

Report to / Rapport au:

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

22 July 2024 / 22 juillet 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 SECOND QUARTER

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – DEUXIÈME
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 second 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 Q2 2024 totaled \$10,455.

External Legal Costs

Costs of external legal services provided to the Board for Q2 2024 totaled \$118,265.

Total Legal Costs

At the completion of the second quarter, a total of \$255,160 or approximately 78 percent of the legal costs budget was spent, as compared with 47 percent of the budget (\$155,635) spent at the same point in time last year.

Table 1 - Ottawa Police Service – Total Costs of Legal Services Q2 2024

Item	Q1	Q2	Q3	Q4
Internal Costs	\$10,405	\$10,455		
External Costs	\$116,035	\$118,265		
Total, Quarter	\$126,440	\$128,720		
Total, YTD	\$126,440	\$255,160		

Civil Litigation Matters**Non-Litigated Claims**

During the second quarter of 2024, 12 new claims were received by Legal Services, compared with 10 new claims received in the same period, the previous year. Of these claims, three were denied and closed, two were closed paid and seven remain open as the evaluation of these matters is ongoing.

There are currently 15 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 second quarter 2024.

Table 3 - All Open Non-Litigated Claims – Ottawa Police Service Board – Q2 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	3

Losses Due to Other Alleged City Involvement	1
Other Third Party Bodily Injury	1
Property Damage-Forced Entry by Police	4
Slander, Defamation	2
Third Party Property Damage or Loss	1
Third Party Vehicle Damage - Other	1
Total Number of Open Non-Litigated Claims	15

Litigated Claims

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

There are currently 89 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, 62 of those claims are with external legal counsel. The remaining 27 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 second quarter 2024.

Table 2 - All Open Litigated Claims – Ottawa Police Service Board – Q2 2024

Type of Claim	Number of Open Litigated Claims
Application	1
Breach of Charter Rights	13
Breach of Contract	1
Error and Omission	1
Excessive Force/Assault	14

Type of Claim	Number of Open Litigated Claims
False Arrest	8
Malicious Prosecution	3
Motor Vehicle Accident	12
Negligence/Negligent Investigation	26
Personal Injury	10
Total Number of Open Litigated Claims	89

Claims Closed – Litigated and Non-Litigated

During the second quarter of 2024, 14 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 four were closed denied at the non-litigation claims stage. No expense was incurred by the Board in the resolution of these five claims.

The remaining nine 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 second quarter of 2024.

Table 4 – Ottawa Police Service Board Claims closed in Q2 2024

Claim Type	Number of Claims	Paid Sum
Damage/Injuries-Arrest/Detainment	3	\$103,988.38
Damage to TP Property by City Vehicle	1	\$1,248.47
Errors and Omissions	1	\$0

Losses Due to Other Alleged City Involvement	1	\$0
MVA-City and Third Party Vehicle	1	\$101,994.64
Property Damage-Forced Entry by Police	3	\$87,435.06
Slander, Defamation	1	\$8,930.23
Third Party Property Damage from Employee Actions	1	\$27.06
Third Party Damage/Loss	1	\$0
Vehicle Towing/Impounding	1	\$226.00
Total Closed Police Services Claims for Quarter	14	\$303,849.84

Appeals and Applications for Judicial Review

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

Labour, Employment and Human Rights Matters

In addition to the above civil litigation claims, Legal Services is currently managing 95 active labour and employment law matters on behalf of the Police Services Board, as compared to the 110 files which were active at the end of the second quarter in the previous year, with 15 new files opened in the first and second quarters of 2024. 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 first and second quarters of 2024.

ISSUES OF SIGNIFICANCE

There were no significant issues to report in the second 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 third quarter report will be presented to the Board at its October 2024 meeting.