

Report to / Rapport au:

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

25 May 2020 / 25 mai 2020

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

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SUBJECT: LEGAL SERVICES STATUS REPORT – 2020 FIRST QUARTER

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – PREMIER
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 first 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 2019. At the completion of the first quarter \$37,273 or approximately 11% of the budget was spent (as compared with \$55,693 (17%) 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, Q1 2019 vs. Q1 2020

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

External Costs	\$20,522	\$9,915						
Total, Quarter	\$55,693	\$37,273						
Total, YTD	\$55,693	\$37,273						

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 first quarter of 2020 (as compared with the one statement received in the same period, the previous year). Currently there are 53 outstanding claims/notices of claim against the Board (as compared with 56 outstanding claims/notices at the same point in the previous year). Six 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 47 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 – Q1 2019 vs. Q1 2020

Type of Claim	Number of Claims	
	Q1, 2019	Q1, 2020
Breach of Charter Rights	1	1
Breach of Contract	0	1

Type of Claim	Number of Claims	
Excessive Force/Assault	10	10
False Arrest	11	10
Malicious Prosecution	0	0
Motor Vehicle Accident	12	7
Negligence/Negligent Investigation	14	16
Personal Injury	6	6
Property Damage	1	1
Seizure of Personal Property	1	1
Total Number of Open Litigated Claims – Police Services	56	53

2020 Non-Litigated Claims

During the first quarter of 2020, 11 new claims were received by the Claims Unit (as compared with the 12 received in the same period, the previous year). Of these claims, three were denied and closed, four were closed paid, one was closed abandoned, two remain open (as the evaluation of these matters is ongoing) and one is open litigated.

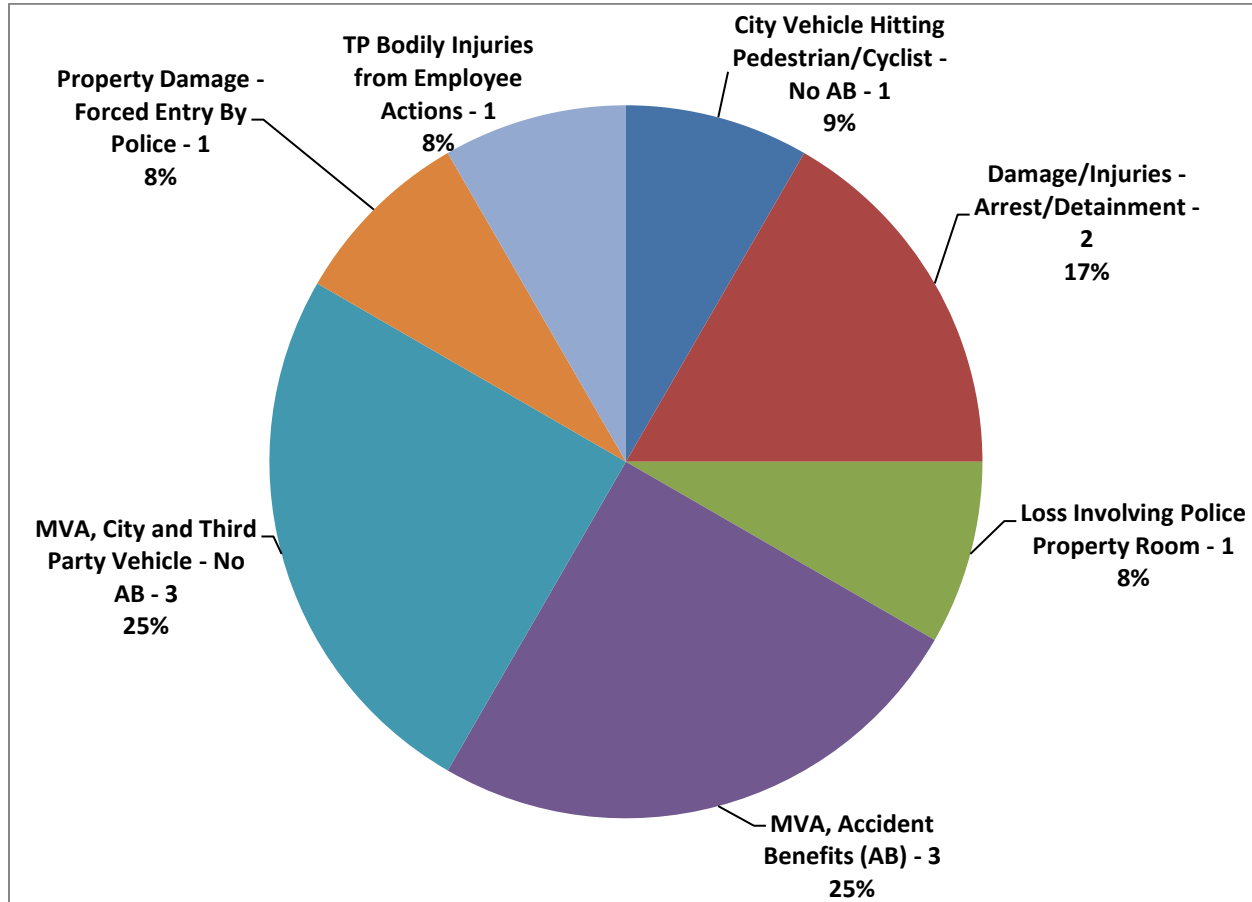
The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the first quarter 2020. As of the end of the first quarter, 2020, there were 12 open non-litigated claims (as compared with 25 at the end of the same period the previous year).

Table 3 - All Open Non-Litigated Claims - Police Services – Q1 2019 vs Q1 2020

Type of Claim	Number of Claims	
	Q1, 2019	Q1, 2020
Assault by Employee	2	0
City Vehicle Hitting Pedestrian/Cyclist - No Accident Benefits	0	1
Damage/Injuries – Arrest/Detainment	5	2
Third Party Vehicle Signage/Markings/Signals	1	0
Injuries from City Animals	1	0
Loss Involving Police Property Room	1	1
Motor Vehicle Accident, Accident Benefits	4	3
Motor Vehicle Accident, City and Third-Party Vehicle – No Accident Benefits	0	3
Property Damage – Forced Entry by Police	6	1
Third Party Property Damage/Loss	1	0
Third Party Bodily Injuries from Employee Actions	1	1
Vehicle Towing/Impounding	3	0

Type of Claim	Number of Claims	
Total Number of Open Non-Litigated Claims – Police Services	25	12

Figure 1 - All Open Claims - Police Services – As of Q1 2020



During the first quarter of 2020, nine claims were closed by the Claims Unit (as compared with the two closed in the same period, the previous year). Of these claims, four were denied and five were paid.

To date, the Claims Unit has paid out \$48,354.42 in compensation for non-litigated claims (as compared with the \$3,500 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 – Q1 2019 vs. Q1 2020

Type of Claim	Number of Claims	Paid Sum
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	2	\$166.30
Property Damage - Forced Entry by Police	8	\$406.80
Vehicle Towing/Impounding	5	\$2,073.32
Total – Closed Police Services Claims 2020, YTD	18	\$48,354.42
Compared to Closed Police Services Claims 2019, Q1 – YTD	2	\$3,500

Figure 1 - Number of Closed Police Services Claims, Q1 2020

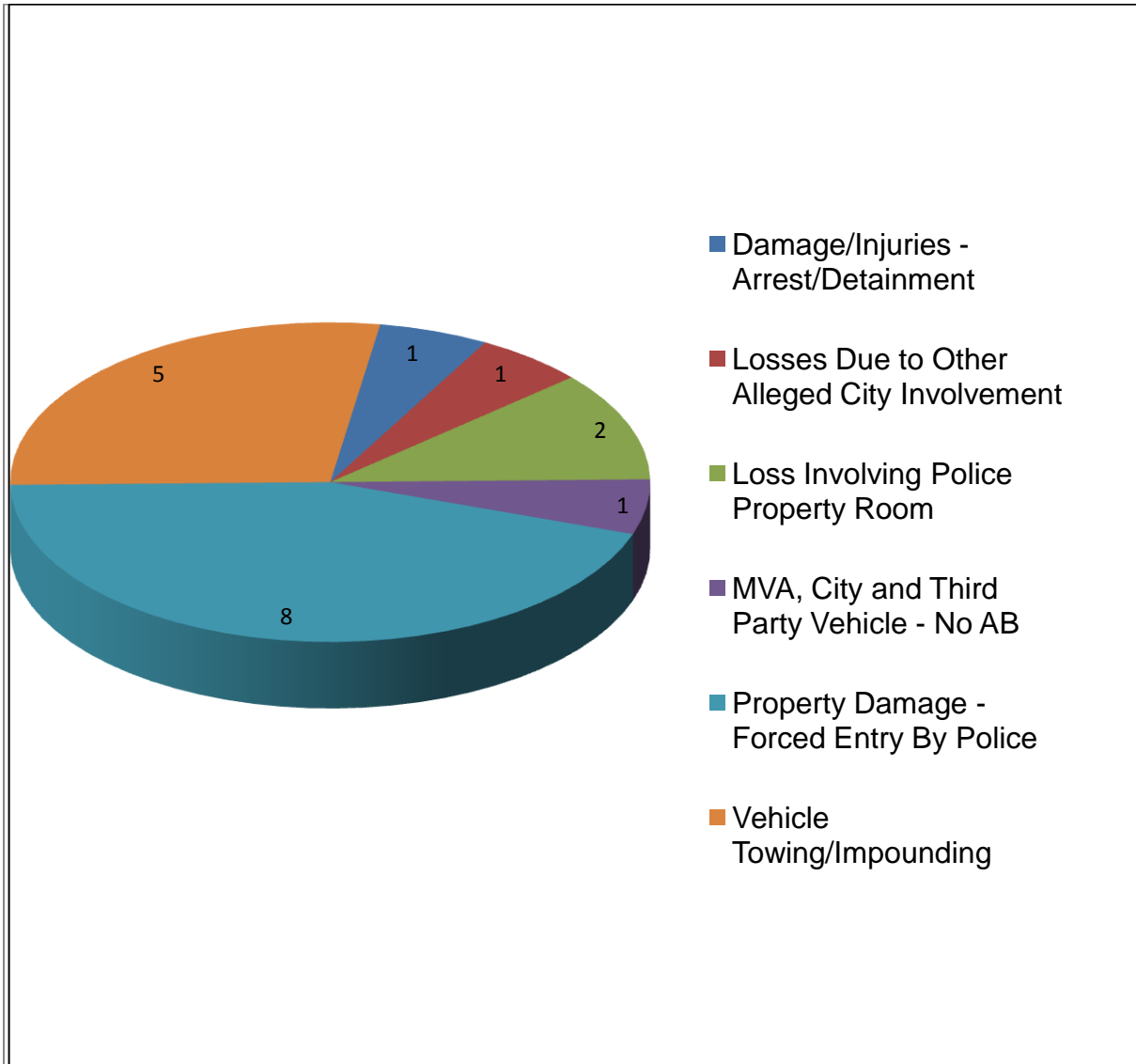
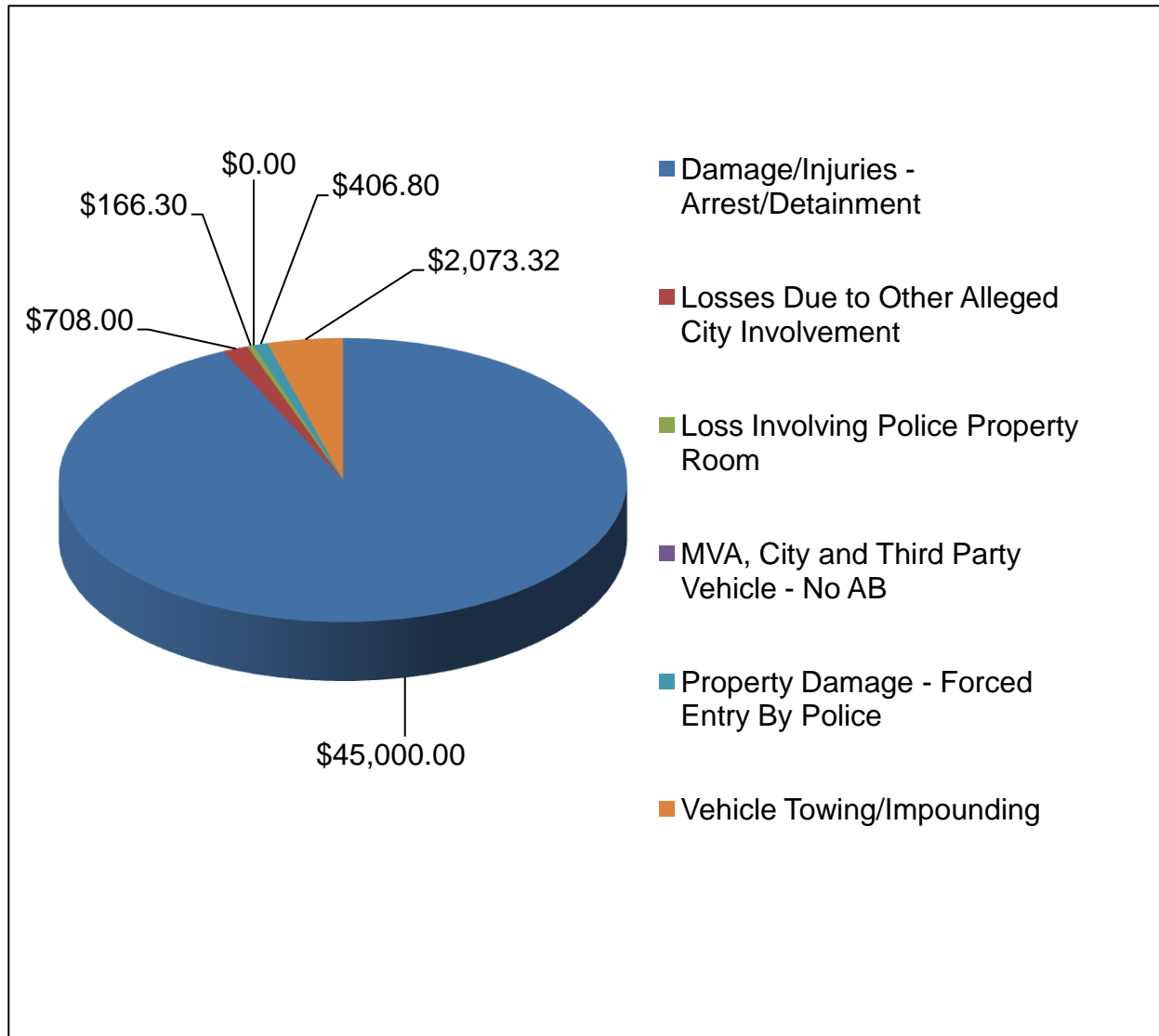


Figure 3 - Value of Closed Police Services Claims, Q1 2020

2020 Labour, Employment and Human Rights Matters

In addition to the above civil litigation claims, the Legal Services Branch is currently managing 33 active labour and employment law matters on behalf of the Police Services Board (as compared to the 36 files which were active at the end of the fourth quarter the previous year), with 11 new files opened in the first quarter of 2020. For the year to date, eight Police Services files for Labour and Employment Law matters have been closed. No new labour and employment law matters were outsourced in the first quarter of 2020.

SIGNIFICANT ISSUES

There were no significant issues to report in the first 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 Second quarter report will be presented to the Board at its July 2020 meeting.