

Report to / Rapport au:

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

25 July 2016 / 25 juillet 2016

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

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SUBJECT: LEGAL SERVICES STATUS REPORT – SECOND QUARTER 2016 S

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – DEUXIÈME
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 second 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 second quarter \$166,470 or approximately 51% 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 Second Quarter Costs of Legal Services

Item	Q1	Q2	Q3	Q4
Internal Costs	\$44,375	\$74,100		
External Costs	\$6,585	\$35,781		
Disbursements	\$2,376	\$3,252		
Total, Quarter	\$53,336	\$113,133		

Total, YTD	\$53,336	\$166,470		
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2016 Litigation Claims

Three Statements of Claim were received on behalf of the Police Services Board in the second quarter of 2016. Currently there are 59 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 56 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 July 4, 2016

Type of Claim	Number of Claims
Breach of Charter Rights	1
Employment/Labour	1
Excessive Force/Assault	13
False Arrest	13
Malicious Prosecution	3
Motor Vehicle Accident	8
Negligence/Negligent Investigation	10
Personal Injury	8
Property Damage	1
Vehicle/Property Damage	1

2016 Non-Litigated Claims

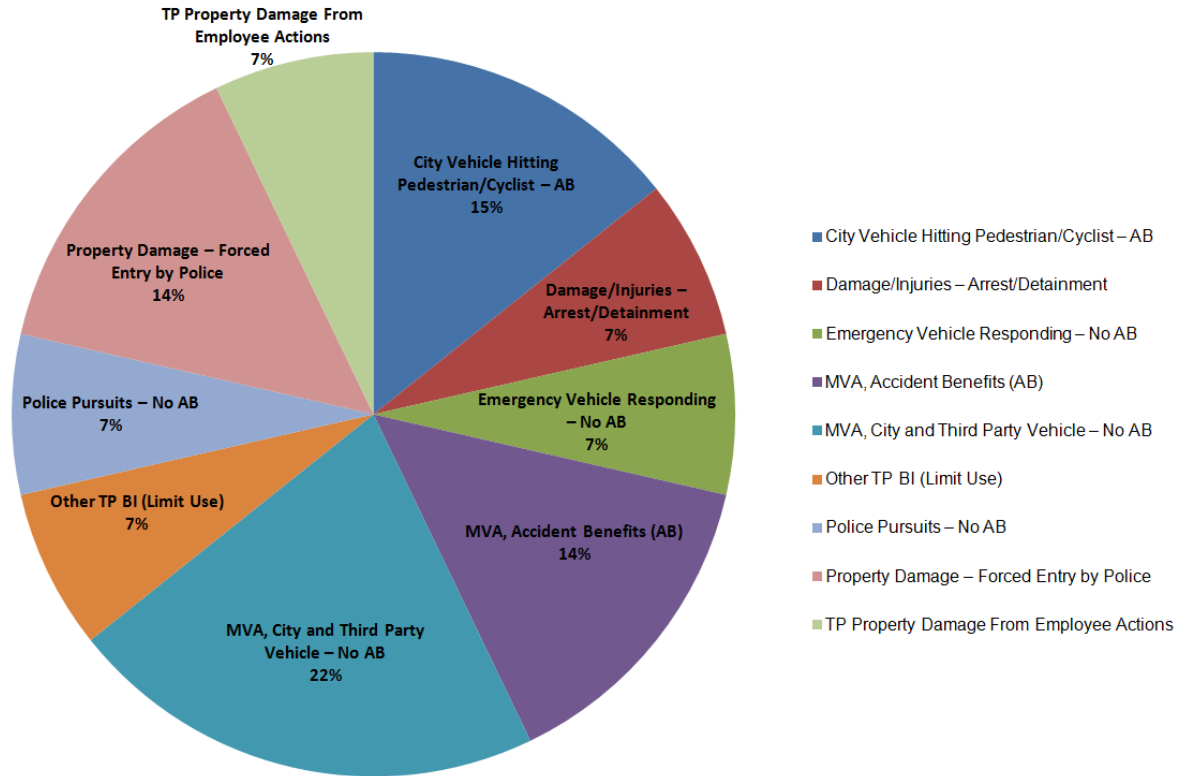
During the second quarter of 2016, four new claims were received by the Claims Unit. Of these claims, one was denied and closed, and three remain open.

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 2016. As of July 4, 2016, there were fourteen open non-litigated claims.

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

Type of Claim	Number of Claims
City Vehicle Hitting Pedestrian/Cyclist – AB	2
Damage/Injuries – Arrest/Detainment	1
Emergency Vehicle Responding – No AB	1
MVA, Accident Benefits (AB)	2
MVA, City and Third Party Vehicle – No AB	3
Other TP BI (Limit Use)	1
Police Pursuits – No AB	1
Property Damage – Forced Entry by Police	2
TP Property Damage From Employee Actions	1
Total Number of Open Claims – Police Services	14

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 July 4, 2016

During the second quarter of 2016, six claims were closed by the Claims Unit. Of these claims, five were denied, and one was paid.

Non-litigated claims closed for the year, had a total of \$30,180.79 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, Q2 2016 (As of July 4, 2016)

Type of Claim	Number of Claims	Paid Sum
Damage to City Property by Own Vehicle/Equipment	1	\$0.00
Loss/Damage to TP Property in our CCC	1	\$449.74
MVA, City and Third Party Vehicle – No AB	3	\$25,000.00
Police Pursuits – No AB	1	\$0.00
Property Damage – Forced Entry by Police	10	\$3,449.63
Vehicle Towing/Impounding	3	\$1,281.42
Total – Closed Police Services Claims, YTD	19	\$30,180.79

Figure 2 - Number of Closed Police Services Claims, Q2 2016 (As of July 4, 2016)

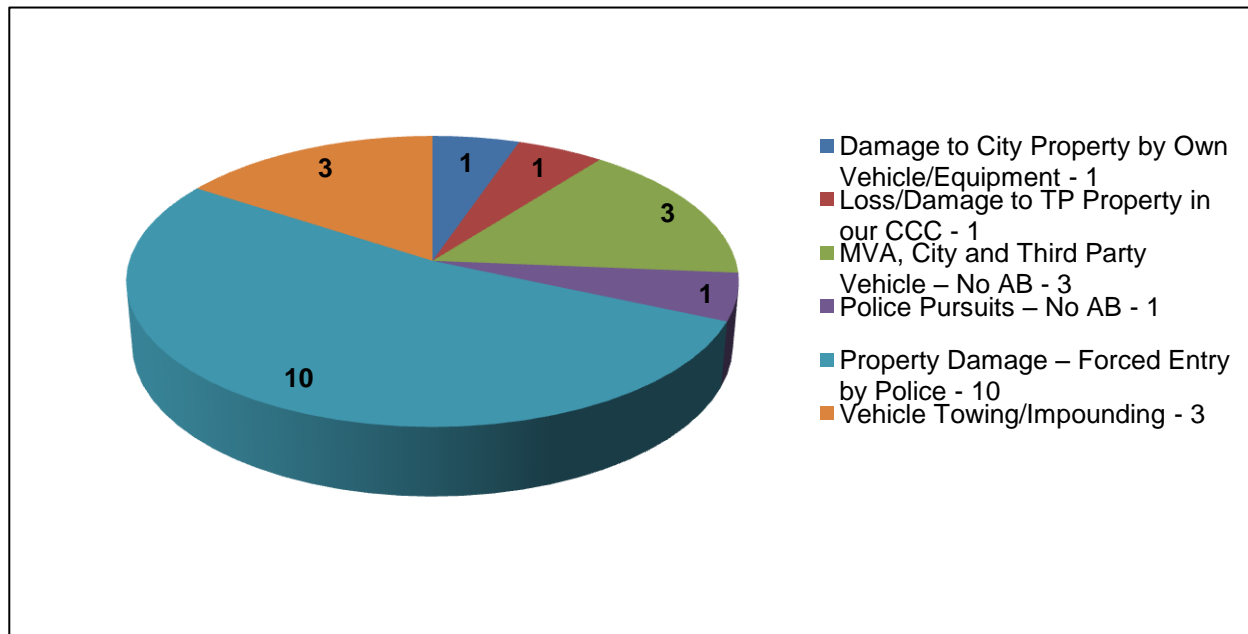
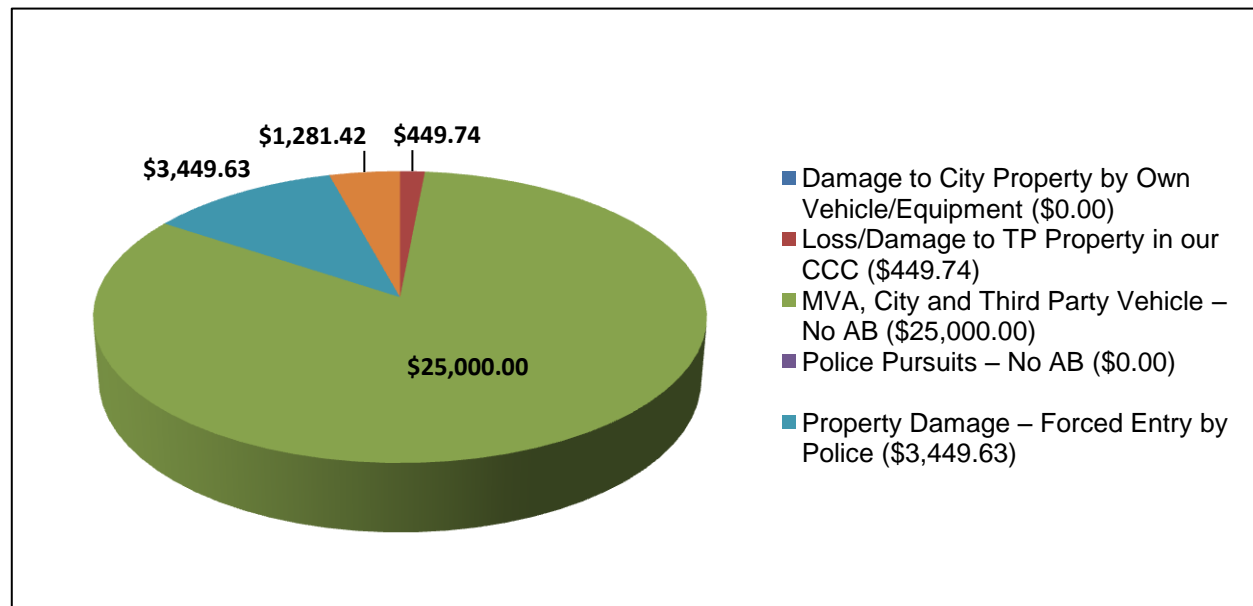


Figure 3 - Value of Closed Police Services Claims, Q2 2016 (As of July 4, 2016)



2016 Labour and Employment Law Matters

In addition to the above civil litigation claims, the City Clerk and Solicitor Department is currently managing 29 active labour and employment law matters on behalf of the Police Services Board, with two new files opened in the second quarter of 2016. For the year to date, nine 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 2016.

SIGNIFICANT ISSUES

The province of Ontario has launched a review of the three agencies responsible for police conduct: the Special Investigations Unit (SIU), the Office of the Independent Police Review Director (OIPRD) and the Ontario Civilian Police Commission.

The Honourable Michael H. Tulloch, judge of the Ontario Court of Appeal, has been tasked with providing recommendations on enhancing the transparency and accountability of the agencies while also ensuring that each operates as effectively and efficiently as possible. Recommendations regarding making information contained in SIU reporting public will also be a priority.

Findings will be developed over the coming months with a final report to the Attorney General anticipated by the end of March 2017. The report will be made available to the public, and comments on the findings included in the Legal Services Status Report to the Police Services Board at such time.

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 third quarter report will be presented to the Board at its October 2016 meeting.