

**Report to / Rapport au:**

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

**29 January 2018 / 29 janvier 2018**

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

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**SUBJECT: LEGAL SERVICES STATUS REPORT – 2017 FOURTH QUARTER**

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

**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 fourth 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 fourth quarter \$396,090 or approximately 121% 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 Fourth Quarter Costs of Legal Services**

<b>Item</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Internal Costs	\$ 42,665	\$ 60,720	\$ 47,665	\$ 64,310
External Costs	\$ 7,228*	\$ 51,226*	\$ 87,431*	\$ 34,845
Total, Quarter	\$ 49,893*	\$ 111,946*	\$ 135,096*	\$ 99,155
<b>Total, YTD</b>	<b>\$ 49,893*</b>	<b>\$ 161,840*</b>	<b>\$ 296,935*</b>	<b>\$ 396,090</b>

\*NOTE: The amended table reflects solely the cost of the provision of legal services (both internal and external) against the approved budget, including the HST municipal rebate.

### 2017 Litigation Claims

Seven Statements of Claim were received on behalf of the Police Services Board in the fourth quarter of 2017. Currently there are 69 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 66 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 January 2, 2018**

Type of Claim	Number of Claims
Breach of Charter Rights	1
Employment/Labour	1
Excessive Force/Assault	12
False Arrest	15
Malicious Prosecution	1
Motor Vehicle Accident	12
Negligence/Negligent Investigation	18
Personal Injury	7
Property Damage	2

### 2017 Non-Litigated Claims

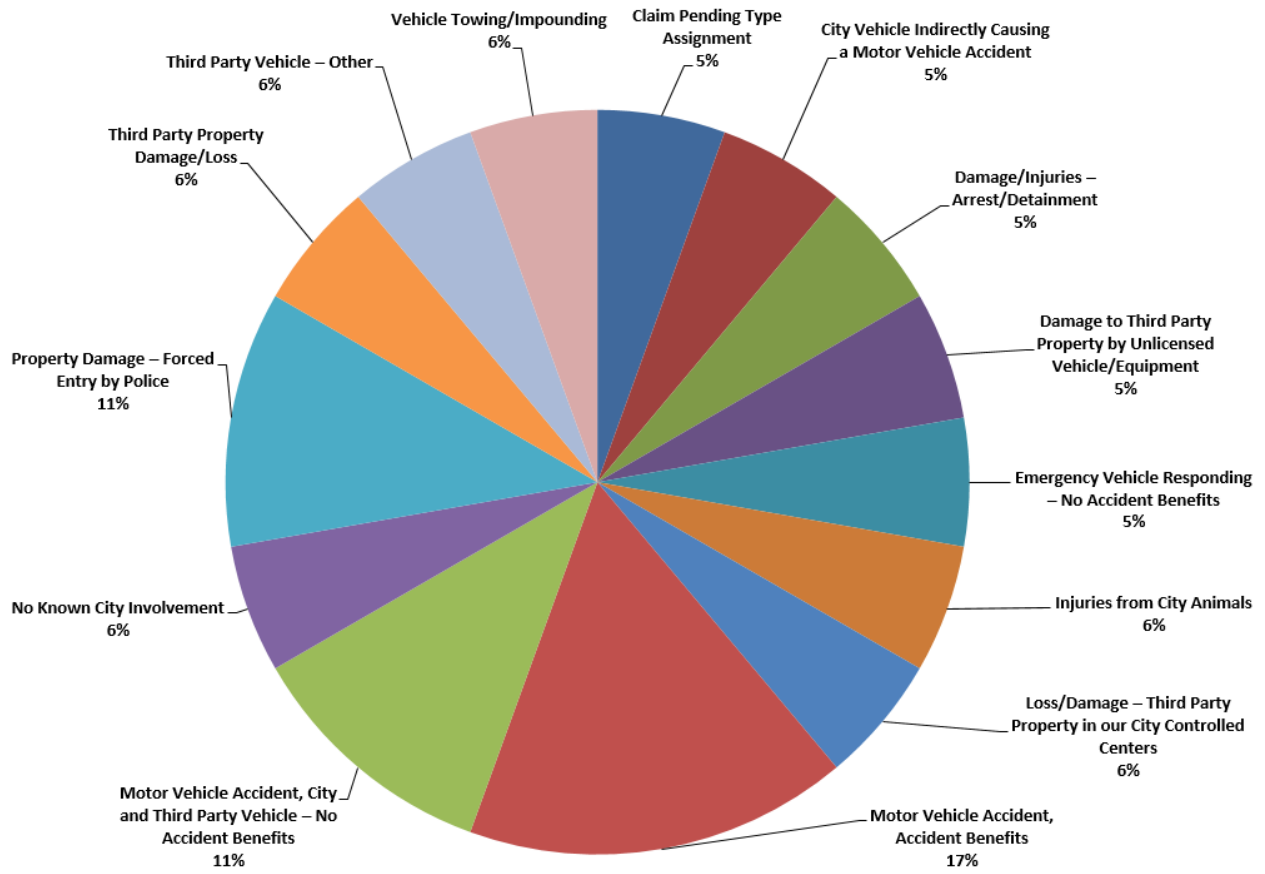
During the fourth quarter of 2017, 13 new claims were received by the Claims Unit. Of these claims, one was paid and closed, seven remain open and five are open and have become litigation.

The following chart reflects the total number of claims currently open involving the Ottawa Police Services Board, as of the end of the fourth quarter 2017. As January 2, 2018, there were eighteen open non-litigated claims.

**Table 3 - All Open Claims - Police Services - As of January 2, 2018**

Type of Claim	Number of Claims
Claim Pending Type Assignment	1
City Vehicle Indirectly Causing a Motor Vehicle Accident	1
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/Damage – Third Party Property in our City Controlled Centers	1
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	2
Third Party Property Damage/Loss	1
Third Party Vehicle – Other	1
Vehicle Towing/Impounding	1
<b>Total Number of Open Claims – Police Services</b>	<b>18</b>

Figure 1 - All Open Claims - Police Services – As of January 2, 2018



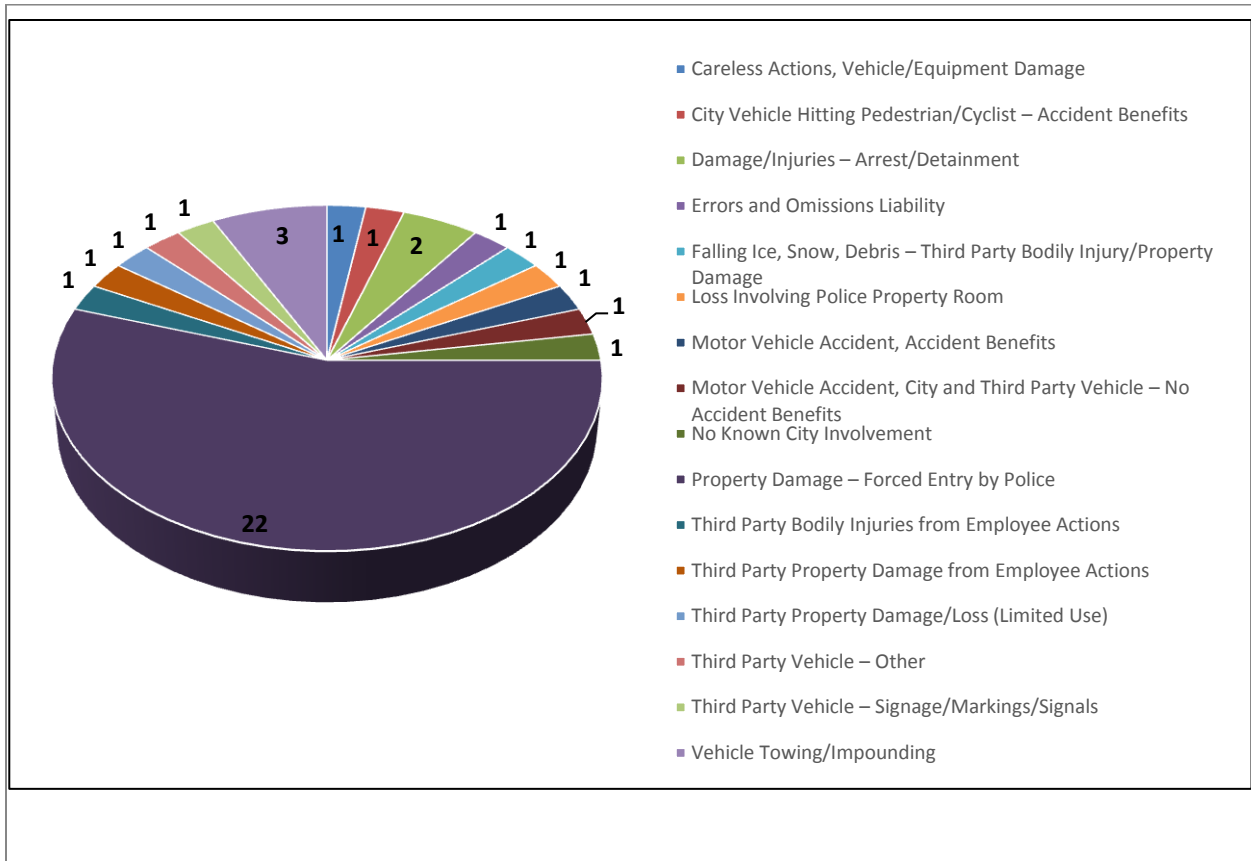
During the fourth quarter of 2017, eight claims were closed by the Claims Unit. Of these claims, two were denied and six were paid.

Non-litigated claims closed for the year, had a total of \$895,724.35 paid out in compensation. Below is the summary for number of claims and amount paid for each claim type.

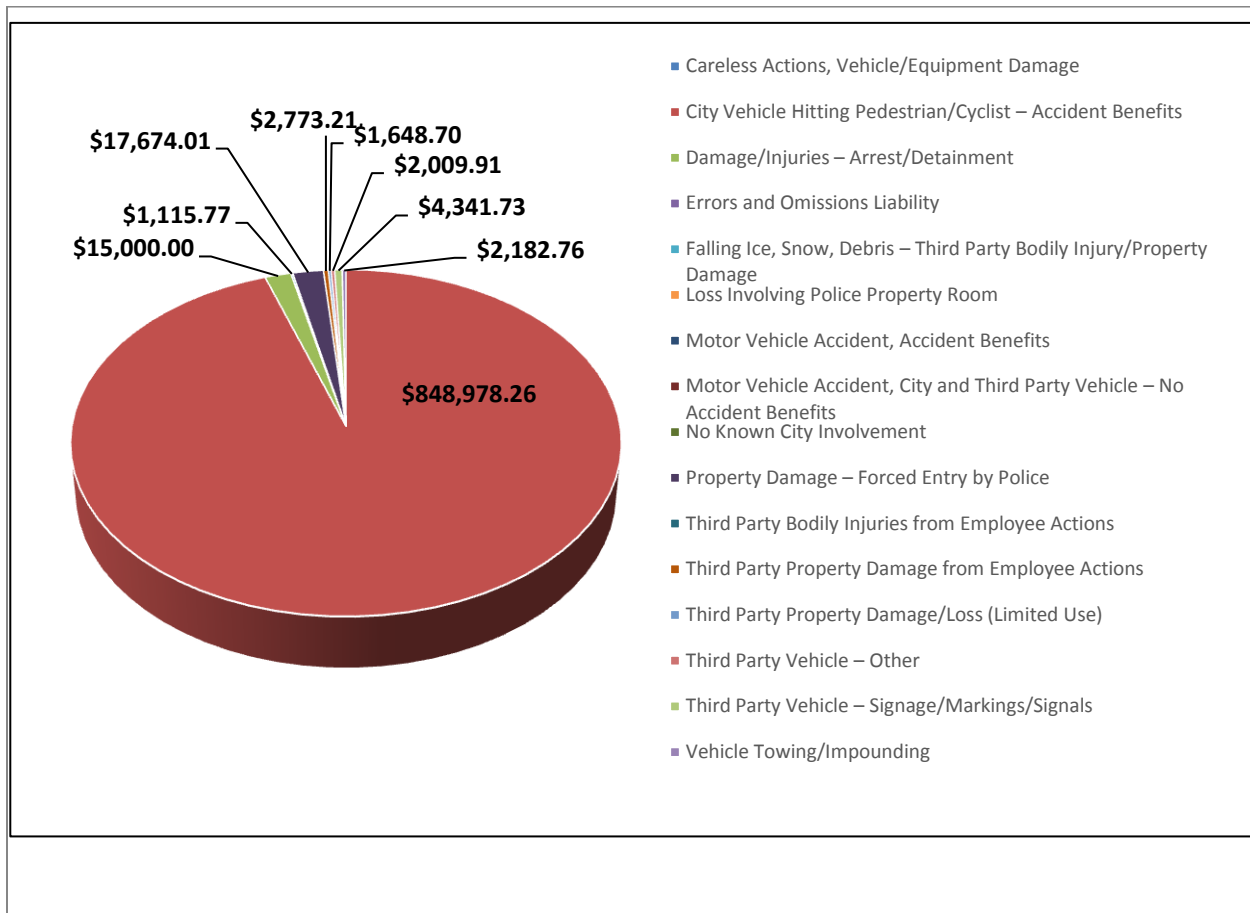
**Table 4 - Closed Police Services Claims, 2017 (As of January 2, 2018)**

<b>Type of Claim</b>	<b>Number of Claims</b>	<b>Paid Sum</b>
Careless Actions, Vehicle/Equipment Damage	1	\$0.00
City Vehicle Hitting Pedestrian/Cyclist – Accident Benefits	1	\$848,978.26
Damage/Injuries – Arrest/Detainment	2	\$15,000.00
Errors and Omissions Liability	1	\$0.00
Falling Ice, Snow, Debris – Third Party Bodily Injury/Property Damage	1	\$1,115.77
Loss Involving Police Property Room	1	\$0.00
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	22	\$17,674.01
Third Party Bodily Injuries from Employee Actions	1	\$0.00
Third Party Property Damage from Employee Actions	1	\$2,773.21
Third Party Property Damage/Loss (Limited Use)	1	\$1,648.70
Third Party Vehicle – Other	1	\$2,009.91
Third Party Vehicle – Signage/Markings/Signals	1	\$4,341.73
Vehicle Towing/Impounding	3	\$2,182.76
<b>Total – Closed Police Services Claims, YTD</b>	<b>40</b>	<b>\$895,724.35</b>

**Figure 2 - Number of Closed Police Services Claims, Q4 2017 (As of Jan 2, 2018)**



**Figure 3 - Value of Closed Police Services Claims, Q4 2017 (As of Jan 2, 2018)**



## 2017 Labour and Employment Law Matters

In addition to the above civil litigation claims, the City Clerk and Solicitor Department is currently managing 33 active labour and employment law matters on behalf of the Police Services Board, with six new files opened in the fourth quarter of 2017. For the year to date, eleven Police Services files for Labour and Employment Law matters have been closed. One new labour and employment law matter was outsourced in the fourth quarter of 2017.

## SIGNIFICANT ISSUES

There were no significant issues to report in the fourth 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 2018 first quarter report will be presented to the Board at its April 2018 meeting.