

Report to / Rapport au:

**OTTAWA POLICE SERVICE BOARD
LA COMMISSION DE SERVICE DE POLICE D'OTTAWA**

27 May 2024 / 27 mai 2024

Submitted by / Soumis par:

Board Solicitor / L'avocat de la Commission

Contact Person / Personne ressource:

**Stuart Huxley, City Solicitor/ Avocat général
613-580-2424, ext. 21630 / stuart.huxley@ottawa.ca**

SUBJECT: LEGAL SERVICES STATUS REPORT – 2024 FIRST QUARTER

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – PREMIER
TRIMESTRE DE 2024**

REPORT RECOMMENDATIONS

That the Ottawa Police Service Board receive this report for information.

RECOMMANDATIONS DU RAPPORT

Que la Commission de service de police d'Ottawa prenne connaissance du présent rapport à titre d'information.

BACKGROUND

Legal Services is a full-service, in-house law practice that provides a broad range of services to the Ottawa Police Service 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 2024-2027, 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 first quarter of 2024.

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 types of claims managed.

DISCUSSION

Budget and Impacts

This section gives an overview of the budget and its impacts related to internal and external legal costs. The Board has allocated \$328,100 for the provision of legal services in 2024. These costs reflect the provision of internal and external legal services against the approved Board budget and are inclusive of taxes for external fees.

Internal Legal Costs

Costs of internal legal services provided to the Board for Q1 2024 totaled \$10,405.

External Legal Costs

Costs of external legal services provided to the Board for Q1 2024 totaled \$116,035.

Total Legal Costs

At the completion of the first quarter, a total of \$126,440 or approximately 39 percent of the legal costs budget was spent, as compared with 18 percent of the budget (\$57,838) spent at the same point in time last year.

Table 1 - Ottawa Police Service – Total Costs of Legal Services Q1 2024

Item	Q1	Q2	Q3	Q4
Internal Costs	\$10,405			
External Costs	\$116,035			
Total, Quarter	\$126,440			
Total, YTD	\$126,440			

Civil Litigation Matters**Non-Litigated Claims**

During the first quarter of 2024, six new claims were received by Legal Services, compared with 11 new claims received in the same period, the previous year. Of these claims, two were denied and closed, one was closed paid and three remain open as the evaluation of these matters is ongoing.

There are currently 16 non litigated claims involving the Ottawa Police Service Board being handled by Legal Services. The following chart provides a breakdown of these non-litigated claims by type, as of the end of the first quarter 2024.

Table 3 - All Open Non-Litigated Claims – Ottawa Police Service Board – Q1 2024

Type of Claim	Number of Open Non-Litigated Claims
City Vehicle Hitting Pedestrian/Cyclist-Accident Benefits	1
City Vehicle Hitting Pedestrian/Cyclist-Non Accident Benefits	1
Damage/Injuries-Arrest/Detainment	5

Losses Due to Other Alleged City Involvement	1
Other Third Party Bodily Injury	1
Property Damage-Forced Entry by Police	3
Slander, Defamation	1
Third Party Property Damage or Loss	1
Vehicle Towing/Impounding	2
Total Number of Open Non-Litigated Claims	16

Litigated Claims

Legal Services received a total of six new Statements of Claim on behalf of the Board in the first quarter of 2024, compared with six Statements of Claim received during the same period the previous year.

There are currently 92 open litigated claims against the Board. Due to a number of reasons including direction by the Board's insurer, the requirement for specialized legal expertise, or capacity constraints, 68 of those claims are with external legal counsel. The remaining 24 open litigated claims are assigned to in-house legal counsel.

The following table sets out the number of open litigated claims by type, as of the end of the first quarter 2024.

Table 2 - All Open Litigated Claims – Ottawa Police Service Board – Q1 2024

Type of Claim	Number of Open Litigated Claims
Application	1
Breach of Charter Rights	12
Breach of Contract	1
Error and Omission	1
Excessive Force/Assault	15

Type of Claim	Number of Open Litigated Claims
False Arrest	9
Malicious Prosecution	3
Motor Vehicle Accident	14
Negligence/Negligent Investigation	25
Personal Injury	10
Vehicle/Property Damage	1
Total Number of Open Litigated Claims	92

Claims Closed – Litigated and Non-Litigated

During the first quarter of 2024, ten claims files were closed by Legal Services. A summary of these closed claims by claim type with their associated total expense is set out below.

Of these claims, one was closed abandoned, and two were closed denied at the non-litigation claims stage. No expense was incurred by the Board in the resolution of these three claims.

The remaining seven claims were closed with an associated expense to the Board. The expenses associated with these claims is set out below by claim type and is inclusive of any and all legal fees, disbursements and/or settlement or judgment amounts paid by the Board. This figure represents the expense incurred over the lifetime of the claims and is not limited to the expenses incurred in the first quarter of 2024.

Table 4 – Ottawa Police Service Board Claims closed in Q1 2024

Claim Type	Number of Claims	Paid Sum
Harassment	1	\$0
MVA, Accident Benefits (AB)	1	\$124,243.06
Police Pursuits-No Accident Benefits (AB)	1	\$1,834.00

Property Damage-Forced Entry by Police	4	\$6,729.71
Slander, Defamation	1	\$48,227.01
Third Party Property Damage from Employee Actions	2	\$1,642.27
Total Closed Police Services Claims for Quarter	10	\$182,679.05

Appeals and Applications for Judicial Review

There were no pending appeals or applications for judicial review with respect to litigation in the first quarter of 2024.

Labour, Employment and Human Rights Matters

Legal Services will provide an update with respect to both Q1 and Q2 2024 Labour, Employment and Human Rights Matters in the Q2 2024 Legal Services Board Report, which is scheduled to come forward at the July 2024 board meeting.

ISSUES OF SIGNIFICANCE

There were no significant issues to report in the first quarter of 2024.

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 second quarter report will be presented to the Board at its July 2024 meeting.