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IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

REX

v.

ARTHUR DALMAN

**ORAL REASONS FOR SENTENCE
OF THE
HONOURABLE JUDGE M.A. FORTINO**

Counsel for the Crown:

C. Lo
A. Chang

Counsel for the Defendant:

N. Wilberg, K.C.
D. Ching McNamee

Place of Hearing:

Prince George, B.C.

Dates of Hearing:

January 12-13, 2026

Date of Judgment:

March 2, 2026

Introduction

[1] On July 18, 2017, a member of the Prince George RCMP responded to a report of a suspicious person. The report led the officer to pursue Dale Culver, an Indigenous man from the Gitksan and Wet'suwet'en nations, because Mr. Culver was riding a bicycle in the area and matched the description. After the officer engaged with Mr. Culver, the situation escalated, prompting the officer to broadcast an emergency call requesting urgent assistance. Multiple police officers responded, and a crowd gathered. Following a physical confrontation, Mr. Culver was taken into police custody. Tragically, he died shortly thereafter.

[2] Arthur Dalman was among the police officers who responded to the emergency broadcast. He had no interaction with Mr. Culver, arrived after Mr. Culver was brought into custody, and was not involved in the physical confrontation between the police and Mr. Culver. Mr. Dalman's job was to identify and preserve evidence from the witnesses who gathered at the scene. He failed to do so. Instead, Mr. Dalman attempted to obstruct justice by directing a civilian witness to delete video footage from the witness's cellphone. He now appears before the Court for sentencing in relation to that conduct.

[3] The Crown submits that a fit, just, and proportionate sentence for Mr. Dalman is six months' imprisonment. Defence counsel seeks a conditional discharge, submitting that such a disposition would be in Mr. Dalman's best interests and, given the delay and prejudice he has suffered because of the investigation and prosecution, granting a discharge would not be contrary to the public interest.

[4] These are my reasons for sentence.

Circumstances of the Offence

[4] Following a trial, Judge Brooks convicted Mr. Dalman of attempting to obstruct justice. A detailed outline of the evidence giving rise to that conviction is set out in his reasons for judgment, indexed at *R. v. Cruz*, 2024 BCPC 140. Additional procedural background appears in two related decisions: *R. v. Cruz*, 2024 BCPC 137, dismissing allegations that Mr. Dalman's right against self-incrimination was breached, and *R. v.*

Dalman, 2025 BCPC 241, dismissing Mr. Dalman's application for a judicial stay of proceedings based on pre-charge delay amounting to an abuse of process. The following circumstances are germane to sentencing.

[5] On July 18, 2017, the Prince George RCMP received a report of a suspicious person allegedly "casing" vehicles. A responding officer observed Mr. Culver riding a bicycle in the area and, because he matched the description provided, attempted to stop and speak with him as part of the investigation. Initial attempts to stop Mr. Culver were unsuccessful, and the officer pursued him to the area of 10th Avenue and Highway 97 in Prince George. While in the middle of 10th Avenue, the officer attempted to detain him, and a struggle ensued. Unable to physically control Mr. Culver and believing he may be in danger, the officer broadcast an emergency call requesting immediate assistance.

[6] The situation escalated further as additional officers arrived on scene. Some of those officers who attended engaged directly with Mr. Culver, while others interacted with the civilian bystanders who gathered. Some of the bystanders were filming the unfolding events. Ultimately, the officers who engaged with Mr. Culver succeeded in placing him into a police cruiser. While in police custody, Mr. Culver went into medical distress and, shortly thereafter, he died.

[7] Mr. Dalman was one of the police officers who attended the emergency broadcast call. He was only on the job for approximately five months at that time and was at the detachment when the broadcast came in. This was his first time responding to such a call for assistance. After hearing it on the radio, Mr. Dalman immediately went to the scene, and by the time he arrived, the police interactions with Mr. Culver were over and he was in their custody. Mr. Dalman had no direct contact with Mr. Culver.

[8] Although he played no role in the physical encounter, his responsibilities at the scene were nonetheless significant. When he arrived, Mr. Dalman was one of several officers tasked with securing the scene and continuing the investigation, as police were now focused on investigating Mr. Culver for assaulting a police officer. Mr. Dalman's

responsibilities included identifying any potential video evidence recorded by bystanders and taking steps to preserve it.

[9] Ken Moe was a civilian bystander who arrived near the scene after the interactions between Mr. Culver and the police had concluded. Interested in what was occurring, Mr. Moe used his cellular phone to record video of the scene. He sat on a cinderblock barrier for approximately ten minutes as his phone recorded the unfolding events.

[10] While recording, Mr. Moe observed several police officers speaking with one another in the middle of the road. Shortly thereafter, a vehicle stopped in front of him and one of its occupants advised him to stop recording because police were making people delete their videos, and the occupant did not want Mr. Moe to get into trouble. Mr. Moe did not heed this advice, as he believed he was acting lawfully and that there was no reason he could not record. He was correct in that belief.

[11] Among the officers Mr. Moe observed talking in the street was Mr. Dalman. Within minutes, Mr. Dalman left the group and approached him. In response, Mr. Moe stopped recording and put his phone in his pocket. Mr. Dalman asked whether he had been taking video, and Mr. Moe replied that he had. Mr. Dalman then asked to see the video. Mr. Moe removed his phone while keeping it in his possession, opened the image gallery, and began playing the video for Mr. Dalman, intermittently using the progress bar to skip ahead. As Mr. Moe was doing so, Mr. Dalman attempted to snatch the phone from his hand, prompting Mr. Moe to pull the phone away and return it to his pocket.

[12] The interaction between Mr. Moe and Mr. Dalman quickly deteriorated. Tensions escalated. Mr. Dalman became aggressive with Mr. Moe and threatened to arrest him for obstruction. He told Mr. Moe that he would seize the phone if the video was not deleted.

[13] At that point, Sergeant Bayani Cruz approached, and Mr. Dalman stepped back. Mr. Moe and Sgt. Cruz engaged in a brief conversation during which Mr. Moe raised concerns about Mr. Dalman's conduct towards him. Mr. Moe eventually showed

Sgt. Cruz snippets of the video on his phone. The two then continued discussing Mr. Dalman's behaviour, while Sgt. Cruz attempted to provide explanations for it.

[14] Mr. Moe felt violated by his interaction with the police. His phone was important to him, he wished to leave the area, and he did not want to risk being taken to jail. Because of Mr. Dalman's threat to seize the phone if the video was not deleted, Mr. Moe complied and deleted the recording, ensuring that the officers saw him do so.

[15] At some point after his interaction with Mr. Moe, Mr. Dalman spoke with two or three other individuals who he observed leaving the area. He asked whether they had witnessed the interaction between the police and Mr. Culver. Their response was that they had deleted their video, and they continued to walk away from Mr. Dalman. Mr. Dalman did not engage further with them or take any investigative steps to determine what type of video evidence they may have erased. He later returned to the police detachment.

[16] Mr. Culver went into medical distress and passed away after Mr. Dalman had concluded his interactions with Mr. Moe and the others at the scene.

[17] Mr. Dalman eventually made notes in his notebook about his attendance at the scene; however, he did not record his interactions with Mr. Moe in the police information system known as PRIME until July 25, 2017. The evidence at trial satisfies me that he did so after he reviewed Sgt. Cruz's PRIME entry, contrary to an express direction not to.

[18] The Independent Investigations Office (IIO) commenced its investigation into Mr. Culver's death on July 19, 2017. Through that investigation, Mr. Moe was identified as a witness, and evidence of the obstruction came to light. In February 2023, Mr. Dalman was charged with attempting to obstruct justice by directing Mr. Moe to delete the video on his phone.

Nature of the Offence

[19] To place Mr. Dalman's conduct in its proper context, it is necessary to say something about the offence of attempting to obstruct justice.

[20] Obstructing justice, and its attempt, is an objectively serious crime, carrying a maximum sentence of ten years' imprisonment.

[21] Conduct that amounts to obstructing justice threatens the integrity of the justice system. At the heart of our justice system lies the rule of law, a foundational principle that ensures society remains stable, predictable, and fair. It is a value system embraced by Canadians, one that protects individual rights and holds government and its actors accountable. Significantly, the rule of law guarantees equality before the law and ensures that no person is above it. When an individual attempts to obstruct justice, they risk undermining the very foundation of this essential societal value.

[22] The offence captures those who intentionally attempt to interfere with the course of justice, regardless of whether the attempt ultimately succeeds. It is the attempt itself – the deliberate effort to undermine the justice system – that attracts censure. The “course of justice” referenced in s. 139 of the *Criminal Code* encompasses a broad spectrum of activity, beginning at the investigative stage and extending through to trial. It is not limited to proceedings before traditional courts but also includes administrative tribunals and disciplinary bodies: *R. v. Wijesinha*, [1995] 3 S.C.R. 422.

[23] Police investigations are an essential first step in the administration of criminal justice. They are closely tied to the rule of law because they represent the primary means by which the state enforces the criminal law. Interference with a police investigation undermines accountability and erodes public trust and confidence in the justice system and the rule of law, itself. For these reasons, this serious offence typically warrants a sentence that clearly communicates society's condemnation of such harmful conduct, even where the administration of justice was not ultimately obstructed.

Circumstances of Mr. Dalman

[24] Arthur Dalman is 33 years old, married, and the father of two young children, with a third on the way. He was 24 years old and a new police officer when he committed the offence. He has no criminal record and, until his conviction for this matter, no history of disciplinary proceedings with the RCMP.

[25] Mr. Dalman has lived a life rooted in public service. He grew up in financially constrained circumstances, raised primarily by his mother, with his father largely absent. Despite these challenges, he had opportunities that supported his development, including participation in organized sports. At 17, he joined the Canadian Armed Forces as an Army reservist. While serving as a reservist, he also held various civilian jobs, volunteered with at-risk youth, and completed some post-secondary education.

[26] In 2016, Mr. Dalman applied to the RCMP. He completed the RCMP Cadet Training Program (also known as Depot) in 2017 and was posted to the Prince George RCMP Detachment. After arriving in Prince George, he began his on-the-job training under the supervision of a field trainer. He was a five-month recruit when he committed the offence and had only recently been approved to be on the road alone.

[27] Despite the offence, his professional trajectory within the RCMP continued upward. He began in frontline policing and, after gaining experience and completing additional training, was assigned to the North District Emergency Response Team (ERT), a position he had aspired to.

[28] Several of his performance reviews were filed at the sentencing hearing to demonstrate at least two points: first, that he matured as a police officer over the course of his career, and second, that he became a valued member of the force. While he was initially described as fulfilling his duties with some zeal and identified as needing to improve his people skills, he took his supervisors' advice to heart and developed those competencies over time. Throughout his career, he was commended for his work, initiative, and the effort he invested in carrying out his duties. The numerous reference

letters and supporting documents filed show that he was held in high regard by both his peers and his superiors.

[29] In 2023, Mr. Dalman transferred out of the Prince George area and relocated with his family due to threats made against them. I am told these threats arose when he was charged with the present offence and because of its connection to the circumstances surrounding Mr. Culver's death. The relocation required him to leave his full-time position with the North District ERT and return to frontline policing, although he continued to participate regularly in ERT taskings in his new jurisdiction. The move also affected his wife's career and mental health and required the family to leave the support network they had established in Prince George.

[30] Mr. Dalman's acts of service to the community continued, despite being charged criminally. For example, that summer, he and a friend were travelling along a highway when they witnessed a serious motor-vehicle collision. They stopped and risked their own lives to rescue one of the motorists, who was in a perilous situation and in urgent need of medical attention. For their actions, they were later presented with a life-saving award.

[31] In February 2024, Mr. Dalman was involved in a significant on-duty incident that, I am told, affected his mental health. He attended the home of a suicidal male in the throes of a mental-health crisis. The male's parents had called police because of his behaviour and his access to firearms inside the home. Upon arrival, Mr. Dalman took charge of the scene and worked to ensure the safe evacuation of the other family members. The male then became hostile toward police and began firing his gun inside the residence. After attempts at telephone communication, and with the assistance of a crisis negotiator, Mr. Dalman safely apprehended the male and took him into custody. He has since been commended for his bravery, with his supervisors praising his actions on the file and recommending him for an award.

[32] Throughout his policing career, Mr. Dalman has seen mental-health professionals and has been diagnosed as experiencing symptoms consistent with post-traumatic stress disorder (PTSD) and depression. In his role as an ERT member,

he was exposed to many high-risk calls involving serious incidents, including hostage takings, officer-involved shootings, and at least two active-shooter situations, one of which involved an attack on a police detachment in a small community.

[33] Following his conviction on July 25, 2024, Mr. Dalman went off duty. In December of that year, he entered a residential treatment program through the Diversified Rehabilitation Group to address the mental-health challenges he was experiencing, and he anticipated a gradual return to work in April 2025. A letter from the Diversified Rehabilitation Group confirms that although Mr. Dalman's PTSD symptoms remain, they have diminished, and he is able to employ appropriate coping strategies. The moral injury he reported stemmed from "the handling of certain incidents, including allegations of racism and witnessing a suicide," as well as "ongoing stressors including an upcoming court appearance related to workplace charges."

[34] Mr. Dalman ultimately did not return to work as a police officer.

[35] Since going off work, Mr. Dalman has commenced post-graduate studies. Despite his own challenges, he has volunteered as a peer-support member for RCMP officers transitioning back to work after extended absences through the RCMP's National Reintegration Program.

[36] In December 2025, Mr. Dalman submitted the required paperwork to voluntarily resign from the RCMP. He did so after the RCMP initiated disciplinary proceedings against him for having lied under oath at his trial. His resignation will bring those proceedings to an end, and I am advised that the RCMP does not intend to reject it. Mr. Dalman has secured new employment outside law enforcement which, according to his counsel, requires that he not have a criminal record.

Victim and Community Impact

[37] As observed by the Court of Appeal in *R. v. Berner*, 2013 BCCA 188 [*Berner*], victim impact statements play an important role in the sentencing process: at para. 12. When presented in court, the consequences of the offender's actions are palpably brought home to him, and the judge is made aware of the damage caused by the

offence to the victim(s) and, indirectly, the community: *Berner*, at para. 14. A judge's consideration of these impact statements helps to achieve the sentencing objectives of promoting a sense of responsibility in offenders, and acknowledgement of the harm done to victims and to the community.

[38] Several victim impact statements were presented to the Court by friends and family of Mr. Culver at the hearing, including one from his daughter, Lily. I listened carefully to each statement as it was read. The pain, frustration, and anger felt by those who spoke or prepared a written statement was palpable. There is no question that Mr. Culver's tragic death has caused immense loss and grief to his family and those close to him. There is also no question that the circumstances in which it occurred have undermined the trust and confidence that the community, and most acutely, the Indigenous people within, have in the RCMP.

[39] For several years, Mr. Culver's family and the community were left without closure, without a clear understanding of what had happened, and without answers as to how it was possible that he died. I have great sympathy for them. The death of a loved one is never easy, and the trauma associated with it is unquestionably compounded when the circumstances remain unresolved. That said, I am not sentencing Mr. Dalman for having any role in the loss of Mr. Culver's life. He had no direct connection to, or involvement in, the events between Mr. Culver and the police that occurred on July 18, 2017, nor do I conclude that his offending conduct directly contributed to their inability to fully appreciate how it was possible that Mr. Culver died.

[40] However, although Mr. Dalman's offending occurred during a different aspect of that evening, it cannot be entirely divorced from the circumstances relating to Mr. Culver. To properly assess the impact of his offending on the victims and the community, the Court must consider and the context of the entire evening.

[41] Mr. Dalman's offending directly and negatively affected the confidence and trust that Mr. Culver's family, his Indigenous communities, other Indigenous communities, and members of the broader public placed in the RCMP. As poignantly stated by

Debbie Pierre, Mr. Dalman's actions did not simply break the law; they "broke trust in a system that is supposed to protect everyone equally."

[42] A recurring theme in the victim impact statements is that this loss of trust serves as yet another stark reminder of the long-standing difficulties Indigenous people have faced with law enforcement for generations. Mr. Dalman's offending exists within a broader and well-documented history of discrimination and state wrongdoing against Indigenous people, and because of this context, the impact of his actions on the community is significantly greater.

[43] To that end, I find comments of the Court of Appeal in *R. v. Ellis*, 2022 BCCA 278, particularly apt. In sentencing Ms. Ellis for drug trafficking, the Court observed that "where there is evidence suggesting proximity between the offender and an Indigenous community, the impacts of the offending behaviour on that community should be considered," as doing so "supports the principle of reconciliation by recognizing and giving meaningful effect to the importance of maintaining a mutually respectful relationship between the criminal justice system, Indigenous peoples and their communities": *Ellis*, at paras. 181-184. I see no reason why these observations would not apply to other types of offences. In this case, Mr. Dalman's offending was proximate to the affected Indigenous communities, given its connection to the events involving Mr. Culver and the ongoing effect it had on their trust in the police and their broader sense of justice.

Legal Framework

General Sentencing Principles

[44] The fundamental purpose of sentencing is to protect society and to contribute to respect for the law and the maintenance of a just, peaceful and safe society: *Criminal Code*, s. 718. This purpose is achieved by imposing just sanctions that reflect the objectives of denunciation, general and specific deterrence, separation of offenders where necessary to protect the public, rehabilitation, reparation, and the promotion of a sense of responsibility in the offender, including acknowledgment of the harm caused to

the victim and the community. No single sentencing objective takes precedence over the others; the weight to be given to each must be determined on a case-by-case basis, as sentencing is inherently individualized. The goal in every case is a fair, fit, and principled sanction. To achieve that goal, the sentencing judge must assess the offender's conduct and culpability in each case and impose punishment for that offence in accordance with the governing principles and objectives of sentencing: *Berner*, at para. 11.

[45] Proportionality is the most fundamental principle of sentencing and serves as its central organizing tenet. It requires that a criminal sentence be proportionate to both the gravity of the offence and the offender's degree of moral blameworthiness. It is the cornerstone of a just sanction and is closely connected to the fundamental purpose of sentencing. The principle also serves as a restraint on punishment: first, by ensuring that the sentence reflects the gravity of the offence, thereby promoting justice for victims and maintaining public confidence in the justice system; and second, by ensuring that the sentence does not exceed what is appropriate given the offender's moral blameworthiness: *R. v. Ipeelee*, 2012 SCC 13 at para. 37. A proportionate sentence reflects both of these aspects.

[46] Additionally, to arrive at a just sanction, the *Criminal Code* requires the Court take into account the aggravating and mitigating circumstances, the principles of parity and totality, and the direction to consider all available sanctions other than imprisonment that are reasonable in the circumstances: *Criminal Code*, s. 718.2.

Principles Informing the Sentencing of Police Officers

[47] Police officers occupy a special and essential role in society. They are sworn to discharge their duties with integrity and are entrusted with significant legal authority to enforce laws, restrict liberties, preserve life, investigate crimes, seize property, and maintain public peace. To exercise this authority, they are afforded certain powers that must not be misused. Their ability to perform this special role hinges on maintaining public trust and confidence, which is vital both to the effective discharge of their duties

and to the integrity of the justice system. Consequently, society rightfully expects a high standard of conduct from police officers, whether they are on duty or not.

[48] When a police officer commits an offence, it constitutes a breach of public trust, and they can expect to receive a more severe sentence than an ordinary person who committed the same offence. This is due to the position of trust they hold and their heightened awareness of the consequences of their conduct: *R. v. Cusack* (1978), 41 C.C.C. (2d) 289 (NSCA) at 293. Thus, a police officer's betrayal of their responsibility to uphold and enforce the law by engaging in unlawful behaviour is properly regarded as an aggravating factor.

Authorities Referred to by Counsel

[49] Counsel cited several cases to situate Mr. Dalman's offending within a relevant legal context. I have reviewed all of them. The Crown referred to the following authorities: *R. v. B.M.F.*, 2020 BCPC 299 (four and six months' imprisonment, consecutive to other offences, for a 30-year-old high school teacher who engaged in sexual activity with a student and instructed the student to delete evidence of their communications), *R. v. G.R.S.*, 2010 BCPC 78 (six months' imprisonment, consecutive to other offences, for an offender who told his family to destroy evidence of the child sexual abuse and exploitation materials he possessed on his computer), *R. v. Guess*, 2000 BCCA 602 (18 months' imprisonment and one year of probation, upheld on appeal, for a sworn juror who engaged in a sexual relationship with one of the accused in a murder trial on which she was serving), *R. v. Millington*, 2015 BCSC 1380 (30 months' imprisonment for a police officer who committed perjury during a public inquiry), *R. v. Robinson*, 2015 BCSC 1535 (two years less a day imprisonment for a police officer who committed perjury during a public inquiry), and *R. v. Schertzer*, 2015 ONCA 259 (three years' imprisonment, substituted on appeal, for five police officers who attempted to obstruct justice by falsifying notes or by giving false testimony at a preliminary inquiry).

[50] The defence referred to *R. v. Nelson*, 2015 BCSC 1096 (an eight-month conditional sentence order imposed on a police officer who knowingly gave false

evidence under oath and who immediately came forward to report his wrongdoing), *R. v. Gomez*, 2025 ONSC 1767 (a six-month conditional sentence order for a police officer who pleaded guilty to one count of breach of trust by a public official for providing confidential information on several occasions to a member of the public), *R. v. Terrigno*, 2009 ABPC 29 (a 90-day conditional sentence imposed on a law student with no criminal record who, while intoxicated, intervened in and physically obstructed a police investigation and misrepresented himself as a lawyer), *R. v. Eckland*, 2025 BCPC 76 (a conditional discharge with 12 months' probation for a police officer who failed to disclose a romantic relationship with the victim on a file he had investigated), *R. v. Edmunds*, 2012 NLCA 26 (a conditional discharge with 24 months' probation, upheld on appeal, for a correctional officer struggling with mental health issues who stole money from an inmate, thereby committing a breach of trust by a public officer), and *R. v. MacLeod*, 2023 ONCJ 71 (an absolute discharge granted to a police officer who, without authorization, shared private information from a police database with a civilian).

[51] Both counsel referred to *R. v. Dosanjh*, 2006 BCPC 574 (a three-month conditional sentence order imposed on a police officer who counselled his cousin to lie to police about the origin of funds seized from the cousin's residence), and *R. v. Robinson*, 2012 BCSC 1134 (a 12-month conditional sentence imposed on a police officer who was struggling with mental health and addiction issues and who, while off duty, fled the scene of a motor vehicle collision, immediately consumed alcohol, and then lied to police about his alcohol consumption prior to the collision).

[52] The cases collectively demonstrate that, despite the broad range of sentencing options available to a judge, behaviour constituting an attempt to obstruct justice warrants firm rebuke, and the principles of denunciation and both general and specific deterrence play a central role in sentencing offenders who commit this offence. This is especially true when the offender is a police officer acting in the course of their duties. As the Ontario Court of Appeal observed, "when the perpetrators of the crime are police officers sworn to uphold the law, the objective of denunciation has heightened significance. Police officers owe a special duty to be faithful to the justice system": *Schertzer*, at para. 136.

Analysis

[53] With this legal framework in mind, I turn to the application of the relevant principles to the circumstances of this case. I begin with an assessment of the aggravating and mitigating factors, as well as a consideration of the collateral consequences identified by Mr. Dalman.

[54] The *Criminal Code* requires a judge to increase or reduce a sentence to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender. The tailoring of a proportionate sentence may also require a judge to consider collateral consequences. A collateral consequence includes any consequence impacting an offender that arises from the commission or conviction of an offence, or from the sentence imposed for that offence: *R. v. Suter*, 2018 SCC 34 at para. 47. Such consequences need not be foreseeable or flow naturally from the conviction, sentence, or commission of the offence; however, they must relate to the offence and to the circumstances of the offender: *Suter*, at para. 49. Considering collateral consequences does not diminish an offender's moral blameworthiness or render an offence less serious, but rather recognizes that a particular sentence may have a more significant impact on the offender because of their personal circumstances: *Suter*, at para. 48.

Aggravating Factors

[55] Several aggravating factors are present in this case. First and foremost, I find Mr. Dalman's abuse of his authority as a police officer significantly aggravating. Although the evidence at trial establishes that he was not the only officer who directed civilian witnesses to destroy evidence by deleting video footage from their cellphones – conduct that suggests a broader systemic concern within the Prince George RCMP at least at that time – he nonetheless bears full responsibility for his own actions. It is elementary that police officers are to conduct investigations in a principled and unbiased manner and preserve relevant evidence, not direct that it be destroyed or, worse, threaten to use their authority if that improper direction is not followed. His offending conduct must also be assessed in light of the other proven failures to properly exercise his authority and follow direction that evening and the days that followed. In addition to

committing the offence, he failed to comply with instructions to preserve evidence at the scene when he did not make a single inquiry of the group who told him they had deleted their video while walking away, and he later failed to comply with a direction not to review any other officer's PRIME entries when he accessed Sgt. Cruz's and subsequently passed a portion of that entry off as his own.

[56] Closely related to the abuse of authority, yet constituting a distinct aggravating factor, is Mr. Dalman's status as a police officer at the time he committed the offence. As the case authorities recognize, a breach of public trust is an inevitable consequence when a police officer engages in criminal conduct, and this is to be treated as aggravating.

[57] I also find the nature of the offence itself aggravating. Directing the destruction of evidence in a criminal investigation is a serious matter and poses an unacceptable risk to the integrity of the justice system and the foundational principles upon which it rests. I do not agree with defence counsel's submission that, "when considered in the context of the trial findings, it is more properly characterized as a 'technical breach' on the spectrum of seriousness." There is nothing technical about this conduct. The fact that the video deleted by Mr. Moe was later determined not to contain anything of evidentiary value does not lessen the seriousness of the misconduct giving rise to the offence; it simply reflects the absence of an additional aggravating factor.

[58] Finally, I find the adverse impact of Mr. Dalman's offending on public confidence in the justice system, particularly as it relates to Mr. Culver's family and Indigenous communities, aggravating. As Moldaver J. observed, the indispensable foundation of a police officer's authority derives from the community's steadfast trust in the police and maintaining that public trust must always be of paramount concern: *Wood v. Schaeffer*, 2013 SCC 71 at paras. 1 and 52. Mr. Dalman's conduct eroded this essential trust, thereby adversely affecting the public's confidence in the justice system as a whole.

Mitigating Factors

[59] There are several mitigating factors present in this case.

[60] First, Mr. Dalman is a man who has lived a life of public service and can fairly be described as a person of good character. He has no criminal history and has never been in conflict with the law. Apart from the present offence, he has no history of service-related or disciplinary misconduct.

[61] Since his teenage years, he has volunteered in his community as a positive role model and engaged in various forms of public service, including his time in the Canadian Armed Forces and, later, his career with the RCMP. As a police officer, he largely served his community with distinction, earning praise and recognition. He was regarded as an officer who consistently went beyond what was expected of him. I accept that Mr. Dalman's commitment to public service is a deeply and genuinely entrenched character trait.

[62] The mitigating effect of his good character is tempered, however, by two considerations. First, it was this very good character that placed him in the position of public trust he held when he committed the offence. Second, he lied under oath at his trial. In referencing the latter conduct, I remain mindful that I cannot treat it as an aggravating factor, as doing so would amount to punishing Mr. Dalman for an offence for which he has not been convicted. Nevertheless, it is a relevant consideration in determining the weight I attach to the mitigating factor of his otherwise positive character: *R. v. Moazami*, 2025 BCCA 189 at para. 64.

[63] Second, and most compelling, is Mr. Dalman's relatively young age and very junior status as a police officer at the time of the offence. I accept defence counsel's submission that he lacked considerable life and career experience when he responded to the high-priority call. I also accept that, at that time, he demonstrated an enthusiasm for his new career that still required significant guidance and mentorship. The fact that his supervisors failed to address his behaviour once they became aware of it appears to me to have been a missed opportunity for the RCMP to coach and mentor this junior

officer. Nevertheless, even the very junior Mr. Dalman must have understood that threatening a potential witness with arrest if they did not destroy evidence was unquestionably wrong.

[64] Other mitigating factors include Mr. Dalman's strong family and community supports, his otherwise noteworthy and commendable service history as a police officer, his efforts to address his mental health, and his volunteer work as a peer mentor with the RCMP's National Reintegration Program.

Pre-Charge Delay as a Mitigating Factor

[65] In *R. v. Kodimiyala*, 2020 BCCA 275, the Court of Appeal observed that pre-charge delay "may only be a mitigating factor when it rises to the level of a *Charter* breach or causes prejudice to the offender": at para. 35. The law also recognizes that excessive delay which creates prolonged uncertainty, but does not reach constitutional limits, may nonetheless be considered a mitigating factor on sentence: *R. v. Nasogaluak*, 2010 SCC 6 at para. 53.

[66] Counsel for Mr. Dalman argues that he suffered prejudice because of the pre-charge delay in this case. She submits that, when "properly characterized," the pre-charge delay had significant "knock-on effects" and should be treated as a substantial mitigating factor. In summary, counsel for Mr. Dalman contends that the pre-charge delay "ultimately cost [him] his career and exacerbated his PTSD diagnosis." She further argues that he was "beguiled" by the IIO investigators into believing he faced no criminal liability and was "lulled into a false sense of security about his legal jeopardy." Because of the delay, he was "denied the opportunity" to take responsibility for his actions earlier in his career, at a time when mistakes could have been addressed as part of his professional development. Counsel also submits that the adverse credibility finding at trial was not an inevitable outcome and, had the charges been approved sooner and the matter proceeded to trial more expeditiously, his memory would have been fresher. As a result of the finding he lied at trial, "his upward trajectory as an RCMP member was curtailed," leading to the outstanding disciplinary proceedings and the RCMP's decision to pursue his dismissal from the force.

The uncertainty relating to his career, counsel argues, further intensified his PTSD symptoms.

[67] Despite her able submissions, I cannot conclude the pre-charge delay prejudiced Mr. Dalman as his lawyer suggests.

[68] First, I do not find that the delay had any prejudicial impact on Mr. Dalman's career. The evidence demonstrates that, although his offending conduct was brought to the attention of his superiors shortly after the offence, the management of the Prince George RCMP chose to take no corrective action, and Mr. Dalman's career advanced without impediment. As I will discuss later, while I accept that his career was affected by a relocation, that relocation cannot be attributed to any pre-charge delay.

[69] Second, the evidence does not support the conclusion that Mr. Dalman was misled in any manner by the IIO investigators, nor that he was lulled into a false sense of security. While he may have been under the impression that the investigation into his conduct was closed between 2017 and 2020, I do not find that he was misled or prejudiced by the careful steps taken by the investigators, particularly in light of the fact that an allegation involving a police officer such as this is a matter of significant public importance requiring careful consideration. In this regard, Judge Brooks' conclusion at the abuse of process application is equally applicable:

[154] Given that context, what is to be made of the IIO investigation in this particular case? In my view, it is critically important to keep in mind that this obstruction investigation was an unexpected situation. To deal with it, the IIO met and discussed the issue on several occasions. They did not act rashly. They sought legal advice. They advised the detachment how they intended to proceed. They proceeded mindful and, as I found in the notebook *voir dire*, in compliance with Dalman's *Charter* rights.

[*R. v. Dalman*, 2025 BCPC 241 at para. 154]

[70] Additionally, I do not conclude that the pre-charge delay had any significant impact on Mr. Dalman's PTSD symptoms. The evidence supporting this argument comes from a letter from Diversified Rehabilitation Group, along with a written opinion and testimony from his clinical counsellor, Dr. Joanna Pearce. Having reviewed this

evidence carefully, I am unable to find that the prejudice alleged in this form is connected to the pre-charge delay or Mr. Dalman's treatment by the IIO. A review of the evidence reveals that Mr. Dalman's mental health difficulties stem, primarily, from his work as a police officer – particularly his role as an ERT member exposed to significant traumatic events – and that these challenges were then exacerbated after he was found to have lied at his trial.

[71] Although the evidence establishes that Mr. Dalman has suffered mental injury because of his policing duties, and that this injury was aggravated by the unresolved disciplinary proceedings initiated after his conviction, I am not satisfied that his mental health impacts are connected to, or influenced by, the pre-charge delay in this case. To the extent that Dr. Pearce's opinion suggests otherwise, I do not accept it. On this aspect, I found her evidence concerning the impact of the "unresolved IIO investigation" vague, and, at times, conflated with the disciplinary proceedings that commenced after the Court found he lied under oath. It is clear to me that these extant disciplinary proceedings have impacted Mr. Dalman's mental health and influenced his decision to resign from the RCMP; however, I find this to be a direct consequence of his intentional conduct at trial, not any pre-charge delay. I pause here to again note that no disciplinary proceedings were ever initiated when allegations of the offence came to light, or because of his charge or conviction for attempting to obstruct justice. As for the submission that the pre-charge delay impaired Mr. Dalman's ability to testify, and that an earlier trial might have resulted in him testifying differently such that he would have been more credible and not have lied under oath, I do not accept it.

[72] I also do not conclude that Mr. Dalman was denied an opportunity to make amends or learn from his poor decision-making at an earlier stage of his career. The trial evidence shows he was aware of his wrongful conduct when he raised concerns with his trainer about a potential complaint from Mr. Moe not long after the offence. The evidence at the sentencing hearing further establishes that he knew he needed to improve his people skills, and that he did mature over time following the offence. His initial bravado and zeal were tempered, and he was recognized for that development. I fail to see how pre-charge delay denied him any opportunity to make

amends. Mr. Dalman could have taken steps to acknowledge and correct his wrongful conduct at any time had he chosen to do so.

[73] Finally, I do not accept counsel's submission that the pre-charge delay resulted in the loss of Mr. Dalman's career. His upward trajectory within the RCMP was not impacted in any way by the delay in this case, pre-charge or otherwise. He continued to seek out opportunities and achieved considerable success, enjoying the support of both his superiors and peers. Apart from the relocation necessitated by threats, the only substantial career impact arose after the Court found him not to be a credible witness and to have lied at his trial, prompting the RCMP to pursue his dismissal. As noted earlier, that action did not stem from his charge or conviction for attempting to obstruct justice; it was initiated because he lied under oath. I conclude that any adverse effect on his career cannot be attributed to delay. Instead, I conclude it resulted from a deliberate decision he made while testifying. The evidence before me further suggests that dismissal from the RCMP, while inevitable for perjury, is not a foregone conclusion for a conviction for attempting to obstruct justice.

[74] Accordingly, I do not conclude that the pre-charge delay in this case resulted in any prejudice to Mr. Dalman, and therefore it does not operate as a mitigating factor on sentence.

Overall Delay as a Mitigating Factor

[75] While I cannot conclude that Mr. Dalman suffered prejudice as a result of the pre-charge delay, I also cannot ignore that nearly nine years have passed since the offence was committed. Nine years is a significant period in anyone's life, and I accept that Mr. Dalman is not the same person today as he was at the time of the offence. During the intervening years, he has matured both as an individual and as a police officer. Major life events have occurred, and his personal circumstances today differ markedly from those that existed in 2017.

[76] This is not a case in which it can be said that Mr. Dalman caused or unreasonably contributed to any of the delay. His offending conduct was known early,

and he engaged with IIO investigators. For nearly nine years, his career and personal life continued, including the significant life change of becoming a parent. Even accounting for the period during which he believed the matter had been resolved, I am satisfied that such a prolonged lack of finality warrants some mitigation in the sentence. In reaching this conclusion, I wish to be clear that I find no fault with the way this matter was investigated, and I am satisfied that the prosecution proceeded with relative expediency given the nature of the pre-trial and post-conviction applications. I simply must also recognize that, when a significant period of time passes, a person who remains subject to the criminal process will inevitably experience some degree of uncertainty about the outcome and its potential consequences and such uncertainty will have a negative impact on them. To that end, the overall delay plays a limited but relevant role in ensuring that any sentence I impose remains proportionate.

Factors Not Considered Mitigating

[77] Several additional factors were advanced by counsel for Mr. Dalman as mitigating, but I do not find that they have this effect.

[78] I do not accept that Mr. Dalman's cooperation with the IIO is mitigating, as he was under a duty to cooperate. Likewise, for the reasons set out earlier, I do not accept the submission that because the deleted video ultimately had no impact on the investigation involving Mr. Culver, it is mitigating.

[79] The media attention surrounding this case is also not mitigating. Mr. Dalman's position of public trust carried with it a significant responsibility to exercise his authority lawfully. While the law recognizes that adverse publicity may be mitigating where it operates as a form of denunciation that has an exceptional impact on the offender, I do not find that to be the case here. The offence occurred in the context of an already highly public incident. Mr. Dalman knew he was responding to a high-priority call, was aware of the significant public attention given the number of people who had gathered, and, notwithstanding that awareness, committed the offence. The publicity that followed his conduct, charge, and prosecution was a natural and foreseeable consequence of his actions and did not affect him in a manner beyond what would reasonably be expected.

[80] Finally, the loss of Mr. Dalman's career as a police officer is not a mitigating factor. As stated earlier, this consequence stems from his intentional conduct at trial. It does not flow from the offence for which he is currently being sentenced, nor from his conviction for it.

Collateral Consequences

[81] A significant collateral consequence affecting Mr. Dalman occurred in 2023 when threats were made against him and his family, prompting their relocation. I am told, and accept, that this was due to his connection to the events involving Mr. Culver.

[82] The Court must strongly condemn vigilante behaviour to avoid giving it any legitimacy within the sentencing process; however, it must also recognize that the impacts of these events form part of Mr. Dalman's personal circumstances. I accept that his career was interrupted when he had to relocate and could no longer work as a full-time ERT member. I also accept that his wife's career was affected when she too had to adjust her work to accommodate the move, and that the threats undermined the family's sense of safety and security. Finally, I accept that the relocation required the family to leave behind a support network, thereby increasing the hardship of raising a young family while both parents maintained demanding careers.

[83] Also flowing from his conviction and any potential sentence as a collateral consequence is the inevitable impact on Mr. Dalman's future employment prospects outside of the RCMP. A criminal conviction will likely impact how he is employed going forward.

Is a Conditional Discharge Appropriate?

[84] Mr. Dalman asks the Court to grant him a conditional discharge. In making this sanction available, Parliament recognized that it may not always be necessary to enter a conviction and impose a sentence on an offender to achieve the purpose and objectives of sentencing. The effect of a discharge is that the offender does not receive a criminal record.

[85] In *R. v. Fallofield* (1973), 13 C.C.C. (2d) 450 (B.C.C.A.) [*Fallofield*], the Court of Appeal outlined the legal test for granting a discharge. A discharge may be granted for any offence, unless there is a prescribed minimum punishment, or the offence is punishable by a maximum term of imprisonment for 14 years or more: *Fallofield*, at 454. To grant a discharge, the sentencing judge must be satisfied that it is in the offender's best interests he be discharged either absolutely or with conditions. If that is the case, then the court must be satisfied that granting a discharge would not be contrary to the public interest: *Ibid*; see also s. 730(1) of the *Code*.

[86] A consideration of the offender's best interests presuppose he is a person of good character and that it is not necessary to enter a conviction to deter him from further offences or to rehabilitate him, and that entering a conviction may have significant adverse repercussions for him. Furthermore, with respect to the public interest in deterring others, the court in *Fallofield* held that while deterrence must be given due weight, it does not preclude the judicious use of the discharge provisions: at 454-455.

[87] While I am satisfied that granting Mr. Dalman a discharge would be in his best interest, principally because a conviction will likely impact his future employment prospects, I am equally satisfied that doing so would be contrary to the public interest. I recognize that there have been cases where police officers who committed criminal offences, both on and off duty, have received discharges. However, I do not find this to be one of those cases where the pressing need to denounce the offending conduct can be met through the imposition of a discharge.

[88] The aggravating features here are significant, especially the abuse of authority, the consequential assault on the administration of justice, and the impact on public confidence. In my view, these factors are not sufficiently outweighed by the mitigating factors or by Mr. Dalman's personal circumstances such that a discharge could reasonably be viewed as consistent with the public interest. His behaviour not only eroded confidence in the justice system but also contributed to deepened mistrust

between Indigenous people and the RCMP at a time when efforts towards reconciliation must be an essential priority.

[89] Second, the context in which the offending behaviour occurred plays a meaningful role in the public-interest analysis. Mr. Dalman committed his offence immediately following a public, emotionally charged, and physically confrontational interaction between a police officer and a civilian. I accept, without reservation, that he played no role in that interaction and had no connection to Mr. Culver. However, the circumstances of what had just transpired must have been known to him upon his arrival at the scene. He must have recognized that an incident of significant public interest had occurred, given the presence of gathered community members, the emergency broadcast prompting his response, and the direction he received to identify and preserve evidence for the investigation into Mr. Culver's alleged assault on a police officer. He owed a considerable duty to protect and advance the public interest by carrying out his responsibilities honourably and lawfully. When he committed his offence, he disregarded that duty.

[90] To grant a discharge in these circumstances – even in light of the compelling mitigating factors – would, in my view, fail to meaningfully reflect Mr. Dalman's moral blameworthiness, adequately condemn his offending conduct, and properly give effect to the principles and objectives of sentencing, particularly those of denunciation and general deterrence.

Is Jail a Necessary and Proportionate Sentence?

[91] The Crown asks the Court to impose a six-month term of imprisonment. In support of this position, the Crown relies heavily on the nature of the offence, the breach of trust, and Mr. Dalman's status as a police officer.

[92] I cannot accede to the Crown's request. After considering the relevant sentencing principles and objectives, together with the circumstances of this case and those of Mr. Dalman, I conclude that imprisonment is not necessary. While deterrence is

an important feature of this sentencing hearing, there are ways to achieve deterrence other than incarcerating an offender who has no criminal record.

[93] The principles of restraint and proportionality, in light of s. 718.2(d), which directs that an offender should not be deprived of liberty if less restrictive sanctions are appropriate, and s. 718.2(e), which requires consideration of all available sanctions other than imprisonment that are reasonable and consistent with the harm caused to victims or the community, lead me to conclude that a term of imprisonment, whether conventional or served conditionally, would be disproportionate.

[94] I do not find it necessary to separate Mr. Dalman from society to impose a meaningful sanction in this case. His junior status as a police officer at the time, while not reducing the gravity of the offence, tempers his moral blameworthiness to such an extent that I am satisfied it is unnecessary to impose a custodial sentence to achieve the purposes, principles, and objectives of sentencing. The impact of the aggravating factors is tempered by this significant mitigating feature in combination with the other mitigating factors I have previously referred to.

Disposition

[95] In my view, the appropriate disposition in this case is to suspend the passing of sentence and place Mr. Dalman on a period of probation. The objectives of denunciation and general deterrence are largely achieved through the entering of a conviction and the consequences that flow from it. The remaining objectives – rehabilitation, providing reparations for harm done, and promoting a sense of responsibility and acknowledgement of that harm – can be meaningfully achieved by a suspended sentence coupled with probation.

[96] While probation orders are primarily intended to support an offender's rehabilitation, they can also have a deterrent effect. If Mr. Dalman fails to comply with the conditions of his probation, the order may be cancelled, and he may be sentenced on the original offence. In that sense, a suspended sentence serves as a constant

reminder that any breach could immediately lead to more serious consequences: *R. v. Voong*, 2015 BCCA 285 at para. 39.

[97] Mr. Dalman, please stand.

[98] For the offence of attempting to obstruct justice, I am suspending the passing of sentence and placing you on probation for a period of 18 months.

[99] These are the terms of your probation order:

1. You must keep the peace and be of good behaviour.
2. You must appear before the court when required to do so by the court.
3. 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.
4. You must report in person to a probation officer at Prince George Community Corrections at 101-250 George Street Prince George, BC, by 3:00 PM today March 2, 2026, and after that, you must report as and where you are directed by your probation officer.
5. You must provide your probation officer with your address and your phone number. You must not change either of these without first notifying your probation officer.
6. You must complete 150 hours of community work service. Your community work service may include participating in a restorative justice program focused on addressing the impact of your crime on the community. If you participate in a restorative justice program, each hour for which you engage will result in a two-for-one reduction in your community work service hours. All community work service hours must be completed by June 4, 2027.
7. Your reporting obligation under this order ends when you have completed all community service hours required by this order.

Conclusion

[100] Mr. Dalman, I listened carefully to your comments to the Court, and I am certain that you deeply regret your actions and the consequences they have brought to you, your reputation, your family, and the community. I trust that the seriousness of your offending has now been brought home to you, and hopefully to all law-enforcement

members who might find themselves tempted to engage in similar conduct. I also listened closely to the community members who spoke about how your behaviour impacted their trust in the justice system, which is a matter of concern for the Court. I am satisfied that this sentence appropriately communicates society's condemnation of your actions and hope that it assists in restoring public confidence in the justice system. At the same time, I am satisfied that this sentence does not exceed your moral culpability, particularly given your relatively junior status at the time. Had you been a more experienced police officer when you committed the offence, the outcome would most certainly have been different, with your sentence likely to involve incarceration.

[101] The Court extends its gratitude to counsel for their thoughtful submissions and their assistance with this important case.

The Honourable Judge M.A. Fortino
Provincial Court of British Columbia