

**Report to / Rapport au:**

**POLICY & GOVERNANCE COMMITTEE  
COMITÉ DES POLITIQUES ET DE LA GOUVERNANCE**

**14 November 2025 / 14 novembre 2025**

**Submitted by / Soumis par:**

**Executive Director, Ottawa Police Service Board / Directeur Exécutif, Commission  
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**SUBJECT: INVESTIGATIONS AND REPORTS UNDER SECTION 81 OF THE  
COMMUNITY SAFETY AND POLICING ACT, 2019**

**OBJET: ENQUETES ET RAPPORTS EN VERTU DE L'ARTICLE 81 DE LA LOI  
DE 2019 SUR LA SECURITE COMMUNAUTAIRE ET LES SERVICES  
POLICIERS**

**REPORT RECOMMENDATION**

**That the Ottawa Police Board's Policy and Governance Committee recommend  
that the Board approve the attached policy.**

**RECOMMANDATION DU RAPPORT**

**Que la Comité des politiques et de la gouvernance de la Commission de service  
de police d'Ottawa recommande à la Commission d'approuver la politique ci-  
jointe.**

**BACKGROUND**

The proposed policy is being presented for the Committee's consideration in response to one of the recommendations arising from the Coroner's inquest into the death of Mr. Abdirahman Abdi.

Mr. Abdi, a 38-year-old Black man with mental health challenges, died on July 25, 2016, following an interaction with members of the Ottawa Police Service (Service) in the

Hintonburg neighborhood on July 24, 2016. His death prompted widespread public concern and ultimately led to a coroner's inquest, which concluded in December 2024. Among its recommendations, the jury urged the Ottawa Police Service Board to "continue developing a policy for CSPA section 81 reports that specifies the information and level of detail required and includes a formal tracking system to ensure that the Board receives all reports." The Ottawa Police Service Board directed staff to initiate the development of a dedicated policy under the supervision of the Policy and Governance Committee.

The Special Investigations Unit (SIU) is an independent civilian agency established under the Special Investigations Act, 2019 to investigate circumstances involving police officers where serious injury, death, the discharge of a firearm at a person, or allegations of sexual assault have occurred. The SIU has the authority to lay criminal charges against police officers where there are reasonable grounds to do so. Its investigations are independent from both police services and police boards, ensuring independent oversight of incidents where the exercise of police authority may have resulted in serious harm.

Section 81 of the *Community Safety and Policing Act, 2019* (CSPA) establishes the obligations of chiefs of police and police service boards following investigations by the SIU. It requires that, once the SIU's process has concluded, the Chief conduct an internal investigation into the member's conduct, the adequacy of the policing provided, and the relevant procedures in place at the time of the incident, and submit a written report to the Board within 90 days of the SIU Director's report or the final disposition of related charges. Ontario Regulation 90/24 further requires the Board to publish the report within 30 days of receipt, unless the SIU Director has declined to publish a report for the same incident.

The proposed policy was developed to ensure that the Board and the Service fully comply with these statutory requirements and that reporting is carried out in a manner consistent with the principles of transparency and accountability. It also addresses procedural gaps revealed through the Abdi inquest – specifically, the fact that no section 11 report (the equivalent requirement under the former *Police Services Act, 1990*) was submitted to the Board following Mr. Abdi's death. The policy formalizes notification and tracking requirements, clarifies timelines and content standards for reports, and sets out the Board's obligations for publication.

## **DISCUSSION**

### **Statutory Nature of the Chief's Duties**

The requirement for the Chief of Police to conduct an internal investigation and submit a report to the Board following the conclusion of a SIU investigation is not established by this policy. It is a statutory duty set out directly in section 81 of the CSPA.

Under the CSPA, the Chief must, once the SIU process has concluded, investigate the conduct of the member involved, the adequacy of the policing provided, and the adequacy of the procedures in place at the time of the incident. The Chief is further required to provide a written report to the Board within 90 days of the SIU Director's report or the final disposition of any related criminal proceedings.

Accordingly, this policy does not create new reporting or investigative obligations. Rather, it reiterates and operationalizes existing statutory duties by clearly defining the Board's expectations regarding the content, format, and timeliness of Section 81 reports, and by establishing a mechanism to promote compliance and effective oversight.

### **Contents of Section 81 Reports**

The CSPA and O. Reg. 90/24 set only minimal requirements for the contents of Section 81 reports. The proposed policy deliberately exceeds those statutory minimums while maintaining alignment with the Service's current reporting practices.

The expanded contents were identified through a review of the structure and level of detail contained in recent Section 81 reports submitted by the Service, which were found to be appropriate and sufficiently comprehensive. Accordingly, the policy does not alter existing practice but formalizes it to ensure consistency and completeness across all future reports.

Beyond the mandatory elements prescribed by the regulation, the policy requires that each Section 81 report include contextual information enabling the Board to assess and understand the significance of the incident and the Service's response. This includes, for example, a factual summary of the circumstances and relevant timelines.

Notably, the policy invites the Chief to include any observations or recommendations regarding the adequacy of the Board's own policies, where applicable. While this is not a statutory requirement – the Act limits the Chief's mandatory comments to the adequacy of procedures established by the Chief – its inclusion reflects the Board's commitment to constructive and respectful dialogue with the Chief of Police. It acknowledges the Chief's operational expertise and signals the Board's openness to receiving feedback that may inform the continuous improvement of its policies.

The policy also specifies some exclusions which are directly derived from statutory requirements under O. Reg. 90/24. Section 81 reports must not include any personal or identifying information about affected persons, subject or witness officials, or civilian witnesses, nor disclose the identity of any individual who reported a sexual assault. These exclusions are mandatory and ensure compliance with privacy, safety, and legal obligations while maintaining transparency to the fullest extent permitted by law.

### **Notices and Tracking System**

The notice and tracking provisions in the policy are not statutory requirements. They were introduced in response to the Board's direction and to the Abdirahman Abdi inquest recommendation regarding the creation of a tracking system to prevent procedural gaps from reoccurring. The approach adopted in the policy is intentionally minimalistic to avoid imposing any unnecessary administrative burden on the Chief while ensuring the Board has the essential information needed to monitor compliance with statutory reporting timelines.

The policy requires two notices from the Chief to the Board, both linked to key milestones in the Section 81 process and feeding into the tracking system maintained by the Executive Director.

The first notice is issued within seven business days of the SIU invoking its mandate in relation to a member of the Ottawa Police Service. This notice simply confirms that an SIU investigation involving a Service member has commenced, providing the Board with early awareness that a Section 81 report will eventually be required.

The second notice is provided once the SIU process concludes – either upon the final disposition of any related criminal proceedings, or, if charges are not laid, when the SIU Director makes a decision regarding the publication of a report respecting the incident. This notice identifies the date on which the 90-day statutory reporting period begins.

These two milestone notices represent a common-sense approach to oversight: they give the Board just enough information to detect potential risks of non-compliance without interfering with operational processes. By recording the dates of these notices and subsequent reports, the tracking system maintained by the Executive Director will allow the Board to verify that statutory obligations are met consistently, transparently, and with minimal administrative overhead for the Service.

### **Incidents involving the Chief or a Deputy Chief**

The CSPA provides that when a SIU investigation involves the Chief of Police or a Deputy Chief, the responsibility for conducting the internal investigation under section

81 rests with the Police Service Board rather than the Chief. The policy codifies this statutory requirement and establishes clear procedures to ensure timely notification and transparent handling of such exceptional cases.

The policy requires that the Board be informed immediately upon becoming aware of an incident that may lead the SIU Director to invoke their mandate in relation to the Chief or a Deputy Chief. To ensure that this occurs without delay, the Chief must establish a procedure designating an appropriate authority – such as a Deputy Chief, the Executive Officer, the Service’s legal counsel or another member of OPS – to notify the Board when the Chief is personally the subject of an SIU investigation. This measure ensures that the Board receives timely and direct notice even when the Chief cannot communicate the information directly.

The notification requirement in the policy is deliberately tied to the occurrence of an incident, rather than to the SIU Director’s decision to invoke their mandate. Under the *Special Investigations Unit Act, 2019*, the Chief of Police is the designated authority responsible for notifying the SIU Director when an incident involves a member of the Service other than the Chief or a Deputy Chief. However, the legislation contemplates that when such an incident involves the Chief or a Deputy Chief, a regulation would designate another authority to fulfill this function. To date, no such regulation has been adopted, creating uncertainty as to how, and through whom, the SIU Director would be notified in these circumstances. In anticipation of such a regulation and to prevent any procedural gaps, the policy requires that the Board be informed immediately upon the occurrence of an incident that may lead the SIU Director to invoke their mandate. This ensures that the Board, which is responsible for conducting the internal investigation under section 81, is positioned to provide timely notice to the SIU Director should future regulations assign it that role.

Once notified, the Board assumes responsibility for conducting the internal investigation and preparing the Section 81 report in accordance with the same principles and timelines that apply to investigations led by the Chief.

Consistent with subsection 81(3) of the CSPA, the policy affirms the Board’s authority to retain an external investigator – who must not be an active member of any police service – to carry out the investigation when doing so is necessary to ensure impartiality, to obtain specialized expertise, or to maintain public confidence in the process.

## **Public Disclosure**

The CSPA and O. Reg. 90/24 require the Board to publish Section 81 reports within thirty days of their receipt from the Chief, unless the SIU Director has declined to publish a report in respect of the same incident. While this exception relieves the Board of a mandatory publication duty, it does not prohibit publication. The legislation is silent on whether the Board may publish a Section 81 report in such circumstances, thereby preserving the Board's discretion to do so where it considers publication to be in the public interest.

There are sound reasons for maintaining this discretion. Section 81 reports differ fundamentally from SIU Director's reports. The latter often address potential criminal liability and include identifying information about subject officials, whereas Section 81 reports contain no personal identifiers and focus on organizational accountability, procedural adequacy, and lessons learned. As a result, publishing a Section 81 report generally presents fewer privacy or reputational risks. From a civilian oversight perspective, there may also be circumstances where public disclosure serves a legitimate governance purpose – such as promoting transparency, public confidence, or continuous improvement in policy and practice – even when the SIU Director has chosen not to publish their own report.

Without relinquishing this authority, the policy establishes a balanced process that relies initially on the Chief's judgment. The Chief determines whether to submit the Section 81 report for inclusion in the public portion of the Board's meeting agenda or under the confidential (in-camera) portion. When the Chief opts for the confidential route, the Board, in consultation with the Chief, considers during the in-camera session whether the report should be disclosed publicly, in whole or in part. Nothing in the Act or the policy precludes the Board from publishing a redacted version to protect sensitive information while fulfilling its transparency objectives.

## **CONSULTATION**

The development of this policy involved consultation with the Ottawa Police Service's Professional Standards Unit, which is responsible for conducting internal investigations and preparing Section 81 reports.

The policy was also directly informed by the recommendation made by the Abdirahman Abdi inquest jury and by insights gained through the inquest proceedings.

## **FINANCIAL IMPLICATIONS**

The implementation of this policy is not expected to generate any financial impact for the Board or the Service. The processes and reporting requirements outlined in the

policy largely formalize existing practices and statutory obligations already undertaken by the Service.

The only incremental administrative requirements introduced by the policy relate to the notice and tracking system maintained by the Executive Director. This function will be carried out using existing staff resources and digital tools already available to the Board Office, without the need for additional funding.

### **SUPPORTING DOCUMENTATION**

Document 1 – Draft Policy CR-XX Investigations and Reports under Section 81 of the Community Safety And Policing Act, 2019

### **CONCLUSION**

The policy provides a clear, comprehensive framework for how the Service and the Board will meet their statutory obligations following SIU investigations. It formalizes existing practices, clarifies timelines and responsibilities, and introduces minimal but effective administrative safeguards – in the form of a notice and tracking system – to prevent procedural gaps such as those identified during the Abdirahman Abdi inquest.

Adopting this policy will reinforce compliance with the CSPA, promote good governance, and contribute to a culture of accountability and learning within Ottawa's policing oversight framework.

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