



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

**REPORT  
RAPPORT**

DATE 26 January 2015

TO/DEST. Executive Director, Ottawa Police Services Board

FROM/EXP. Board Solicitor

SUBJECT/OBJET **LEGAL SERVICES STATUS REPORT - FOURTH QUARTER 2014**

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**RECOMMENDATION**

**That the Ottawa Police Services Board receive this report for information.**

**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 two law firms for the provision of external legal services. The new SSO was negotiated for the period 2011-2014 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 2014.

## DISCUSSION

### 2014 Budget

The Police Services Board allocated \$328,100 for the provision of legal services in 2014. At the completion of the fourth quarter \$591,099 or approximately 180% of

the budget was spent. The adjacent 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. While the Board's budget for legal services is currently \$328,100, two individual matters generated external costs of \$237,305 and \$47,212, respectively. Totalling \$284,517, these two files (of the 66 currently being handled by Legal) account for approximately 87% of the total budget allocation, or 48% of total legal spending. Without these two matters, spending would have been \$306,582, or approximately 93.4% of the budget allocation.

Ottawa Police Service 2014 Fourth Quarter Costs of Legal Services				
Item	Q1	Q2	Q3	Q4
Internal Costs	\$68,845	\$ 52,325	\$ 64,566	\$ 64,475
External Costs	\$ 1,694	\$103,235	\$ 43,098	\$173,949
Disbursements	\$ 3,728	\$ 10,522	\$ 2,301	\$ 2,361
Total, Quarter	\$74,267	\$166,082	\$109,965	\$240,785
Total, YTD	<b>\$74,267</b>	<b>\$240,349</b>	<b>\$350,314</b>	<b>\$591,099</b>

### 2014 Litigation Claims

Four Statements of Claim were received on behalf of the Police Services Board in the fourth quarter of 2014. Currently there are 66 outstanding claims/notices of claim against the Board. Five 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 61 claims are assigned to various in-house Legal Counsel. The adjacent 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

Type of Claim	Number
Breach of Charter Rights	2
Employment/Labour	2
Error and Omission	2
Excessive Force/Assault	13
False Arrest	17
Family Law Act	1
Malicious Prosecution	3
Motor Vehicle Accident	6
Negligence/Negligent Investigation	9
Personal Injury	7
Property Damage	1
Seizure of Personal Property	1
Trespassing	1
Vehicle/Property Damage	1

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.

## 2014 Non-Litigated Claims

During the fourth quarter of 2014, eight new claims were received by the Claims Unit. Of these claims, two were denied and closed, two were paid and closed, three remain open, and one is open and has become litigation.

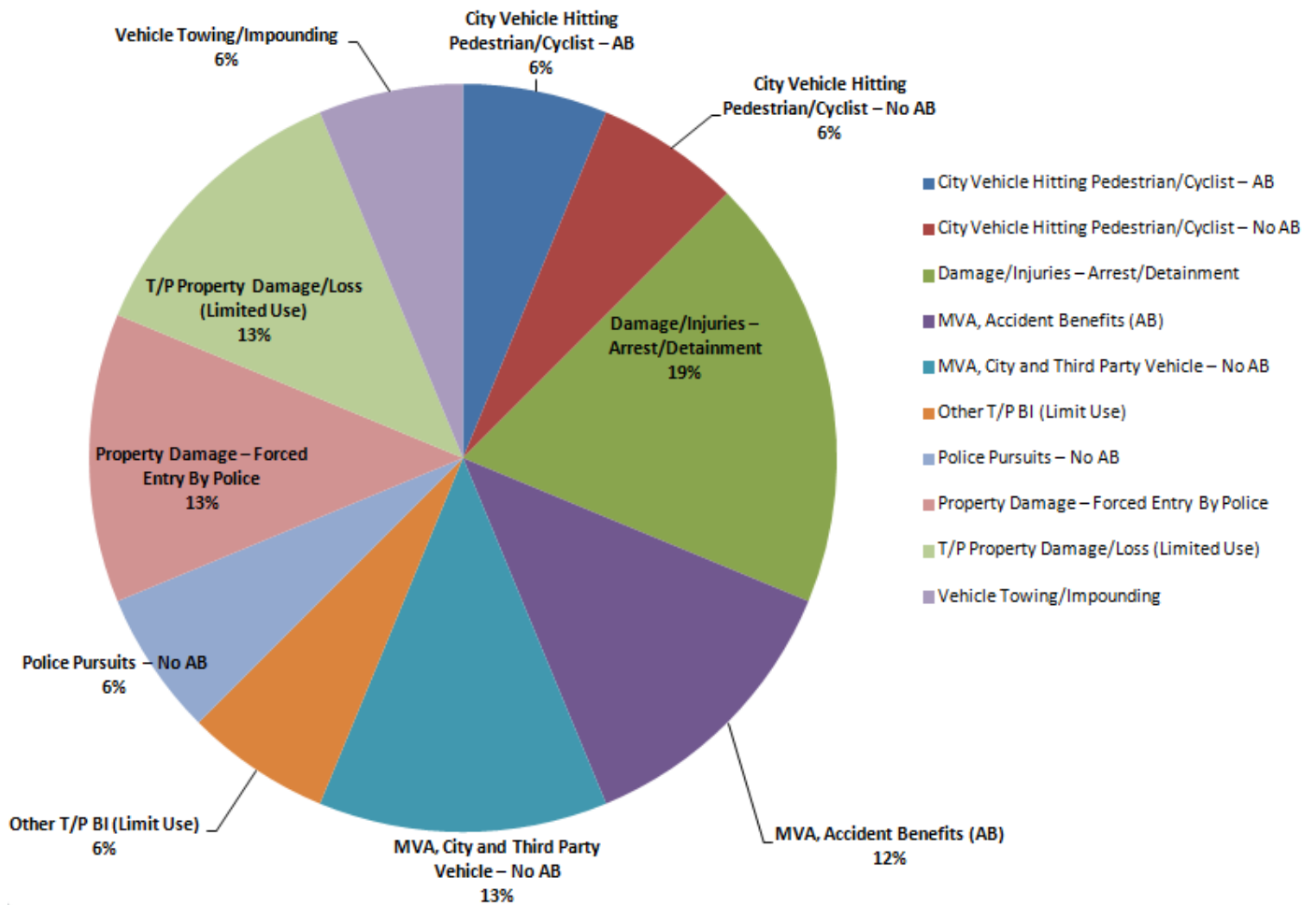
The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the fourth quarter 2014. As of January 12, 2015, there were sixteen open non-litigated claims.

### All Open Claims - Police Services - As of January 12, 2015

Claim Type	Number of Claims
City Vehicle Hitting Pedestrian/Cyclist – AB	1
City Vehicle Hitting Pedestrian/Cyclist – No AB	1
Damage/Injuries – Arrest/Detainment	3
MVA, Accident Benefits (AB)	2
MVA, City and Third Party Vehicle – No AB	2
Other T/P BI (Limit Use)	1
Police Pursuits – No AB	1
Property Damage – Forced Entry By Police	2
T/P Property Damage/Loss (Limited Use)	2
Vehicle Towing/Impounding	1
<b>Total Number of Open Claims - Police Services</b>	<b>16</b>

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

### All Open Claims - Police Services - As of January 12, 2015



During the fourth quarter of 2014, ten claims were closed by the Claims Unit. Of these claims, two were closed, two were denied, four were paid, and two were referred.

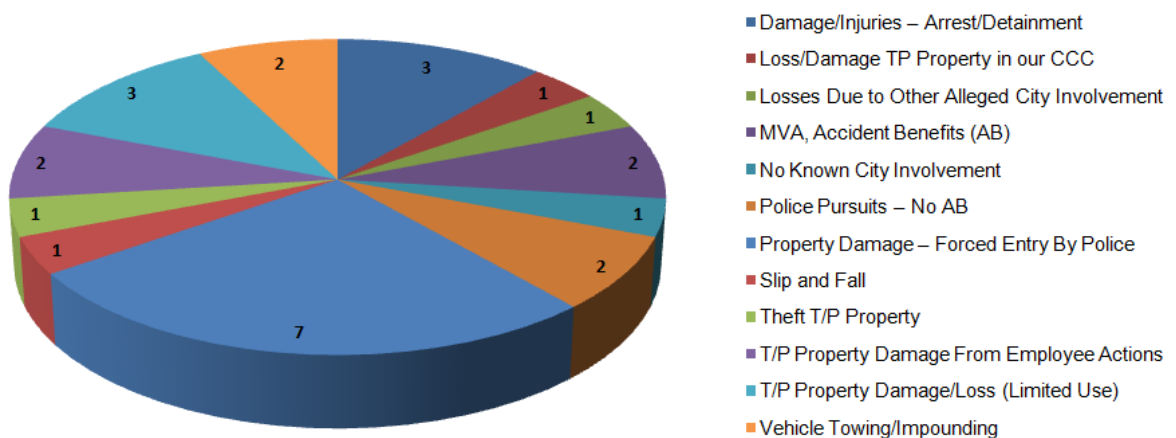
The total 26, non-litigated claims, closed for the year-to-date at the end of the fourth quarter had a total of \$55,923.19 paid out in compensation. Below is the summary for number of claims and amount paid for each claim type.

**Closed Police Services Claims**  
**Date Closed Between January 1, 2014 and December 31, 2014**  
**As of January 12, 2015**

<b>Claim Type</b>	<b>Number of Claims</b>	<b>Paid Sum</b>
Damage/Injuries – Arrest/Detainment	3	\$5,500.00
Loss/Damage TP Property in our CCC	1	\$0.00
Losses Due to Other Alleged City Involvement	1	\$720.00
MVA, Accident Benefits (AB)	2	\$38,258.17
No Known City Involvement	1	\$918.00
Police Pursuits – No AB	2	\$800.40
Property Damage – Forced Entry By Police	7	\$1,301.37
Slip and Fall	1	\$0.00
Theft T/P Property	1	\$0.00
T/P Property Damage From Employee Actions	2	\$0.00
T/P Property Damage/Loss (Limited Use)	3	\$7,939.35
Vehicle Towing/Impounding	2	\$485.90
<b>Total - Closed Police Services Claims</b>	<b>26</b>	<b>\$55,923.19</b>

**Closed Police Services Claims - Number of Claims**

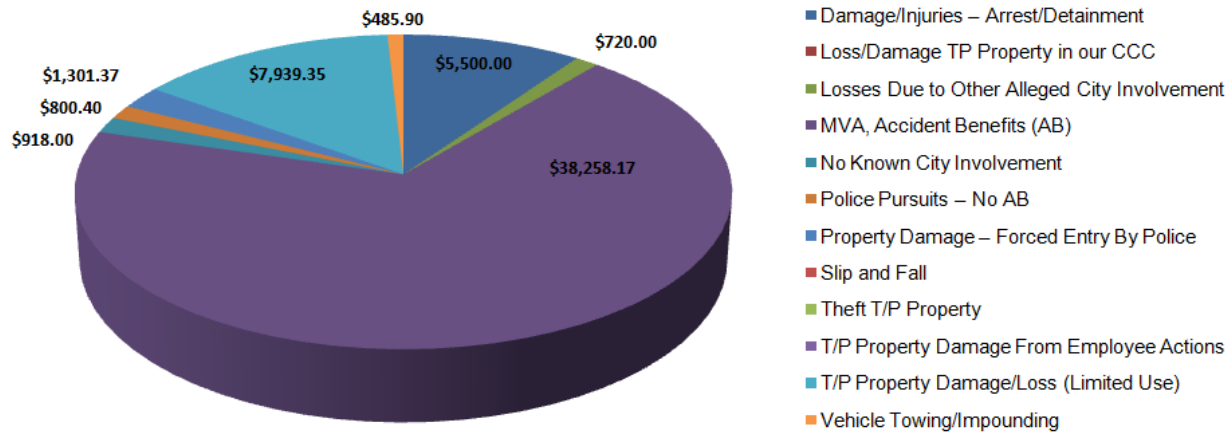
Date Closed Between January 1, 2014 and December 31, 2014  
(As of January 12, 2015)



### **Closed Police Services Claims - Paid Sum Value of Claims**

Date Closed Between January 1, 2014 and December 31, 2014

(As of January 12, 2015)



### **2014 Labour and Employment Law Matters**

In addition to the above civil litigation claims, the City Clerk and Solicitor Department is currently managing 49 active labour and employment law matters on behalf of the Police Services Board, with 5 new files opened in the fourth quarter of 2014. For the year to date, 19 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 2014.

### **SIGNIFICANT ISSUES**

There were no significant issues to report in the fourth quarter of 2014.

### **CONSULTATION**

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

### **FINANCIAL STATEMENT**

As presented in this report.

**CONCLUSION**

It is anticipated that 2015 first quarter report will be presented to the Board at its April 2015 meeting.

*(Original signed by)*

M. Rick O'Connor  
Board Solicitor