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2026 BCPC 312

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File No: 100214-1
Registry: Abbotsford

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

REX

v.

DAVID ROGER TEBOUL

BAN ON PUBLICATION
PURSUANT TO s. 486.4(2.2) OF THE *CRIMINAL CODE*

REASONS FOR SENTENCE
OF THE
HONOURABLE JUDGE C. ROGERS

Counsel for the Crown:	A. MacKay, K.C., and S. Arrandale
Counsel for the Accused:	B. Martland, K.C., and S. Shin
Place of Hearing:	Abbotsford, B.C.
Date of Hearing:	October 28, 2026
Date of Judgment:	November 19, 2026

INTRODUCTION

[1] On October 28, 2026, David Taboul entered a guilty plea to a single count of assault pursuant to section 266 of the *Criminal Code*. I heard sentencing submissions that day. This is my decision on sentence.

[2] Counsel agree that the appropriate sentence is a period of probation. They disagree about the form of that sentence. Crown takes the position that the relevant principles and purposes of sentence dictate that the sentence should be a suspended sentence. Defence submits that, in all the circumstances, the sentence should be a conditional discharge.

CIRCUMSTANCES OF THE OFFENCES

[3] The incident that gave rise to this offence occurred on July 2, 2025, at a community recreation centre in Abbotsford. The details of that offence are set out in an Agreed Statement of Facts, filed as Exhibit 1 in these proceedings. There is video that captures the events that make up this offence. The video does not contain sound. That video is Exhibit 5 in these proceedings.

[4] On the date of the offence, Mr. Teboul's son was involved in a lacrosse game. The victim of the assault, who I will refer to as X. throughout this decision, played for the opposing team. Although the details of any past interactions between X. and Mr. Teboul's son are not known, it is agreed that, at the time of this incident, Mr. Teboul believed that there had been threats made against his son and that X. was a party to those threats.

[5] At the end of the game, Mr. Teboul's son and X. exited the changeroom within seconds of one another. There were words exchanged between them. Both youths dropped their bags and advanced towards each other. There was no physical engagement between them.

[6] Mr. Teboul's wife intervened verbally between X. and her son. Mr. Teboul observed her interactions. After a short time, Mr. Teboul's son walked away.

Mr. Teboul's wife then had further verbal interactions with X. Mr. Teboul then also engaged verbally with X.

[7] Mr. Teboul then, without any further significant movement from X., and with X.'s hands behind him, advanced on X., wagged a finger in his face and shoved him. He grabbed his neck area for approximately three seconds with sufficient force that X. was pushed back and lifted off his feet. He then released his hold. Another 16-year-old ran towards Mr. Teboul to assist X. Mr. Teboul pushed them away.

[8] Mr. Teboul then again advanced towards X., pointed his finger, pushed him with both hands and then grabbed his neck area with his left hand for approximately 15 seconds with sufficient force to bend X.'s body over a partial wall.

[9] Another unidentified male attempted to intervene. Mr. Teboul pushed that male but, as a result of this intervention, X. was able to remove Mr. Teboul's hand from his neck area.

[10] Before the assault, Mr. Teboul identified himself as a police officer and told X. to leave the area. During the assault, he repeated that he was a police officer and threatened arrest of X. Following the assault, Mr. Teboul advised security personal and bystanders that he was a police officer and produced his badge.

[11] When approached by X.'s parents after the assault, Mr. Teboul identified himself as a police officer and told them that he was trying to de-escalate the confrontation between his son and X.

[12] After the assault, Mr. Teboul, his wife, his son, and his son's girlfriend attended the Abbotsford police department and provided a version of events. That version of events is not consistent with the video.

[13] Fortunately, X. had no lasting injuries. He did experience some voice loss and tenderness to his neck which his doctor concluded were soft tissue injuries.

[14] Although Mr. Teboul grabbed X. by the neck area, there is no evidence that he impeded X.'s airway or that X. had any difficulty breathing as a result of the assault.

CIRCUMSTANCES OF THE OFFENDER

[15] Mr. Teboul was 51 years old at the time of this incident. At that time, he held the position of Assistant Commissioner with the RCMP. He had been an RCMP member since the age of 23, in increasingly senior roles. As a result of this incident, he was suspended from his position without pay in the spring of 2026. He resigned from the RCMP on July 1, 2026.

[16] I had the benefit of a report prepared by Avni Psychological Services Inc. on Mr. Teboul's behalf. The report is dated August 25, 2025, with an indication of assessment dates of August 15 and 21, 2025. The report indicates it was prepared because Mr. Teboul requested an assessment for a disability pension. The report provides a listing of a number of psychological tests that were administered and provides some information about elevated scores on some of the tests, but it does not provide any overall assessment of meaning of these scores. For example, my attention was drawn to the report of a finding of problematic anger on a test designed to address the impact of anger on an individual's social functioning over the preceding four-week period. Unfortunately, there is no analysis of this finding, and thus it is impossible to draw meaning from the score.

[17] The report indicates that Mr. Teboul has a psychiatric diagnosis of post-traumatic stress disorder. Unfortunately, the report is not a forensic report and so does not assess the impact of this diagnosis on the assault before me. It appears from some of the symptoms suffered by Mr. Teboul that PTSD was impacting his day-to-day functioning and may have played a role in this assault. Unfortunately, the report does not discuss this assault or any link that might exist between his PTSD and the assault. The report does contain a lengthy description of some of the trauma Mr. Teboul has been exposed to in his career. The report states at pages 12 and 13:

> Assistant Commissioner Teboul acknowledged being exposed to multiple traumatic and distressing calls and events over the course of his career with the RCMP. He has had hundreds of exposures to human remains, decapitations, drownings, hangings, gunshot wounds, and eviscerated bodies. He stated that what has been most difficult to cope with at these incidents was what accompanied the crime scenes, namely, anything that

> humanized the victims (e.g., reading suicide notes, watching executions and hearing the prisoners pleading for their lives, hearing recordings of rape victims screaming while being sodomized, etc.). He noted that the three incidents described below only scratch the surface of incidents that continue to impact him emotionally and psychologically.

[18] The report goes on to set out details of three incidents from Mr. Teboul's past.

[19] Although not clearly set out in the report, it seems reasonable to conclude that the trauma described in the report has led to PTSD and that the PTSD is impacting Mr. Teboul's functioning. Its role in the incident before the court is unknown.

[20] I also received a letter from Dr. Lewis, a psychologist who has worked with Mr. Teboul both in the past and more recently. The letter states that Mr. Teboul requested to begin regular therapy with her in September 2025 and between that date and the date of the letter of October 11, 2026, had attended 24 therapy appointments, with a plan to continue meeting approximately bi-weekly. She states the following about the purpose of the sessions:

> … Mr. Teboul requested these appointments to assist him to manage the psychological impact of the issue before the Court. He was experiencing symptoms associated with trauma, depression, and anxiety and his usually adequate coping skills were overwhelmed. Our treatment has included trauma-informed cognitive behavioural therapy and eye movement desensitization and reprocessing therapy.

[21] Although it is not clear the exact impact this therapy will have on Mr. Teboul's future behaviour, I note that Dr. Avni recommended psychological counselling to assist Mr. Teboul with "reducing his PTSD symptoms as well as his irritability and guilty and building affect regulation skills with the goal of improving his personal, occupational, and social functioning." Dr. Avni specifically mentions eye movement desensitization and reprocessing and cognitive processing therapy as available treatment options.

[22] Mr. Teboul spoke to the court. In his comments, he accepted responsibility for his actions and demonstrated remorse by apologizing to his victims. I accept his remorse and his acceptance of responsibility for this crime. I find he has insight into the impact of his actions.

CROWN AND DEFENCE POSITIONS

[23] The Crown submits that the appropriate sentence for this crime is a suspended sentence with an 18-month period of probation. The Crown says that a conditional discharge is not an appropriate sentence as it is contrary to the public interest given the aggravating features of this assault and the strong need for denunciation and deterrence. The Crown also seeks a three-year firearms prohibition order under section 110 of the *Criminal Code* and a DNA order.

[24] Defence counsel argues that the appropriate sentence is a conditional discharge with a six-month period of probation. They oppose both the firearms order and the DNA order.

[25] Counsel agree that the leading case on the granting of discharges is the case of *R v Fallowfield*, [1973] B.C.J. No. 559. The test for a discharge is set out in paragraph 21 as follows:

> (1) The section may be used in respect of any offence other than an offence for which a minimum punishment is prescribed by law or the offence is punishable by imprisonment for 14 years or for life or by death.
>
> (2) The section contemplates the commission of an offence. There is nothing in the language that limits it to a technical or trivial violation.
>
> (3) Of the two conditions precedent to the exercise of the jurisdiction, the first is that the Court must consider that it is in the best interests of the accused that he should be discharged either absolutely or upon condition. If it is not in the best interests of the accused, that, of course, is the end of the matter. If it is decided that it is in the best interests of the accused, then that brings the next consideration into operation.
>
> (4) The second condition precedent is that the Court must consider that a grant of discharge is not contrary to the public interest.
>
> (5) Generally, the first condition would presuppose that the accused is a person of good character, without previous conviction, that it is not necessary to enter a conviction against him in order to deter him from future offences or [*455] to rehabilitate him, and that the entry of a conviction against him may have significant adverse repercussions.
>
> (6) In the context of the second condition the public interest in the deterrence of others, while it must be given due weight, does not preclude the judicious use of the discharge provisions.

> (7) The powers given by s. 662.1 should not be exercised as an alternative to probation or suspended sentence.
>
> (8) Section 662.1 should not be applied routinely to any particular offence. This may result in an apparent lack of uniformity in the application of the discharge provisions. This lack will be more apparent than real and will stem from the differences in the circumstances of cases.

[26] Although the principles in the *Criminal Code* apply to crimes committed by police officers, just as they apply to any offender, there is also a body of law that has developed specific to this type of offender.

[27] The principles that apply specifically to police officers who commit offences are summarized at paragraph 35 in *R v Klassen*, 2011 BCPC 109. I have edited the quote to include full citations for the cases referred to in this paragraph.

> [35] While the case law relied upon is generally instructive, of course each individual case is distinctive to its own facts. I have gleaned the following apt sentencing principles from the cases:
>
> - A sentence for a police officer is generally more severe than that of the ordinary person because of the position of public trust which they held at the time of the offence and their knowledge of the consequences of its perpetration. This principle has been codified in the Criminal Code section 718.2(a)(iii) which provides that breach of trust is an aggravating factor to be considered on sentencing. This principle applies whether or not the officer is on duty or off duty at the time of the offence [*R v Cusack*, [1978] 41 C.C.C. (2d) 289 (NSCA); *R v Dosanjh*, 2006 BCPC 574; *R v Tsui*, 2008 BCPC 155; *R v Reddy,* 2007 BCPC 401];
>
> - The cases do not necessarily dictate that a sentence must be the same for an officer who commits an offence outside his office as for one who commits an offence by virtue of it. (*Dosanjh* para. 12)
>
> - Where the criminal act arises out of the heat of the moment, courts have generally imposed lighter sentences, including discharges. [*R v. Cronmiller*, 2004 BCPC 1, para 27]
>
> - It is appropriate to consider the effect that the trial process has had on the offender by being charged and brought to justice. [*R v Kidd,* [1998] O.J. No. 1739 (Ont. Gen. Div.); *R v McKenna*, Terrace Registry, May 29, 2006 (BCPC); *R v Sweet,* [2007] B.C.J. No. 1747]
>
> - A discharge is an available sentencing option when a police officer has been convicted of an assault. [*R v Tait,* 2005 BCPC 273, para 14]

> - Deterrence and denunciation are the paramount sentencing principles to be employed when sentencing police officers. (*Cusack*, [*R v Cook*, 2010 ONSC 5016]). Rehabilitation plays a lesser role. [*R v Gillan*, 2009 BCPC 241]

[28] Because of their special role in society, an assault by a police officer is always a breach of trust. The degree of the breach, however, depends on the circumstances of the assault: *R v Au*, 2025 ONSC 3559, at paragraph 52. Generally, the highest breach of trust will be in cases where the assault is committed on a person who is in custody and under the control of the offender.

[29] In *R v Volk*, 2026 BCSC 1938, in sentencing a police officer who, while on duty, assaulted a handcuffed prisoner, the Court stated at paragraph 81:

> [81] In other words, as I have said repeatedly in these reasons, police officers occupy a privileged and vital role in our society. With that power comes obligation. It strikes me as contrary to the public interest if a police officer charged with an assault of a vulnerable handcuffed detainee was granted a conditional discharge. I find that the importance of general deterrence for this type of offence is too important such that the public interest does not favour granting a conditional discharge.

[30] At the other end of the spectrum, in *R v Joyce*, 2025 BCPC (Unreported, Chilliwack Registry File 74282), at paragraph 34, the Court stated:

> [34] However, even though their status as a police officer is legally recognized as an aggravating factor at a sentencing hearing, the weight a sentencing court attributes to it will depend on the nature and context of the offence: *White*, at para. 128. This is not a case where Mr. Joyce committed an offence against a person while on active duty, or used his position as a police officer to offend. Nor is this a case where Mr. Joyce's off duty actions somehow incorporated his specialized training or experience as a police officer. Therefore, I accord little weight to this aggravating factor.

[31] Similarly, in *Klassen*, at paragraph 38, the Court held:

> [38] … in the continuum of the cases relied on by Crown and Defence, that this was not what I would consider to be one of the most aggravating breaches of police authority as Klassen was not on duty, and he did not assault Khan after Khan had been taken into police custody.

[32] Mr. Teboul was not on duty when he committed this offence and, although he identified himself as a police officer, he did not arrest X. There is also no evidence that he used special police training in this assault. I was told that Mr. Teboul practices judo at a high level, and the hold he used on X. was a judo hold. The result is that, although this was a breach of trust as a result of Mr. Teboul's position as a police officer, it falls towards the lower end of the trust continuum, particularly in comparison to assaults by police officers committed on duty against prisoners in police custody and control.

[33] I have been provided with a large number of cases in this matter.

Crown Authorities

[34] The Crown has provided me with 12 cases: 2 in relation to probation conditions, 2 (*R v Robinson*, 2012 BCSC 1134, and *Ahmed Flores*) in relation to general principles applicable in sentencing police officers, and 8 others in relation to sentencing principles and quantum for police officers who commit crimes. The quantum cases all resulted in suspended sentences, except for one where a conditional discharge was imposed, and one where a conditional sentence order was imposed.

[35] In *Volk*, a 45-day conditional sentence order was imposed for an assault committed by a police officer. I do not find this case of assistance in determining whether a suspended sentence or conditional discharge is appropriate for Mr. Teboul as the officer in that case had a prior conviction for assault committed in the course of his employment. Further, this victim was handcuffed, the officer was on duty, and the mitigating factor of a guilty plea was not present.

[36] In *Sood* and *Greenhough*, although the officers were off duty, the offences were prolonged in nature. As well, both of these were sentences imposed after trial, without the mitigation of a guilty plea.

[37] The facts in *Au* have some similarity to Mr. Teboul's case in that the assaulting officer was off duty and assaulted the victim in reaction to an evolving situation. Mr. Au received a suspended sentence with 12 months' probation. Mr. Au's assault was aggravated by the fact that there was another off-duty officer present, as well as by the

finding that Mr. Au took the victim to the ground in a manner that did not allow him to control what happened to the victim. Further, Mr. Au did not have the mitigating factor of a guilty plea, although he did have many of the other mitigating factors present for Mr. Teboul.

[38] Finally, the Crown provided me with the case of *R v Young*, 2026 BCPC 206, where a conditional discharge was granted to an officer who had assaulted an individual while off duty and heavily intoxicated. There are some factual similarities with Mr. Teboul's case, in that the offender grabbed the victim by the neck, identified himself as a police officer after the assault, and suffered from PTSD. Like Mr. Teboul, the offender had taken rehabilitative steps, although the rehabilitative actions of Mr. Young were more significant than those of Mr. Teboul. It is also worth noting that this was a joint submission.

[39] The remainder of the Crown cases *R v Prince*, 2009 ONCJ 504; *R v Bal*, 2013 BCPC 21; and *R v Lofroth*, 2016 BCPC 429 all involved assaults committed by on-duty officers against prisoners who were in their control – in a jail cell in *Prince*; face down on the ground in the control of a number of police officers and handcuffed for a portion of the assault in *Bal*; and arrested and in handcuffs in *Lofrath*. The offender in *Lofrath* also had received a prior conditional discharge for assaulting a prisoner. I do not find these cases of particular assistance in determining the appropriate sentence for Mr. Teboul.

Defence Authorities

[40] Defence counsel has provided me 20 cases: 1 on the principles applicable to discharges (*Fallowfield*), 1 on the principles involved in assessing collateral consequences, and the remainder on quantum. In all of the quantum cases, either an absolute or conditional discharge was imposed on police officers who committed assault or assault causing bodily harm, or in one case (*R v Hilland,* 2026 BCPC 236) a breach of trust by having a sexual relationship with a vulnerable Indigenous woman.

[41] Each of these cases has different facts and can all be distinguished from the case before me. They do, however, demonstrate the availability of discharges for serious offences committed by police officers and the ability of such sentences to address the relevant sentencing principles, particularly deterrence and denunciation. They also demonstrate the wide range of facts that have led to discharges for police offenders.

[42] Of the 16 assault or assault causing bodily harm cases provided by defence counsel, 12 involved officers who were on duty, a significant aggravating factor not present for Mr. Teboul.

[43] In *R v Abram*, 2018 BCPC (Unreported, Surrey Registry File 223975), the officer was on duty. In the course of an arrest, he grabbed the victim by the throat, resulting in the victim reporting feeling dizzy and not being able to breathe. The victim was in handcuffs at the time. Like Mr. Teboul, Mr. Abram had a PTSD diagnosis and had taken steps to address it. Like Mr. Teboul, he had no record of prior misconduct and had community support. He was Indigenous and had participated, prior to sentencing, in a restorative justice program. An absolute discharge was granted. This was a joint submission.

[44] In *R v Baxter*, 2018 ONCJ 608, the accused, while the victim was in police control, ground his face into the ground, resulting in bodily harm. The sentence was imposed after trial. The Crown sought a conditional sentence order. A conditional discharge was imposed.

[45] *R v Briegel,* 2016 ABPC 194*,* and *R v Sweet*, 2007 BCPC 240, also involved conditional discharges being granted for assault causing bodily harm, a graver offence than the one Mr. Teboul has plead guilty to.

[46] In *Briegel,* the officer, who was on duty, punched the victim three times in the face in the course of an arrest, fracturing his eye socket and requiring surgical intervention. Like Mr. Teboul, he had mitigating factors of a guilty plea, no history of prior discipline, and significant community support. Unlike Mr. Teboul, he had not

engaged in counselling to address factors that may have led to the assaultive behaviour.

[47] In *Sweet*, the on-duty officer handcuffed the victim and then kicked him in the head with substantial force. Like Mr. Teboul, he had mitigating factors of a guilty plea, no prior history, and community support. He had also engaged in anger management counselling.

[48] In *R v Bhabha*, 2015 BCPC (Unreported, Vancouver Registry File 14905), the on-duty officer punched the victim in the head, after wrongfully arresting him. The sentence, a conditional discharge, was imposed after trial.

[49] *R v Oke*, 2021 MBPC 39, involved an on-duty officer punching an Indigenous arrestee in the face three times. He then put his arm around the victim's neck, lifted his chin up, and brought the victim to the ground. Like Mr. Teboul, he entered a guilty plea, had community support, and was suffering from PTSD as a result of incidents he experienced as a police officer. Like Mr. Teboul he received treatment for his PTSD after the assault. The Crown sought a suspended sentence. Mr. Oke was given a conditional discharge with 12 months' probation.

[50] Similarly, in *R v Gabruch*, 2016 ABPC 16; *R v Shipley et al*, 2015 BCPC 276; *R v Browning*, 2023 BCPC 202; *R v Potter*, 2016 YKTC 26; *R v Mann*, 2016 BCPC (Unreported, Vancouver Registry File 239949) and *R v Gill*, 2021 BCPC (Unreported, Vancouver Registry File 262674) conditional discharges were imposed for assaults committed by on-duty officers on victims who were in custody and under their control. I will not discuss these cases further as I did not find the facts of the offence and the offender as relevant to Mr. Teboul as the other cases I have discussed.

[51] I was also provided with the cases of *Klassen, Joyce*, *Reddy*, *Tsui*, and *R v Pfeiffer* (Unreported, Vancouver Registry File 274142), where conditional discharges were imposed for assaults committed by off-duty officers. I will not discuss these cases further as I did not find them as relevant to the matter before me as the many other cases I have already referred to.

CONCLUSION

[52] The offence committed by Mr. Teboul is serious with consequences not only for the victim but for the greater community. The nature of the offender and the offence call for a sentence that gives primacy to denunciation and deterrence. The sentence must, however, be proportionate, address the aggravating and mitigating factors and be responsive to the principal of restraint.

[53] Defence counsel seeks a conditional discharge, submitting that it is both in Mr. Teboul's best interests and not contrary to the public interest. The Crown disagrees, submitting that a discharge would be contrary to the public interest given the nature of this offence and this offender and the strong need for denunciation and deterrence.

[54] It is clear that the discharge provisions are available for police officers who commit crimes, despite the importance of a denunciation and deterrence. The case law demonstrates many examples of discharges being granted for police offenders who committed more serious crimes than Mr. Teboul, who committed their offences against prisoners while they were on duty, and who did not accept responsibility for their crimes through a guilty plea. I find that, in this case, the principles of denunciation and deterrence can be met with a conditional discharge.

[55] Turning to the test in *Fallowfield*, I find that it would be in Mr. Teboul's interests to be granted a discharge. In all of the circumstances, I also find that all of the relevant sentencing principles and objectives can be addressed through a conditional discharge and that it would not be contrary to the public interest to grant one.

[56] I find that the appropriate and proportionate sentence for this offence and this offender is a conditional discharge with a 12-month period of probation. Mr. Teboul, that is your sentence. Before I read you the terms of probation, I want to comment on a couple of them.

[57] First, I do intend to impose a no weapons condition on the probation order. Although I appreciate that no weapon was used in this assault, this was a serious assault, and Mr. Teboul still has work to do to address the factors that led to the

commission of this assault. I am also of the view that strict conditions on this probation order benefit Mr. Teboul in that they are part of what ensures that the discharge is not contrary to the public interest. As well as the public safety reasons for this condition, there is also general deterrent and denunciatory value in restricting Mr. Teboul's access to weapons during his probationary period. One of the things that this order must achieve is acknowledgment of the harm he has done to the community by committing an offence as an active police officer. I am of the view that this condition is necessary to signal to the community at large that police officers who commit crimes will be treated seriously and that there will be significant consequences for such behaviour.

[58] Second, it was suggested by the Crown that I include a restorative justice requirement only if X. is in agreement. I plan to include it regardless of X.'s views. While I certainly hope X. will choose to participate, that will be up to him. However, in my experience, restorative justice, including victim offender reconciliation, can take place without the involvement of the victim, with restorative justice professionals standing in where the victim chooses not to be involved.

PROBATION ORDER

[59] I will now read you the terms of probation:

- 2001: You must keep the peace and be of good behaviour.

  You must appear before the court when required to do so by the court.

  You must notify the court or your probation officer in advance of any change of name or address and promptly notify the court or the officer of any change in employment or occupation.

- 2002: You must have no contact or communication, directly or indirectly, with X. except through or in the immediate presence of your probation officer or a restorative justice professional for the purposes of engaging in restorative justice or as otherwise directeed by your probation officer for purposes of restorative justice.

- 2005: You must not go to any place where X. lives, works, attends school, worships or happens to be. If you see him, you must leave his presence immediately without any words or gestures.

- 2101: You must report in person to a probation officer at 1400 - 32375 Veterans Way, Abbotsford, BC, by 3:00 pm, November 19, 2026, and after that, you must report as directed by your probation officer.

- 2501: You must attend, participate in and complete any intake, assessment, counselling, or education program as directed by your probation officer.

- 2509: You must complete 50 hours of community work under the direction of your probation officer. Your probation must be completed within the term of this order.

- 2515: You must apologize to X. in the manner directed by your probation officer and to the satisfaction of your officer within the first three months of this order.

- 2516: You must participate in a restorative justice program to address the impact of your crime on the victim, at the direction of your probation officer.

- 2610: You must not possess, directly or indirectly, any weapon as defined in section 2 of the *Criminal Code*.

ANCILLARY ORDERS

[60] The Crown seeks a s. 110 order. I have considered whether it is desirable in the interests of the public safety to make such an order. I find it is not. Mr. Teboul does not have any prior history of violent behaviour, he did not use a weapon in this offence. I have prohibited him from possessing weapons for the duration of his probation order. After that, I do not find that any such prohibition is necessary or desirable in the interests of safety.

[61] This is a secondary DNA offence. Section 487.051(3) sets out the criteria I must consider in determining whether I should make that order. First, the section states that making an order must be determined to be in the best interests of the administration of justice. The section goes on to state that I should consider: the person's criminal record, whether they were previously found not criminally responsible on account of mental disorder for a designated offence, the nature of the offence, the circumstances surrounding its commission, and the impact such an order would have on the person's

privacy and security. Mr. Teboul does not have a criminal record and has not been previously found not criminally responsible. These factors weigh against imposing the order. I am, however, of the view that the other factors weigh in favour of imposing the order. This was a serious offence. There would be minimal impact on Mr. Teboul's privacy and security of the person. I am further guided by what has been said in *R v Hernandez*, 2012 BCSC 238, about the deterrent effect of a DNA order, not just specifically, but also generally. Given the primacy of deterrence and denunciation in this sentencing, I find that it is in the best interests of the administration of justice to order Mr. Teboul to provide a DNA sample. Mr. Teboul must attend at the Abbotsford RCMP detachment on or before December 15, 2026, for that purpose.

[62] There will be a victim fine surcharge. I will leave that at the statutory amount and the statutory time to pay of 60 days.

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The Honourable Judge C. Rogers
Provincial Court of British Columbia