

**Report to / Rapport au:**

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

**27 July 2020 / 27 juillet 2020**

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

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**SUBJECT: LEGAL SERVICES STATUS REPORT – 2020 SECOND QUARTER**

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – DEUXIÈME  
TRIMESTRE DE 2020**

**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 Legal Services Branch of the Innovative Client Services 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 Branch'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 Branch has a Strategic Standing Offer (SSO) with multiple law firms for the provision of external legal services. The new SSO was negotiated for the period 2019-2022 and provides for favourable, 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 second quarter of 2020.

In according to 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 categories of claims managed.

## **DISCUSSION**

### **2020 Budget**

The Police Services Board has allocated \$328,100 for the provision of legal services in 2020. At the completion of the second quarter \$98,467 or approximately 30% of the budget was spent (as compared with \$161,119 (49%) at the same point in time the previous year). 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 - Costs of Legal Services, Q2 2019 vs. Q2 2020**

Item	Q1		Q2		Q3		Q4	
	2019	2020	2019	2020				
Internal Costs	\$35,171	\$27,358	\$43,065	\$22,825				

External Costs	\$20,522	\$9,915	\$62,361	\$38,370				
Total, Quarter	\$55,693	\$37,273	\$105,426	\$61,195				
<b>Total, YTD</b>	\$55,693	\$37,273	\$161,119	<b>\$98,467</b>				

The table, above, reflects solely the cost of the provision of legal services (both internal and external) against the approved budget, including the HST municipal rebate.

### 2020 Litigation Claims

One Statement of Claim was received on behalf of the Police Services Board in the second quarter of 2020 (as compared with the two statements received in the same period, the previous year). Currently there are 55 outstanding claims/notices of claim against the Board (as compared with 57 outstanding claims/notices at the same point in the previous year). Seventeen of those claims are with external legal counsel, either as directed by the Board's insurer, due to the requirement for a specialized legal expertise or based on workload considerations. The remaining 38 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 – Q2 2019 vs. Q2 2020**

Type of Claim	Number of Claims	
	Q2, 2019	Q2, 2020
Breach of Charter Rights	1	1

Type of Claim	Number of Claims	
Breach of Contract	0	1
Excessive Force/Assault	11	11
False Arrest	12	9
Malicious Prosecution	0	0
Motor Vehicle Accident	12	7
Negligence/Negligent Investigation	14	17
Personal Injury	5	7
Property Damage	1	1
Seizure of Personal Property	1	1
<b>Total Number of Open Litigated Claims – Police Services</b>	<b>57</b>	<b>55</b>

## 2020 Non-Litigated Claims

During the second quarter of 2020, seven new claims were received by the Claims Unit (as compared with the seven received in the same period, the previous year). Of these claims, two were denied and closed, three remain open (as the evaluation of these matters is ongoing) and two are open litigated.

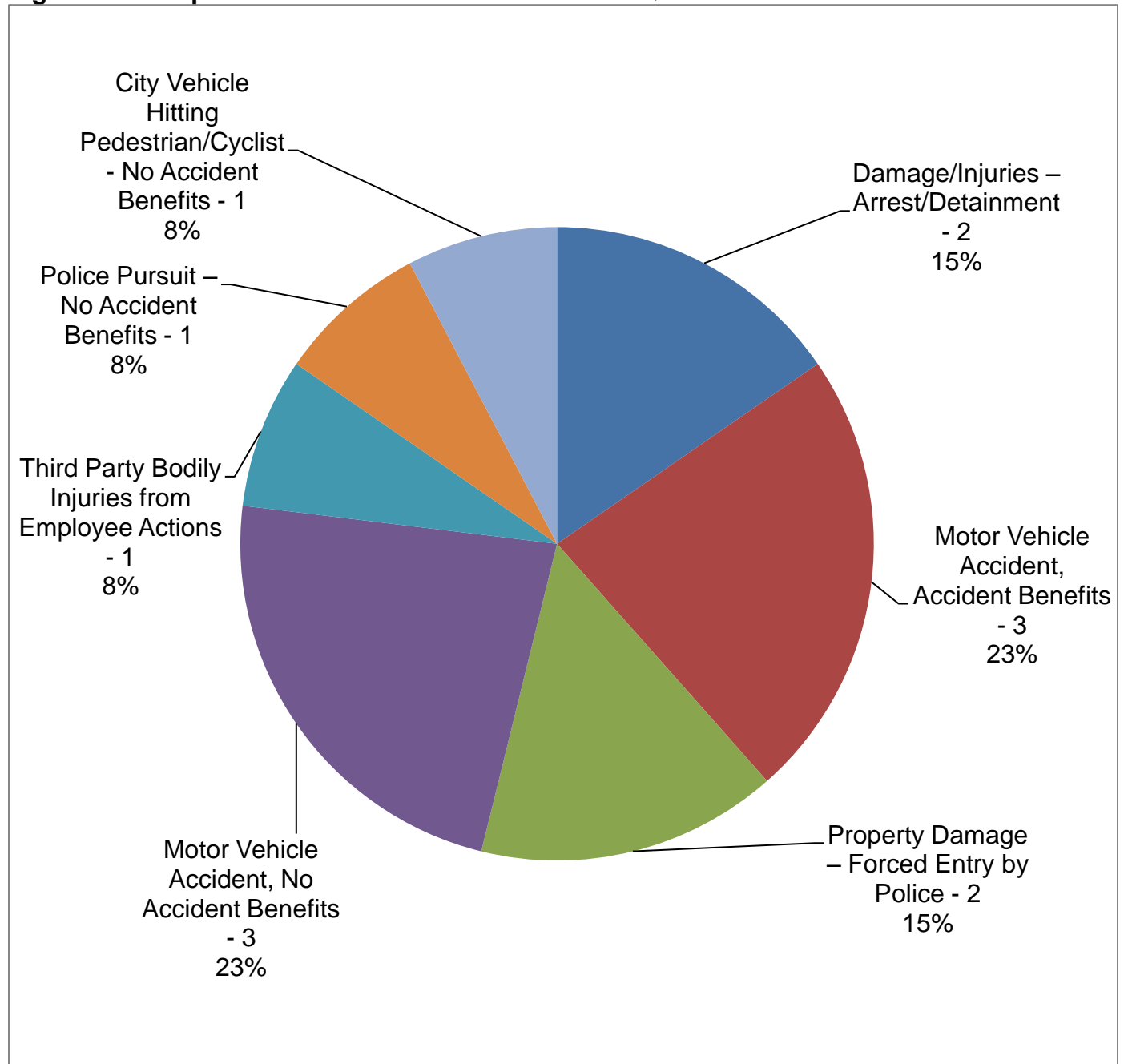
The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the second quarter 2020. As of the end of the second quarter, 2020, there were 13 open non-litigated claims (as compared with 22 at the end of the same period the previous year).

**Table 3 - All Open Non-Litigated Claims - Police Services – Q2 2019 vs Q2 2020**

Type of Claim	Number of Claims	
	Q2, 2019	Q2, 2020
Assault by Employee	2	0
City Vehicle Hitting Pedestrian/Cyclist - No Accident Benefits	0	1
Damage/Injuries – Arrest/Detainment	3	2
Third Party Vehicle Signage/Markings/Signals	1	0
Injuries from City Animals	1	0
Loss Involving Police Property Room	2	0
Motor Vehicle Accident, Accident Benefits	4	3
Motor Vehicle Accident, City and Third-Party Vehicle – No Accident Benefits	2	3
Property Damage – Forced Entry by Police	4	2
Third Party Bodily Injuries from Employee Actions	2	1
Vehicle Towing/Impounding	1	0
Police Pursuit – No Accident Benefits	0	1

Type of Claim	Number of Claims	
<b>Total Number of Open Non-Litigated Claims – Police Services</b>	<b>22</b>	<b>13</b>

**Figure 1 - All Open Claims - Police Services – As of Q2 2020**



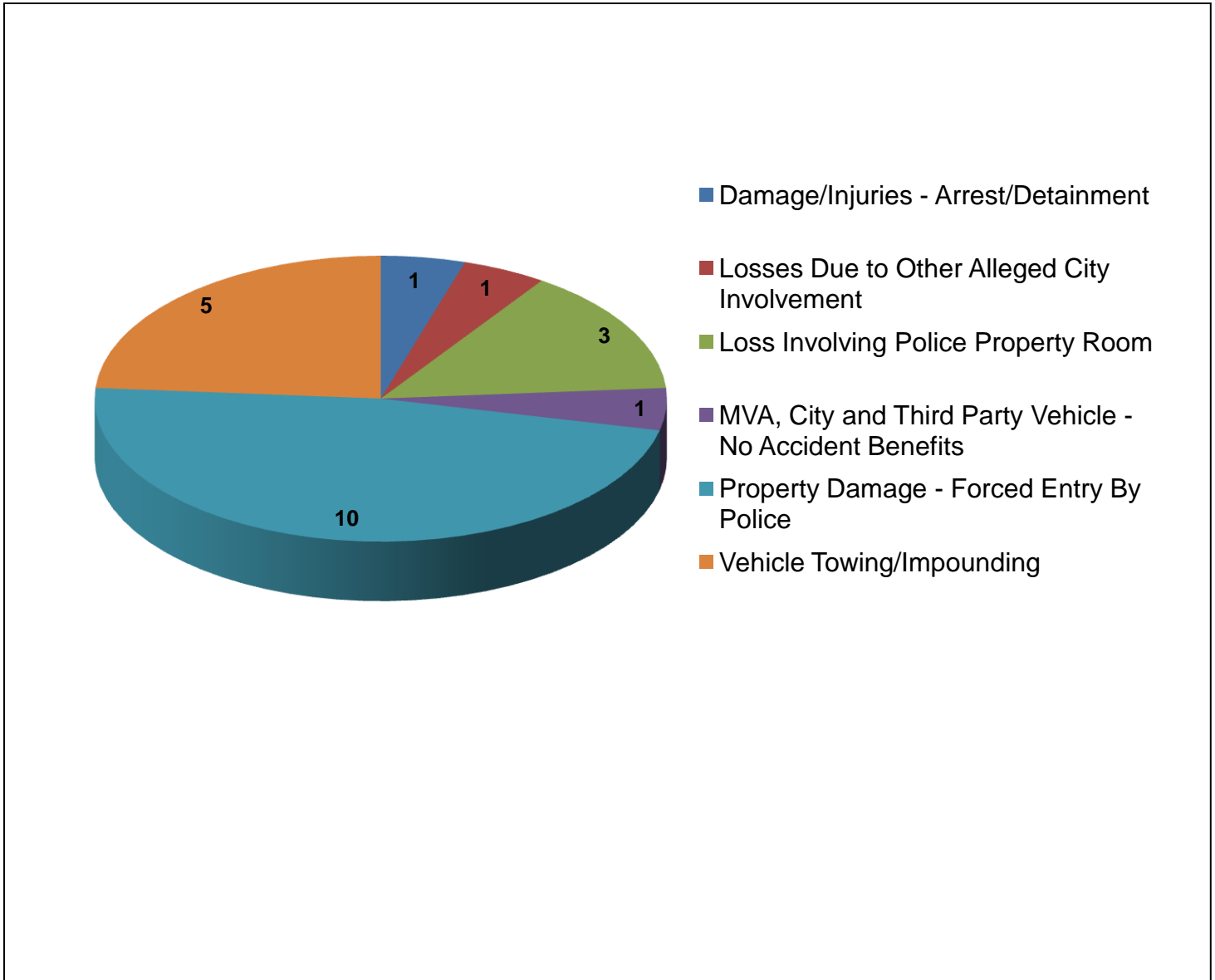
During the second quarter of 2020, 12 claims were closed by the Claims Unit (as compared with the 15 closed in the same period, the previous year). Of these claims, three were closed abandoned, seven were denied and two were paid.

To date, the Claims Unit has paid out \$48,354.42 in compensation for non-litigated claims (as compared with the \$60,560.96 paid at the same point, the previous year). Below is the summary for number of claims and amount paid for each claim type.

**Table 4 - Closed Police Services Claims, Year to Date – Q2 2019 vs. Q2 2020**

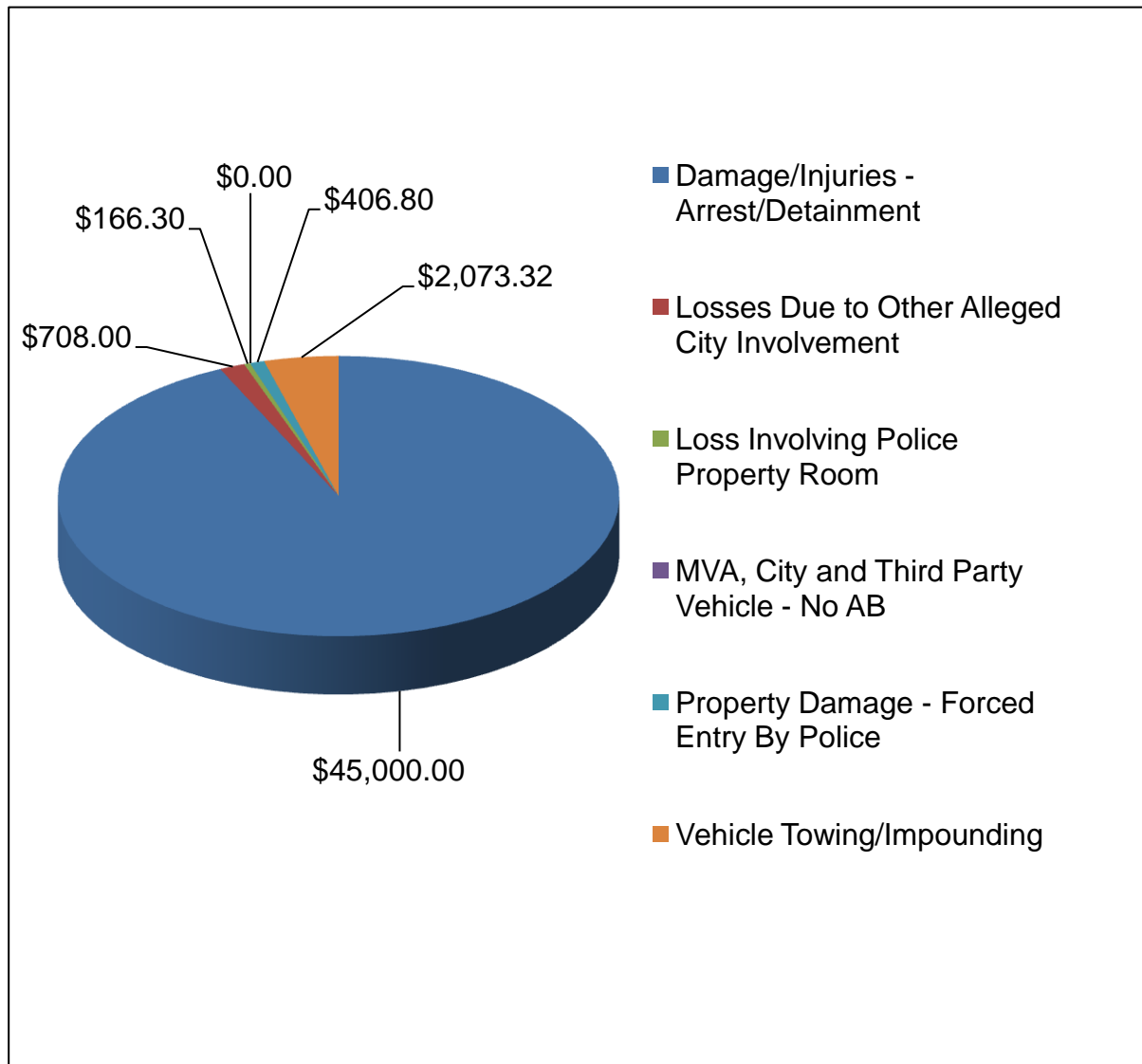
<b>Type of Claim</b>	<b>Number of Claims</b>	<b>Paid Sum</b>
Motor Vehicle Accident, City and Third-Party Vehicle – No Accident Benefits	1	\$0.00
Damage/Injuries - Arrest/Detainment	1	\$45,000.00
Losses Due to Other Alleged City Involvement	1	\$708.00
Loss Involving Police Property Room	3	\$166.30
Property Damage - Forced Entry by Police	10	\$406.80
Vehicle Towing/Impounding	5	\$2,073.32
<b>Total – Closed Police Services Claims 2020, YTD</b>	<b>21</b>	<b>\$48,354.42</b>
Compared to Closed Police Services Claims 2019, Q2 – YTD	15	\$60,560.96

Figure 1 - Number of Closed Police Services Claims, Q2 2020





**Figure 3 - Value of Closed Police Services Claims, Q2 2020**



### **2020 Labour, Employment and Human Rights Matters**

In addition to the above civil litigation claims, the Legal Services Branch is currently managing 39 active labour and employment law matters on behalf of the Police Services Board (as compared to the 40 files which were active at the end of the second quarter the previous year), with 11 new files opened in the second quarter of 2020. For the year to date, seven Police Services files for Labour and Employment Law matters have been closed. No new labour and employment law matters were outsourced in the second quarter of 2020.

**SIGNIFICANT ISSUES**

There were no significant issues to report in the second quarter of 2020.

**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 2020 Third quarter report will be presented to the Board at its October 2020 meeting.