that they normally notify 3 or 4 days prior to transport. CBSA assumes custody from U.S. authorities at the border and undertake their own investigation, prior to the subject being released. PEREIRA further advised that she her counterpart with U.S. Department of Homeland Security (ICE), Christopher SHIELDS, would have more information into the status of FOX's detention and the typical adjudication processes. PEREIRA confirmed that FOX was flagged in the CBSA system and was under investigation for breach of Probation, with HROU members advising that charges were being forwarded and a warrant request included.

Although not specifically documented within the two above-referenced sections relating to contact with CBSA officers, Constable Brown can confirm that during the March 21, 2019 contact with CBSA Intelligence Officer Shan-Marie Pereira (Pereira), she confirmed previously documented CBSA involvement during the index Burnaby RCMP 2016-25379 investigation, in relation to Fox's return from the U.S. In addition, she was able to confirm that CBSA had received information from Vancouver Police Department that Fox was now under investigation for breaching probation and was believed to be in the U.S., and as such had initiated an alert within the CBSA records management system should he return to Canada. During the initial contact with Officer Pereira, there was no indication that CBSA had any records relating to interactions with Patrick Henry Fox on March 15, 2019.

Follow-Up Contact with CBSA/April 4, 2019

On April 4, 2019 Burnaby RCMP Constables Brown and Hawkins attended the Peace Arch Douglas Border Crossing to meet with U.S. Custom and Border Protection (U.S. CBP) Officer Berg, who was transporting Patrick Henry Fox from the United States and back to Canada following his removal. The pre-arranged meet was completed outside the CBSA building, near the secondary inspection location parking area, located on the north side of the building. Officer Berg was waiting for the Burnaby RCMP with two CBSA officers, including CBSA Officers Gill and Bains, and Fox was removed from the backseat of Officer Berg's truck and walked to the Burnaby RCMP marked patrol vehicle, parked a short distance away. During the interaction with Officer Berg and Officer Gill, Officer Gill made a remark relating to Fox having been at the CBSA building on his way down to the U.S., and pointed towards the area leading from the parking lot to the building.

Follow-Up Contact with CBSA/May 7, 2019

On May 7, 2019 at 1320 hours Constable Hawkins sent an email request to CBSA Intelligence Officer Pereira, as follows:

Shan,

Could you provide me with a contact at CBSA whom I could speak with about obtaining a report documenting FOX's interaction with CBSA at the Peace Arch pedestrian crossing prior to walking to the US side on March 15, 2019? Also, we would be interested in obtaining any CCTV to document

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his interaction and movements. We know that he was at the US pedestrian primary crossing at approximately 2000hrs.

Thanks,
Tyler Hawkins
High Risk Offender Unit
Burnaby RCMP

The request was sent in order to ascertain whether there was any CBSA contact with Fox on March 15, 2019, prior to his attendance to the U.S. side of the border, and if there was, if any video footage or reports could be provided to document any interaction and movements. The request was made as a result of Fox indicating he had attended the CBSA building on March 15, 2019 during his warned interview with Corporal Potts (interview April 4, 2019) and based on the indication by CBSA Officer Gill, as provided to Burnaby RCMP members, following the arrest of Fox that he had been at or near the CBSA pedestrian crossing on his way to the U.S. on March 15, 2019 (arrest April 4, 2019). Given that Burnaby RCMP investigators had been in contact with CBSA Intelligence Officer Pereira prior to Fox's return from the U.S. and after March 15, 2019 (March 21, 2019), and had not been given any information relating to CBSA having had any interaction with Fox on March 15, 2019, it was unclear whether attendance to the CBSA Douglas Crossing building had been made by Fox, or if Fox had simply walked by the building prior to crossing the border and entering the U.S, which is the usual route for pedestrians (Cst. Hawkins email previously provided to Crown Counsel on August13/ attached).

Follow-Up Contact with CBSA/July 31, 2019

On July 31, 2019 at 1146 hours Constable Brown sent an email follow-up request to Intelligence Officer Pereira, having confirmed with Constable Hawkins that he had not received a response (email or otherwise) from the May 8, 2019 request (Cst. Brown's email previously provided to Crown Counsel on August13/ attached). At 1543 hours Constable Brown received a telephone call from Chad Brown, Intelligence Officer with CBSA who advised that he was calling in regards to the request sent to his partner Officer Pereira for video footage. Officer Brown advised that the original request from May had not been actioned, as Officer Peirera had advised him she had sent the request to him while off work at that time, but he had no recollection of receiving it and regardless of the miscommunication, the task had not been completed. Further, he advised he had now requested footage from March 15, 2019 but been advised that the footage was no longer saved as the retention date had since passed.

Officer Brown advised he would forward this information via email, as a follow-up, and at 1621 hours the email was sent from Officer Brown, which contained an email response from his colleague A/Superintendent Alexander Lo, Operations Branch/CBSA advising that CCTV footage only went back as far as April 4, 2019 (Officer Brown's email previously provided to Crown Counsel on August13/ attached).

Constable Brown provided this update from CBSA to Crown Counsel on August 2, 2019 via email. In addition, Constable Brown advised that a secondary request was made to CBSA Officer Brown to attempt to contact officers assigned to duties at the Douglas Crossing CBSA building on March 15, 2019 to ascertain whether any could recall an interaction with Fox on that day.

Follow-Up Contact with CBSA/August 7, 2019

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On August 7, 2019 Constable Brown sent an email to Officer Brown (0806 hours), and then subsequently to Officer Pereira (1213 hours) once confirmed from a previous email autoreply that Officer Brown was away, requesting any video footage, if available, from April 4, 2019, the date Burnaby RCMP attended the Douglas Crossing to arrest Fox. Email as follows:

Crown is wondering if the April 4, 2019 footage is still available...sigh. I'm guessing not by now. If I had known he wanted that I would have asked for it last week. This is the day my partner and I attended CBSA building and met with U.S. BP officer Berg to exchange Mr. Fox after his return to Canada (it was between around 1045-1110 hours). Let me know either way if it is available.

Also, any updates from your end regarding any officers who may have dealt with Mr. Fox prior to him crossing into the U.S. (March 15, 2019).

I have to provide an update prior to tomorrow morning as there is another pre-trail conference Friday morning.

Thanks,
Kirsty

Constable Brown also forwarded Officer Pereira the previous response from her partner, regarding the March 15, 2019 footage request, for reference in terms of who provided the information regarding video footage and April 4, 2019 as the furthest back in retention as of July 31, 2019.

On August 7, 2019 Officer Pereira confirmed, via an email response from A/Superintendent Alexander Lo, Operations Branch/CBSA, that the retention is a constantly moving date so they no longer had April 4, 2019 as of this request (Officer Pereira's email previously provided to Crown Counsel on August 13/ attached).

Follow-Up Contact with CBSA/August 14, 2019

On August 14, 2019 Officer Pereira forwarded a further email response to Constable Brown, regarding follow-up with CBSA Officer Harvey Gill. Officer Gill clarified his interactions relating to Fox, which occurred on April 4, 2019 after Fox was returned from the U.S., and he was working in the secondary inspection area of the CBSA Douglas Crossing at Peace Arch:

Hey Shan, that was not the case. I think there might be a misunderstanding. I was the secondary officer, I told RCMP who was awaiting for Mr.FOX's return that I could not hand him over as I had to process him as a traveller first since he was returning from the USA. I think the southbound conversation might have been made by US ICE who was also present.

Constable Brown confirmed that the email request to Officer Gill from Officer Pereira included the original request sent by Constable Brown on July 31, 2019, so the response from Officer Gill was provided within the context of the original request for confirmation of any CBSA interaction or information relating to Fox attending CBSA as pedestrian on March 15, 2019. In the response, Officer Gill attributed the conversation about Fox "southbound" as possibly being made by the US ICE agent (Officer Berg) who was also present (Email chain not previously disclosed to Crown/attached: K. Brown, Pereira, Gill).

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Given that no official information or records from CBSA relating to Fox existed from March 15, 2019, efforts to secure any CCTV from that date (or April 4, 2019) did not result in any footage being available due to a miscommunication between CBSA intelligence officers and retention purges, and no CBSA officers could be located with respect to an interaction with Fox from March 15, 2019 at or near the CBSA building, police cannot provide information to Crown to assist in regards to this matter.

Follow-Up Contact with CBSA/August 21, 2019

On August 15, 2019, following the final scheduled date for the Probation Breach trial of Fox, Crown Counsel sent a communication request to the Burnaby RCMP Constable Brown, advising that the trial had been adjourned to October 8, 2019.

In addition, Crown Counsel was seeking further information from CBSA, specifically a response from CBSA regarding person who may or may not have dealt with Fox on March 15, 2019. Further, the request is to receive, from CBSA "...an answer whether there are records of Fox interacting on March 15, 2019 and if he was in fact either denied entry or deported from Canada."

On August 20, 2019 Constable Brown sent an email request to Intelligence Office Pereira, advising of the trial adjournment and the request for information from Crown Counsel, specifically requesting a response from CBSA, as follows:

Shan-Marie,

The Breach of Probation trial from Mr. Fox has been adjourned until October 8/10, 2019.

I have now received a request from Vancouver Crown Counsel specifically asking for information to be supplied by CBSA, to address the following:

1) Are there any records relating to any CBSA interaction with Patrick Henry FOX (aka Richard/Ricky RIESS also spelled REISS) on March 15, 2019? This includes any deportation from Canada, any escort to the USA border, or any denial of entry to Canada on March 15, 2019. ***In person or by telephone***.

If any CBSA records from that date exist, please advise. If no such records exist, please advise.

2) Crown has indicated that this request might result in you being subpoenaed to court to testify in this matter, and that if that were to occur it would not be as a Crown witness (i.e. as a defence witness).

I will be forwarding a supplemental report to Crown detailing our previous contact with you/CBSA for the purposes of our breach investigation, which will include:

-March 19, 2019/VPD Det. Fontana contacts CBSA to advise Fox is in the U.S. as of March 15th and to request he be "Flagged" with CBSA in case he returns to Canada. ***No indication that CBSA had any documented interaction with Fox in relation to this request for police assistance***;

-March 21, 2019/Burnaby RCMP HROU initial call with you regarding Fox being in the U.S. & receiving Christopher Shields contact information from you for our follow-up (breach investigation relating to leaving BC and being within 100 m of U.S. A. border now being investigated by Burnaby RCMP), and you providing generic details regarding the process of U.S. removals to Canada & CBSA involvement should that occur;

-May 8, 2019/email to you from Burnaby RCMP HROU Cst. Hawkins requesting CBSA CCTV Peace Arch crossing footage from March 15th (no response),

-July 31, 2019/my email to you (Burnaby RCMP HROU Cst. Brown), a second request for CCTV footage from March 15th, resulting in the call from your partner Chad Brown who confirmed the CCTV request was not completed in May & a subsequent email reply confirming footage now only went back to April 4th (so March 15th not available),

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BURNABY RCMP
NARRATIVE TEXT HARDCOPY

GO# 1202 2019-10877

-August 7, 2019/my email to you requesting CCTV from April 4th (per Crown's request) and your response confirming it now was no longer available,

-August 14, 2019/email response from you and Harvey Gill clarifying the context of his involvement with Fox (none on March 15th/secondary officer & processed Fox as traveller returning from U.S. on April 4th i.e. when US CBP returned Fox to Canada).

Crown had already received the a/n information with respect to police contact with CBSA, except for the update from Harvey Gill, so most of this will be a repeat. I will also be including any response you provide relating to any CBSA records relating to Fox specific to any interaction which may have occurred on March 15, 2019.

Please call me if you have any questions or concerns.

Kirsty

Burnaby RCMP HROU

Officer Peirera and Constable Brown spoke by telephone on August 21, 2019, regarding the email request, at which time Officer Pereira confirmed that there were no CBSA records relating to Patrick Henry Fox from March 15, 2019, and had there been any she would have advised Burnaby RCMP during their initial contact. Further, CBSA had no authority to deport Fox to the U.S. or deny entry into Canada as he is a Canadian citizen. Officer Peirera was involved in a previous return of Fox to Canada by U.S. officials in 2016, and can confirm a familiarity with his case from 2016 and review of those records during the initial interaction with Burnaby RCMP. Officer Pereira also confirmed that it is not uncommon for pedestrians wanting to cross into the U.S., at the Peace Arch border crossing, to seek assistance from CBSA officers regarding how and where to cross, as the border is a busy location. Further, these interactions are not considered inspections as the access to the CBSA building from Canada and departures are not restricted (whereas entry from the northbound U.S. side is i.e. pedestrians/vehicles seeking entry into Canada), and as such would not likely be documented.

Following the telephone call, Officer Pereira replied to the email request, with a written response:

CBSA does not have any record of dealing with Mr. Fox on March 15/19. Furthermore, Mr. Fox could not be deported to the USA or denied entry into Canada due to he is a Canadian Citizen.

Sincerely

Shan-Marie Pereira

Intelligence Officer, Integrated Support Unit, Operations Branch
Canada Border Services Agency / Government of Canada

V1

Unité du soutien intégré, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada

V1

(Email to and response from Officer Pereira not previously disclosed to Crown/attached).

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	BURNABY RCMP NARRATIVE TEXT HARDCOPY
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GO# 1202 2019-10877

Response to Crown Request completed within this supplementary report and attached emails referenced within the report.

Cst. Kirsty Brown
Burnaby RCMP-GRC High Risk Offender Unit
47608/076554
August 23, 2019

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

***** CONFIDENTIAL *****

Kirsty BROWN - Report and CCTV from FOX's Border Crossing - March 15, 2019

From: Tyler HAWKINS
To: Shan-Marie Pereira
Date: 2019/05/07 1:20 PM
Subject: Report and CCTV from FOX's Border Crossing - March 15, 2019
CC: Kirsty BROWN

Shan,

Could you provide me with a contact at CBSA whom I could speak with about obtaining a report documenting FOX's interaction with CBSA at the Peace Arch pedestrian crossing prior to walking to the US side on March 15, 2019? Also, we would be interested in obtaining any CCTV to document his interaction and movements. We know that he was at the US pedestrian primary crossing at approximately 2000hrs.

Thanks,

Tyler Hawkins
High Risk Offender Unit
Burnaby RCMP

Kirsty BROWN - Re: Fw: March 15th Footage

From: Kirsty BROWN
To: Brown, Chad
Date: 2019/07/31 4:21 PM
Subject: Re: Fw: March 15th Footage

Thanks for the email.

kb

>>> "Brown, Chad" V1 2019/07/31 4:16 PM >>>
Hi Kirsty

As per our conversation in relation to FOX.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Lo, Alexander V1
Sent: Wednesday, July 31, 2019 1:23 PM
To: Brown, Chad
Cc: Johnson, Marcus
Subject: March 15th Footage

Hey Chad,

Unfortunately our CCTV footage only goes as far back as April 4th.

Sorry we couldn't help,

Alexander Lo

A/Superintendent, Operations Branch
Canada Border Services Agency / Government of Canada

V1

I/Surintendant, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada

V1

Kirsty BROWN - FOX Information Follow-up

From: Kirsty BROWN
To: chad.V1
Date: 2019/08/07 8:06 AM
Subject: FOX Information Follow-up

Chad,

Crown is wondering if the April 4, 2019 footage is still available...sigh. I'm guessing not by now. If I had known he wanted that I would have asked for it last week. This is the day my partner and I attended CBSA building and met with U.S. BP officer Berg to exchange Mr. Fox after his return to Canada (it was between around 1045-1110 hours). Let me know either way if it is available.

Also, any updates from your end regarding any officers who may have dealt with Mr. Fox prior to him crossing into the U.S. (March 15, 2019).

I have to provide an update prior to tomorrow morning as there is another pre-trial conference Friday morning.

Thanks,

Kirsty

Cst. Kirsty Brown
High Risk Offender Unit
Burnaby RCMP / Government of Canada
V1

Gend. Kirsty Brown
Groupe des contrevenants à risque élevé
GRC de Burnaby / Gouvernement du Canada
V1

Kirsty BROWN - Fwd: FOX Information Follow-up

From: Kirsty BROWN
To: Shan V1
Date: 2019/08/07 12:13 PM
Subject: Fwd: FOX Information Follow-up

Shan,

I sent this to Chad this morning, but then realized he was away until next week.

Kirsty

Cst. Kirsty Brown
High Risk Offender Unit
Burnaby RCMP / Government of Canada
V1

Gend. Kirsty Brown
Groupe des contrevenants à risque élevé
GRC de Burnaby / Gouvernement du Canada
V1

>>> Kirsty BROWN 2019/08/07 8:06 AM >>>
Chad,

Crown is wondering if the April 4, 2019 footage is still available...sigh. I'm guessing not by now. If I had known he wanted that I would have asked for it last week. April 4th was the day my partner and I attended the Douglas Crossing/CBSA building and met with U.S. BP officer Berg to exchange Mr. Fox after he was returned to Canada (it was between around 1045-1110 hours). Let me know either way if it is available.

Also, any updates from your end regarding any officers who may have dealt with Mr. Fox prior to him crossing into the U.S. (March 15, 2019).

I have to provide an update prior to tomorrow morning as there is another pre-trial conference scheduled for court Friday morning.

Thanks,

Kirsty

Cst. Kirsty Brown
High Risk Offender Unit
Burnaby RCMP / Government of Canada
V1

Gend. Kirsty Brown
Groupe des contrevenants à risque élevé
GRC de Burnaby / Gouvernement du Canada

V1

Kirsty BROWN - Fwd: Fw: March 15th Footage

From: Kirsty BROWN
To: Shan V1
Date: 2019/08/07 12:27 PM
Subject: Fwd: Fw: March 15th Footage

>>> "Brown, Chad" V1 2019/07/31 4:16 PM >>>
Hi Kirsty

As per our conversation in relation to FOX.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Lo, Alexander V1
Sent: Wednesday, July 31, 2019 1:23 PM
To: Brown, Chad
Cc: Johnson, Marcus
Subject: March 15th Footage

Hey Chad,

Unfortunately our CCTV footage only goes as far back as April 4th.

Sorry we couldn't help,

Alexander Lo
A/Superintendent, Operations Branch
Canada Border Services Agency / Government of Canada

V1

I/Surintendant, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada

V1

Kirsty BROWN - Re: FW: Fw: March 15th Footage

From: Kirsty BROWN
To: Pereira, Shan-Marie
Date: 2019/08/07 2:44 PM
Subject: Re: FW: Fw: March 15th Footage

Figured. Thanks for the update.

kb

>>> "Pereira, Shan-Marie" V1 2019/08/07 2:34 PM >>>
We are out of luck

Shan

From: Lo, Alexander V1
Sent: August 7, 2019 2:09 PM
To: Pereira, Shan-Marie V1
Subject: Re: Fw: March 15th Footage

Hi Shan-Marie,

It is a constantly moving date so we no longer have the 4th

Thanks,

Alex

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Pereira, Shan-Marie" V1
Date: 2019-08-07 12:48 PM (GMT-08:00)
To: "Lo, Alexander" V1
Subject: FW: Fw: March 15th Footage

Sorry to be a pain but do we still have the footage for April 4th?

Shan-Marie Pereira
Intelligence Officer, Integrated Support Unit, Operations Branch
Canada Border Services Agency / Government of Canada

V1

Unité du soutien intégré, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada

V1

From: Kirsty BROWN V1
Sent: August 7, 2019 12:28 PM
To: Pereira, Shan-Marie V1
Subject: Fwd: Fw: March 15th Footage

>>> "Brown, Chad" V1 2019/07/31 4:16 PM >>>
Hi Kirsty

As per our conversation in relation to FOX.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Lo, Alexander V1
Sent: Wednesday, July 31, 2019 1:23 PM
To: Brown, Chad
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Hey Chad,

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Alexander Lo
A/Superintendent, Operations Branch
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V1

I/Surintendant, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada

V1

Kirsty BROWN - FW: Patrick Henry FOX - Probation Breach/Follow-up Task

From: "Pereira, Shan-Marie" V1
To: "kirsty" V1
Date: 2019/08/14 8:29 AM
Subject: FW: Patrick Henry FOX - Probation Breach/Follow-up Task

FYI

From: Gill, Harvey V1
Sent: August 14, 2019 6:54 AM
To: Pereira, Shan-Marie V1
Subject: RE: Patrick Henry FOX - Probation Breach/Follow-up Task

Hey Shan, that was not the case. I think there might be a misunderstanding. I was the secondary officer, I told RCMP who was awaiting for Mr.FOX's return that I could not hand him over as I had to process him as a traveller first since he was returning from the USA. I think the southbound conversation might have been made by US ICE who was also present.

From: Pereira, Shan-Marie V1
Sent: August 2, 2019 10:20 AM
To: Gill, Harvey V1
Subject: Patrick Henry FOX - Probation Breach/Follow-up Task

Hi Harvey, are you the one that remembers seeing Fox before he went south? If so could you give me a call.

Thanks

Shan-Marie Pereira
Intelligence Officer, Integrated Support Unit, Operations Branch
Canada Border Services Agency / Government of Canada

V1

Unité du soutien intégré, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada

V1

From: Kirsty BROWN V1
Sent: July 31, 2019 11:46 AM
To: Pereira, Shan-Marie V1
Cc: Tyler HAWKINS V1
Subject: Patrick Henry FOX - Probation Breach/Follow-up Task

Morning,

Back in May Constable Hawkins had sent an email looking for a contact person we might be able to speak with at CBSA/Douglas Crossing, in relation to enquiring about access to CCTV footage. We are hoping to find some footage of our accused (Patrick Henry Fox) at the CBSA building prior to him crossing to the U.S. side as a pedestrian. I don't believe we received a response to that email.

For reference, on April 4th when we attended the Douglas crossing/CBSA building to meet with U.S. Border Patrol in order to arrest accused Fox (after the U.S. CBP effected his removal) on our Breach of Probation warrant, one of the CBSA officers who was present (Gill) mentioned that on the night Fox crossed he had stopped at the CBSA pedestrian crossing first. This was news of us, as there did not seem to be any record from your end of him on that day, but possibly an undocumented interaction with CBSA officers on the evening of March 15, 2019 did occur?

The matter is set for trial in mid-August and our Crown Prosecutor is very interested in knowing if that is the case & if Fox did stop at the CBSA building, whether there is any CCTV to support his presence. V2

Fox is self-representing and still asserts U.S. citizenship, so we are considering the possibility he presented to Douglas CBSA officers and said he was a U.S. citizen, hence a generic referral/directions may have been given to him on March 15?

Of note, Fox was at the Blaine Crossing at approximately 2000 hours (taken into U.S. custody after secondary at 2121 hours).

Any assistance you can provide in requesting/seeking CCTV footage would be very helpful.

Burnaby RCMP file 2019-10877 refers.

Kirsty

Cst. Kirsty Brown
High Risk Offender Unit
Burnaby RCMP / Government of Canada

V1

Gend. Kirsty Brown
Groupe des contrevenants à risque élevé
GRC de Burnaby / Gouvernement du Canada

V1

Kirsty BROWN - Re: Patrick Henry FOX - Probation Breach/Follow-up Task

From: Kirsty BROWN V1
To: Shan V1
Date: 2019/08/14 10:37 AM
Subject: Re: Patrick Henry FOX - Probation Breach/Follow-up Task

The secondary part makes sense because the CBP Officer Berg had arrived before us and was already parked near secondary with Fox in the backseat of his truck.

The two CBSA officers had nothing to do with his exchange once we arrived, and confirmed they had dealt with documenting the arrival already and did not need anything from us or to bring Fox inside etc.

So i am not sure what he is referencing in terms of not being able to hand him over to RCMP?

V2

Thanks for following up.

One last request...can you confirm that CBSA has no documented records or reports detailing any interaction with Fox/Riess on March 15th (in person, by phone anything)?

Thanks,

Kirsty

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Pereira, Shan-Marie" V1
Date: 2019-08-14 8:29 AM (GMT-08:00)
To: Kirsty BROWN V1
Subject: FW: Patrick Henry FOX - Probation Breach/Follow-up Task

>>> "Pereira, Shan-Marie" 08/14/2019 11:29 >>>

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Subject: Patrick Henry FOX - Probation Breach/Follow-up Task

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Intelligence Officer, Integrated Support Unit, Operations Branch
Canada Border Services Agency / Government of Canada

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Agence des services frontaliers du Canada / Gouvernement du Canada

V1

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Cc: Tyler HAWKINS V1

Subject: Patrick Henry FOX - Probation Breach/Follow-up Task

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GRC de Burnaby / Gouvernement du Canada
V1

Kirsty BROWN - RE: FOX Trial/Burnaby RCMP 2019-10877

From: "Pereira, Shan-Marie" V1
To: Kirsty BROWN V1
Date: 2019/08/21 12:32 PM
Subject: RE: FOX Trial/Burnaby RCMP 2019-10877

CBSA does not have any record of dealing with Mr. Fox on March 15/19. Furthermore, Mr. Fox could not be deported to the USA or denied entry into Canada due to he is a Canadian Citizen.

Sincerely

Shan-Marie Pereira
Intelligence Officer, Integrated Support Unit, Operations Branch
Canada Border Services Agency / Government of Canada

V1

Unité du soutien intégré, Direction générale des opérations
Agence des services frontaliers du Canada / Gouvernement du Canada

V1

From: Kirsty BROWN V1
Sent: August 20, 2019 1:25 PM
To: Pereira, Shan-Marie V1
Subject: FOX Trial/Burnaby RCMP 2019-10877

Shan-Marie,

The Breach of Probation trial from Mr. Fox has been adjourned until October 8/10, 2019.

I have now received a request from Vancouver Crown Counsel specifically asking for information to be supplied by CBSA, to address the following:

1) Are there any records relating to any CBSA interaction with Patrick Henry FOX (aka Richard/Ricky RIESS also spelled REISS) on March 15, 2019? This includes any *deportation from Canada*, any *escort to the USA border*, or any *denial of entry to Canada* on March 15, 2019. ***In person or by telephone***.

If any CBSA records from that date exist, please advise. If no such records exist, please advise.

2) Crown has indicated that this request might result in you being subpoenaed to court to testify in this matter, and that if that were to occur it would not be as a Crown witness (i.e. as a defence witness).

I will be forwarding a supplemental report to Crown detailing our previous contact with you/CBSA for the purposes of our breach investigation, which will include:

- March 19, 2019/VPD Det. Fontana contacts CBSA to advise Fox is in the U.S. as of March 15th and to request he be "Flagged" with CBSA in case he returns to Canada. ***No indication that CBSA had any documented interaction with Fox in relation to this request for police assistance***;
- March 21, 2019/Burnaby RCMP HROU initial call with you regarding Fox being in the U.S. & receiving

Christopher Shields contact information from you for our follow-up (breach investigation relating to leaving BC and being within 100 m of U.S. A. border now being investigated by Burnaby RCMP), and you providing generic details regarding the process of U.S. removals to Canada & CBSA involvement should that occur;

May 7, 2019/email to you from Burnaby RCMP HROU Cst. Hawkins requesting CBSA CCTV Peace Arch crossing footage from March 15th (no response),

-July 31, 2019/my email to you (Burnaby RCMP HROU Cst. Brown), a second request for CCTV footage from March 15th, resulting in the call from your partner Chad Brown who confirmed the CCTV request was not completed in May & a subsequent email reply confirming footage now only went back to April 4th (so March 15th not available),

-August 7, 2019/my email to you requesting CCTV from April 4th (per Crown's request) and your response confirming it now was no longer available,

-August 14, 2019/email response from you and Harvey Gill clarifying the context of his involvement with Fox (none on March 15th/secondary officer & processed Fox as traveller returning from U.S. on April 4th i.e. when US CBP returned Fox to Canada).

Crown had already received the a/n information with respect to police contact with CBSA, except for the update from Harvey Gill, so most of this will be a repeat. I will also be including any response you provide relating to any CBSA records relating to Fox specific to any interaction which may have occurred on March 15, 2019.

Please call me if you have any questions or concerns.

Kirsty
Burnaby RCMP HROU

Cst. Kirsty Brown
High Risk Offender Unit
Burnaby RCMP / Government of Canada
V1

Gend. Kirsty Brown
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