

**Report to / Rapport au:**

**OTTAWA POLICE SERVICES BOARD  
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

**26 February 2024 / 26 février 2024**

**Submitted by / Soumis par:  
Board Solicitor / L'avocat de la Commission**

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**SUBJECT: LEGAL SERVICES STATUS REPORT – 2023 FOURTH QUARTER**

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – QUATRIÈME  
TRIMESTRE DE 2023**

#### **REPORT RECOMMENDATIONS**

**That the Ottawa Police Services Board receive this report for information.**

#### **RECOMMANDATIONS DU RAPPORT**

**Que la Commission de services policiers d'Ottawa prenne connaissance du présent rapport.**

#### **BACKGROUND**

Legal Services is a full-service, in-house law practice that provides a broad range of services to the Police Services Board in the areas of civil litigation, labour and employment law, procedural and general legal advice, and corporate / commercial / development and environmental law. Legal Services' objective is to achieve this through the most cost-effective and efficient combination of both in-house and external lawyers. With respect to external lawyers, Legal Services has a strategic standing offer (SSO) with multiple law firms for the provision of external legal services. The current standing offer, negotiated for the period 2019-2022 and extended through 2023, provides favourable, hourly rates set for the duration of the SSO term.

Pursuant to Section 6.1 of Board Policy #GA-8 – Legal Services, the Board Solicitor shall submit a report to the Board on a quarterly basis that includes statistical information and concise analysis of trends on:

1. positive and negative variances against the approved budget;
2. all claims or actions filed against the Board including how many have been filed, how many are outstanding, how many have been settled, the nature of them (categorized by type), and the cost of settlements;
3. the number, cost and outcome of all appeals and applications for judicial review;
4. any issues of significance the Board should be advised of.

In compliance with Section 6.1, this report provides the requested information with respect to the fourth quarter of 2023.

In accordance with the direction of the Board at its April 23, 2018 meeting, the report has been revised to include a year-over-year comparison of data, at each quarter, with respect to the budgetary spending and various categories of claims managed.

## **DISCUSSION**

### **2023 Budget**

The Police Services Board has allocated \$328,100 for the provision of legal services in 2023. At the completion of the fourth quarter, \$552,187 or approximately 168 percent of the budget was spent, compared with \$400,925 or approximately 122 percent at the same point in time in the previous year. The following chart sets out expenditures for the entire year to date. The costs reflect the significant time devoted to representing the Board, in a variety of transactions and legal proceedings.

**Table 1 - Ottawa Police Service - Costs of Legal Services, Q4 2022 vs. Q4 2023**

Item	Q1		Q2		Q3		Q4	
	2022	2023	2022	2023	2022	2023	2022	2023
Internal Costs	\$13,285	\$26,895	\$12,220	\$28,989	\$14,260	\$11,705	\$16,130	\$6,525
External Costs	\$32,212	\$30,943	\$196,923	\$68,808	\$44,649	\$96,880	\$70,885	\$281,442
Total, Quarter	\$45,497	\$57,838	\$209,143	\$97,797	\$59,269	\$108,585	\$87,015	\$287,967
<b>Total, YTD</b>	<b>\$45,497</b>	<b>\$57,838</b>	<b>\$254,640</b>	<b>\$155,635</b>	<b>\$313,909</b>	<b>\$264,220</b>	<b>\$400,925</b>	<b>\$552,187</b>

The table, above, reflects the cost of the provision of internal and external legal services against the approved budget, including the HST municipal rebate.

### **2023 Litigation Claims**

Five Statements of Claim were received on behalf of the Police Services Board in the fourth quarter of 2023, compared with four Statements of Claim received during the same period, the previous year. There are currently 84 outstanding claims/notices of claim against the Board, compared with 77 outstanding claims/notices at the same point in the previous year. Due to a number of reasons including direction by the Board's insurer, the requirement for specialized legal expertise, or capacity constraints, 64 of those claims are with external legal counsel. The remaining 20 claims are assigned to various in-house legal counsel. The following list sets out the number of current litigated claims by category or type.

Beginning in the first quarter of 2013, Legal Services started including motor vehicle accident claims involving police vehicles within its quarterly report to the Police Services Board. Though the City of Ottawa, as the registered owner of those vehicles, is frequently named or included as a party in those claims, in keeping with the accident insurance scheme in Ontario, the inclusion of motor vehicle accident claims within the

quarterly reports will provide a more accurate summary of all outstanding litigation affecting the Board.

**Table 2 - All Open Litigated Claims - Police Services – Q4 2022 vs. Q4 2023**

Type of Claim	Number of Claims	
	Q4, 2022	Q4, 2023
Breach of Charter Rights	8	11
Breach of Contract	1	1
Excessive Force/Assault	12	15
Error and Omission	1	1
False Arrest	8	8
Malicious Prosecution	2	3
Motor Vehicle Accident	15	14
Negligence/Negligent Investigation	22	23
Personal Injury	7	7
Application	1	1
<b>Total Number of Open Litigated Claims – Police Services</b>	<b>77</b>	<b>84</b>

## 2023 Non-Litigated Claims

During the fourth quarter of 2023, 13 new claims were received by the Claims Unit, as compared with the 15 received in the same period, the previous year. Of these claims, one was paid and closed, seven remain open as the evaluation of these matters is ongoing, and five are open being litigated.

The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the fourth quarter 2023. As of the end of the fourth quarter, there were 14 open claims not being litigated, as compared with 23 at the end of the same period in the previous year.

**Table 3 - All Open Non-Litigated Claims - Police Services – Q4 2022 vs Q4 2023**

Type of Claim	Number of Claims	
	Q4, 2022	Q4, 2023
City Vehicle Hitting Pedestrian/Cyclist - Accident Benefits	2	1
City Vehicle Hitting Pedestrian/Cyclist – No Accident Benefits	1	1
Damage to Third Party Property by City Vehicle	1	0
Motor Vehicle Accident, Accident Benefits	3	1
Losses Due to Other Alleged City Involvement	2	2
Motor Vehicle Accident, City and Third-Party Vehicle – No Accident Benefits	0	0
Property Damage – Forced Entry by Police	4	2
Third Party Bodily Injuries from Employee Actions	2	0
Damage/Injuries – Arrest/Detainment	3	4
Vehicle Impounding/Towing	1	0
Third-Party Property Damage/Loss	1	0
Police Pursuits – No Accident Benefits	1	0
Other Third-Party Bodily Injury	1	1
Harassment	1	0

TP Property Damage From Employee Actions	0	2
<b>Total Number Open Non-Litigated Claims</b>	<b>23</b>	<b>14</b>

**Table 4 - All Open Non Litigated Claims - Police Services – As of Q4 2023**

<b>Type of Claim</b>	<b>Number of Claims / Percentage of Open</b>	
City Vehicle Hitting Pedestrian/Cyclist - AB	1	7.14%
City Vehicle Hitting Pedestrian/Cyclist - No AB	1	7.14%
Damage/Injuries - Arrest/Detainment	4	28.57%
Losses Due to Other Alleged City Involvement	2	14.29%
MVA, Accident Benefits (AB)	1	7.14%
Other T/P BI (Limit Use)	1	7.14%
Property Damage - Forced Entry By Police	2	14.29%
TP Property Damage From Employee Actions	2	14.29%
<b>Total Number of Open Non Litigated Claims</b>	<b>14</b>	<b>100%</b>

During the fourth quarter of 2023, 10 claims were closed by the Claims Unit, as compared with seven closed in the same period the previous year. Of these claims, two were closed, one was abandoned, two were denied, and five were paid.

To date, the Claims Unit has paid out \$513,521.08 in compensation for non-litigated claims closed during the quarter. As compared with the \$23,662.57 paid at the same point, the previous year. Below is the summary for number of claims closed and amount paid for each claim type.

**Table 5 - Closed Police Services Claims, Year to Date – Q4 2022 vs. Q4 2023**

<b>Type of Claim</b>	<b>Number of Claims</b>	<b>Paid Sum</b>
City Vehicle Hitting Pedestrian/Cyclist-Accident Benefits	2	\$11,187.08
Conflict of Interest	1	\$110,000.00
Damage/Injuries-Arrest/Detainment	1	\$0.00

Damage to Third Party Property by City Vehicle	2	\$1,638.50
Losses Due to Other Alleged City Involvement	2	\$0.00
Loss Involving Police Property Room	1	\$1,196.88
MVA, Accident Benefits (AB)	2	\$371,746.99
MVA, City and Third Party Vehicle-No AB	3	\$13,722.42
No Known City Involvement	8	\$0.00
Property Damage - Forced Entry By Police	12	\$3,081.56
TP Bodily Injuries from Employee Actions	1	\$0.00
TP Property Damage From Employee Actions	3	\$100.57
T/P Property Damage/Loss (Limited Use)	1	\$0.00
Vehicle Towing/Impounding	5	\$847.08
<b>Total – Closed Police Services Non Litigated Claims 2023, YTD</b>	<b>44</b>	<b>\$513,521.08</b>
Compared to Closed Police Services Non Litigated Claims 2022, Q4 – YTD	32	\$23,662.57

**Table 6 - Number of Closed Police Services Claims, Q4 2023**

Type of Claim	Number of Claims / Percentage of Closed	
	Number of Claims	Percentage of Closed
City Vehicle Hitting Pedestrian/Cyclist - AB	2	4.55%
Conflict of Interest	1	2.27%
Damage/Injuries - Arrest/Detainment	1	2.27%
Dmg. to TP Property by City Vehicle	2	4.55%
Losses Due to Other Alleged City Involvement	2	4.55%
Loss Involving Police Property Room	1	2.27%
MVA, Accident Benefits (AB)	2	4.55%

Type of Claim	Number of Claims / Percentage of Closed	
MVA, City and Third Party Vehicle - No AB	3	6.82%
No Known City Involvement	8	18.18%
Property Damage - Forced Entry By Police	12	27.27%
TP Bodily Injuries from Employee Actions	1	2.27%
TP Property Damage From Employee Actions	3	6.82%
T/P Property Damage/Loss	1	2.27%
Vehicle Towing/Impounding	5	11.36%
<b>Total Number of Closed Non Litigated Claims</b>	<b>44</b>	<b>100%</b>

### **2023 Labour, Employment and Human Rights Matters**

In addition to the above civil litigation claims, Legal Services is currently managing 130 active labour and employment law matters on behalf of the Police Services Board, as compared to the 73 files which were active at the end of the fourth quarter in the previous year, with 17 new files opened in the fourth quarter of 2023. For the year to date, no Police Services files for labour and employment law matters were closed. No new labour and employment law matters were outsourced in the fourth quarter of 2023.

### **SIGNIFICANT ISSUES**

There were no significant issues to report in the fourth quarter of 2023.

### **CONSULTATION**

As this report is administrative in nature, consultation was not required.

### **FINANCIAL IMPLICATIONS**

Financial implications are as presented in this report.



**CONCLUSION**

It is anticipated that the 2024 first quarter report will be presented to the Board at its April 2024 meeting.