

Report to / Rapport au:

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

25 January 2016 / 25 janvier 2016

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

**Contact Person / Personne ressource:
David White, Deputy City Solicitor, Litigation & Labour Relations / Chef du
conentieux adjoint, Division des litiges et du droit administratif
*david.white@ottawa.ca***

SUBJECT: LEGAL SERVICES STATUS REPORT – 2015 FOURTH QUARTER

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – QUATRIÈME
TRIMESTRE DE 2015**

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 very 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 2015.

DISCUSSION

2015 Budget

The Police Services Board has allocated \$328,100 for the provision of legal services in 2015. At the completion of the fourth quarter \$550,130 or approximately 168% 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 - 2015 Fourth Quarter Costs of Legal Services

Item	Q1	Q2	Q3	Q4
Internal Costs	\$87,840	\$63,410	\$62,845	\$66,900
External Costs	\$19,328	\$8,240	\$42,866	\$186,281
Disbursements	\$2,373	\$6,824	\$1,270	\$1,952
Total, Quarter	\$109,541	\$78,474	\$106,981	\$255,133
Total, YTD	\$109,541	\$188,015	\$294,996	\$550,130

2015 Litigation Claims

One Statement of Claim was received on behalf of the Police Services Board in the fourth quarter of 2015. Currently there are 61 outstanding claims/notices of claim against the Board. Four 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 57 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 4, 2016

Type of Claim	Number of Claims
Breach of Charter Rights	1
Employment/Labour	2
Error and Omission	1
Excessive Force/Assault	14
False Arrest	14
Malicious Prosecution	4
Motor Vehicle Accident	4
Negligence/Negligent Investigation	12
Personal Injury	7
Property Damage	1
Vehicle/Property Damage	1

2015 Non-Litigated Claims

During the fourth quarter of 2015, fourteen new claims were received by the Claims Unit. Of these claims, one was denied and closed, seven were paid and closed, five remain open, and one is open and has become litigation.

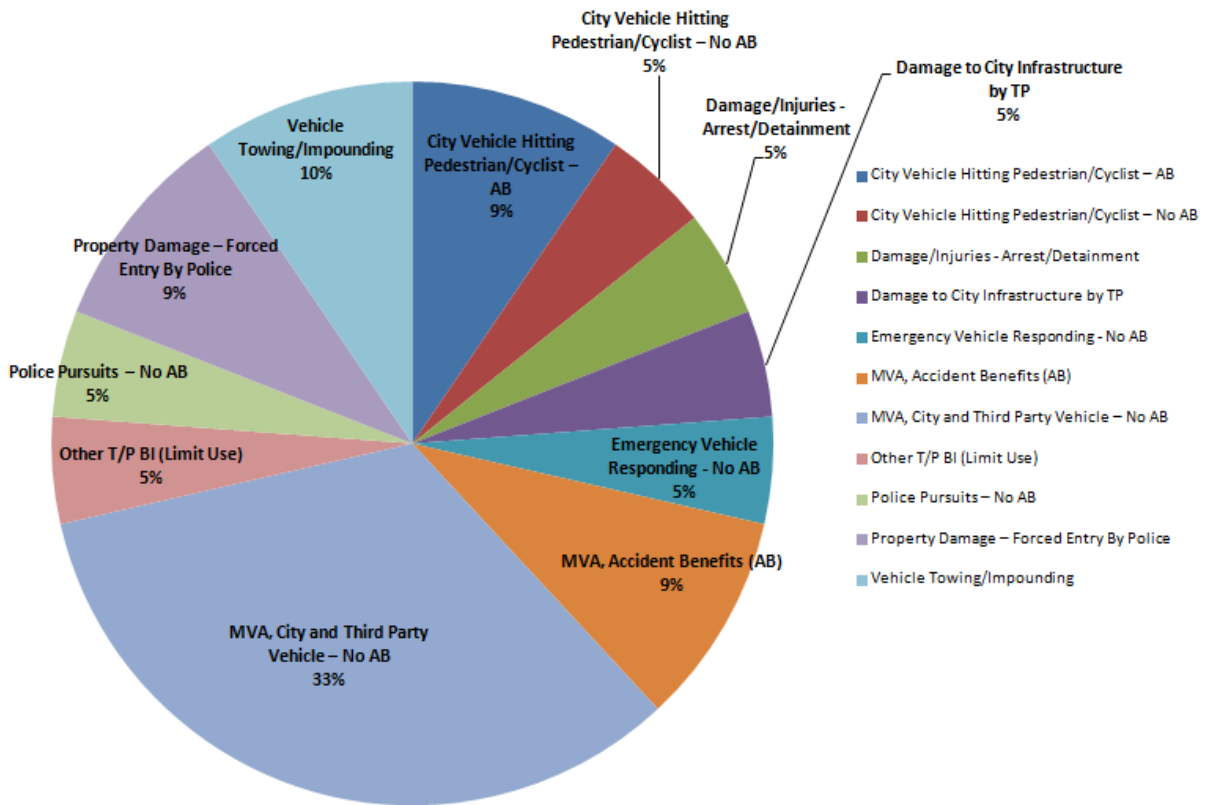
The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the fourth quarter 2015. As of January 4, 2016, there were 21 open non-litigated claims.

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

Type of Claim	Number of Claims
City Vehicle Hitting Pedestrian/Cyclist – AB	2
City Vehicle Hitting Pedestrian/Cyclist – No AB	1
Damage/Injuries – Arrest/Detainment	1
Damage to City Infrastructure by TP	1
Emergency Vehicle Responding – No AB	1
MVA, Accident Benefits (AB)	2
MVA, City and Third Party Vehicle – No AB	7
Other TP BI (Limit Use)	1
Police Pursuits – No AB	1
Property Damage – Forced Entry by Police	2
Vehicle Towing/Impounding	2
Total Number of Open Claims – Police Services	21

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 4, 2016



During the fourth quarter of 2015, thirteen claims were closed by the Claims Unit. Of these claims, two were denied, one was abandoned, and ten were paid.

Non-litigated claims closed for the year, had a total of \$17,596 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, Q1-Q4 2015 (As of January 4, 2016)

Type of Claim	Number of Claims	Paid Sum
Damage/Injuries – Arrest/Detainment	1	\$394.37
Damage to TP Property by City Vehicle	2	\$318.20
Loss/Damage TP Property in our CCC	1	\$2,867.80
Losses Due to Other Alleged City Involvement	1	\$255.48
Loss Involving Police Property Room	1	\$337.00
Property Damage – Forced Entry by Police	13	\$7,976.85
Theft TP Property	1	\$1,516.46
TP Property Damage From Employee Actions	2	\$306.71
TP Property Damage/Loss (Limited Use)	1	\$300.00
TP Vehicle – Other	4	\$1,524.59
Vehicle – Towing/Impounding	8	\$1,798.53
Total – Closed Police Services Claims, YTD	35	\$17,595.99

Figure 2 - Number of Closed Police Services Claims, Q1-Q4 2015 (As of January 4, 2016)

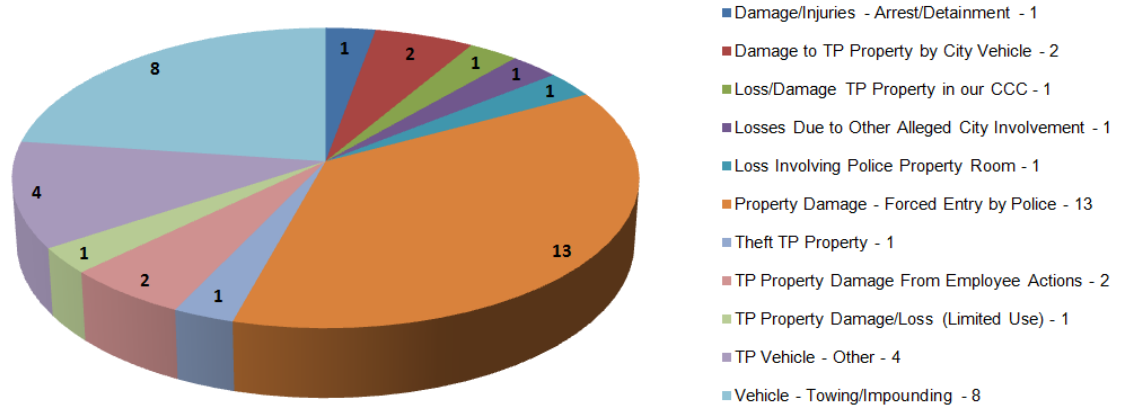
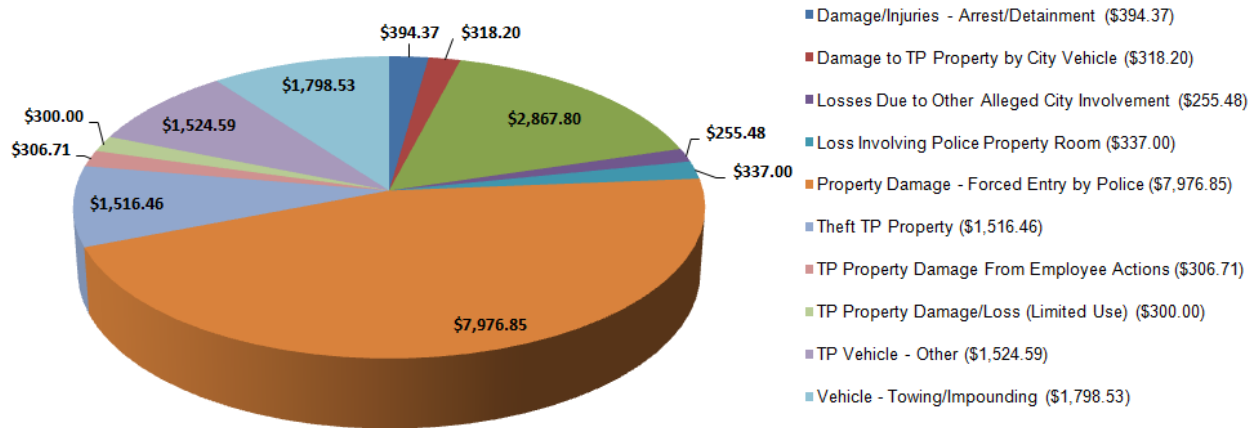


Figure 3 - Value of Closed Police Services Claims, Q1-Q4 2015 (As of January 4, 2016)



2015 Labour and Employment Law Matters

In addition to the above civil litigation claims, the City Clerk and Solicitor Department is currently managing 31 active labour and employment law matters on behalf of the Police Services Board, with 6 new files opened in the fourth quarter of 2015. For the year to date, 34 Police Services files for Labour and Employment Law matters have been closed. One new labour and employment law matter was outsourced in the fourth quarter of 2015.

SIGNIFICANT ISSUES

There were no significant issues to report in the fourth quarter of 2015.

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 first quarter report will be presented to the Board at its April 2016 meeting.

(original signed by)

M. Rick O'Connor
Board Solicitor