

Report to / Rapport au:

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

24 October 2016 / 24 octobre 2016

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

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SUBJECT: LEGAL SERVICES STATUS REPORT: 2016 THIRD QUARTER

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES : TROISIÈME
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 third 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 third quarter \$254,558 or approximately 78% 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 Third Quarter Costs of Legal Services

Item	Q1	Q2	Q3	Q4
Internal Costs	\$44,375	\$74,100	\$44,610	
External Costs	\$6,585	\$35,781	\$29,563	
Disbursements	\$2,376	\$3,252	\$13,915	
Total, Quarter	\$53,336	\$113,133	\$88,088	
Total, YTD	\$53,336	\$166,470	\$254,558	

2016 Litigation Claims

Four Statements of Claim were received on behalf of the Police Services Board in the third quarter of 2016. Currently there are 61 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 58 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 October 4, 2016

Type of Claim	Number of Claims
Breach of Charter Rights	1
Employment/Labour	1
Excessive Force/Assault	14
False Arrest	13
Malicious Prosecution	1
Motor Vehicle Accident	11
Negligence/Negligent Investigation	11
Personal Injury	7
Property Damage	1
Vehicle/Property Damage	1

2016 Non-Litigated Claims

During the third quarter of 2016, sixteen new claims were received by the Claims Unit. Of these claims, three were denied and closed, five were paid and closed, five remain open and three are open and have become litigation.

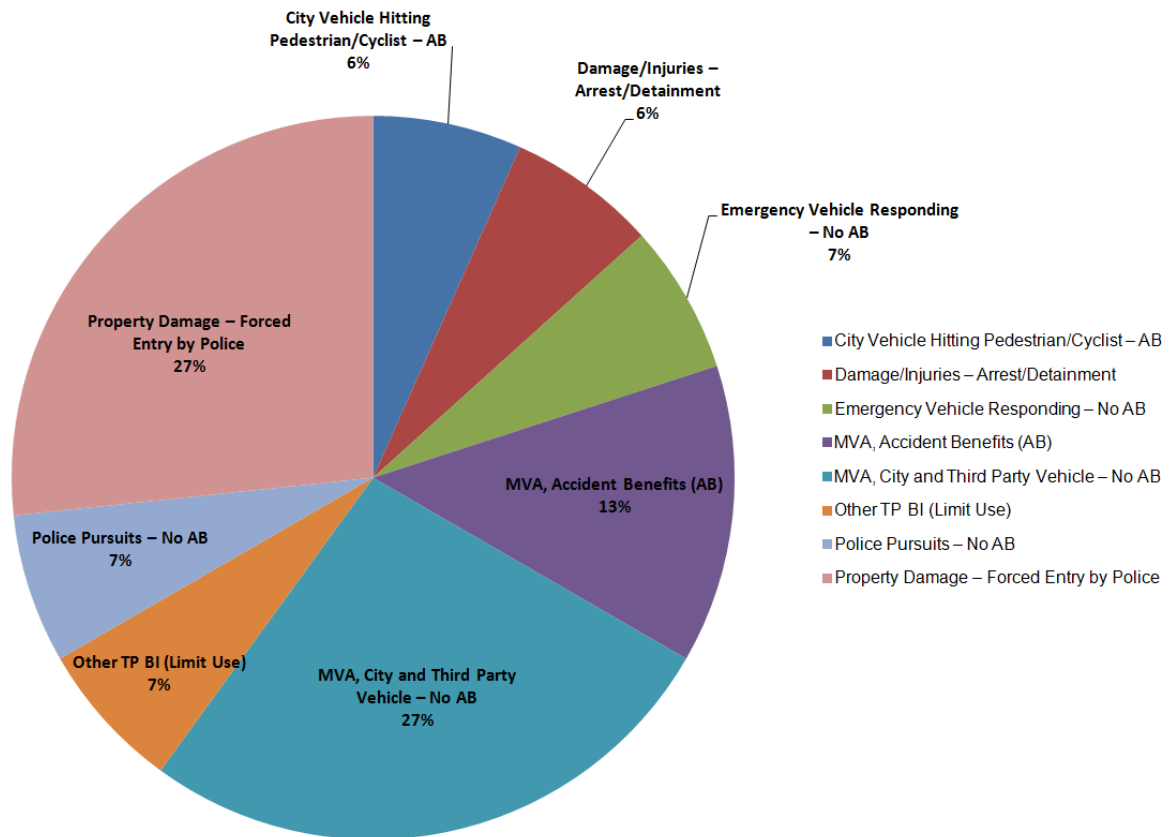
The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the third quarter 2016. As of October 4, 2016, there were fifteen open non-litigated claims.

Table 3 - All Open Claims - Police Services - As of October 4, 2016

Type of Claim	Number of Claims
City Vehicle Hitting Pedestrian/Cyclist – AB	1
Damage/Injuries – Arrest/Detainment	1
Emergency Vehicle Responding – No AB	1
MVA, Accident Benefits (AB)	2
MVA, City and Third Party Vehicle – No AB	4
Other TP BI (Limit Use)	1
Police Pursuits – No AB	1
Property Damage – Forced Entry by Police	4
Total Number of Open Claims – Police Services	15

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 October 4, 2016



During the third quarter of 2016, ten claims were closed by the Claims Unit. Of these claims, four were denied, and six were paid.

Non-litigated claims closed for the year, had a total of \$33,846.36 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, Q3 2016 (As of October 4, 2016)

Type of Claim	Number of Claims	Paid Sum
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 AB	2	\$25,000.00
Police Pursuits – No AB	1	\$0.00
Property Damage – Forced Entry by Police	14	\$4,999.99
TP Property Damage From Employee Actions	1	\$119.76
Vehicle Towing/Impounding	5	\$3,075.73
Total – Closed Police Services Claims, YTD	28	\$33,846.36

Figure 2 - Number of Closed Police Services Claims, Q3 2016 (As of October 4, 2016)

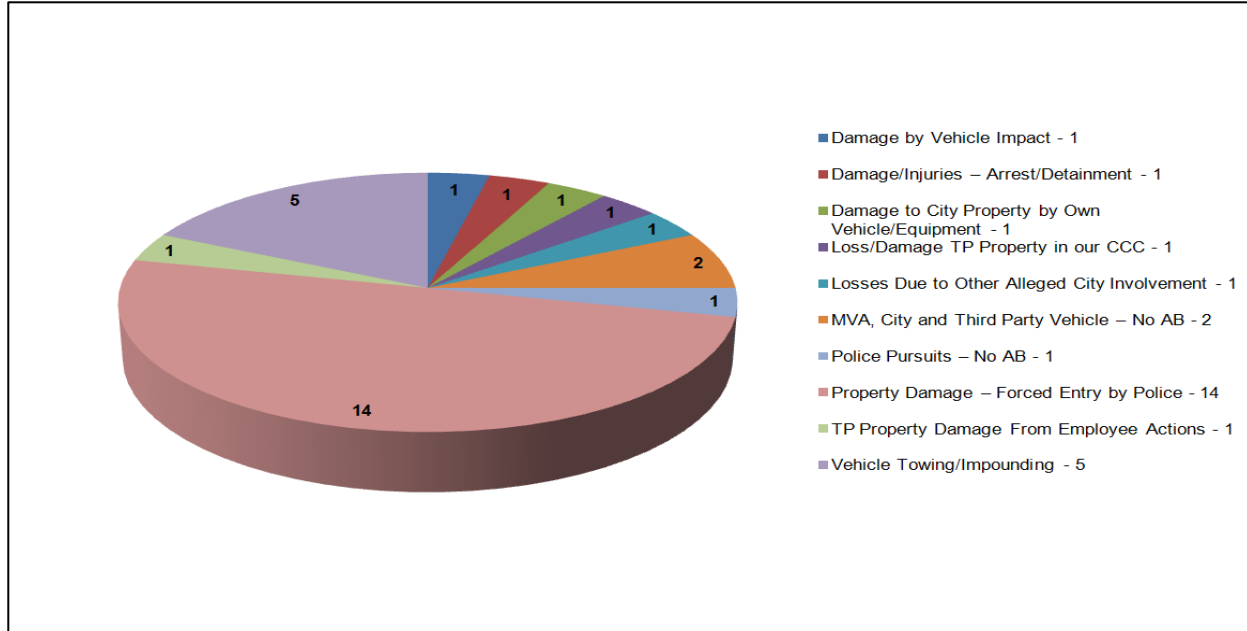
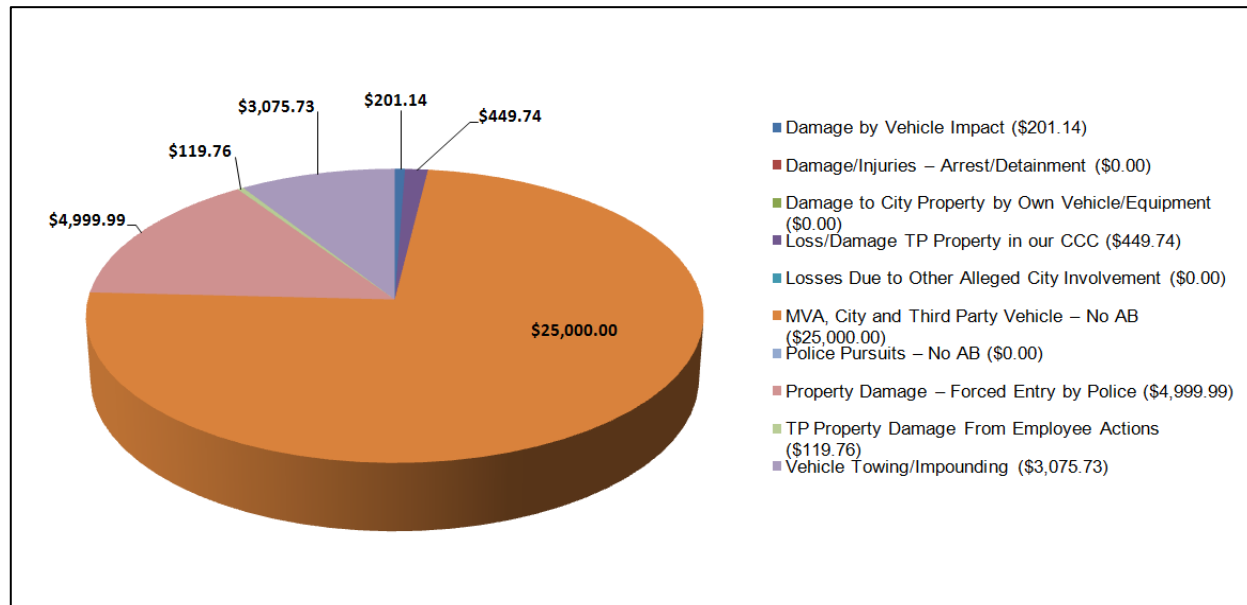


Figure 3 - Value of Closed Police Services Claims, Q3 2016 (As of October 4, 2016)



2016 Labour and Employment Law Matters

In addition to the above civil litigation claims, the City Clerk and Solicitor Department is currently managing 33 active labour and employment law matters on behalf of the Police Services Board, with one new file opened in the third quarter of 2016. For the year to date, ten Police Services files for Labour and Employment Law matters have been closed. No new labour and employment law matters were outsourced in the third quarter of 2016.

SIGNIFICANT ISSUES

There were no significant issues to report in the third 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 2016 year-end report will be presented to the Board at its January 2017 meeting.