

Report to / Rapport au:

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

28 October 2024 / 28 octobre 2024

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

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SUBJECT: LEGAL SERVICES STATUS REPORT – 2024 THIRD QUARTER

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – TROISIÈME
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.

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 third 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 Q3 2024 totaled \$17,280.

External Legal Costs

Costs of external legal services provided to the Board for Q3 2024 totaled \$110,204.16.

Total Legal Costs

At the completion of the third quarter, a total of \$382,644 or approximately 117 percent of the legal costs budget was spent, as compared with 80.5 percent of the budget (\$264,220) spent at the same point in time last year.

Table 1 - Ottawa Police Service – Total Costs of Legal Services Q3 2024

Item	Q1	Q2	Q3	Q4
Internal Costs	\$10,405	\$10,455	\$17,280	
External Costs	\$116,035	\$118,265	\$110,204	
Total, Quarter	\$126,440	\$128,720	\$127,484	
Total, YTD	\$126,440	\$255,160	\$382,644	

Civil Litigation Matters**Non-Litigated Claims**

During the third quarter of 2024, seven new claims were received by Legal Services, compared with seven new claims received in the same period the previous year. Of these claims, three were denied and closed, one was closed referred and three 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 third quarter 2024.

Table 3 - All Open Non-Litigated Claims – Ottawa Police Service Board – Q3 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	2

Losses Due to Other Alleged City Involvement	1
MVA-Accident Benefits	1
MVA-City and Third-Party Vehicle	1
Other Third-Party Bodily Injury	1
Property Damage-Forced Entry by Police	4
Slander, Defamation	2
Third Party Property Damage from Employee Actions	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 third quarter of 2024, compared with four Statements of Claim received during the same period the previous year.

There are currently 94 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, 64 of those claims are with external legal counsel. The remaining 30 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 third quarter 2024.

Table 2 - All Open Litigated Claims – Ottawa Police Service Board – Q3 2024

Type of Claim	Number of Open Litigated Claims
Application	1
Breach of Charter Rights	13
Breach of Contract	1

Type of Claim	Number of Open Litigated Claims
Error and Omission	1
Excessive Force/Assault	14
False Arrest	10
Malicious Prosecution	3
Motor Vehicle Accident	11
Negligence/Negligent Investigation	28
Personal Injury	11
Vehicle/Property Damage	1
Total Number of Open Litigated Claims	94

Claims Closed – Litigated and Non-Litigated

During the third quarter of 2024, twelve 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 referred, and five were closed denied at the non-litigation claims stage. No expense was incurred by the Board in the resolution of these six claims.

The remaining six litigated claims were closed, with four having had 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 third quarter of 2024.

Table 4 – Ottawa Police Service Board Claims closed in Q3 2024

Claim Type	Number of Claims	Paid Sum
Damage/Injuries-Arrest/Detainment	1	\$1,340.18

Assault by Employee	1	\$3,144.65
Harassment	2	\$0
Losses Due to Other Alleged City Involvement	2	\$194
Property Damage-Forced Entry by Police	4	\$0
MVA, City and Third-Party Vehicle	1	\$66,734.29
Third Party Vehicle Damage-Other	1	\$0
Total Closed Police Services Claims for Quarter	12	\$71,413.12

Appeals and Applications for Judicial Review

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

Labour, Employment and Human Rights Matters

In addition to the above civil litigation claims, Legal Services is currently managing 94 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 two new files opened in the third quarter of 2024. For the year to date, one file for labour and employment law matters was closed. One new labour and employment law matter was outsourced in the third quarter of 2024.

ISSUES OF SIGNIFICANCE

There were no significant issues to report in the third 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 fourth quarter report will be presented to the Board at its January 2025 meeting.