Media Statement

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BC Prosecution Service announces no charges following incident involving Port Alberni RCMP officer

Victoria – The BC Prosecution Service (BCPS) announced today that no charges have been approved against a Port Alberni RCMP officer who was involved in an incident at the Port Alberni RCMP detachment on May 14, 2025.

The incident was investigated by the Port Alberni RCMP, who recommended a charge of assault against the Subject Officer.

In this case, the BCPS has concluded that the available evidence does not meet the charge assessment standard. There is no substantial likelihood of conviction for any criminal offence in relation to the incident. As a result, no charges have been approved.

A Clear Statement explaining the reasons for not approving charges is made public by the BCPS when the Head of the BC Prosecution Service (the Assistant Deputy Attorney General) concludes it would be in the public interest to do so.

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To learn more about BC's criminal justice system, visit the British Columbia Prosecution Service website at: gov.bc.ca/prosecutionservice or follow @bcprosecution.

Clear Statement

Overview

On May 14, 2025, the Subject Officer (the SO) attended at the Port Alberni RCMP Detachment Cellblock, for the purpose of releasing the Affected Person (the AP).

The AP initially refused to leave the cell and only agreed to after the SO squeezed his trapezius muscle (between the neck and shoulder) to rouse him. Once in the hallway the AP followed the SO and threatened to assault them. In response the SO pushed the AP back into the cell and onto the cot in the cell. As a result of the push, the AP's head hit the wall, and he suffered a 5-cm (2-inch) laceration. The SO then approached the AP, pressed them down onto the cot whilst telling the AP not to threaten police officers. The AP was subsequently released.

Charge Assessment

The charge assessment guidelines that are applied by the BCPS in reviewing all Reports to Crown Counsel are established in BCPS policy and are available at:

www.gov.bc.ca/charge-assessment-guidelines

BCPS guidelines for assessing allegations against officers are also established in policy and are available at:

www.gov.bc.ca/allegations-against-peace-officers

The BCPS applies a two-part test to determine whether charges will be approved, and a prosecution initiated. Crown Counsel must independently, objectively, and fairly measure all available evidence to determine:

1. whether there is a substantial likelihood of conviction; and, if so,
2. whether the public interest requires a prosecution.

Under BCPS policy, a substantial likelihood of conviction exists when Crown Counsel is satisfied there is a strong, solid case of substance to present to the court. To reach this conclusion, a prosecutor will consider what evidence is likely to be admissible and available at trial; the objective reliability of the admissible evidence; and the likelihood that viable, not speculative, defences will succeed.

If the Crown Counsel is satisfied that the evidentiary test is met, Crown Counsel must then determine whether the public interest requires a prosecution. The charge assessment policy sets out a non-exhaustive list of public interest factors to be considered, both for and against a prosecution.

Charges considered

A charge of assault was recommended by the investigative agency, in relation to the SO holding the AP down on his cot. The charge assessment Crown Counsel also considered a possible charge of assault in relation to the SO's use of a pain compliance "trap squeeze" to rouse the AP, and a possible charge of assault causing bodily harm in relation to an earlier part of the interaction in which the SO pushed the AP onto his cot, causing the AP to strike his head on the adjacent wall.

Timeframe for assessment

A Report to Crown Counsel was forwarded in January 2026. The charge assessment was completed in February 2026.

Relevant law

Assault

To prove an assault, the Crown must establish a person intentionally applied, threatened, or attempted to apply force to another person, directly or indirectly, without their consent.

Assault causing bodily harm requires proof that the assault caused harm that was more than trifling or transient. The intent required is the intent to assault. The Crown must prove beyond a reasonable doubt that the assault was a significant contributing cause of the injury.

Legal defences

Section 25(1) of the *Criminal Code* provides that a peace officer who acts, in the course of their lawful duties, on "reasonable grounds" is "justified in doing what [they are] required or authorized to do and in using as much force as necessary for that purpose."

Section 26 of the *Criminal Code* provides that an officer "who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess."

In assessing whether a particular amount of force used by an officer was necessary within the meaning of the *Criminal Code*, the trier of fact must have regard to the circumstances as they existed at the time the force was used, recognizing that an officer cannot be expected to measure the force used with precision.

The reasonableness of the officer's belief must be assessed on an objective standard, but one that also "takes into account the particular circumstances and human frailties" of the officer. In applying the standard, the Supreme Court of Canada has ruled that, "a certain amount of

latitude is permitted to police officers who are under a duty to act and must often react in difficult and exigent circumstances" (*R v Asante-Mensah*, 2003 SCC 38, at para 73). In these dynamic situations, police are not expected to measure the force used precisely and are not required to use the least amount of force that may achieve their objective.

Despite the deference afforded to officers in the application of force, the law still requires that their use of force not be excessive.

Whether an officer's use of force complied with their police training is one factor a court can consider in assessing whether an officer's actions were reasonable, necessary, and proportionate.

In a prosecution, the onus is on the Crown to prove that the legal defences provided under the *Criminal Code* to peace officers acting in the course of their duties have not been established.

Summary of evidence

On May 14, 2025, the SO attended at the Port Alberni RCMP detachment cellblock, for the purpose of releasing the AP from cells. The AP had been arrested for mischief the previous evening and was being held overnight until he was sober.

CCTV footage

The CCTV evidence reveals that the SO entered the AP's cell at approximately 6:45 a.m. There is a brief verbal exchange during which the AP expressed that he did not want to leave yet. The SO responded by saying, "I'm going to use pain compliance to rouse you if you don't get off your ass", then left the cell. The SO returned about a minute later and leaned over the AP. The SO likely administered a "trap squeeze" to the AP, but the video footage does not capture this given the angle of the camera. In the audio recording the AP could be heard saying, "Ow, I'm getting up, I'm getting up you fucker, fuck you, you fucking faggot". The AP then followed the SO out of the cell.

As the AP is following the SO down the hallway, the AP said, "I'm gonna smash you up, you fucking bitch". The SO then turned around and pushed the AP back into the cell and towards the cot. The AP fell backwards and struck his head on the wall of the cell. The SO then moved towards the AP and leaned over him. It appears the SO was attempting to control the AP's hands. The audio recording reveals that during this eight-second interaction the SO stated, "Do not threaten police officers, do you understand me? Do you understand me?" and the AP responds by saying "Yes, sir".

About 45 seconds later, the SO radioed dispatch to send medical assistance for the AP. A paramedic attended and provided medical care to the AP, who had sustained a 5-cm (2-inch) laceration to the right side of his head, requiring six staples to close.

Expert evidence

An internal expert report was obtained by the RCMP to examine whether the SO's actions were consistent with RCMP use of force tactics and protocols. The expert did not offer an opinion regarding whether a "trap squeeze" is consistent with RCMP training and policy but stated that pain compliance techniques would be conducted on a resistant subject who police were trying to secure into custody or as a stimulation arousal technique to check for level of consciousness.

The expert concluded that the SO's actions in pushing the AP back into cells would be consistent with the use of force and the practical application of use of force tactics and protocols if the SO believed that the AP was about to cause them imminent physical harm.

The expert concluded that the SO's actions in grabbing the AP and warning him not to threaten a police officer was not consistent with use of force tactics and protocols.

Analysis

The evidence clearly establishes that the SO applied force to the AP in three ways: by administering a "trap squeeze" to rouse the AP and get them out of the cell; by pushing the AP back into the cell (and, in doing so, causing him to strike his head against the wall); and by holding the AP down on the cot for several seconds. The elements of the offences of assault (and in the case of the AP's head striking the wall, assault causing bodily harm) are established. The only live issue in this case is the application of a defence under section 25 of the *Criminal Code*.

To determine whether a section 25 defence is made out in this case, a trier of fact must conclude:

- the officer was required or authorised by law to perform an action in the course of their duties
- the officer acted on reasonable grounds in performing that action
- the force used by the officer in their performance of that duty was objectively necessary, reasonable, and proportionate (i.e. the force used was not excessive)

The only live issue in this case is whether the force used was necessary, reasonable, and proportionate at each phase of the physical contact.

The SO administered the "trap squeeze" because the AP had not complied with the command to get up and leave the cell but rather was "passive resistant" to that instruction. The SO articulated the basis for using a pain compliance technique and appears to have used the technique for the articulated purpose. The force was minimal, with one hand, and was very brief, lasting no more than a few seconds, and the SO stopped immediately when the AP began to comply. There is no suggestion the AP sustained any injuries from the application of this pain compliance technique.

The SO's use of force by placing his hands on the AP's shoulder and neck and pushing him into the cell was more serious given the resulting injury, though the force did not involve "hard control" or the use of tools or weapons. The RCMP expert opined that the SO's actions were "consistent with use of force and the practical application of use of force tactics and protocols", provided the SO believed that the AP was imminently about to cause them physical harm.

While the SO did not provide a statement, the available evidence establishes that the AP had just threatened to "smash" the SO. In the circumstances a court is likely to conclude that the SO reasonably perceived a threat of imminent physical harm, and that they used reasonable force in response to that threat.

On the available evidence, a trier of fact is likely to conclude that when the SO pushed the AP into the cell, this was done for a defensive purpose in direct response to the AP's threat of violence and that, in employing this force, the SO did not intend to injure the AP. In these circumstances, notwithstanding the resulting bodily harm, a trier of fact is likely to conclude this use of force was reasonable, necessary, and proportionate in the circumstances.

The SO's use of force by holding the AP down on his cot did not result in any injury and did not involve "hard control" strikes or the use of tools or weapons. The available evidence is limited with respect to the force the SO applied when engaging in this use of force. For much of the time the SO's hands are not visible in the CCTV footage, but it appears the action is one of pressing the AP into the cot with a minimal degree of force for a brief period of time in the immediate aftermath of having pushed the AP onto the cot.

Although the RCMP expert opined that the SO's use of force was not consistent with RCMP training, there is not a substantial likelihood of establishing that the force used by the SO was unreasonable, unnecessary or disproportionate in the circumstances. The evidence supports a viable defence under section 25(1) of the *Criminal Code*; therefore, there is no substantial likelihood of conviction for the charge of assault.

Conclusion

No charges have been approved in relation to the SO's involvement in this incident.