

Report to / Rapport au:

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

23 April 2018 / 23 avril 2018

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

**Contact Person / Personne ressource:
David White, Deputy City Solicitor/ Chef du contentieux adjoint
613-580-2424, ext. 21933 / david.white@ottawa.ca**

SUBJECT: LEGAL SERVICES STATUS REPORT – 2018 FIRST QUARTER

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – PREMIER
TRIMESTRE DE 2018**

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 first quarter of 2018.

DISCUSSION

2018 Budget

The Police Services Board has allocated \$328,100 for the provision of legal services in 2018. At the completion of the first quarter \$67,176 or approximately 20% 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 - 2018 First Quarter Costs of Legal Services

Item	Q1	Q2	Q3	Q4
Internal Costs	\$ 65,985			
External Costs	\$ 1,191			
Total, Quarter	\$ 67,176			
Total, YTD	\$ 67,176			

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.

2018 Litigation Claims

Four Statements of Claim were received on behalf of the Police Services Board in the first quarter of 2018. Currently there are 67 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 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 April 3, 2018

Type of Claim	Number of Claims
Breach of Charter Rights	2
Employment/Labour	1
Excessive Force/Assault	13
False Arrest	15
Malicious Prosecution	1
Motor Vehicle Accident	8
Negligence/Negligent Investigation	18
Personal Injury	7
Property Damage	2
Total Number of Open Litigated Claims – Police Services	67

2018 Non-Litigated Claims

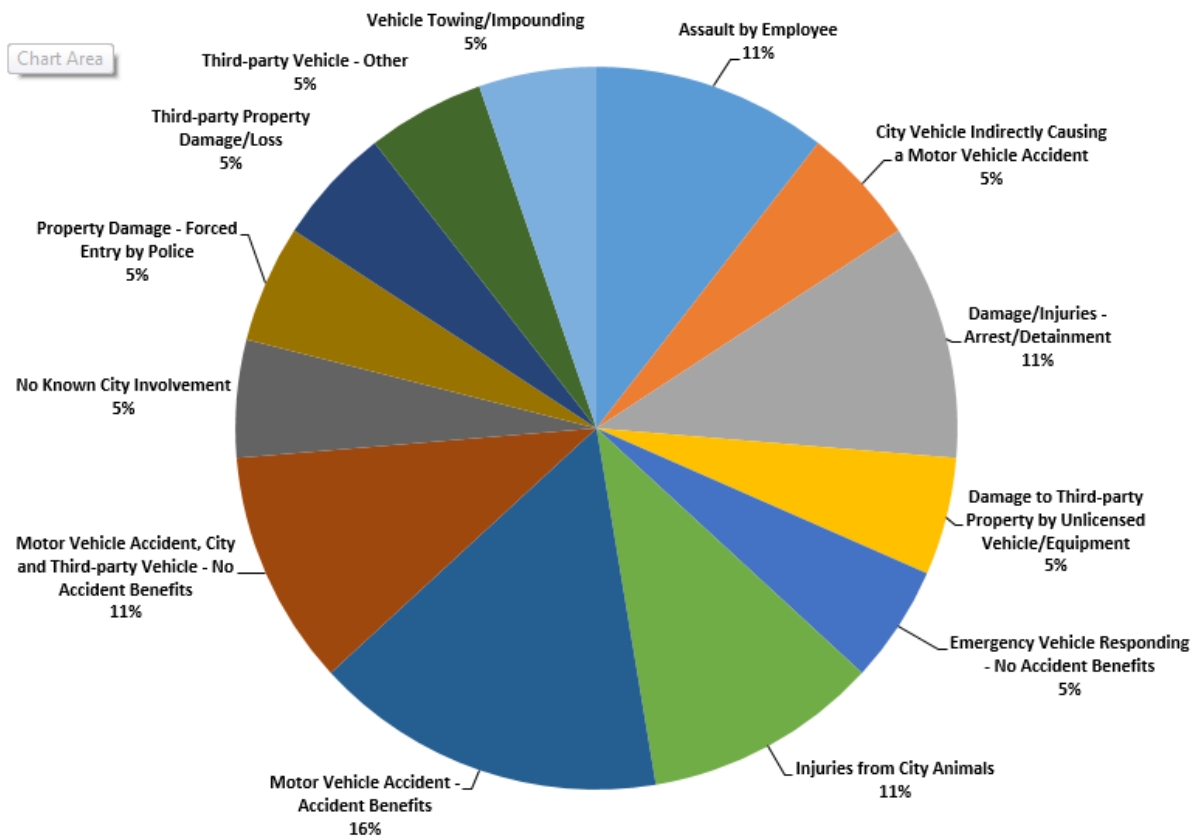
During the first quarter of 2018, 11 new claims were received by the Claims Unit. Of these claims, one was paid and closed, one was denied and closed, five remain open (as the evaluation of these matters is ongoing) and four are open and have become litigation.

The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the first quarter 2018. As April 3, 2018, there were nineteen open non-litigated claims.

Table 3 - All Open Non-Litigated Claims - Police Services - As of April 3, 2018

Type of Claim	Number of Claims
Assault by Employee	2
City Vehicle Indirectly Causing a Motor Vehicle Accident	1
Damage/Injuries – Arrest/Detainment	2
Damage to Third Party Property by Unlicensed Vehicle/Equipment	1
Emergency Vehicle Responding – No Accident Benefits	1
Injuries from City Animals	2
Motor Vehicle Accident, Accident Benefits	3
Motor Vehicle Accident, City and Third Party Vehicle – No Accident Benefits	2
No Known City Involvement	1
Property Damage – Forced Entry by Police	1
Third Party Property Damage/Loss	1
Third Party Vehicle – Other	1
Vehicle Towing/Impounding	1
Total Number of Open Non-Litigated Claims – Police Services	19

Figure 1 - All Open Claims - Police Services – As of April 3, 2018



During the first quarter of 2018, eight claims were closed by the Claims Unit. Of these claims, three were denied and five were paid.

To date, the Claims Unit has paid out \$6,113.12 in compensation for non-litigated claims. Below is the summary for number of claims and amount paid for each claim type.

Table 4 - Closed Police Services Claims, 2018 (As of April 3, 2018)

Type of Claim	Number of Claims	Paid Sum
Assault by Third-party	1	\$0.00
Errors and Omissions Liability	1	\$553.70
Loss/Damage – Third-party Property in City Controlled Complex	1	\$600.00
Property Damage – Forced Entry by Police	5	\$4,959.42
Total – Closed Police Services Claims, YTD	8	\$6,113.12

Figure 1 - Number of Closed Police Services Claims, Q1 2018 (As of April 3, 2018)

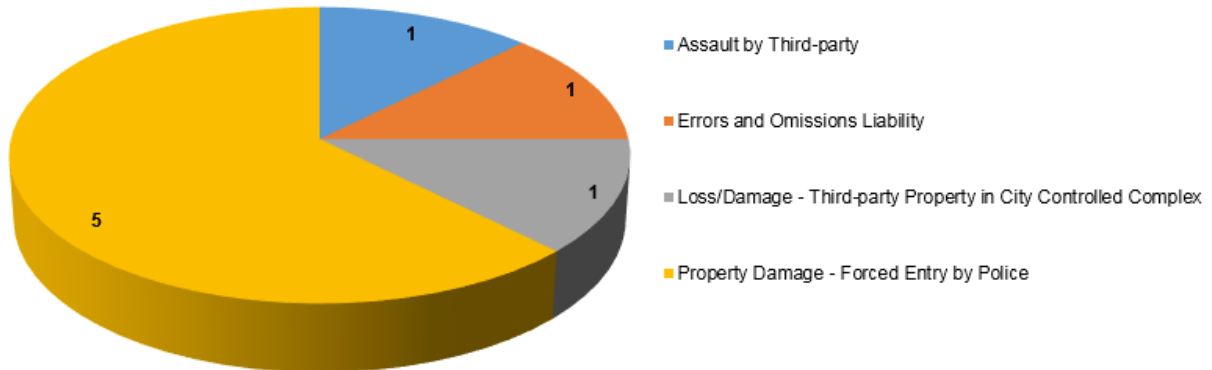
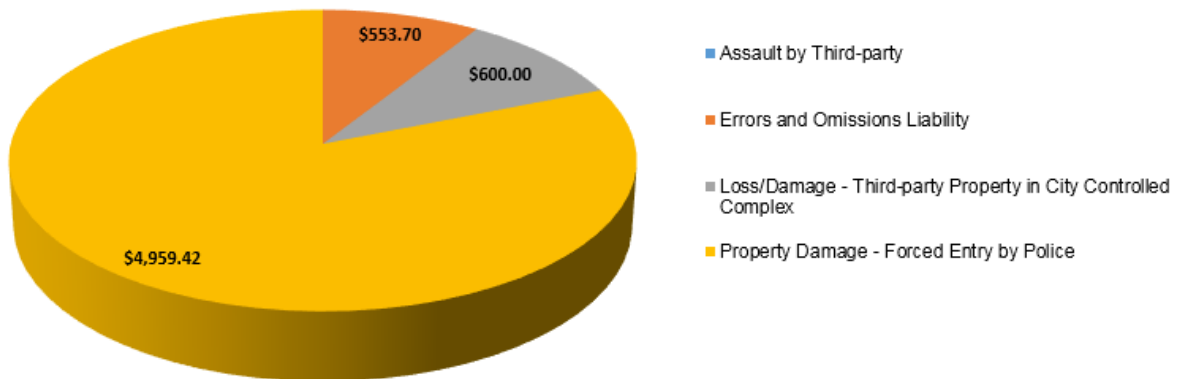


Figure 3 - Value of Closed Police Services Claims, Q1 2018 (As of April 3, 2018)



2018 Labour, Employment and Human Rights Matters

In addition to the above civil litigation claims, the City Clerk and Solicitor Department is currently managing 41 active labour and employment law matters on behalf of the Police Services Board, with nine new files opened in the first quarter of 2018. For the year to date, five Police Services files for Labour and Employment Law matters have been closed. Two new labour and employment law matters were outsourced in the first quarter of 2018.

SIGNIFICANT ISSUES

There were no significant issues to report in the first quarter of 2018.

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 2018 second quarter report will be presented to the Board at its July 2018 meeting.