



July 17, 2024

Patrick Henry Fox
[REDACTED] Street
Vancouver, BC V6B 1K8

PLEASE QUOTE THIS FILE
NUMBER ON REPLY:

292-40

MAG-2024-42440

Sent via email: p [REDACTED] x@gmail.com

Dear Patrick Fox:

**Re: Freedom of Information and Protection of Privacy Act (the "Act")
Request for Information: MAG-2024-42440**

This is further to your request received by our office for reply on June 20, 2024, as your request pertains to the BC Prosecution Service (BCPS) for the following:

The "reasons for a decision not to prosecute" me on the charge of criminal harassment (CCC s. 264), as recommended by the Vancouver Police Department file number VA19-49074 (BCPS file 244069-6-B).

As referenced in the FOIPPA section 15(4)(a), I am "a person who knew of and was significantly interested in the investigation", and therefore, as stated in section 15(4): The head of a public body must not refuse ... to disclose under this section the reasons for a decision not to prosecute...". And, as referenced in section 15(4)(b), "the fact of the investigation was made public". All investigations and court proceedings related to these files have completed.

(Date Range: Mar 15/19 to Aug 19/20)

Our electronic system JUSTIN indicates that a guilty finding was entered in Vancouver Provincial Court on August 19, 2020, in relation to Count 1 of court file number 244069-6-B, breach of probation order, contrary to section 733.1(1) of the *Criminal Code*. You were acquitted of Count 2 of court file number 244069-6-B. Regarding Count 1, you received a sentence of 1 day with 6 months credit of pre-sentence time in custody (4 months actual pre-sentence time in custody) and a 6-month probation order.

If you are seeking particulars in this matter, please be advised that "particulars" consist of

investigative records provided to Crown Counsel in a Report to Crown Counsel, for the sole purpose of charge assessment and any ensuing prosecution. When an individual is charged, Crown Counsel is obligated to provide a copy of the "disclosure" under the criminal law disclosure rules, to the accused or their lawyer to make full answer and defence to the charge(s). Those records which were previously provided to you, or your lawyer are not provided again under this Act.

As the Vancouver Police Department maintains control of the investigative information, any request for access to records from their investigation should be directed to them. The Vancouver Police Department is a public body under the Act and is the agency with custody and control of the file, and is, therefore, in the best position to respond to this request. A request can be made to their office:

In Writing:

Vancouver Police Department
Attention: Information and Privacy Coordinator
3585 Gravelly Street
Vancouver, BC V5K 5J5

By Fax: To the FOI Unit Fax line at (604) 606-2622

By Email: foi@vpd.ca

For details regarding the guilty finding and sentencing, access is governed by the courts of British Columbia under the respective court records access policies for Provincial, Supreme and Appeal courts. You may wish to contact the official record-holder of that court information at the Vancouver Provincial Court at (604) 660-4200.

You may contact me at (250) 387-3840. You may be transferred to this telephone number free of charge by calling Enquiry BC at (604) 660-2421 in Vancouver or at 1-800-663-7867 outside Victoria and Vancouver.

If you are not satisfied with how your request is being processed by the BCPS, the matter can be reviewed by the Information and Privacy Commissioner. A request for review should be received by the Commissioner within 30 days and should be delivered to:

Information and Privacy Commissioner
P.O. Box 9038, Stn Prov Govt
Victoria, BC V8W 9A4
Telephone 250-387-5629

If you request a review, please provide the Commissioner's office with:

1. the request number assigned to your request (MAG-2024-42440);
2. a copy of this letter; and

3. a copy of your original request for information.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Sally Torani', enclosed within a light blue oval shape.

Sally Torani
Information Access and Privacy Coordinator | Crown Counsel
Headquarters
BC Prosecution Service | Ministry of Attorney General