

**Report to / Rapport au:**

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

**24 February 2020 / 24 février 2020**

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

**Contact Person / Personne ressource:  
David White, City Solicitor/ Avocat général  
613-580-2424, ext. 21933 / david.white@ottawa.ca**

**SUBJECT: LEGAL SERVICES STATUS REPORT – 2019 FOURTH QUARTER**

**OBJET: RAPPORT D'ÉTAPE DES SERVICES JURIDIQUES – QUATRIÈME  
TRIMESTRE DE 2019**

**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 fourth quarter of 2019.

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

### 2019 Budget

The Police Services Board has allocated \$328,100 for the provision of legal services in 2019. At the completion of the fourth quarter, \$331,059 or approximately 101% of the budget, was spent (as compared with \$335,490 (102%) 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 in civil and administrative proceedings.

**Table 1 - Ottawa Police Service - Costs of Legal Services, Q4 2018 vs. Q4 2019**

Item	Q1		Q2		Q3		Q4	
	2018	2019	2018	2019	2018	2019	2018	2019
Internal Costs	\$65,985	<b>\$35,171</b>	\$48,440	<b>\$43,065</b>	\$54,885	<b>\$34,593</b>	\$57,830	<b>\$31,555</b>

External Costs	\$1,191	<b>\$20,522</b>	\$165	<b>\$62,361</b>	\$183	<b>\$85,285</b>	\$106,811	<b>\$18,507</b>
Total, Quarter	\$67,176	<b>\$55,693</b>	\$48,605	<b>\$105,426</b>	\$55,068	<b>\$119,878</b>	\$164,641	<b>\$50,062</b>
<b>Total, YTD</b>	\$67,176	<b>\$55,693</b>	\$115,781	<b>\$161,119</b>	\$170,849	<b>\$280,997</b>	\$335,490	<b>\$331,059</b>

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.

### 2019 Litigation Claims

Three Statements of Claim were received on behalf of the Police Services Board in the fourth quarter of 2019 (as compared to two statements received in the same period, the previous year). There are currently 54 outstanding claims/notices of claim against the Board (as compared with 62 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 48 claims are assigned to various in-house Legal Counsel. The list below 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 provides a more accurate summary of all outstanding litigation affecting the Board.

**Table 2 - All Open Litigated Claims - Police Services – Q4 2018 vs. Q4 2019**

Type of Claim	Number of Claims	
	Q4 2018	Q4 2019
Breach of Charter Rights	0	1
Employment/Labour	0	0

Type of Claim	Number of Claims	
Excessive Force/Assault	13	10
False Arrest	12	11
Breach of Contract	0	1
Motor Vehicle Accident	13	7
Negligence/Negligent Investigation	16	16
Personal Injury	6	6
Property Damage	1	1
Seizure of Personal Property	1	1
<b>Total Number of Open Litigated Claims – Police Services</b>	<b>62</b>	<b>54</b>

### 2019 Non-Litigated Claims

During the fourth quarter of 2019, seventeen 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 remain open (as the evaluation of these matters is ongoing), two are open litigated, one is open potential and 11 have been closed.

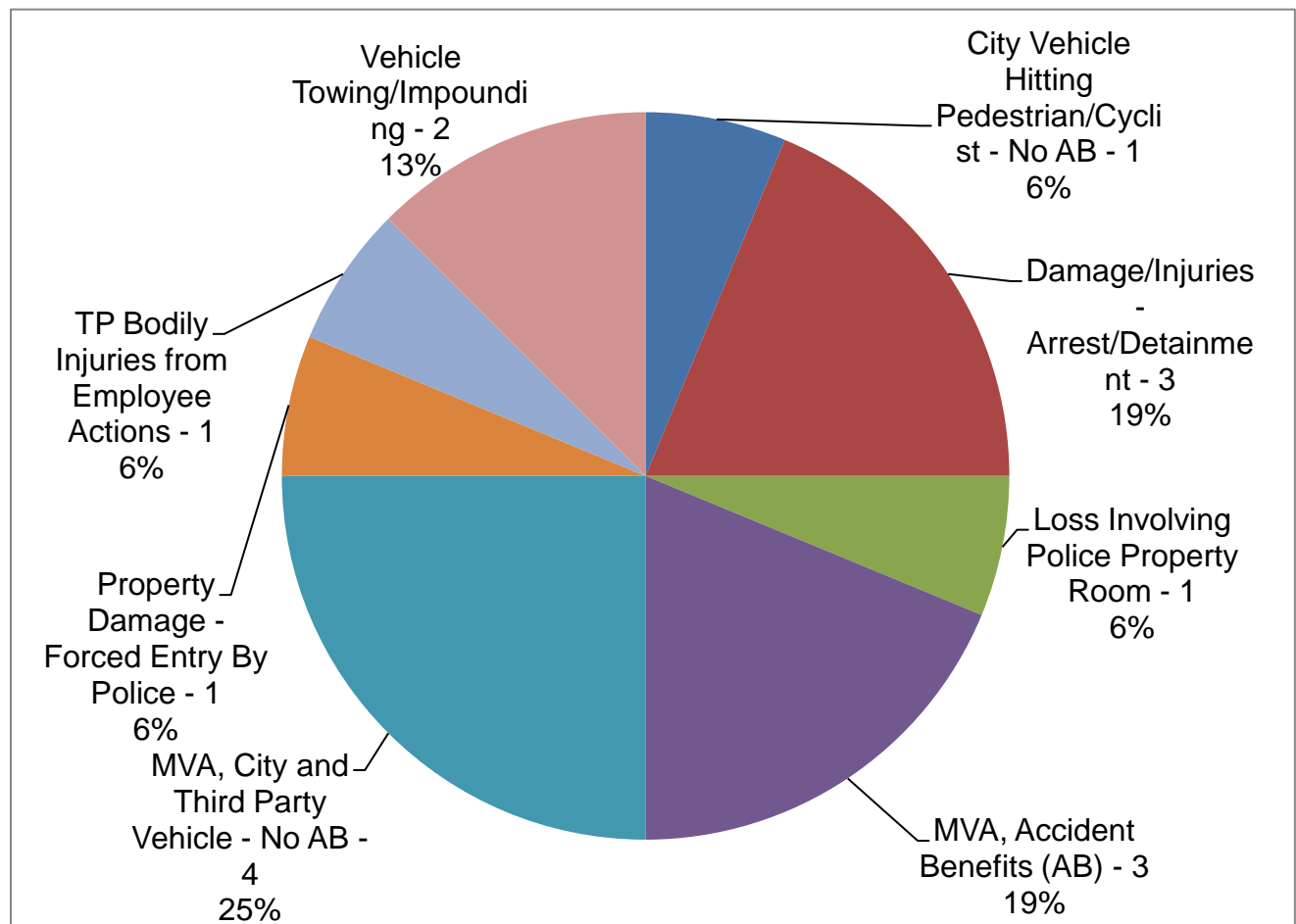
The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the fourth quarter 2019. At that time, there were 16 open non-litigated claims (as compared with 22 at the end of the same period the previous year).

**Table 3 - All Open Non-Litigated Claims - Police Services – Q4 2018 vs Q4 2019**

Type of Claim	Number of Claims	
	Q4 2018	Q4 2019
Assault by Employee	2	0
Losses Due to Other Alleged City Involvement	1	0
Damage/Injuries – Arrest/Detainment	5	3
City Vehicle Hitting Pedestrian/Cyclist - No Accident Benefits	0	1
Damage to Third Party Property by Unlicensed Vehicle/Equipment	0	0
Damage to Third Party Property by City Vehicle	0	0
Injuries from City Animals	1	0
Loss Involving Police Property Room	1	1
Motor Vehicle Accident, Accident Benefits	3	3
Motor Vehicle Accident, City and Third-Party Vehicle – No Accident Benefits	0	4
No Known City Involvement	1	0
Property Damage – Forced Entry by Police	3	1
Third Party Property Damage/Loss	1	0

Type of Claim	Number of Claims	
Third Party Vehicle – Other	1	0
Third Party Bodily Injuries from Employee Actions	1	1
Vehicle Towing/Impounding	2	2
<b>Total Number of Open Non-Litigated Claims – Police Services</b>	<b>22</b>	<b>16</b>

**Figure 1 - All Open Claims - Police Services – As of Q4 2019**



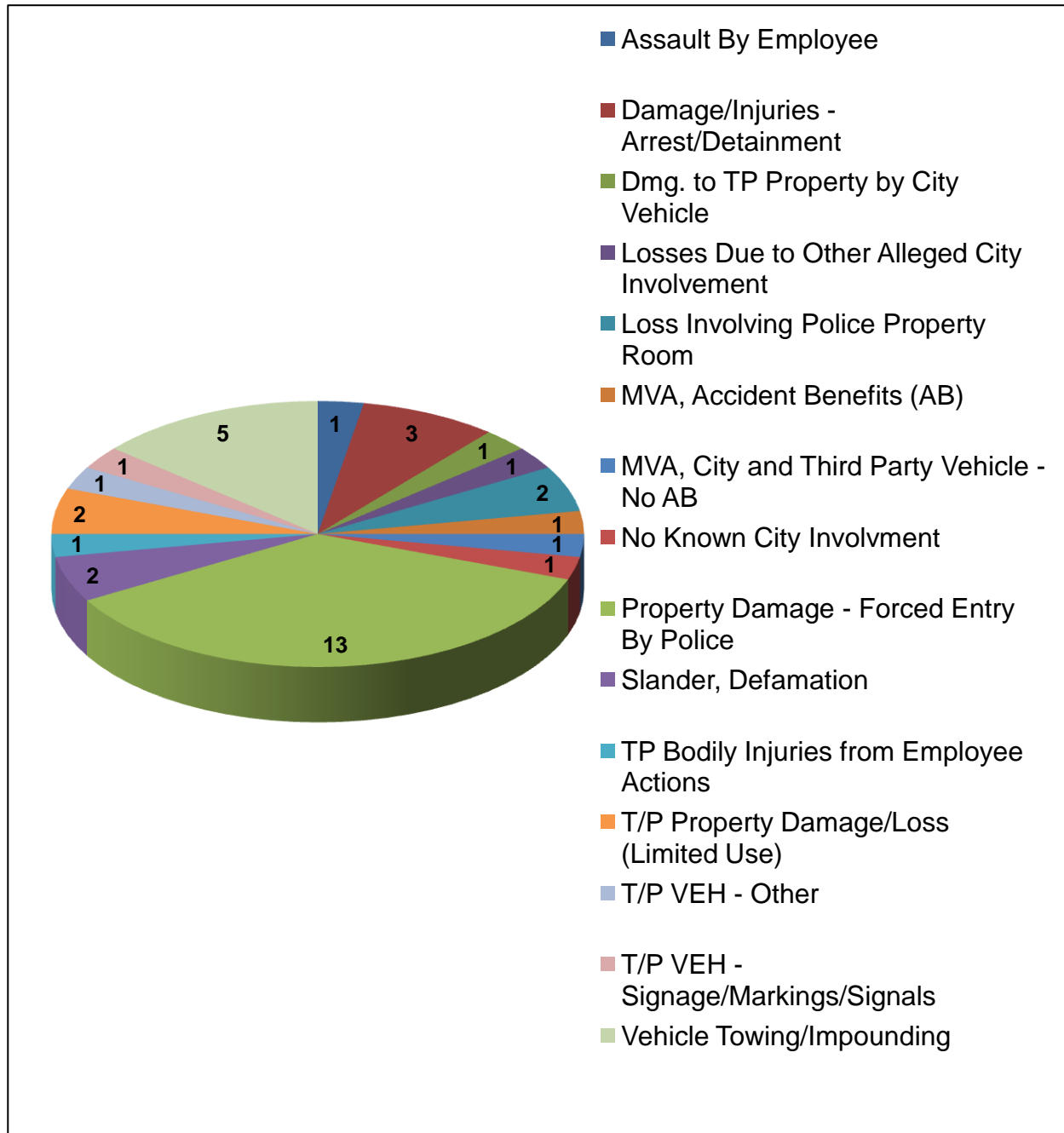
During the fourth quarter of 2019, 16 claims were closed by the Claims Unit (as compared with the 11 closed in the same period, the previous year). Of these claims, eight were denied, one was no fault MVA, one was abandoned and six were paid.

To date, the Claims Unit has paid out \$49,425.92 in compensation for non-litigated claims (as compared with the \$60,560.96 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 – Q4 2018 vs. Q4 2019**

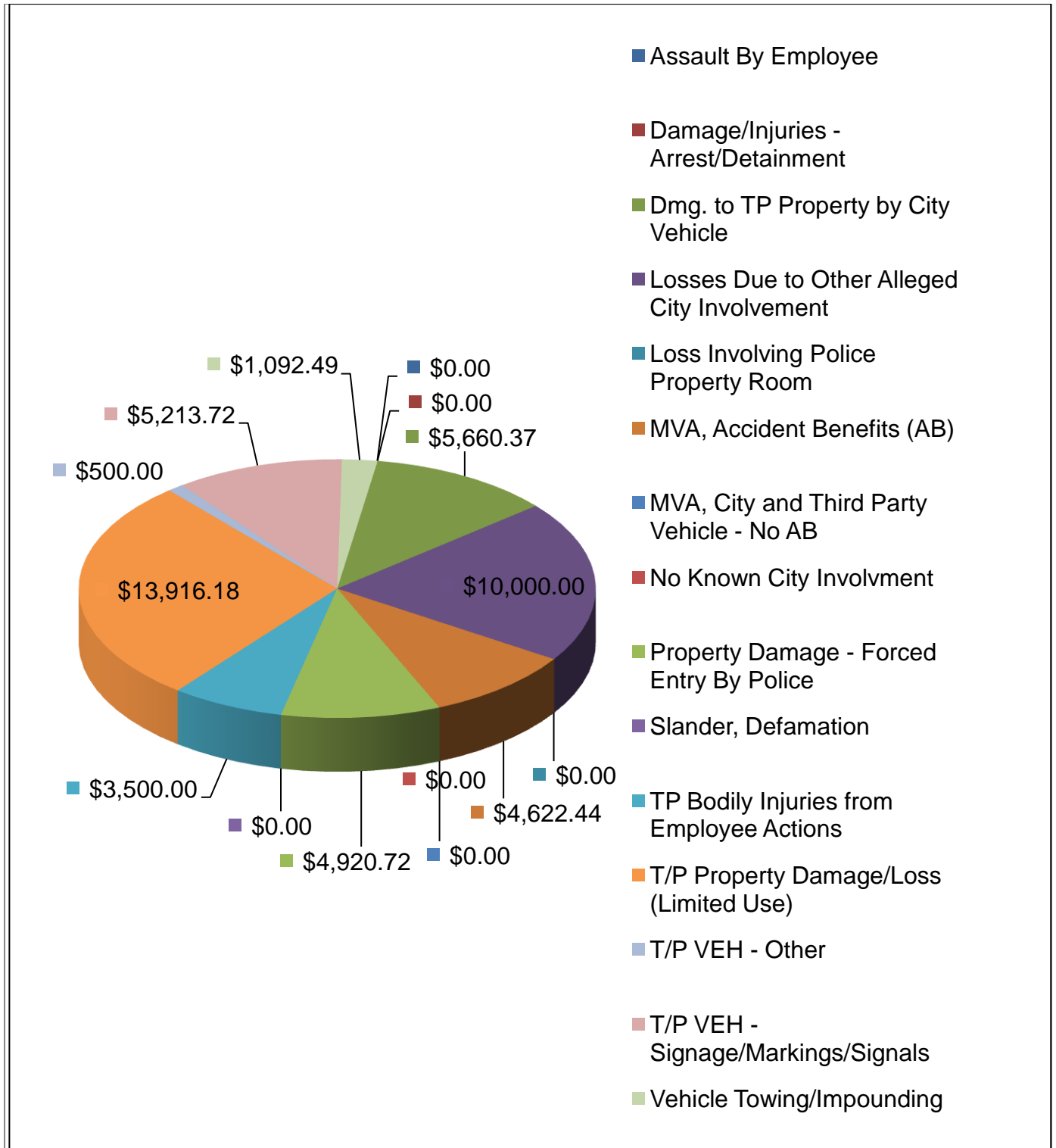
<b>Type of Claim</b>	<b>Number of Claims</b>	<b>Paid Sum</b>
Damage/Injuries - Arrest/Detainment	3	\$0.00
Third Party Bodily Injuries from Employee Actions	1	\$3,500.00
Damage to Third Party Vehicle - Other	1	\$500.00
No Known City Involvement	1	\$0.00
Loss/Damage Third Party Property - Other	2	\$13,916.18
Losses Due to Other Alleged City Involvement	1	\$10,00.00
Slander, Defamation	2	\$0.00
Property Damage - Forced Entry by Police	13	\$4,920.72
Vehicle Towing/Impounding	5	\$1092.49
Damage to Third Party Property by City Vehicle	1	5660.37
Loss Involving Police Property Room	2	0.00
MVA, Accident Benefits (AB)	1	4,622.24
MVA, City and Third Party Vehicle - No AB	1	0.00
Assault By Employee	1	\$0.00
Loss/Damage Third Party Vehicle – Signage/Markings/Signals	1	\$5,213.72
<b>Total – Closed Police Services Claims, YTD</b>	<b>36</b>	<b>\$49,425.92</b>
Compared to Closed Police Services Claims 2018, Q4 – YTD	32	60,560.96

**Figure 2 - Number of Closed Police Services Claims, Q4 2019**



**Figure 3 – Value of Closed Police Services Claims, Q4 2019 (As of Dec 31, 2019)**





In addition to the above civil litigation claims, the Legal Services Branch is currently managing 34 active labour and employment law matters on behalf of the Police Services Board (as compared to the 29 files which were active at the end of the fourth quarter the previous year), with five new files opened in the fourth quarter of 2019. For the year to date, 17 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 2019.

### **SIGNIFICANT ISSUES**

There were no significant issues to report in the fourth quarter of 2019.

### **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 first quarter report will be presented to the Board at its April 2020 meeting.