

The Regional Municipality of York

Committee of the Whole
Finance and Administration
June 11, 2020

Report of the Deputy Regional Solicitor

Court Services Annual Report 2019

1. Recommendation

It is recommended that the Regional Clerk circulate this report to the local municipalities

2. Summary

This report provides Council with an overview of the Court Services 2019 Annual Report (Attachment 1) submitted to The Ministry of the Attorney General. The report also provides a summary of Court Services 2019 workload activity, key accomplishments, and planned initiatives for 2020. The Annual Report is required under the Memorandum of Understanding with the Province of Ontario.

Key Points:

- In 2019, Court Services continued to create efficiencies in service delivery and supported improved access to justice through key initiatives such as expansion of Video Remote Testimony, all while upholding its mandate of serving the public interest through excellence in legal and justice services
- York Region worked in tandem with the Ministry of the Attorney General and York Regional Police to streamline and modernize court services and leverage technology such as exploring the use of a Digital Evidence Management System for disclosure of video evidence to improve operational efficiency, enhance customer service, and increase fine enforcement and collection
- Court Services innovation and commitment to excellence was recognized by the Association of Municipalities of Ontario (AMO) Peter J. Marshall Municipal Innovation Award and by the Municipal Court Manager's Association of Ontario (MCMA) peer recognition awards
- Court Services put an emphasis on employee training and development to create a positive working environment and provide services that are more accessible, responsive and effective

3. Background

Court Services administers the *Provincial Offences Act* program under strict legislative and legal constraints by providing two distinct functions of Court Operations and Prosecutions

In 1999, the province downloaded the responsibility for the administration, prosecution and fine collection of provincial offences to municipalities. The Ministry of the Attorney General retained the overall responsibility for the integrity of the justice program. *Provincial Offences Act* (POA) courts are subject to strict constraints through legislation, regulations, case law, and Ministry directives. York Region's Court Services operate the second largest POA court program in Ontario based on the number of charges filed. Court Services is comprised of two main functions: Court Operations and Prosecutions. Court Operations is primarily responsible for court support services and for the administration of all POA charges issued in York Region. Prosecutions provides a wide range of legal services including the prosecution of cases before the Ontario Court of Justice, appeals, and judicial reviews in the Ontario Superior Court, the Court of Appeal for Ontario, and the Supreme Court of Canada.

POA courts are a crucial part of the justice system providing administrative services to over 30 law enforcement and regulatory agencies, including municipal bylaw enforcement, York Regional Police (YRP), Ontario Provincial Police (OPP), and other provincial and federal enforcement agencies operating in York Region.

In accordance with the Inter-Municipal Agreement, all municipal parking, bylaw, building and fire code matters are administered and prosecuted by York Region at the Region's expense with all revenue collected from municipal matters disbursed to the appropriate municipality.

4. Analysis

External factors continue to create pressure on resources, court capacity, and budget

2019 key workload drivers and activity statistics:

- A total of 147,700 charges were filed , a slight decrease compared to 2018
- Received 37,718 requests for disclosure
- 50% of all Part I (e.g. *Highway Traffic Act*) charges are disputed, Part I charges represented over 80 per cent of all charges filed in 2019
- Over 161,341 customers were served through in-person and telephone service, representing a five per cent decrease from 2018
- Over 134,267 matters were on Trial Dockets in 2019, including 673 charges related to cannabis enforcement

Court Services 2019 accomplishments improved organizational competency, operational efficiency and customer service

Throughout 2019, York Region Court Services continued to leverage technology and streamline processes to improve workplace productivity, promote engagement and enable effective collaboration with our key stakeholders.

2019 key accomplishments:

- In collaboration with YRP provided Emergency Response training that included the *Run, Hide, Defend* situational drills to all Court Services staff.
- Court Services launched its first Court Services Multi-Year Plan (2019-2022) introducing a new mandate and purpose and outlining the priorities and objectives over the next four years
- In partnership with Osgoode Hall Law School, the Prosecutors' Association of Ontario, Ontario Association of Property Standards Officers and YRP, the Prosecution senior management team provided training for regional prosecutors, police officers and property standards officers to improve their core competencies, working knowledge and skills
- In an effort to streamline services, the Prosecution senior management team in collaboration with the Judiciary and key internal and external stakeholders, developed a new process that allows for applications and appeals to be resolved on a consent basis with a judge in chambers signing consent orders, which will improve customer service by allowing for resolved appeals and applications to be done over the counter without the need for the prosecutor and defendant to appear in court
- Prosecutions senior management team assisted YRP in conducting performance evaluations for a new Digital Evidence Management System that will allow YRP to upload videos and 911 calls for disclosure to a Cloud, thereby eliminating the need for defendants to attend the prosecution office to pick up disclosure of videos and 911 calls on DVD's
- Court Services worked with internal partners and in consultation with Ministry of Attorney General, Judiciary and YRP on a transition plan for relocation of the Newmarket POA court to 17150 Yonge Street
- Court Services co-led an inter-municipal working group that completed a comprehensive research on the use of Administrative Monetary Penalties Systems (AMPS) for parking and by-law offences. In 2020, Court Services will evaluate opportunities for implementation in York Region
- Prosecution participated in the Ontario Traffic Council working group to develop a draft regulation and an officer training plan to implement Automated Speed Enforcement

Court Services was recognized for innovation and commitment to excellence

The Association of Municipalities of Ontario (AMO) recognized York Region with the Peter J. Marshall Municipal Innovation Award for leading the implementation of the first video testimony solution in a POA court. Court Services worked in collaboration with York Region IT Services, YRP, and the Justice Video Network to implement this technology.

The Municipal Court Manager's Association of Ontario (MCMA) awarded the 2019 Peer Recognition Award for Commitment to the Organization and the Innovation Award to two Court Services staff for their outstanding work, positive contributions, championing of change, and creative forward thinking solutions.

York Region continues to review and improve processes to increase operational efficiency and access to justice

Court Services 2020 priorities were adjusted in response to the COVID-19 pandemic. In March 2020, Court Services were closed by an order of the Chief Justice of the Ontario Court of Justice and all POA timelines were suspended through the Provincial Emergency Order. Response to COVID-19 pandemic has presented challenges and opportunities to the way Court Services conducts its operations. The closure of courts and suspension of timelines had an adverse impact on fine revenue, number of charges filed, and created a substantial backlog of trial matters. The unavoidable need to conduct operations remotely also presented an opportunity to leverage technology to create a more sustainable justice model.

In 2020, Court Services will continue to advocate for legislative and regulatory change in support of regional interests and will look for ways to advance our objective to always be innovative, technologically advanced, inclusive, progressive and fiscally responsible. Court Services will also explore opportunities to increase revenue collection and realize saving through adopting of technological solutions.

In 2020, the Newmarket POA court will relocate to 17150 Yonge Street. The new space at 17150 Yonge Street will assist Court Services in realizing program initiatives, particularly in support of physical distancing and enhancing the customer experience by optimizing the use of the new space and technological advancements.

2020 Priorities:

- Transition the Newmarket POA court location to 17150 Yonge Street, in a timely and efficient manner to reduce disruption in services while introducing modernized approaches to daily operations
- Invest in employee training and development by supporting opportunities for leadership development and creating a roadmap for employee learning and development plans that support Court Services Branch Multi-year plan objectives
- Support York Region's Transportation Department's pilot of Automated Speed Enforcement in 12 regional road community safety zones and evaluate the impact on Court Services

- Facilitate the transfer of the prosecution of Part III matters to the Region through formal amending agreements between York Region, the nine local municipalities and the Province
- Implement POA amendments to streamline and modernize court processes and improve customer service by reducing wait-time and providing flexible payment options
- Court Services will continue to work closely with YRP to implement the new Digital Evidence Management System, which modernizes outdated processes for disclosure as it will allow to view, sort, tag, manage and securely share digital evidence/disclosure with crown prosecutors, courts and the defendants
- Further expand the Remote Video Testimony to allow roadside connection, include additional courtrooms and stakeholders such as OPP
- Develop a roadmap for the replacement of a Province wide POA case management system including proposed governance and funding model

5. Financial

There are no financial implications directly associated with this report. The performance measures set out in this report are reflected in the 2019 operating budget.

6. Local Impact

There is no local municipal impact directly associated with this report. The Region's POA courts provide court administration and prosecution related to municipal bylaw and parking matters for all nine local municipalities.

7. Conclusion

This report provides an overview of the activities and services provided by the Legal and Court Services Department, Court Services Branch. The Branch continues to balance its responsibilities and obligations to provide an efficient and effective service to the residents of York Region, the local municipalities, the province of Ontario, the judiciary, and over 30 law enforcement and regulatory agencies operating within the Region.

Court Services continues to identify innovative ways to respond to workload pressures and leverage technology to improve operational efficiency and access to justice. Although legislative constraints continue to be a challenge for POA programs, Court Services continues to advocate for legislative changes to improve services and increase revenue. Court Services will invest in employee training and development to support advancement of the Branch's multi-year plan and ensure service delivery is efficient, effective and meets Region's customer service standards.

For more information on this report, please contact Lisa Brooks, Director of Court Operations at ext. 73209. Accessible formats or communication supports are available upon request.

Recommended by: **Dan Kuzmyk**
Deputy Regional Solicitor

Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

May 28, 2020
Attachments (1)
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