

Report to / Rapport au:

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

23 October 2017 / 23 octobre 2017

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

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SUBJECT: LEGAL SERVICES STATUS REPORT – THIRD QUARTER 2017

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – TROISIÈME
TRIMESTRE DE 2017**

REPORT RECOMMENDATION

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

RECOMMANDATION 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 2017.

DISCUSSION

2017 Budget

The Police Services Board has allocated \$328,100 for the provision of legal services in 2017. At the completion of the third quarter \$321,524.28 or approximately 98% 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 - 2017 Third Quarter Costs of Legal Services

Item	Q1	Q2	Q3	Q4
Internal Costs	\$ 42,665	\$ 60,720	\$ 47,665	
External Costs	\$ 8,027	\$ 57,976	\$ 96,472	
Disbursements	\$ 5,707	\$ 2,293	\$ 0.00	
Total, Quarter	\$ 56,398	\$ 120,989	\$ 144,137	
Total, YTD	\$ 56,398	\$ 177,388	\$ 321,524	

2017 Litigation Claims

Three Statements of Claim were received on behalf of the Police Services Board in the third quarter of 2017. Currently there are 68 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 64 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 17, 2017

Type of Claim	Number of Claims
Breach of Charter Rights	1
Employment/Labour	1
Excessive Force/Assault	11
False Arrest	13
Harassment	1
Malicious Prosecution	1
Motor Vehicle Accident	13
Negligence/Negligent Investigation	16
Personal Injury	8
Property Damage	2
Vehicle/Property Damage	1

2017 Non-Litigated Claims

During the third quarter of 2017, 15 new claims were received by the Claims Unit. Of these claims, four were denied and closed, four were paid and closed, three remain open and four are open and have become litigation.

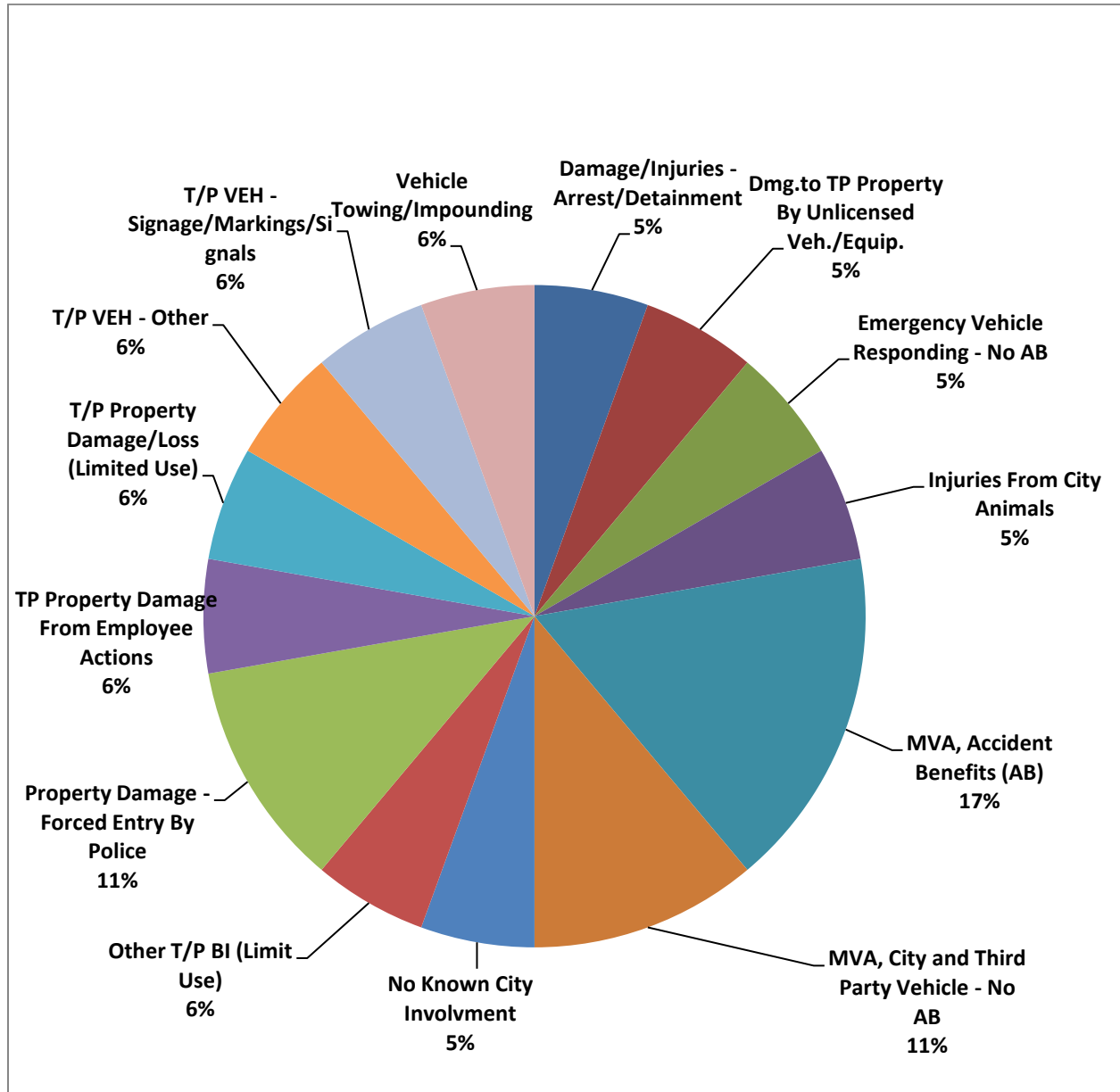
The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the third quarter 2017. As of October 17, 2017, there were eighteen open non-litigated claims.

Table 3 - All Open Claims - Police Services - As of October 17, 2017

Type of Claim	Number of Claims
Damage/Injuries – Arrest/Detainment	1
Damage to Third Party Property By Unlicensed Vehicle/Equipment	1
Emergency Vehicle Responding - No Accident Benefits	1
Injuries From City Animals	1
Loss Involving Police Property Room	1
MVA, Accident Benefits	3
MVA, City and Third Party Vehicle – No Accident Benefits	2
No Known City Involvement	1
Other Third Party Bodily Injury	1
Property Damage - Forced Entry By Police	2
Third Party Vehicle – Other	1
Third Party Bodily Injuries from Employee Actions	1
Third Party Vehicle - Signage/Markings/Signals	1
Vehicle Towing/Impounding	1
Total Number of Open Claims – Police Services	18

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 17, 2017



During the third quarter of 2017, eleven claims were closed by the Claims Unit. Of these claims, six were denied, and five were paid.

Non-litigated claims closed for the year, had a total of \$861,335.51 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, 2017 (As of October 17, 2017)

Type of Claim	Number of Claims	Paid Sum
Careless Actions, Vehicle/Equipment Damage	1	\$0.00
City Vehicle Hitting Pedestrian/Cyclist – Accident Benefits	1	\$848,978.26
Damage/Injuries – Arrest/Detainment	1	\$0.00
Falling Ice, Snow, Debris – Third Party Bodily Injury/Property Damage	1	\$1,115.77
Motor Vehicle Accident, Accident Benefits	1	\$0.00
Motor Vehicle Accident, City and Third Party Vehicle – No Accident Benefits	1	\$0.00
No Known City Involvement	1	\$0.00
Property Damage – Forced Entry by Police	11	\$9,058.72
Third Party Bodily Injuries from Employee Actions	1	\$0.00
Vehicle Towing/Impounding	3	\$2,182.76
Total – Closed Police Services Claims, YTD	22	\$861,335.51

Figure 2 - Number of Closed Police Services Claims, Q3 2017 (As of Oct 17, 2017)

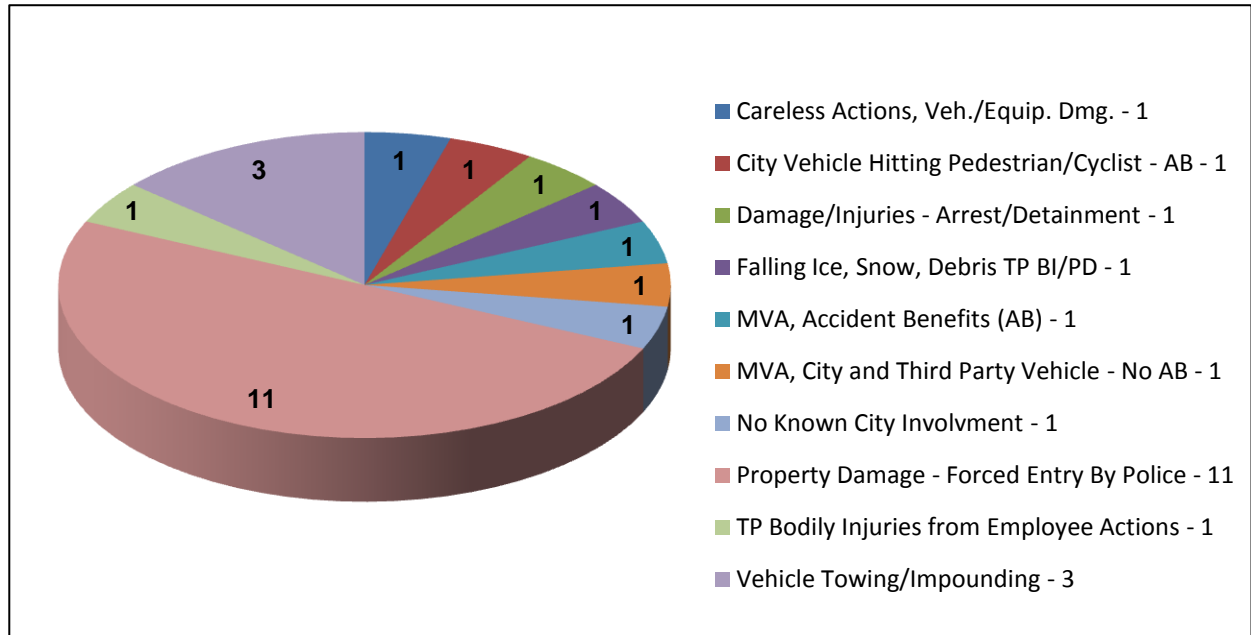
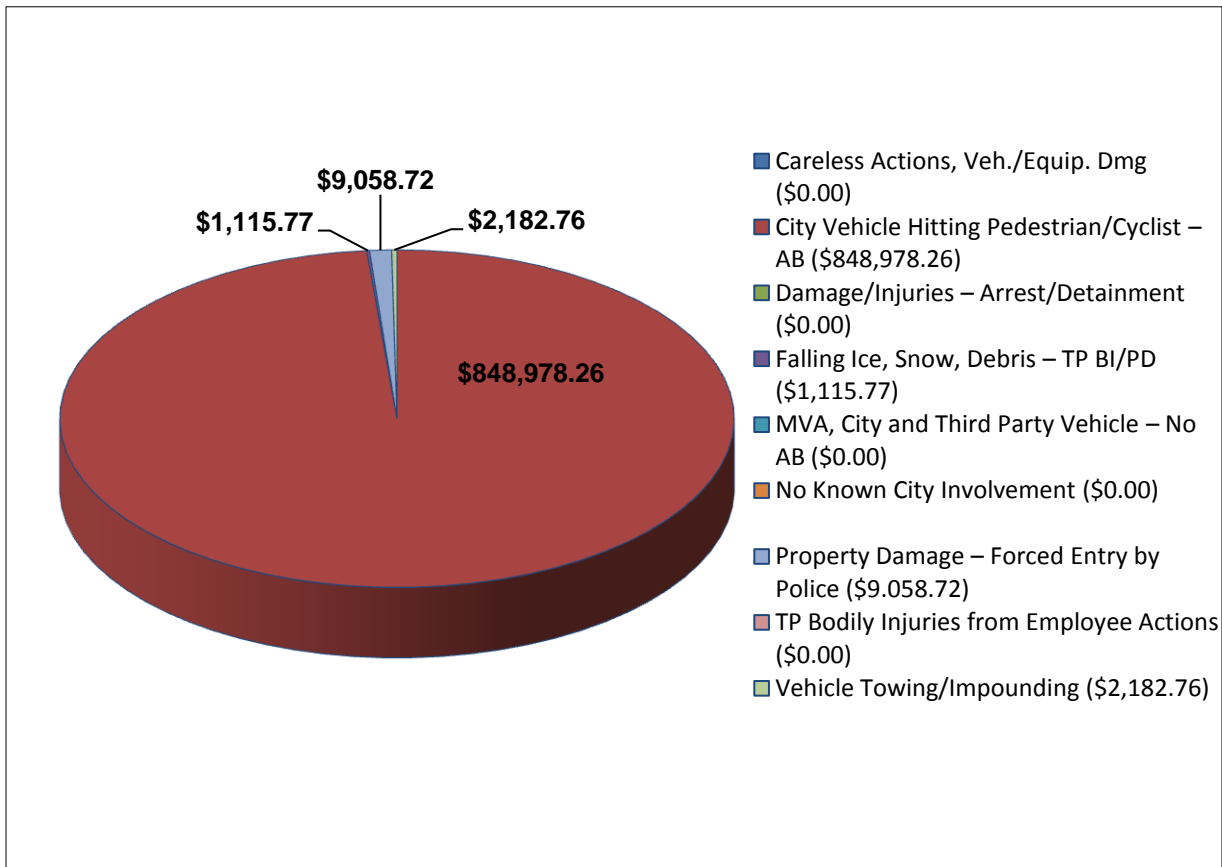


Figure 3 - Value of Closed Police Services Claims, Q3 2017 (As of October 17, 2017)



2017 Labour and Employment Law Matters

In addition to the above civil litigation claims, the City Clerk and Solicitor Department is currently managing 27 active labour and employment law matters on behalf of the Police Services Board, with nine new files opened in the third quarter of 2017. For the year to date, eight Police Services files for Labour and Employment Law matters have been closed. No new labour and employment law matter was outsourced in the third quarter of 2017.

SIGNIFICANT ISSUES

There were no significant issues to report in the third quarter of 2017.

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 fourth quarter report will be presented to the Board at its January 2018 meeting.