

**Report to / Rapport au:**

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

**23 January 2017 / 23 janvier 2017**

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

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**SUBJECT: LEGAL SERVICES STATUS REPORT – 2016 FOURTH QUARTER**

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – QUATRIÈME  
TRIMESTRE DE 2016**

**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**

The City Clerk and Solicitor Department 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, corporate/commercial/development and environmental law. The Department's objective is to achieve this through the most cost-effective and efficient combination of both in-house and external lawyers. In this latter regard, the Department has a Strategic Standing Offer (SSO) with three law firms for the provision of external legal services. The new SSO was negotiated for the period 2015-2018 and provides for favourable, blended hourly rates set for the duration of the four-year 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 2016.

## **DISCUSSION**

### **2016 Budget**

The Police Services Board has allocated \$328,100 for the provision of legal services in 2016. At the completion of the fourth quarter \$379,422 or approximately 116% of the budget was spent. The following chart sets out expenditures for the entire year to date (rounded out for space purposes). The costs reflect the significant staff time devoted to representing the Board, both at trial as well as at mediations, discoveries and settlement conferences.

**Table 1 - Ottawa Police Service - 2016 Fourth Quarter Costs of Legal Services**

<b>Item</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Internal Costs	\$44,375	\$74,100	\$44,610	\$52,050
External Costs	\$6,585	\$35,781	\$29,563	\$69,180
Disbursements	\$2,376	\$3,252	\$13,915	\$3,634
Total, Quarter	\$53,336	\$113,133	\$88,088	\$124,864
<b>Total, YTD</b>	<b>\$53,336</b>	<b>\$166,470</b>	<b>\$254,558</b>	<b>\$379,422</b>

## 2016 Litigation Claims

Six Statements of Claim were received on behalf of the Police Services Board in the fourth quarter of 2016. Currently there are 66 outstanding claims/notices of claim against the Board. Three of those claims are with external legal counsel as directed by the Board's insurer or due to the requirement for a specialized legal expertise. The remaining 63 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 Q1 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 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 - As of January 10, 2017**

Type of Claim	Number of Claims
Breach of Charter Rights	1
Employment/Labour	1
Excessive Force/Assault	13
False Arrest	13
Malicious Prosecution	1
Motor Vehicle Accident	13
Negligence/Negligent Investigation	14
Personal Injury	8
Property Damage	1
Vehicle/Property Damage	1

## 2016 Non-Litigated Claims

During the fourth quarter of 2016, 11 new claims were received by the Claims Unit. Of these claims, two were paid and closed, five remain open and four are open and have become litigation.

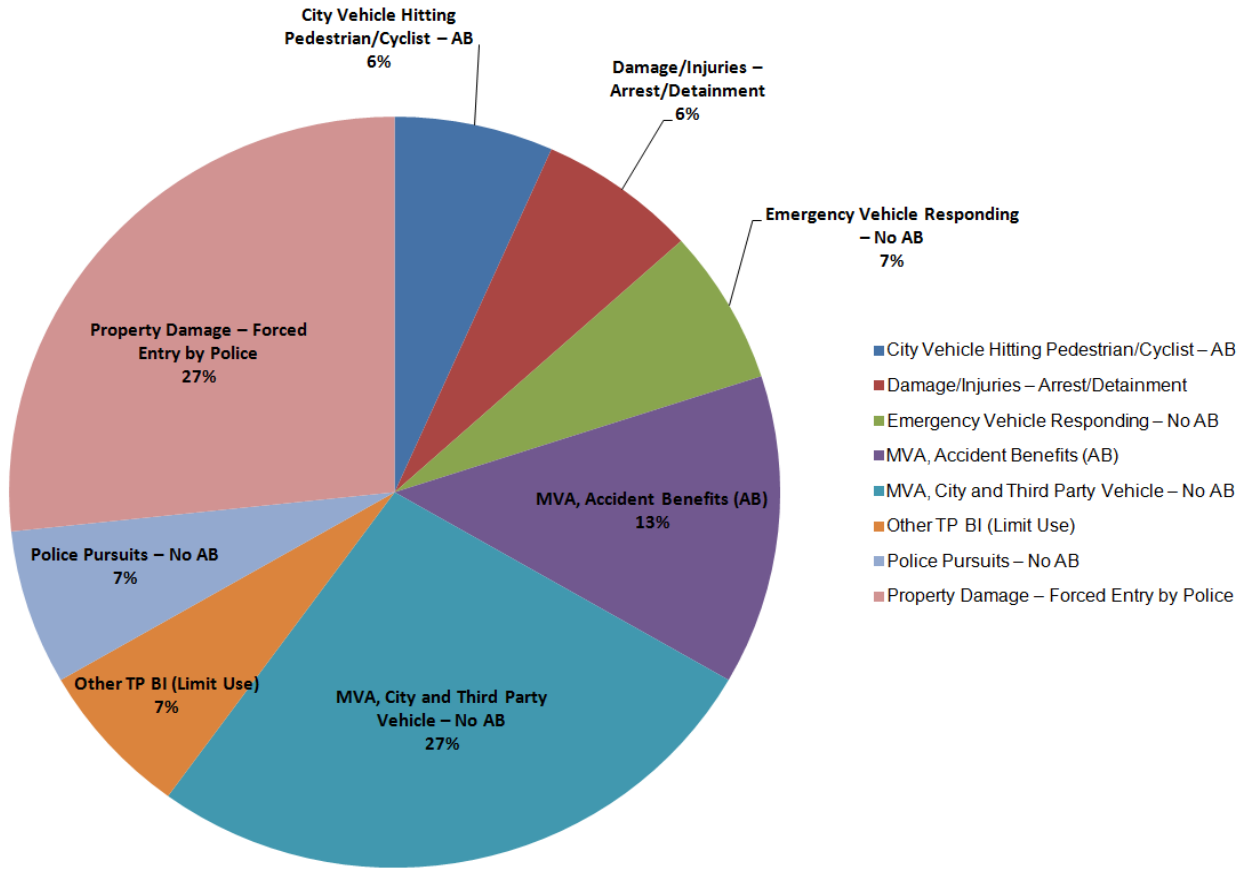
The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the fourth quarter 2016. As of January 10, 2017, there were fifteen open non-litigated claims.

**Table 3 - All Open Claims - Police Services - As of January 10, 2016**

Type of Claim	Number of Claims
Damage/Injuries - Arrest/Detainment	1
Emergency Vehicle Responding - No AB	1
Falling Ice, Snow, Debris TP BI/PD	1
Injuries From City Animals	1
MVA, Accident Benefits (AB)	2
MVA, City and Third Party Vehicle - No AB	3
No Known City Involvement	1
Other T/P BI (Limit Use)	1
Property Damage - Forced Entry By Police	3
Vehicle Towing/Impounding	1
<b>Total Number of Open Claims – Police Services</b>	<b>15</b>

*NOTE: TP = Third Party; MVA = Motor Vehicle Accident; AB = Accident Benefits; BI = Bodily Injury; PD = Property Damage*

Figure 1 - All Open Claims - Police Services - As of January 10, 2017



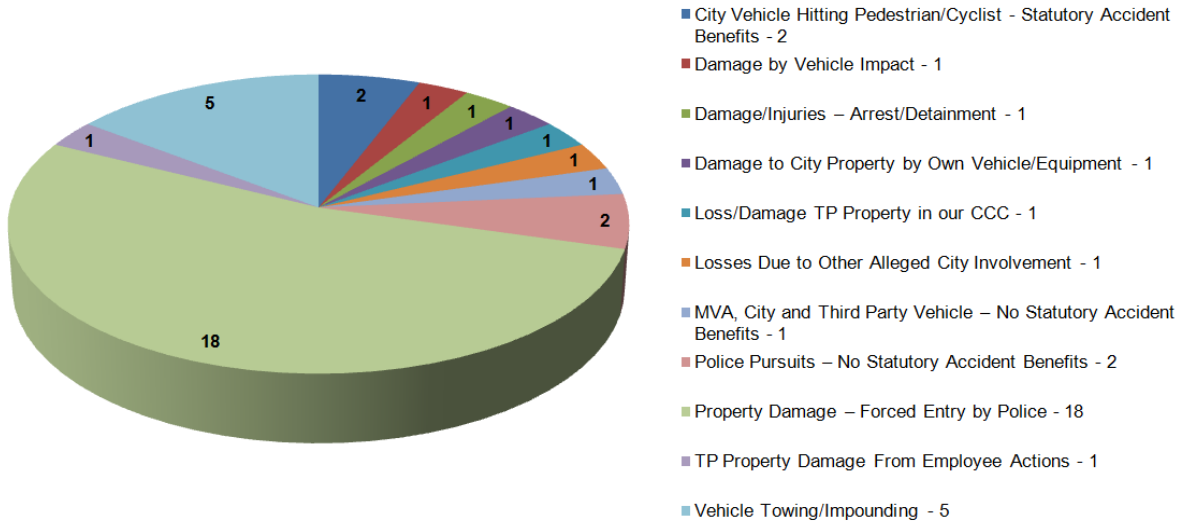
During the fourth quarter of 2016, seven claims were closed by the Claims Unit. Of these claims, one was denied and six were paid.

Non-litigated claims closed for the year, had a total of \$955,606.68 paid out in compensation. Below is the summary for number of claims and amount paid for each claim type.

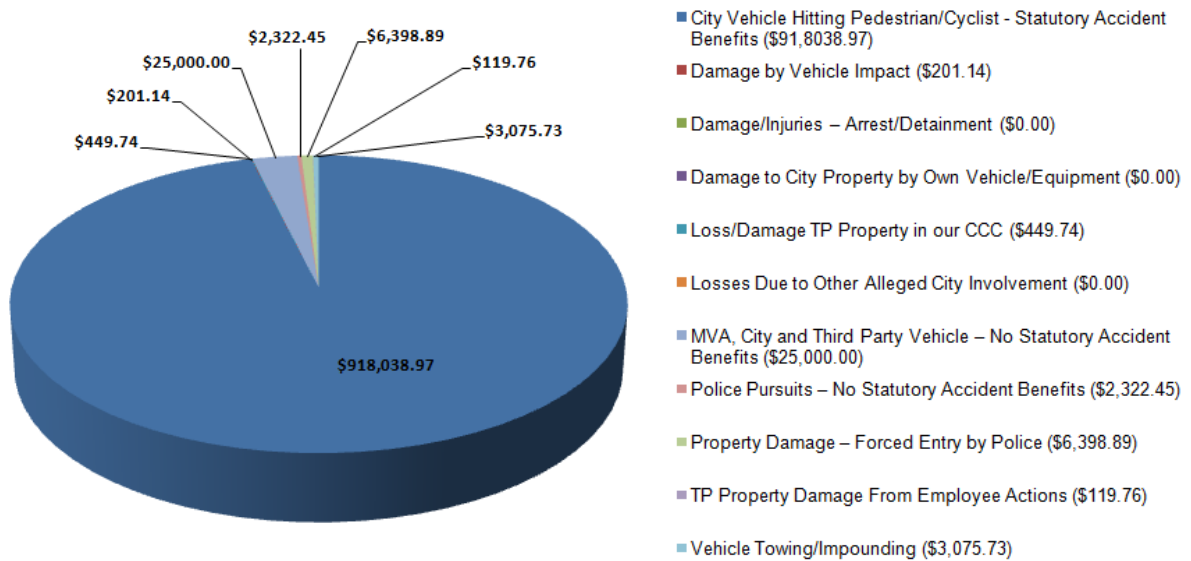
**Table 4 - Closed Police Services Claims, Q4 2016 (As of January 10, 2017)**

<b>Type of Claim</b>	<b>Number of Claims</b>	<b>Paid Sum</b>
City Vehicle Hitting Pedestrian/Cyclist – Statutory Accident Benefits	2	\$918,038.97
Damage by Vehicle Impact	1	\$201.14
Damage/Injuries – Arrest/Detainment	1	\$0.00
Damage to City Property by Own Vehicle/Equipment	1	\$0.00
Loss/Damage TP Property in our CCC	1	\$449.74
Losses Due to Other Alleged City Involvement	1	\$0.00
MVA, City and Third Party Vehicle – No Statutory Accident Benefits	1	\$25,000.00
Police Pursuits – No Statutory Accident Benefits	2	\$2,322.45
Property Damage – Forced Entry by Police	18	\$6,398.89
TP Property Damage From Employee Actions	1	\$119.76
Vehicle Towing/Impounding	5	\$3,075.73
<b>Total – Closed Police Services Claims, YTD</b>	<b>34</b>	<b>\$955,606.68</b>

**Figure 2 - Number of Closed Police Services Claims, Q4 2016 (As of January 10, 2017)**



**Figure 3 - Value of Closed Police Services Claims, Q4 2016 (As of January 10, 2017)**



**2016 Labour and Employment Law Matters**

In addition to the above civil litigation claims, the City Clerk and Solicitor Department is currently managing 12 active labour and employment law matters on behalf of the Police Services Board, with one new file opened in the fourth quarter of 2016. For the year to date, 17 Police Services files for Labour and Employment Law matters have been closed. No new labour and employment law matters were outsourced in the fourth quarter of 2016.

**SIGNIFICANT ISSUES**

There were no significant issues to report in the fourth quarter of 2016.

**CONSULTATION**

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

**FINANCIAL IMPLICATIONS**

As presented in this report.

**CONCLUSION**

It is anticipated that the 2017 first quarter report will be presented to the Board at its April 2017 meeting.