

Table CR-XX – Policy Number CR-XX – Investigations and Reports under Section 81 of the Community Safety and Policing Act, 2019

CR-XX INVESTIGATIONS AND REPORTS UNDER SECTION 81 OF THE COMMUNITY SAFETY AND POLICING ACT, 2019	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Community Safety and Policing Act, section 81; O. Reg. 90/24; Special Investigations Unit Act, 2019</i>
DATE APPROVED	XX xxxx 2025
DATE REVIEWED	N/A
DATES AMENDED	N/A
DATE TO BE REVIEWED	2030
REPORTING REQUIREMENT	As set out in the policy

LEGISLATIVE REFERENCE / AUTHORITY

This policy is established under the *Community Safety and Policing Act, 2019* (CSPA) and Ontario Regulation 90/24, which set out the responsibilities of the Chief of Police and the Board when the Special Investigations Unit (SIU) investigates an incident involving a member of the police service under the *Special Investigations Unit Act, 2019*.

Under section 81 of the CSPA, the Chief must conduct an internal investigation once the SIU’s process has concluded. The purpose of that investigation is to review the conduct of the member involved, the adequacy of the policing provided, and the procedures that were in place at the time of the incident. When the incident involves the Chief or a Deputy Chief, the Board must carry out this investigation instead.

Ontario Regulation 90/24 further specifies how these investigations and reports are to be handled. It requires that:

- The Chief provide a written report to the Board within 90 days of the SIU Director’s report or the final disposition of any related charges;
- The report exclude personal or identifying information about anyone involved in the incident; and

- The Board publish the report within 30 days of receiving it, unless the SIU Director has decided not to publish a report in relation to the same incident.

POLICY INTENT

This policy sets out how the Ottawa Police Service and the Ottawa Police Service Board will meet their legal responsibilities under section 81 of the CSPA following investigations by the SIU.

It defines the process for internal investigations, the preparation and submission of Section 81 reports, and the Board's role in receiving, tracking, and publishing those reports. The policy is intended to ensure that the Board receives complete and timely information, that reporting obligations are met, and that findings are managed in a manner consistent with statutory requirements and principles of transparency and accountability.

This policy also addresses procedural gaps identified in past cases and responds to recommendations from the inquest into the death of Mr. Abdirahman Abdi, reinforcing the Board's commitment to continuous improvement and public confidence in police oversight.

DEFINITIONS

For the purposes of this policy, the following definitions apply:

- a) "the Act" means the *Community Safety and Policing Act, 2019*.
- b) "Board" means the Ottawa Police Service Board.
- c) "Chief" means the Chief of Police of the Ottawa Police Service.
- d) "Section 81 Report" means section 81 of the *Community Safety and Policing Act, 2019*.
- e) "Service" means the Ottawa Police Service.
- f) "SIU" means the Special Investigations Unit.

BOARD POLICY

1. INVESTIGATION UNDER SECTION 81

1.1. **Investigation by Chief.** If the SIU Director causes an incident to be investigated under section 15 of the *Special Investigations Unit Act, 2019* involving a member of the Service, other than the Chief or a deputy chief, the Chief shall investigate,

- a. The member's conduct in relation to the incident;

- b. The policing provided by the member in relation to the incident; and
- c. The procedures established by the Chief as they related to the incident.

1.2. **Suspension or Delay of Internal Investigation.** The internal investigation shall be conducted promptly, subject to the following rules:

- a. **Restriction during SIU period.** The investigation shall not be conducted during the time period described in subsection 208(3) of the CSPA, which begins when the SIU Director cases the matter to be investigated and ends when it is determined whether charges will or will not be laid in respect of the matter.
- b. **Restriction during prosecutions.** If the matter becomes the subject of a criminal prosecution, the Chief shall, if advised by the Crown Attorney or a prosecutor, postpone or suspend the investigation for as long as necessary to avoid interference with the prosecution. The Chief may also decide, on their own initiative, to postpone or suspend the investigation for the same reason.
- c. **Resumption.** The investigation shall resume as soon as the applicable restriction or postponement period under paragraphs (a) or (b) ends.
- d. **Exception – Suspension without pay.** Nothing in this section limits an investigation conducted for the purpose of determining whether to impose a suspension without pay under section 210 of the CSPA or the imposition of such a suspension.

1.3. **Section 81 Report timelines.** The Chief shall submit the Section 81 report within the timelines prescribed under section 8(3) of O. Reg. 90/24. If unable to meet these deadlines, the Chief shall promptly inform the Board, through its Executive Director, in writing, outlining reasons for the delay.

1.4. **Section 81 Report Contents.** The Section 81 report shall include:

- a. A factual summary of the incident, including context of the police response, timeline, and any public safety or operational considerations;
- b. The date the SIU invoked its mandate and the scope of its investigation;
- c. A summary of the outcomes of the SIU investigation and any related criminal proceedings;
- d. An assessment of the involved member's conduct;

- e. An evaluation of the adequacy of the policing provided by the member in relation to the incident;
- f. Adequacy of relevant procedures established by the Chief;
- g. Actions taken by the Chief or corrective measures, if any, including any planned follow-up actions and their timelines;
- h. Recommendations regarding the adequacy of applicable Board policies, if any;
- i. Confirmation of compliance with statutory timelines under section 8(3) of O. Reg. 90/24, or explanations of any delay, and confirmation of adherence to redaction requirements.
- j. Supporting materials such as relevant policy references, relevant procedures.

1.5. **Information Excluded from Section 81 Reports.** The Section 81 report shall not include the name of, or any information identifying, a subject official, witness official, civilian witness or affected person or the identity of a person who reported that they were sexually assaulted being revealed in connection with the sexual assault.

2. NOTICES AND TRACKING

2.1. **Initial Notice.** The Chief shall notify the Board, through its Executive Director, within seven (7) business days of being informed that the SIU has commenced an investigation involving a member of the Service. The notice shall include:

- a. Confirmation that the incident involves a member of the Ottawa Police Service;
- b. The name and badge number of the involved member(s);
- c. The nature of the incident;
- d. The date the SIU investigation commenced.

2.2. **Notice Following Conclusion of the SIU Investigation or Related Criminal Proceedings.** The Chief shall notify the Board, through its Executive Director, when the event occurs that triggers the commencement of the ninety (90) day reporting period for the submission of a Section 81. The notice shall be provided:

- a. If charges, are laid, upon the final disposition of the charges; or

- b. If charges are not laid, upon being informed that the SIU Director has either:
 - i. Published a report in respect of the incident under subsection 34(1) of the *Special Investigations Unit Act, 2019*; or
 - ii. Decided under subsection 34(6) of that Act not to publish a report.

The notice shall specify the date on which the applicable event occurred, which marks the beginning of the ninety-day period within which the Chief must submit the Section 81 report to the Board.

2.3. **Tracking System.** The Executive Director shall establish and maintain a tracking system to monitor all SIU investigations involving members of the Service for which a Section 81 Report will be required. The tracking system will support timely follow-up, promote compliance with statutory obligations, and provide the Board with visibility into outstanding and completed Section 81 reporting requirements. It shall include:

- a. The date the Board receives the Chief's initial notice under Section 2.1;
- b. The date the Board receives notice triggering the Section 81 reporting period under Section 2.2.;
- c. The statutory deadline for the Section 81 Report;
- d. Any notice received regarding inability to meet the statutory deadline; and reasons provided;
- e. The date the Section 81 report is received by the Board;
- f. The regulatory deadline for publication of the Section 81 Report by the Board; and
- g. The date the Section 81 Report is published by the Board.

2.4. **Communication with the Board.** The Executive Director shall inform the Board when a statutory reporting deadline has been missed or a delay has been reported or when any compliance issue is identified.

3. INCIDENTS INVOLVING THE CHIEF OR A DEPUTY CHIEF

3.1. **Notice to the Board.** The Chief shall ensure that the Board is informed immediately upon becoming aware that the SIU Director may invoke their mandate in relation to an incident involving the Chief or a Deputy Chief under section 15 of the *Special Investigations Act, 2019*. The Chief shall establish a

procedure designating an appropriate authority responsible for informing the Board when the incident involves the Chief, to ensure timely and direct notification.

- 3.2. **Board Responsibility.** Where the incident involves the Chief or a Deputy Chief, the Board shall assume responsibility for conducting the internal investigation and preparing the Section 81 Report.
- 3.3. **Outside investigation.** The Board may request that a person who is not a member of a police service investigate the Chief or a Deputy Chief for the purposes set out in subsection 81(1) of the Act and report back on their findings, if the Board determines that it is necessary to have such a person conduct the investigation, including if it is necessary to obtain special expertise or to ensure public confidence in the investigation.

4. PUBLIC DISCLOSURE

- 4.1. **General Rule.** The Board shall publish Section 81 Report on its public website no later than thirty (30) days after receiving the report from the Chief.
- 4.2. **Reports Prepared by the Board.** Where the investigation is conducted by the Board under subsection 81(5) of the CSPA – that is, when the subject of the investigation is the Chief or a Deputy Chief – the Board shall publish the report within the same thirty (30) day period.
- 4.3. **Exception.** The publication requirement does not apply if the SIU Director decides under subsection 34(6) of the *Special Investigations Unit Act, 2019* not to publish a report in respect of the incident. In such cases, the Chief may recommend that the Section 81 report be considered in a confidential session. At that session, the Board shall determine whether the report should be published, having regard for the public interest, and legal, privacy, and safety considerations.