

TRIBUNAL ADMINISTRATIF DE DÉONTOLOGIE POLICIÈRE

MONTREAL

FILE: **C-2023-5462-2** (20-1893-1)

AUGUST 20, 2026

**PRESIDED BY CAROLINE JENNIS,
ADMINISTRATIVE JUDGE**

COMMISSAIRE À LA DÉONTOLOGIE POLICIÈRE

v.

Constable **CHRISTOPHER NAGLE**, badge 530
Former member of the Kativik Regional Police Force

DECISION

NOTE: PERSUANT TO SECTION 229 OF THE <i>POLICE ACT</i>, CQLR, c. P-13.1, THE TRIBUNAL ADMINISTRATIF DE DÉONTOLOGIE POLICIÈRE ISSUED A BAN ON PUBLICATION, RELEASE OR DISCLOSURE OF ANY ELEMENT WHICH COULD IDENTIFY I.M.A. AND S.E.

I. CITATION AND PRELIMINARY REMARKS

[1] On August 13th, 2020, in Kangiqsualujjuaq, Constable Christopher Nagle intervened regarding Mr. H. J. A.-I. following information received at the local police station concerning his whereabouts. At the time, the police were actively searching for Mr. A.-I. in the community regarding various violent offences against several women. At the time of the event, Mr. A.-I. seemed to be evading the police search for about two weeks. He also had a pending file of attempted murder regarding his girlfriend while using a firearm. It is to be noted that Mr. A.-I. is part of Constable Nagle's extended family on his wife's side.

[2] On the day in question, the police received a tip that Mr. A.-I. was at his uncle's residence, G.D... The police officers present in the community devised a plan to arrest him and to bring him in custody. Unfortunately, the intervention did not go as planned as a series of domino events prevented the execution of said strategy.

[3] Constable Nagle arrested Mr. A.-I. by himself outside of his uncle's residence but was unable to conduct a search on the spot. At the time, Mr. A.-I. resisted his arrest and the respondent had no back up. The respondent decided to place Mr. A.-I. in the police vehicle and to delay the search until they got to the police station where a colleague was present.

[4] Upon arrival at the police station, Mr. A.-I. stepped out of the police vehicle and, when Constable Nagle attempted to search him, he took out a knife that was previously concealed under his clothing and stabbed himself in the neck. Constable Nagle asked his colleague to call an ambulance and provided first aid to Mr. A.-I. The latter was then brought to the nursing station to receive medical care and was subsequently medevacked to Montreal due to the seriousness of his injuries, which were not life-threatening.

[5] On November 7th, 2023, the Commissaire à la déontologie policière (Commissaire)¹ filed a citation with the Tribunal administratif de déontologie policière (Tribunal)² against Constable Christopher Nagle (badge #530), former member of the Kativik Regional Police Force (KRPF)³ which reads as follows:

“ The Police Ethics Commissioner cites Constable Christopher Nagle, badge 530, member of the Kativik Regional Police Force , before the Police Ethics Committee:

1. Who, at Kangiqsualujjuaq, on or about August 13, 2020, while in performance of his duties, failed to respect the rights of Mr. H. J. A.-I.⁴ who was placed in his custody, by being negligent or lacking concern for his health and safety, thereby committing a derogatory act under section **10** of the *Code of ethics of Québec police officers* (Chapter P-13.1, r. 1).”

[6] The Commissaire contends that the respondent committed a derogatory act by being negligent and/or careless in his intervention regarding Mr. A.-I. on three occasions:

- 1) by deciding to arrest Mr. A.-I. by himself at G. D.'s house, knowing that no back up could be expected;
- 2) by detaining Mr. A.-I. in the police vehicle without conducting a proper search beforehand; and

¹ In French, the nomenclature “Commissaire à la déontologie policière” is used.

² In French, the nomenclature “Tribunal administratif de déontologie policière” is used.

³ In 2021, the Kativik Regional Police Service was renamed and became the Nunavik Police Service.

⁴ In the citation, the full name of Mr. A.-I. is used. For privacy reasons, the Tribunal will only identify Mr. A.-I. with his initials.

3) by not taking sufficient precautions to have Mr. A.-I. exit the vehicle safely in order to be brought inside the police station.

[7] The respondent argues that section 10 of the *Code of ethics of Québec police officers*⁵ (Code) does not apply to the decision-making process to arrest Mr. A.-I., as he was not detained at the time. Subsidiarily, the respondent claims that there was an urgency to arrest Mr. A.-I. despite lacking back-up for the safety of the public. The respondent is of the view that the only solution, in the circumstances, hence for the safety of Mr. A.-I. and his own, was to place the former in the police vehicle and to delay the search upon arrival at the police station. Finally, the respondent claims that he took the necessary precautions when Mr. A.-I. exited the police vehicle at the station in order to search him.

[8] For the following reasons, the Tribunal concludes that Constable Nagle did not commit any ethical misconduct.

II. CONTEXT

[9] The hearing on the merits in this case took place on November 26th, 27th and 28th, 2025. The Tribunal held a virtual hearing as the parties and the witnesses were scattered across the province of Quebec and the respondent now resides in New Brunswick. The hearing was held in English. Additional submissions were provided in writing by the parties at the request of the Tribunal on April 30th, 2026.

[10] At the beginning of the hearing and subject to the explanations and details provided by the respondent in his testimony, the parties provided the following admissions to the Tribunal:

- The respondent arrested Mr. A.-I. on different charges on August 13th, 2020;
- The arrest took place at the residence of Mr. A.-I.'s uncle, G. A., also known as "G... D..."⁶;
- The respondent was alone and did not handcuff Mr. A.-I., neither in the house nor before putting him in the patrol vehicle;
- The respondent decided to push Mr. A.-I. in the back of his patrol car and locked him in the passenger compartment in the back of the vehicle;
- The respondent transported Mr. A.-I. to the police station;

⁵ CQLR, c. P-13.1, r. 1.

⁶ For coherence purposes, that individual will be referred to as G. D. in the present decision as the parties and the witnesses referred to him by this surname during the hearing.

- Mr. A.-I. sustained a self-inflicted wound to his neck with a knife, leading to the launching of an investigation by the Bureau des enquêtes indépendantes (BEI).

[11] The Commissaire presented one witness, Constable Jean-François Pelletier (badge #713) and adduced documentary evidence⁷. The respondent testified and presented an additional witness, Constable Vincent-Olivier Lalancette (badge #1203), as well as documentary evidence⁸. The testimonies of all three police officers bring clarity to the Tribunal on how the events of August 13th, 2020 unfolded. The complainant, Mr. A.-I., did not participate in the hearing. According to the Commissaire, he did not wish to be involved. Overall, the Tribunal retains the following facts pertaining to the evidence adduced.

[12] On August 13th, 2020, there were three police officers present in the community of Kangiqsualujjuaq for the KRPF: Constable Vincent-Olivier Lalancette, Constable Jean-François Pelletier, and the respondent. Constable Lalancette was assigned to the day shift at the police station. He was working alone. The respondent was assigned to the night shift and had just finished working. As per Constable Jean-François Pelletier, he was off duty at the time.

[13] Early in the beginning of his shift, Constable Lalancette received information from E. A. that her brother, Mr. A.-I., was currently at their uncle's residence. Said uncle, G. D., was known by the police as he had several prior convictions and police officers in the community had dealt with him on various occasions in the past.

[14] At the time, the police was actively searching for Mr. A.-I. since he was suspected of committing different offences. In that regard, it is relevant here to paint a picture of the situation.

[15] In the spring of 2020, Mr. A.-I. was arrested after taking a rifle and shooting his girlfriend, I.M.A., in the back. She was injured, albeit not seriously, by the projectile. Mr. A.-I. was charged with attempted murder, discharging a firearm with intent, recklessly discharging a firearm, assault with a weapon, pointing a firearm, and threats as well as various other charges related to the use of firearms and breaches of conditions⁹.

[16] On May 5th, 2020, Mr. A.-I. was released on bail with numerous conditions, including the condition to remain inside his residence at all times, a prohibition to contact his girlfriend, a prohibition to possess or use any offensive or restricted weapons or imitations of weapons, a prohibition to consume any alcohol or any intoxicated substances, and conditions to report to the local police station every Friday, to deposit \$1000 and to undergo therapeutic follow-ups¹⁰.

⁷ Exhibits C-1 to C-5.

⁸ Exhibits P-1 and P-2.

⁹ See Exhibit P-2.

¹⁰ See Exhibit P-2.

[17] It appears from the evidence that Mr. A.-I. did not comply with these court-imposed conditions on June 5th, 2020¹¹ and was then charged with new criminal offences. Mr. A.-I. was subsequently released on June 10th, 2020 with seemingly the same release conditions as before aside from a new deposit of \$500 and an increased frequency in the therapeutic follow-ups¹².

[18] Between June 10th and August 2nd, 2020, the respondent recalls that he was at the police station when Mr. A.-I.'s girlfriend and a female friend were in the street about fifty feet or so. They were yelling. The respondent went outside to inquire what was going on and they informed him that Mr. A.-I. had a knife. Constable Nagle then saw a male at a distance. He appeared to be holding something but he was too far for him to see clearly. Both women refused to file a statement and the man fled.

[19] On August 2nd 2020, the police received a complaint from S.E. stating that Mr. A.-I. broke into her residence and sexually assaulted her (event number K34-200802-XXX). Following that event, the police started searching actively for Mr. A.-I. They receive multiple reports from members of the community concerning his whereabouts as he seemed to be actively evading police capture¹³. After refreshing his memory with the occurrence report that he wrote on the matter, Constable Pelletier recalls at least three specific occurrences where the police received tips from citizens but is adamant that there were more.

[20] On August 5th, 2020, the police received a report regarding Mr. A.-I.'s whereabouts but he was not caught. On August 6th, 2020, the police received yet again information regarding Mr. A.-I.'s whereabouts. Constables Pelletier and Lalancette went to verify the site but he was not there. The same day, they received a second call reporting that he was at the docks. They went to check and he was still not there either. On August 11th, 2020, the police had information that Mr. A.-I. was living on the land, near someone's cabin. He would have come back in town to get beer and did not want to turn himself in.

[21] The Tribunal understands from this factual account that the residents of Kangiqsualujjuaq, including the complainants and the police, had reasons to harbor serious concerns about Mr. A.-I. The number of occurrences, as well as the level of violence displayed towards Inuit women makes it so that Mr A.-I. could be considered a danger to his community at the time.

[22] It is also clear that Mr. A.-I. was not complying with the release conditions imposed by the Court. Whereas release is the rule and detention is the exception, it is important to emphasize that conditions imposed when granting bail aim to protect the public¹⁴. When assessing whether an accused can be released or not, the Court must consider numerous

¹¹ See Exhibit P-1.

¹² *Id.*

¹³ Testimonies of Constable Pelletier, Constable Lalancette and Constable Nagle.

¹⁴ S. 515(10)b) of the *Criminal Code*, R.S.C. 1985, c. C-46; see also: *R. c. Rondeau*, [1996] R.J.Q. 1155.

factors, such as the substantial likelihood that the accused will commit another criminal offence and that it will endanger the public¹⁵. Furthermore, in order to impose such conditions, the Court must deem them as absolutely necessary¹⁶ and not merely convenient¹⁷. The “bail conditions must be tailored to the accused”¹⁸ which is assessed according to the evidence provided at the bail hearing. Obviously, for the risk towards the safety of the complainant and/or to the society to be lowered to an acceptable level and thus managed, it implies that the accused complies with the conditions imposed by the Court. In the present case, it is obvious that the court-imposed conditions did not achieve that goal.

[23] Back to the morning of August 13th, 2020, when the tip was received concerning Mr. A.-I.’s whereabouts. As there were people detained in the cells of the police station and he was the sole officer present, Constable Lalancette initiated the informal procedure in place for those types of situations. He called back the officer who was on duty during the night shift, hence the respondent, to assist him with the arrest of Mr. A.-I. He also called the officer who was off duty, Constable Jean-François Pelletier, to come and guard the detainees at the police station.

[24] Due to the urgency to arrest Mr. A.-I. and the fact that his only task was to guard the detainees, Constable Pelletier decided to go to the police station right away without taking the time to put on his uniform and his gear. As for the respondent, his residence being closer to G. D.’s house than the police station, Constable Lalancette told him to meet him at the location. The respondent did so after putting his gear back on.

[25] Meanwhile, one of the detainees started having a seizure. Constable Lalancette called the first responders to bring him to the nursing station. When Constable Pelletier arrived at the police station, Constable Lalancette was getting in the ambulance with said detainee. At the same time, the respondent had already arrived at G. D.’s residence. He did not observe anyone outside and everything seemed calm.

[26] The respondent contends that he wanted to check whether Mr. A.-I. was on the premises or not. He knocked on the door and G. D. answered. From this point, the Tribunal notes that the evidence becomes slightly contradictory. Between the respondent knocking on the door and the door being answered, the respondent recalls receiving a message on his radio from Constable Lalancette informing him that he could not make it since a detainee was having a seizure. This is corroborated by Constable Lalancette’s testimony. On cross-examination, the respondent was asked to refresh his memory by reading his own report. He admitted to writing that Constable Lalancette told him to come back to the police station via the radio since he could not make it. Constable Nagle concedes that, if that is what he wrote, then Constable Lalancette must have said that.

¹⁵ *R. c. Rondeau*, previously cited at note 14; *R. v. Myers*, 2019 SCC 18; *R. v. Morales*, [1992] 3 S.C.R. 711; *R. v. Le*, 2006 MBCA 68.

¹⁶ *R. v. Antic*, 2017 SCC 27.

¹⁷ *R. v. Morales*, previously cited at note 15.

¹⁸ *R. v. Zora*, 2020 SCC 14.

However, this is not confirmed by Constable Lalancette's testimony as none of the parties questioned him on that matter¹⁹. The respondent also adds that he was very tired when he wrote the report.

[27] When G. D. opened the door, he did not seem surprised to see the respondent. At that moment, Constable Nagle saw Mr. A.-I. inside the residence. He was lying on the couch and appeared to be asleep. The respondent asked G. D. if Mr. A.-I. was inside, which G. D. confirmed. Constable Nagle asked for permission to enter the residence which G.D. granted. At the time, the respondent knew that Mr. A.-I. did not reside at that address and was aware that he was breaching his release conditions.

[28] The respondent decided to arrest Mr. A.-I., despite knowing that no back up was coming. According to the respondent, G. D. had a history of violence, hence the situation could become volatile. The respondent's priority was to get Mr. A.-I. out of the house as he says "this is his environment"²⁰ and he would therefore know where potential weapons were located.

[29] According to Constable Pelletier's testimony, Mr. A.-I. was considered dangerous towards his girlfriend but was not known to resist his arrest in the past. Constable Pelletier elaborated stating that it would be "probably rare that he would resist Chris"²¹ as the respondent is part of his extended family through his wife. Constable Pelletier insisted that he could not remember a moment when Mr. A.-I. would have resisted towards police officers.

[30] It is relevant to mention that, at the time, Mr. A.-I. and the respondent knew each other since around 2004, when the latter started the relationship with his wife. They would see each other in group events and would go camping, hunting, fishing and berry picking. The respondent cannot confirm exactly how many times in the past he had to deal with Mr. A.-I. as a police officer, but affirms that it was less than ten times. On those several occasions, Mr. A.-I. was mostly calm and had never resisted his arrest but would sometimes cry because he did not want to be arrested.

[31] The respondent woke up Mr. A.-I. He was calm at first. He started being verbally belligerent at the door while putting his shoes on; he was swearing in English and then started yelling in Inuktitut. The respondent did not perceive Mr. A.-I. to be aggressive at that moment but merely annoyed. It is only when they got outside that Mr. A.-I. seemed to understand the situation and started being non-collaborative. The respondent grabbed Mr. A.-I.'s left arm, which he held with both hands, and escorted him towards the police vehicle. Meanwhile, Mr. A.-I. moved a bit and voiced his discontent. They walked towards the police vehicle during which Mr. A.-I. passively resisted, as if trying to test the respondent's grip on his arm.

¹⁹ *Browne v. Dunn*, 1893 CanLII 65 (FOREP).

²⁰ Respondent's testimony.

²¹ Constable Pelletier's testimony while referring to the respondent.

[32] Mr. A.-I. did not comply when asked to place his hands on the police vehicle in order to be searched. He resisted and reached for what seemed to be a pocket. Mr. A.-I. was wearing pants, a big puffy jacket and it looked like he was sporting layers. At that moment, the respondent wondered what might be in Mr. A.-I.'s pocket. The possibility of a weapon, drugs, or else was real. Constable Nagle was alone and knew that no help was coming.

[33] The respondent was equipped with handcuffs, pepper spay, and his service weapon. He deemed that pepper spray was not an option as it was windy and thus it would not be efficient. Moreover, the respondent risked contaminating himself. He was also not in a position to handcuff Mr. A.-I. Even if he had been able to, it does not change the fact that Mr. A.-I. was actively resisting his arrest at that moment and that Constable Nagle was alone. The respondent contemplated his options; if he decided to back away from Mr. A.-I., he would have two alternatives: let him go or use his firearm. Constable Nagle did not wish to escalate the situation which could lead to the use of lethal force. On the other hand, the danger presented by Mr. A.-I. for the community was high and Constable Nagle could not bring himself to let him go.

[34] The respondent decided that the best option, in the circumstances, was confinement. As such, he shoved Mr. A.-I. in the back of the police vehicle. Since there was a separation between the front and the back seat inside the vehicle, he would be protected during transport, which would be short as the community of Kangiqsualujjuaq is quite small²². The respondent planned to enlist the help of Constable Pelletier at the police station in order to search Mr. A.-I.

[35] Whilst in the police vehicle, the respondent informed Mr. A.-I. of his rights, which he understood. Meanwhile, Mr. A.-I. lighted a cigarette while in the backseat of the vehicle. The respondent did not see him do so but now knew that Mr. A.-I. had either a lighter or matches on him. Constable Nagle decided not to intervene at this time as it allowed him to, at the very least, have a visual on one of his hands. Moreover, Mr. A.-I. was calmer and Constable Nagle saw this as a de-escalation measure.

[36] They made their way towards the police station, which was only a few minutes away. When they arrived, the ambulance was still there. As such, they had to park on the side of the building to leave room for the first responders. Since they could not enter inside the police station until the first responders left, the respondent offered a second cigarette to Mr. A.-I. to ensure that he remained calm during the delay.

[37] When Constable Pelletier arrived at the respondent's police vehicle, Constable Nagle realized that his colleague was not wearing his uniform nor his protective gear. As such, he could only offer limited assistance in escorting Mr. A.-I. inside the station. The respondent told Constable Pelletier to place himself behind the police vehicle door that would be opened for Mr. A.-I. to exit. At that moment, Mr. A.-I. was still calm. He was

²² See Exhibit C-3 (MAP Kangiqsualujjuaq).

ordered to step out of the vehicle and complied without assistance. While exiting the vehicle, Mr. A.-I. showed both of his hands to the respondent.

[38] Meanwhile, the respondent kept his right hand on the vehicle's door to block the way and to ensure Constable Pelletier's protection, who was now shielded by the open door. Right away when the respondent told Mr. A.-I. that he would be searched, the latter reached for what seemed to be a pocket with his right hand and pulled out a knife. The respondent attempted to grab the knife with his right hand, but failed. He shoved away Mr. A.-I. with his left hand and pushed back Constable Pelletier with his right hand. The respondent backed away and ordered Mr. A.-I. to drop the knife. While he was about to draw his service weapon, Mr. A.-I. stabbed himself in the neck.

[39] The respondent then used his left hand to disarm Mr. A.-I. While doing so, he lost his glove. He then brought Mr. A.-I. to the ground and used the puffy jacket to apply pressure to the wound. The respondent asked Constable Pelletier to go get something to stop the bleeding and to grab the knife. Constable Nagle used his radio to communicate with Constable Lalancette for the first responders to come back immediately.

[40] The first responders came back to the police station and took over with Mr. A.-I. The respondent accompanied him in the ambulance. At the hospital, a frisk search was conducted on his person as well as his belongings. Considering the impending inquiry that would be opened following the events by the BEI, the respondent needed to go back to the station to write his report as soon as possible. As such, Constable Lalancette was allowed by his supervisor to remain alone at the hospital with both detainees: Mr. A.-I. and the other detainee who was previously brought in due to having seizures.

III. ISSUES IN DISPUTE

[41] The Tribunal must rule on the following issues:

1. Was Constable Nagle negligent or careless by deciding to arrest Mr. A.-I. on August 13th, 2020? If so, did Constable Nagle commit a derogatory act by acting in such manner?
2. Was Constable Nagle justified to detain Mr. A.-I. in the police vehicle without conducting a proper search beforehand? Did Constable Nagle commit a derogatory act by acting in such manner?
3. Did Constable Nagle take sufficient precautions for Mr. A.-I. to exit the police vehicle safely in order to be brought inside the police station? Did Constable Nagle commit a derogatory act by acting in such manner?

IV. ANALYSIS

[42] As previously mentioned, the Tribunal had the benefit of hearing three witnesses. Both parties also adduced documentary evidence.

IV(i) DOCUMENTARY EVIDENCE

[43] At the hearing, respondent's counsel raised an issue with the probative value of the photos taken of G. D.'s house tendered by the Commissaire. The Tribunal shares the same concerns.

[44] Indeed, the photos are outdated (they were taken in 2015)²³. While Constable Pelletier could confirm that the location of the different houses seen on them was the same, he was not in a position to confirm if there were changes between the time they were taken and day of the events in 2020. Moreover, he was not present at G. D.'s house when Mr. A.-I. was apprehended. Whereas the respondent could confirm that the layout was similar at the time of the events, they do not actually display the location and its actual surroundings at that time. Thus, they are of little probative value and can only help the Tribunal form a general idea of the location.

[45] Regarding Constable Pelletier's drawing²⁴, after further inquiry, the Tribunal pointed out that it had been obtained by the BEI contrary to officer's constitutional rights. Indeed, Cst Pelletier was detained at the time and he was not informed of his rights²⁵. Nevertheless, after a warning from the Tribunal and the opportunity to consult with legal counsel, Constable Pelletier waived to invoke his constitutional rights to that matter and accepted the drawing to be used in the present matter.

[46] Although the map of Kangiqsualujjuaq is dated from 2025²⁶, the testimonies of Constable Pelletier and the respondent confirm that it is consistent with their recollection of the town's layout at the time of the events.

[47] The photos of the scene at the police station show to the Tribunal the layout outside of the police station²⁷ and complete the testimonies. The photos were taken contemporaneously at the time of the events.

²³ See Exhibit C-2.

²⁴ See Exhibit C-4.

²⁵ *Procureur général du Québec c. Fédération des policiers et policières municipaux du Québec*, 2024 QCCA 537.

²⁶ See Exhibit C-3.

²⁷ See Exhibit C-5.

IV (ii) CREDIBILITY AND RELIABILITY OF THE TESTIMONIES

[48] Credibility refers to the person and their personal characteristics—such as their honesty and integrity—which can be manifested in their behavior or in the way they answer questions²⁸. It is linked to the sincerity of the testimony and the veracity of the statements made. In other words, credibility refers to a person's willingness to report the facts truthfully, honestly, and correctly.

[49] Reliability refers to the accuracy or truthfulness of a the evidence. Relating to a testimony, it alludes to a person's ability to use their memory and to recount the facts with sufficient detail and precision. A witness may therefore honestly believe that their account is true when it is not, simply because they are mistaken²⁹, due in particular to the passage of time, confusion with another event, nervousness during the testimony or other factors.

[50] The differences in the versions of facts between the three testimonies are minimal and do not concern the core of the issues at bar. The Tribunal is of the opinion that all three witnesses testified candidly and to the best of their recollection. It is true that the testimonies of Constable Lalancette and Constable Pelletier presented some gaps and, when requested, precisions were lacking. Both of them admitted not remembering specific details, notably due to the passage of time. However, the Tribunal considers that their recollection of the events is generally good and they were able to provide relevant information on the essential elements. Moreover, their admission when their memory failed enhance their credibility.

[51] The respondent's version of facts was detailed and straight to the point. The respondent did not try to embellish the facts. When he could not remember a detail, he said so.

[52] Aside from correcting himself once³⁰, he was in no way shaken in cross-examination. Nevertheless, the correction provided does not impact his credibility as it concerns merely one element that is not a determining factor in the present case. Indeed, as Constable Lalancette was not his superior, nor the officer in charge. The respondent, having more experience as a police officer, was entitled to use his own judgment and to decide accordingly. The Tribunal is also of the opinion that, when the respondent was refreshing his memory by reading his report, he seemed utterly confused that he wrote that Constable Lalancette told him to come back to the police station. The explanations provided regarding his state of fatigue at the time that he wrote his report (after a full night shift, being called back and intervening in a traumatic situation, without any break or possibility to sleep), leads the Tribunal to conclude that is it also possible that a mistake occurred in the police report. Moreover, the element subject to the correction is not confirmed by the testimony of Constable Lalancette and he was not questioned regarding

²⁸ *R. c. Rozon*, 2020 QCCQ 8498.

²⁹ François DOYON, « L'évaluation de la crédibilité des témoins », (1999) 4 Rev. Can. D.P., p. 331.

³⁰ See paragraph 26 of the present decision.

that matter³¹. Still, the Tribunal considers that this correction is inconsequential and deems the contradiction to be of low probative value. As for the remainder of his testimony, his version is corroborated by the versions of facts of Constables Pelletier and Lalancette. The documentary evidence also corroborates Constable Nagle's testimony.

[53] Overall, the reliability and credibility of the witnesses' testimonies, presented by both the Commissaire and the respondent are not shaken. The Tribunal is of the opinion that their testimonies are to be considered plausible and preponderant. Therefore, the Tribunal retains all three testimonies.

IV (iii) DEROGATORY ACT: APPLICABLE LAW AND PRINCIPLES

[54] The parties agree that the applicable burden is the balance of probabilities. The onus is on the Commissaire to meet such burden regarding all the elements that must be proven³². As such, under section 10 of the Code, those elements are:

- A. The fact that the police officer was in the performance of his duties and in relation with the public at the time of the events³³;
- B. Whether Mr. A.-I. was detained³⁴ and if, so, at which moment;
- C. Whether the police officer displayed negligence or lack of concern (carelessness) regarding the health or safety of Mr. A.-I. whilst in custody³⁵;
- D. That the negligence or lack of concern put the health and/or the safety of Mr. A.-I. at risk³⁶.

A. Was the respondent in the course of his duties at the time of the events and in relation with the public?

[55] Whether the respondent was in the course of his duties is deemed proven through the admissions of the parties, concerning the three issues in dispute.

[56] According to the evidence adduced, the Tribunal considers that the respondent was in relation with the public throughout his intervention that day by intervening towards Mr. A.-I. as well as G. D. Neither party contested that finding at the hearing.

³¹ *Browne v. Dunn*, previously cited at note 19.

³² *Code of ethics of Québec police officers*, CQLR, c. P-13.1, r. 1, s. 1.

³³ *Id.*

³⁴ *Commissaire à la déontologie policière c. Demers*, 2006 CanLII 81651 (QC TADP), reversed in part by 2008 QCCQ 7415.

³⁵ *Commissaire à la déontologie policière c. Joubert*, 2024 QCTADP 33; *Chouinard c. Hillinger*, 2024 QCCQ 4260.

³⁶ *Commissaire à la déontologie policière c. Leblanc*, 2009 CanLII 17383 (QC TADP), par. 39.

B. Was Mr. A.-I. detained? If so, at what moment did the detention occur?

[57] Section 10 par. 2, sub. (2) of the Code applies to a person placed under police custody. In the case at bar, given the factual matrix, police custody started once Mr. A.-I. was detained. Assessing the moment when Mr. A.-I.'s detention occurred is necessary to rule on the issues in dispute; most specifically, as the Commissaire contends, whether the respondent's thought process that lead to the decision to place Mr. A.-I. under arrest is subject to the application of section 10(2) of the Code, which is contested by the respondent.

[58] For the reasons elaborated below, the Tribunal concludes that Mr. A.-I. was detained once the respondent woke him up at G. D.'s residence.

[59] The Tribunal must refer to the analysis of the Supreme Court of Canada in *Grant*³⁷ in order to determine if Mr. A.-I. was detained and when. The Court states:

"To determine whether the reasonable person in the individual's circumstances would conclude that he or she had been deprived by the state of the liberty of choice, the court may consider, *inter alia*, the following factors:

(a) The circumstances giving rise to the encounter as they would reasonably be perceived by the individual: whether the police were providing general assistance; maintaining general order; making general inquiries regarding a particular occurrence; or, singling out the individual for focussed investigation.

(b) The nature of the police conduct, including the language used; the use of physical contact; the place where the interaction occurred; the presence of others; and the duration of the encounter.

(c) The particular characteristics or circumstances of the individual where relevant, including age; physical stature; minority status; level of sophistication"³⁸.

[60] As such, in the present case, it is clear that Mr. A.-I. was detained. The question is, when is the the starting point of his detention? The Tribunal understands from the circumstances that the respondent was singling out Mr. A.-I. in the course of his intervention³⁹. Moreover, starting from the moment the police received the tip on Mr. A.-I.'s whereabouts, the goal was clear: the officers would go to G. D.'s residence to apprehend Mr. A.-I. It is with this mindset and ultimate objective that Constable Nagle knocked on the door.

[61] At first, Mr. A.-I. was asleep or appeared to be. He was woken up by the respondent, who testified that he aimed to get him outside of the residence as quickly as

³⁷ *R. v. Grant*, 2009 SCC 32.

³⁸ *Id.*, par. 44. See also par. 32, 43 and 45-52.

³⁹ *Id.*, par. 49.

possible. The evidence is not clear whether specific orders were given to him or whether the respondent used physical constraint on Mr. A.-I. whilst inside the residence. However, the respondent testified that he “brought him outside”⁴⁰. Also, from the moment that he saw Mr. A.-I. through the threshold of G. D.’s residence, the Tribunal understands that the respondent did not intend to let Mr. A.-I. get away.

[62] According to Constable Nagle, Mr. A.-I. seemed only to understand what was going on once outside of the residence. At that moment, the respondent was physically restraining Mr. A.-I., as he had “a hold”⁴¹ on him. As previously mentioned, Mr. A.-I. did not wish to participate in the hearing of the present matter. Thus, the Tribunal does not have the benefit of hearing his testimony on his perception of the events. However, it stems from the evidence that Mr. A.-I. was previously arrested several times prior to the events of August 13th, 2020. As such, the Tribunal is entitled to conclude that he had or should have had a certain familiarity with the arrest procedure at the time.

[63] The absence of the subjective perception of the suspect, albeit a relevant factor, does not preclude the application of the test, which is an objective one⁴².

[64] The case law is clear that a specific act or gesture can, in itself, be sufficient to indicate detention. However, the consideration of the entire context may also lead to the conclusion that an individual is detained⁴³.

[65] When assessing the actions of the police officers and the context, the Tribunal must look at two possible types of constraint; physical and psychological. The physical constraint is quite straightforward. In the present case, there is no question that the respondent was exercising physical constraint on Mr. A.-I. outside of the residence and that, as such, he was detained at that time. However, it does not mean that that was the start of the detention.

[66] The Supreme Court finds that:

“psychological constraint amounting to detention has been recognized in two situations. The first is where the subject is legally required to comply with a direction or demand, as in the case of a roadside breath sample for example. The second is where there is no legal obligation to comply with a restrictive or coercive demand, but a reasonable person in the subject’s position would feel so obligated.”⁴⁴

[67] In the present case, the sequence unfolded quickly from the door being opened by G.D., the moment that the respondent saw Mr A.-I., when he woke him up and the

⁴⁰ Testimony of the respondent.

⁴¹ Testimony of the respondent.

⁴² *R. v. Grant*, previously cited at note 37, par. 50.

⁴³ *Id.*, par. 48.

⁴⁴ *Id.*, par. 30.

moment he was rushed out of the residence. The evidence demonstrates an urgency or, at the very least, a promptness, imposed by Constable Nagle during this interlude.

[68] Before being allowed inside the residence, the respondent cannot detain Mr. A.-I. as there is no physical nor psychological control. However, when he is permitted to enter the premises, the respondent could begin to exercise control. As previously mentioned, it is unclear whether specific orders were given or not to Mr. A.-I. inside the residence. However, a contextual analysis leads to the conclusion that Mr. A.-I. seemed to have very little choice in the matter from the moment that he woke up or pretended to do so. The Tribunal is of the opinion that the respondent had reasonable grounds to arrest Mr. A.-I. at that moment. Said grounds will be analyzed in the next section. Moreover, the Tribunal finds that, in light of the context, a reasonable person placed in similar circumstances would conclude that they were not free in their actions. Thus, Mr. A.-I. was indeed detained from the moment that he was woken up by the respondent.

C. The appreciation of negligence or lacking concern for the health and safety (carelessness)

[69] In *Leblanc*⁴⁵, it is stated that the ordinary meaning of the words "negligence" and "carelessness"⁴⁶ must apply⁴⁷. In *Joubert*⁴⁸, the Tribunal stated:

“[68] La Commissaire reproche à l’agent Joubert d’avoir été négligent ou insouciant à l’égard de la santé ou de la sécurité d’une personne détenue. Il s’agit d’une norme de conduite prévue à l’article 10 du Code qui énonce le devoir général incombant à chaque policier de respecter les droits de toute personne placée sous sa garde.

[69] La jurisprudence a depuis longtemps établi que c’est le sens ordinaire des mots « négligence » et « insouciance » qui doit s’appliquer dans l’analyse d’un reproche sous cet article. Le critère à examiner est celui du policier normalement prudent et prévoyant placé dans les mêmes circonstances. Un policier est négligent quand son esprit ne s’applique pas à ce qu’il fait ou devrait faire ou quand il manque de précaution, de prudence ou de vigilance. Il est insouciant quand il ne se soucie pas de quelque chose, qu’il est indifférent ou qu’il ne se préoccupe de rien.” [footnotes omitted]

[70] Although this analysis brings relevant guidance, the two concepts are frequently confused with each other and are sometimes intertwined.

⁴⁵ *Commissaire à la déontologie policière c. Leblanc*, previously cited at note 36.

⁴⁶ The Tribunal considers the terms “carelessness” and “lack of concern” as being synonyms. The word “insouciance” is used in the French version of the Code which, in the ordinary meaning of words, translates to carelessness.

⁴⁷ *Québec (Commissaire à la déontologie policière) c. Roy*, 2004 CanLII 32134 (QC CS), affirmed by 2006 QCCA 594, 2006 QCCA 595 and 2006 QCCA 596. See also: *Commissaire à la déontologie policière c. Leblanc*, previously cited at note 36, par. 26.

⁴⁸ *Commissaire à la déontologie policière c. Joubert*, previously cited at note 34; *Chouinard c. Hillinger*, previously cited at note 35.

[71] In *Sansregret v. The Queen*⁴⁹, the Supreme Court differentiated the concepts of negligence and recklessness in the following manner:

“The concept of recklessness as a basis for criminal liability has been the subject of much discussion. Negligence, the failure to take reasonable care, is a creature of the civil law and is not generally a concept having a place in determining criminal liability. Nevertheless, it is frequently confused with recklessness in the criminal sense and care should be taken to separate the two concepts. **Negligence is tested by the objective standard of the reasonable man. A departure from his accustomed sober behaviour by an act or omission which reveals less than reasonable care** will involve liability at civil law but forms no basis for the imposition of criminal penalties. In accordance with well-established principles for the determination of criminal liability, **recklessness, to form a part of the criminal mens rea, must have an element of the subjective. It is found in the attitude of one who, aware that there is danger that his conduct could bring about the result prohibited by the criminal law, nevertheless persists, despite the risk. It is, in other words, the conduct of one who sees the risk and who takes the chance.** It is in this sense that the term ‘recklessness’ is used in the criminal law and it is clearly distinct from the concept of civil negligence.” [Tribunal's emphasis]

[72] Although *Sansregret* deals with criminal matters, the Tribunal may enrich its own interpretation with the teachings of the Supreme Court with the necessary adaptations to police ethics matters.

[73] That is to say that the analysis whether negligence occurred is a purely objective test. A police officer whose actions depart from the standard of reasonable care will demonstrate negligence. As for carelessness, an additional element of knowledge or presumed knowledge towards the risk is required. Then, the police officer must persist in his/her action(s) and ignore said risk. Whether a risk is present or not is an objective assessment: would a normally prudent and diligent police officer placed in the same circumstances perceive it⁵⁰?

[74] Said interpretation is in accordance with the jurisprudence of the Tribunal, which requires that the Commissaire demonstrate objective factors rendering a situation as potentially dangerous in order to establish either negligence or carelessness⁵¹. At all times, the Tribunal must examine the conduct of the officer in comparison with that of normally prudent and diligent police officer placed in the same circumstances⁵².

[75] A simple mistake or lapse in conduct is not necessarily considered a breach of professional ethics, and the latter must be distinguished from a technical error that may

⁴⁹ *Sansregret v. The Queen*, [1985] 1 S.C.R. 570, par. 16.

⁵⁰ *Commissaire à la déontologie policière c. Joubert*, previously cited at note 35.

⁵¹ *Commissaire à la déontologie policière c. Leblanc*, previously cited at note 36, par. 39.

⁵² *Commissaire à la déontologie policière c. Arruda*, 2003 CanLII 57297 (QC TADP), affirmed in part by C.Q. Montréal, n° 500-80-001410-035, July 8, 2004, j. Pisonnault.

give rise to civil liability. A breach of professional ethics is a behavior that deviates markedly from the norm or demonstrates gross incompetence on the part of the police officer⁵³.

[76] The Commissaire invites the Tribunal to consider the context of mistrust between Indigenous communities, and most specifically Inuit people⁵⁴, and the police forces. The Commissaire also bids the Tribunal to include the Indigenous people's inherent vulnerability⁵⁵ in its analysis whether negligence or carelessness occurred. The Commissaire contends that, as part of its discretion when assessing whether or not a derogatory act under section 10 of the Code was committed, the Tribunal should consider "the notion that police officers working in the North must take every precaution and all means necessary to foster and preserve what fragile bond of trust currently exists between the community and police forces – a bond without which maintaining public security would be seriously jeopardised"⁵⁶.

[77] The Commissaire invites the Tribunal to consider the impact of the respondent's actions on the trust relationship between the Inuit community and the police force in its analysis⁵⁷. Henceforth, a prudent and diligent police officer working in the northern communities "would be aware of the historical relationship between the police and the community"⁵⁸ and, as such, would be particularly careful to ensure the safety of anyone under their custody as a display demonstrating that the police ought to be trusted with the safety of the citizens they serve whether they are a detainee or any other member of the community⁵⁹.

[78] The respondent admits that a police officer has a duty to protect that applies to the person who is detained⁶⁰. As rightly pointed out by counsel for the respondent in their additional written submissions, said duty also applies to the community as a whole by ensuring that victims are protected from their aggressors⁶¹.

[79] The Tribunal does not consider necessary to add on to the existing applicable standard. The criteria of the prudent and diligent police officer *placed in the same circumstances* is sufficient to assess whether there is negligence or lack of concern for the safety of a person in police custody whether in indigenous context or not. Said criteria

⁵³ *Commissaire à la déontologie policière c. Simard*, 2022 QCCDP 39.

⁵⁴ *Commissaire à la déontologie policière c. Bernier*, 2025 QCTADP 48, par. 69; *Commissaire à la déontologie policière c. Levac*, 2025 QCTADP 54, par. 50-52.

⁵⁵ *Commissaire à la déontologie policière c. Levac*, previously cited at note 54, par. 50.

⁵⁶ Additional written submissions of the Commissaire on the merits, dated April 30th, 2026.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*, referring to the *Final Report of the Honorable Jean-Jacques Croteau, Retired Judge of the Superior Court Regarding the Allegations Concerning the Slaughter of Inuit Sled Dogs in Nunavik (1950 – 1970)*, March 3, 2010, p. 109.

⁶¹ Additional written submissions of the respondent submitted on April 30th, 2026.

already require that the alleged derogatory act be appreciated *in abstracto*⁶². Finally, the Tribunal must discard that specific argument at the stage of the merit as the respondent is not cited under section 5 of the Code.

D. The causal link between the negligence or recklessness and the risk for the health and/or safety

[80] The Tribunal considers that the causal link between the negligence or carelessness displayed by the conduct of the police officer and the risk to the health and/or safety of the person who is under their custody must bear a sufficient connexion and must not be trivial⁶³.

IV (iv) ANALYSIS OF THE ISSUES IN DISPUTE

1. Was Constable Nagle negligent or reckless by deciding to arrest Mr. A.-I. on August 13th, 2020?

[81] Counsel for the Commissaire contends that Constable Nagle was negligent or careless by arresting Mr. A.-I. knowing that no back up was available. The gist of argument is that the decision-making process leading to the arrest in such circumstances was, in itself, negligent or careless.

[82] Counsel for respondent replies that section 10, par. 2, sub. (2) of the Code does not apply at this stage of the intervention, as Mr. A.-I. was not in police custody at the time. As such, the decision-making process to place him under arrest is not within the purview of section 10 par. 2, sub. (2) of the Code nor by the citation, as both allude to a person in police custody.

[83] For the following reasons, the Tribunal concludes that section 10, par. 2, sub. (2) does not apply to the respondent's decision-making process to arrest Mr. A.-I.

[84] The Tribunal must recall that one does not need to be under arrest in order to be detained. As such, section 10, par. 2, sub. (2) of the Code could apply before, during or after the arrest depending on the situation. The analysis must be done on a case-by-case basis. To answer this issue in dispute, the Tribunal must determine when the respondent decided to place Mr. A.-I. under arrest versus the start of his detention. Consequently, it is necessary to analyse this sequence of the events more thoroughly.

[85] The evidence shows that the police received a tip about Mr. A.-I.'s location. It is understood from the get-go that the intent was to bring him into custody and to arrest him.

⁶² *Stante c. Simard*, 2013 QCCA 2074, par. 90 (application for leave to appeal dismissed, S.C.C., 2014-04-17, 35710).

⁶³ *Chouinard c. Hillinger*, previously cited at note 35, par. 23-25 referring to par. 54-56 of the decision on the merits.

The police was aware that Mr. A.-I. had been committing criminal offences and breaching his release conditions for several weeks. However, the officers were previously given information about Mr. A.-I.'s whereabouts and could not find him. On August 13th, 2020, the information came from a third-party who was not the resident of the home where Mr. A.-I. was supposed to be. As such, the police officers had to confirm that Mr. A.-I. was actually at that location before making any decision.

[86] The respondent did so when G. D. opened the door and he saw Mr. A.-I. on the couch. It is only then that the decision to place Mr. A.-I. under arrest could be made. The testimony of the respondent corroborates it.

[87] When the respondent decided to place Mr. A.-I. under arrest, the latter was not detained⁶⁴. As the police officer is entitled to full answer and defence, the charge must be sufficiently precise to enable him to do so. Considering that the citation bears the wording "who was placed in his custody", Mr. A.-I.'s detention is an essential element that must be proven. This is not the case at the stage of the respondent's decision-making process to place Mr. A.-I. under arrest.

[88] Furthermore, an ethical misconduct concerns an action, a behavior, a saying or a gesture made by the police officer. It can also concern the failure to act or to intervene. However, one cannot attribute an ethical misconduct to a police officer simply for thinking or reflecting. As such, at this stage, the only possible ethical misconduct in the present case would be to detain or to arrest Mr. A.-I. Section 10 of the Code cannot apply at the stage of the initial decision-making to arrest Mr. A.-I., thus the Tribunal dismisses the count in this regard.

[89] The Tribunal considers that the conduct of the police officer must be analysed on a continuum. Whereas the respondent decided to apprehend, detain and arrest Mr. A.-I. when he was still outside of G. D.'s residence, he persisted in executing his plan as the conditions change. As such, the analysis must continue.

The urgency to arrest and detain Mr. A.-I.

[90] The Commissaire submits that ensuring Mr. A.-I.'s safety in the circumstances must have priority over the urgency to arrest and detain him. The respondent begs to differ.

[91] The Tribunal is convinced that, under section 495 (1) a) and b) of the *Criminal Code*, the respondent had reasonable grounds to arrest Mr. A.-I. on August 13th, 2020. By being at G. D.'s residence, he breached the release conditions imposed by the Court⁶⁵. The respondent witnessed a criminal offence being committed before him.

⁶⁴ See paragraph 68 of the present decision.

⁶⁵ See Exhibits P-1 and P-2.

[92] The Tribunal agrees with the respondent that there was an urgency to arrest Mr. A.-I. on August 13th, 2020. This was a situation where an individual was charged with extremely serious accusations (attempted murder, amongst others), while using a firearm, in a conjugal matter and where said individual repeatedly breached the conditions imposed by the Court, which aimed to protect a vulnerable complainant⁶⁶. Also, in the course of the summer, although there was no formal complaint, the same complainant and a female friend were apparently threatened by Mr. A.-I., who had a knife.

[93] But that is not all. Mr. A.-I. was also suspected of other serious criminal offences, such as breaking and entering in a dwelling house coupled with sexual assault that apparently occurred on August 2nd, 2020, on a seemingly random female complainant⁶⁷, S.E., who was also a vulnerable victim⁶⁸. It appears from the evidence that both complainants were still in the community of Kangiqsualujjuaq on August 13th, 2020. All of the above in a context where Mr. A.-I. was actively evading the police search.

[94] The Tribunal cannot stress enough on how worrisome that situation is. The actions displayed by Mr. A.-I. demonstrated violent tendencies towards women, a propensity to use weapons towards them and a complete disregard of Court imposed conditions. In these circumstances, the Tribunal considers that his behavior put his girlfriend's safety at great risk as well as the safety of bystanders during that time. The Tribunal is utterly convinced that, at the time, the only way to protect those complainants as well as the community of Kangiqsualujjuaq from Mr. A.-I. was to arrest and detain him.

[95] The respondent testified that, being alone, he could not cover all the points of entry at G. D.'s residence, rendering the possibility of Mr. A.-I.'s escape a reality. All of the police officers in the community had been searching for him for almost two weeks. Considering the aforementioned information and knowing that no imminent back up was coming, the respondent made a judgment call.

[96] Constable Nagle was, at the time, an experienced police officer. He had a personal relationship with Mr. A.-I., albeit not a close one. Mr. A.-I. was not known to resist his arrest and, more specifically, he had never previously resisted his arrest when it was performed by the respondent. Considering these factors, the respondent decided to proceed and devised a quick plan to ensure his safety, as well as the safety of G. D. and Mr. A.-I. Up until the moment they exited the residence, the intervention seemed to go as expected.

[97] The respondent admits being very tired at the time; he had been working all night for more than twelve hours without a colleague taking over for him. The Commissaire

⁶⁶ See ss. 515(10)b), 718.04 and 718.201 of the *Criminal Code*. See also: *Commissaire à la déontologie policière c. Boivin*, 2025 QCTADP 56.

⁶⁷ The Tribunal refers to the police report in event K34-200802-XXX mentioned by Constable Pelletier in his testimony for which the complainant made a formal statement regarding the events.

⁶⁸ See s. 718.04 of the *Criminal Code*. See also: *Commissaire à la déontologie policière c. Boivin*, previously cited at note 66.

argues that his judgment might have been impaired. That may have been the case. Perhaps the respondent would have made a different call had he been at the beginning of his shift. Perhaps not. The real question here is whether his state of fatigue impaired his judgment to the point that he became negligent or careless. The Tribunal has no indication in the evidence adduced to draw such conclusion.

[98] Was arresting Mr. A.-I. that way the best plan? Was it a textbook approach? Maybe not. The respondent was juggling with the urgency of the situation, the lack of back up which was partly caused by short-staffing at the time but also an unexpected situation where a detainee went into a seizure at the very same moment when the police officers were set to go apprehend Mr. A.-I. Consequently, the respondent assessed the situation and the surroundings and devised a course of action as to minimize risks for everybody concerned with the knowledge that he had. The Tribunal must remind that there are no police interventions without risk. Such course of action, in the circumstances, was not farfetched and does not constitute a marked departure from that of a reasonable police officer placed in the same situation, who could have certainly chosen to proceed that way. As such, the Tribunal finds that there was no negligence in arresting Mr. A.-I. in the manner chosen by the respondent, in light of all the circumstances.

[99] The Tribunal is also convinced that the respondent was not careless either in his conduct at that stage. The respondent did not ignore or downplay the risk, he acted as to lower it as much as possible given the situation. Was there another way? Short of letting Mr. A.-I. go and placing the whole community at risk, the Tribunal does not see any. Consequently, there is no need to pursue the analysis at this stage of the respondent's intervention.

2. Was Constable Nagle justified to detain Mr. A.-I. in the police vehicle without conducting a proper search? Did Constable Nagle commit a derogatory act by acting in such manner?

[100] As the events unfolded, the circumstances changed. Once they were outside, Mr. A.-I. started resisting, first passively, then actively when he reached for his pocket as the respondent attempted to search him. At the time, the respondent did not know what Mr. A.-I. was reaching for. In his testimony, he admits that it could basically have been anything: a weapon, alcohol, drugs, etc. Considering this shift, the respondent had to reassess his intervention.

[101] Seeing the equipment at his disposal, the respondent had limited options. The first one was to use his pepper spray. However, the weather conditions did not allow for such use without putting himself at risk of contamination. Moreover, there was a high probability that it would not be effective due to the wind blowing away the spray and failing to reach its target. That entailed a strong possibility that Mr. A.-I. might escape as the respondent would not be able to contain him with that apparatus.

[102] The second option was to back away and to draw his service weapon. However, any use of his service weapon could result in the use of lethal force. Not wanting to go that far, the respondent decided against it.

[103] The third option was to detain Mr. A.-I. in the police vehicle. As there was a separation between the front and the back seats, Constable Nagle's safety would not be at risk. However, Mr. A.-I. would be in the back section of the vehicle's interior and he would not have been searched.

[104] The fourth option was to let Mr. A.-I. go. This option was discarded by the respondent due to his concern for the community's safety.

[105] The Tribunal cannot say that the respondent was negligent at this stage. In fact, by thoroughly assessing the situation, he exercised reasonable care. He considered the different options that were offered to him and the consequences that they entailed, both to Mr. A.-I. and to himself. He deemed some options too dangerous, either for Mr. A.-I. (option 2 – backing away and drawing his service weapon) or for himself (option 1 – using pepper spray). Considering that Mr. A.-I. represented a serious danger for the complainants, I.M.A. and S.E., but also for the community in general, option 4 (simply letting him go) was not deemed suitable either. Following this rational assessment, the respondent concluded that he ought to continue the intervention.

[106] At that stage of the intervention, the Tribunal cannot conclude that the respondent was careless in his actions either. Whereas the respondent weighed the situation, acknowledged and assessed the risk of his intervention, this must be analyzed with the underlying motives and context. For all the reasons expressed above⁶⁹, the respondent had serious concerns about the safety of the public and the complainants. As such, he stated more than once during the hearing: "I could not let this guy get away"⁷⁰. When questioned whether he was aware of any KRPF internal directive regarding arrests and searches⁷¹, he mentioned: "if I could have searched him, I would have"⁷².

[107] As demonstrated during the hearing, the decision to search a suspect or not falls under a police officer's discretion⁷³. The KRPF's directives are not constraints but merely guidelines⁷⁴. It is up to the police officer to assess the intervention and to decide accordingly whether or not to conduct a search. The respondent was clear; he wanted to search Mr. A.-I., however he was not in a position to do so. The Tribunal was not provided with any evidence stating that a search was mandatory upon the arrest of a suspect.

⁶⁹ See paragraphs 14 to 22 and 91 to 94 of the present decision.

⁷⁰ Respondent's testimony.

⁷¹ See Exhibit C-1 (KRPF's Internal directives; arrests and search).

⁷² Respondent's testimony.

⁷³ Respondent's testimony; testimony of Constable Lalancette; testimony of Constable Pelletier.

⁷⁴ See Exhibit C-1 (KRPF's Internal directives; arrests and search) and Respondent's testimony; testimony of Constable Lalancette; testimony of Constable Pelletier.

[108] According to the Commissaire's reasoning, the fact that it was impossible to conduct a search of Mr. A.-I. should have automatically led to the termination of the intervention. The Tribunal takes issue with that reasoning, as letting Mr. A.-I. go would have put the community at great risk. The Tribunal must recall that police officers are there to make sure that the law is upheld. Said law, especially in criminal matters, is adopted by the legislator to protect the population.

[109] It is relevant to point out that Mr. A.-I. was the one who was resisting. Mr. A.-I. was the one who did not want to be searched. Those actions are not controlled by the police officer and were not expected by the respondent. The Tribunal is not implying that the outcome of the event was Mr. A.-I.'s fault, but merely that he was the reason behind delaying the search.

[110] The Commissaire attempted to tender evidence that Mr. A.-I. displayed suicidal ideations several weeks before the events. Counsel for the respondent objected to the relevance of said evidence which is also hearsay. The Tribunal is of the view that a person's mental state is fluctuant and that suicidal ideations several weeks prior is not an indication of the state of mind of Mr. A.-I. at the time of the event. Moreover, the evidence demonstrates that the respondent did not have specific knowledge, at the time, of any suicidal ideations occurring in the previous weeks, as he did not intervene regarding Mr. A.-I. on those particular occasions. The respondent also had no indication that Mr. A.-I. was suicidal on August 13th, 2020. Thus, the Tribunal does not retain this argument.

[111] There is no magical formula that provides the right answer. No matter how many procedures, guidelines or directives are enacted, each intervention is fact specific. The police officer must weigh all of the elements present and make a decision. In this specific case, the respondent had to weigh the risk for the safety of the complainants, the public and his own against the risk towards Mr. A.-I. As such, the respondent chose to detain Mr. A.-I. in the police vehicle in order to limit the general risk but also towards Mr. A.-I.

[112] The Tribunal must assess the behaviour of the respondent against the standard of a prudent and diligent police officer placed in the same circumstances:

“...en l'absence d'une norme spécifique, le Comité est d'avis que pour évaluer la gravité de la négligence ou de l'insouciance du policier, il faut alors évaluer sa conduite par rapport au standard classique d'un policier prudent et prévoyant placé dans les mêmes circonstances”⁷⁵.

[113] When questioned about the option to let Mr. A.-I. go, the respondent said: “in my mind, I cannot let this guy get away, because I don't know what he'll do next”⁷⁶. Would a prudent and diligent police officer have found other possible ways to handle the situation? The Tribunal does not believe so. The respondent demonstrated to the Tribunal that he

⁷⁵ *Commissaire à la déontologie policière c. Guay*, 1992 CanLII 13588 (QC TADP). See also: *Chouinard c. Hillinger*, previously cited at note 35, par. 24 and 25.

⁷⁶ Testimony of the respondent.

acted as a prudent and diligent police officer in his analysis of the diverse parameters of the situation he was in.

[114] Furthermore, counsel for the respondent submits that those actions are a demonstration that the officer sought to prioritize dialogue, flexibility and other means over rigidity and brute force⁷⁷. Counsel underlines that this is particularly relevant regarding the history of use of force by police forces in the northern communities⁷⁸.

[115] The Tribunal completely agrees. In acting in such a manner, the respondent demonstrated diligence, cautiousness and consideration. The Tribunal highlights that the respondent did all that was within his power to avoid using lethal force and to find an alternative to it whilst still protecting the public. This amounts to great discernment. While there was still a risk for Mr. A.-I. when being confined in the police vehicle, this was a controlled environment and the risk was lowered to its minimum in the circumstances. The respondent had no indication that Mr. A.-I. would be in a state of mind to harm himself at the time. Moreover, it is clear from the evidence that the respondent never intended to forego searching Mr. A.-I. but merely chose to delay the search.

[116] As previously mentioned, the Tribunal was not presented with any evidence that rendered a search mandatory upon every arrest. There are circumstances where it simply cannot be done and this is one of them. The Tribunal concludes that the respondent was neither negligent nor careless at this stage of his intervention.

3. Did Constable Nagle take sufficient precautions for Mr. A.-I. to exit the police vehicle safely in order to be brought inside the police station?

[117] The Commissaire contends that the respondent committed a derogatory act by failing to have a plan or at least an appropriate one entailing sufficient precautions for Mr. A.-I. to exit the vehicle safely. Counsel for the respondent submits that coming up with an elaborated plan in the circumstances was a utopia.

[118] The Tribunal agrees with the respondent's submissions for the following reasons.

[119] The events of August 13th, 2020, appear to be the perfect example of the application of Murphy's law. Everything that could go wrong, went wrong. All at once.

[120] First, a detainee had a seizure at the very same moment that the police officers were to go to apprehend Mr. A.-I., preventing Constable Lalancette from assisting the respondent.

[121] Then, for the first time, Mr. A.-I. decided to resist his arrest performed by the respondent.

⁷⁷ Respondent's additional written submissions, dated April 30th, 2026.

⁷⁸ *Id.*; *Final Report of the Honorable Jean-Jacques Croteau*, previously cited at note 60, p. 76.

[122] The weather conditions and the lack of back up limited the respondent's options regarding his reaction towards that resistance.

[123] Constable Pelletier elected to go to the police station without putting on his protective gear, unbeknownst to the respondent. That prevented him from effectively assisting the respondent in the intervention.

[124] Finally, Mr. A.-I. decided to use a weapon that he had actively concealed from the respondent in order to injure himself without displaying any warning signs that he would be susceptible to self-harm at that time.

[125] The problem is not that there was no plan or that the plan was inadequate. The respondent had a clear plan at every stage of his intervention, whether elaborate or not. The issue was that the plan had to keep changing to adapt to a series of unforeseeable and unfortunate events.

[126] When the respondent arrived at the police station and discovered that Constable Pelletier was not equipped to assist him properly, the respondent was placed in a situation where the options were very limited. On one hand, Mr. A.-I. could not remain in the police vehicle indefinitely, especially considering that he had not been searched and that the respondent had knowledge he had items of unknown nature in his pockets. Moreover, Mr. A.-I. was calm and did not display any self-harm or suicidal behavior nor any aggressivity. Aside from asking Mr. A.-I. to exit the vehicle calmly while keeping his hands visible, the Tribunal fails to imagine the types of additional precautions that could have been taken at that moment. The Commissaire did not suggest any either.

[127] The testimony of the respondent, as well as Constable Pelletier's on this sequence are clear: it all happened very quickly. The Tribunal concludes from those testimonies that, even if the respondent had attempted to handcuff Mr. A.-I., he would not have had time to do so.

[128] A prudent and diligent police officer cannot imagine every single scenario including possible hindrances, drastically changing situations, obstacles, impediments, difficulties, setbacks and misfortunes when intervening. The criterion is an objective standard that does not require a police officer to be omniscient.

[129] The Tribunal also cannot remain silent on one factor that was highlighted by both parties and the evidence in the present case. The Tribunal takes judicial notice that the police forces in northern regions are understaffed and face many difficulties in their duties:

“ [16] It is the opinion of this Court that judges are appointed because of their knowledge and experience in certain communities and environments. This opinion was emitted long before this Court by the Supreme Court of Canada:

Judge Couture was the resident judge in that district. He was therefore **in a position to observe and assess the magnitude of the problem in his region, especially given that it is well established in our law**

that judges can take judicial notice of the contexts in which they perform the duties of their offices «...» This Court states «...» that trial judges and provincial courts of appeal are in the best position to know the particular circumstances in their jurisdictions.

[17] The Quebec Court of Appeal in a case from Nunavik, written by dissent Justice Thibault but not on this point, reiterated that judges of the Court of Quebec appointed in the district of Abitibi are the best suited to know the realities of the communities of Nunavik:

One should not lose sight of the fact that the trial judge was acting on the front lines of the justice system in a difficult context resulting from the effect of systemic and background factors on Aboriginal peoples; as a judge of the Court of Québec in Abitibi, she has personal and institutional knowledge of the community she is serving, particularly this small isolated village located in northern Québec, the needs of its citizens, **the resources available to them**, the values they share, the organizations that can assist offenders, the programs offered and their effectiveness, the benefits such offenders can derive from them, the vulnerability of Aboriginal women and the violence that is rampant in this community, particularly due to alcohol consumption. Indeed, in her judgment, the judge indicated that she had taken judicial notice of the various programs and alternative measures offered in the respondent's community.

[18] In a recent decision, the Court of Appeal repeated that judges sitting at the itinerant court are *fully aware of the social context* and reality of the Inuit communities:

In the present case, there is no doubt that the judge was fully aware of the appellant's Indigenous ancestry and sentenced him in light of these particular circumstances. A number of elements point to this.

First, as the parties indicated at the hearing, the judge regularly sits on the Itinerant Court that covers Northern Quebec, a court that was established following the signing of the James Bay and Northern Quebec Agreement. **As its name indicates, the judges who sit on this court travel on a regular basis to Indigenous communities, with a view to providing access to justice.** Indeed, the activities of the Cour du Québec within Cree territory and in Nunavik are significant, in that it holds nearly 80 weeks of hearings per judicial year. **The same judges are assigned to the Itinerant Court on a regular basis, in addition to having had specific training on Indigenous realities. They have to stay in the main communities and, as a result, become fully aware of the prevailing social context and the reality of the Indigenous environment. As the parties also indicated at the hearing, it is usually the same lawyers who appear on a regular basis before the Itinerant Court.**

[19] **The Court concludes that she can and will use her experience and knowledge of the community of Salluit as a lawyer and as a judge to render**

her decision in the present matter. In fact, every participant of the judicial system of the itinerant court in Nunavik is aware of the situation that prevails in the communities. However, the facts that the Court will take judicial notice of do not affect directly the merits of the decision [...].⁷⁹ [Tribunal's emphasis; footnotes omitted]

[130] In police ethics matters, indigenous administrative judges are appointed to the Tribunal to preside over cases where an indigenous police officer is involved⁸⁰. Section 199 of the *Police Act* is interpreted so that all files that involve either an indigenous police officer, an indigenous police force or an indigenous complainant are to be heard by an indigenous administrative judge⁸¹, as they will bring their experience and background which are necessary to evaluate all the circumstances of those cases. Consequently, the Tribunal has institutional knowledge of the context in which police officers have to do their job in that area.

[131] The police officers who work in northern Quebec have to deal with citizens affected by multigenerational traumas as well as personal traumas. Some of those traumas have been inflicted by police forces⁸². The offer for professional help and services is scarce. Due to the lack of services and resources, police officers are extremely sought after. Living conditions are very different than those in the "South", rendering the recruitment of additional officers sometimes difficult. Hence, police officers working and recruited to work in Nunavik are frequently fresh out of school with very little work or life experience. As there is a tradition of hunting and fishing in Nunavik, almost every household has weapons.

[132] In these circumstances, understaffing police forces places everyone at risk: citizens and police officers. The Tribunal finds it utterly deplorable when it impacts the decision-making or the options available to police officers who are on the ground when they are already dealing with so many factors and circumstances on which they have little to no control.

[133] The Tribunal is utterly convinced that proper staffing would have prevented the events of August 13th, 2020 to develop into such a catastrophe. Staffing does not befall within the purview of this tribunal's jurisdiction, thus it cannot conclude that the respondent committed a derogatory act on the basis that he had to juggle with this circumstance which was out of his control. He is responsible for his actions, the choices he made on

⁷⁹ *Iyaituk c. R.*, 2025 QCCQ 7037, par. 16-19.

⁸⁰ *Police Act*, CQLR, c. P-13.1, s. 199.

⁸¹ *Bourbeau c. Tribunal administratif de déontologie policière*, 2025 QCCS 4350, at footnote 24: « En vertu de l'article 199 de la *Loi sur la police*, précitée, le membre du TADP doit être membre d'une communauté autochtone lorsqu'une enquête vise un policier autochtone. Une interprétation large et généreuse de cette disposition indique que le décideur doit être membre d'une communauté autochtone lorsque la plainte vise des policiers à l'emploi d'un service de police autochtone, comme en l'espèce ».

⁸² *R. v. Gladue*, [1999] 1 S.C.R. 688; *R. v. Ipeelee*, 2012 SCC 13. See also: *Final Report of the Honorable Jean-Jacques Croteau*, previously cited at note 60.

the ground as well as for the consequences that stemmed *directly* from those. Hence, the Tribunal concludes that none of the actions and choices of the respondent were negligent nor careless in the circumstances regarding the events of August 13th, 2020.

[134] At last, the Tribunal must express deep concern towards the public's safety should understaffing in the northern police forces remain unaddressed.

[135] **FOR THESE REASONS**, the Tribunal:

[136] **DECIDES** that Constable **CHRISTOPHER NAGLE**, a former member of the Kativik Regional Police Force, did not commit a derogatory act according to section **10** of the *Code of ethics of Québec police officers* (by being negligent or lacking concern for the health and safety of Mr. A.-I.).

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Counsel for the police party

Hearing Location: Remote

Dates of hearing: November 26, 27, and 28, 2025