

York Region Court Services Modernization Opportunities

Executive Summary

Provincial Audit and Accountability Fund Intake 2

October 14, 2021









Table of Contents

Contents	Page			
Chapter 1: Introduction	3			
Chapter 2: AMPS Business Case				
Summary of Current State Assessment	7			
A Potential AMPS Solution	8			
The Recommended AMPS Model for York Region	9			
Financial Benefits of AMPS: Cost Avoidance and Cost Recovery	12			
Summary: There is a Strong Business Case for AMPS	13			
Chapter 3: Digital Roadmap	14			
The Digital Landscape	15			
Court as a Service, Not a Location	17			
Building Towards a 'Court as a Service, Not a Location' Model	18			
Priorities	19			
Initiatives	20			
Investment Summary	22			
Expected Benefits and Outcomes	23			
Next Steps	24			

Chapter 1: Introduction

Introduction



Background

The Regional Municipality of York ("York Region" or "the Region") operates the second largest Provincial Offences Act ("POA") court program in Ontario through their Legal & Court Services Department and is recognized for its innovation and commitment to excellence in Court Services. Recent legislative changes have provided more flexibility to explore alternative methods to streamline service delivery, reduce costs and optimize court resources. These changes and considerations, among other Provincial technology options introduced in response to the COVID-19 pandemic, provided York Region with the opportunity to re-examine its current court operations and identify technology or system changes to drive efficiencies further and improve service delivery and road/community safety.

Project Purpose

As part of the Region's continued commitment to delivering excellence in court services, MNP LLP ("MNP") was engaged to conduct a Court Efficiencies review to identify Court Services Modernization Opportunities. This work was completed under Intake 2 of the Provincial Audit and Accountability Fund put in place to support municipalities in identifying efficiencies in related to digital modernization and service integration. This engagement is meant to identify technology and system changes that drive efficiencies while identifying opportunities to implement the Administrative Monetary Penalties System ("AMPS") for certain offences. The purpose of this project is to review York Region's service delivery of Court Services to identify efficiencies, cost savings, and modernization opportunities.

Project Overview

This project has two distinct workstreams:

- 1) An **Administrative Monetary Penalty System ("AMPS") Business Case** to explore the potential opportunity of replacing the current POA system with the AMPS for certain offences to address courts backlog, better utilize resources, improve access to justice and customer experience, and further drive efficiencies for Legal & Court Services.
- 2) A **Digital Roadmap** that identifies strategic priorities and provides guidance to transform the current Legal & Court Services' systems and platforms to be accessible, efficient and scalable, and therefore meet public expectations for service excellence.

While the two distinct workstreams have separate activities and objectives, they follow a similar approach and methodology and the two teams worked closely to ensure a cohesive and aligned strategy for York Region's Legal and Court Services.

Introduction (continued)



AMPS Business Case and Digital Roadmap Project Approach and Phases

This project was completed under Intake 2 of the Provincial Audit and Accountability Fund put into place to support municipalities in identifying efficiencies related to digital modernization and service integration. The provincial efficiency measure was determined in both the AMPS Business Case and Digital Roadmap which is presented in this summary report.

Phase 1: Research and Discovery

To conduct a current state analysis which includes stakeholder interviews and the collection and analysis of data.

Phase 2: Priorities and Readiness

Engagement with stakeholders to identify priorities for both workstreams and to determine organizational readiness.

Phase 3: Develop Strategy

This phase includes a defined future technology architecture model and detailed costing model to test the expansion of AMPS program.

Phase 4: Develop **Roadmap & Business Case**

In this phase a draft of the Digital Roadmap and AMPS Business Model is developed with benefits identified and prioritization of opportunities.

Phase 5: Finalize and Debrief

This phase includes the validation and finalization of the Digital Roadmap and AMPS Business Model.

Report Objective

This report consolidates the research and findings from the Digital Roadmap and AMPS Business Case and is a reflection of the findings MNP gathered from internal and external stakeholder consultation, data collection, benchmarking and forecasted volumes and financial data. This report will be used to inform future business cases and support changes to York Region's Legal & Court Services department's business processes and operations.

Identified Efficiencies

The project identified five-year aggregate savings of 11% for the AMPS Business Case and 5% for the Digital Roadmap for a combined project savings of 9% over five years.

Financial Information and Data Disclaimer

This report utilizes volumetrics and financial information provided by the Region and by the Ontario Court of Justice ("OCJ") from 2015 to 2020. There is a slight and unexplainable variation between the Region's and OCJ's data for the volume of offences filed. York Region's data represents Part I, II, and III offences and presents slightly higher charges filed than the OCJ data, which presents data on only Part I and II offences. Additionally, it should be noted that 2020 data is an anomaly due to the unprecedented conditions of the global pandemic.

Chapter 2: AMPS Business Case

This chapter provides background on the current state of York Region's Legal & Court Services department and road safety initiative (automated speed enforcement pilot program), and outlines a recommended AMPS model to address court backlog while supporting expansions of community safety programs. The financial and non-financial benefits are summarized, illustrating that there is a strong business case to support implementation of AMPS for select offences.

MNP

Summary of Current State Assessment



The Pandemic Has Forced Significant Transformation of York Courts' Service Delivery Model

- The global pandemic and a number of other influencing factors have required York Region to transform its service delivery model.
- The forced closure of courts, adaption to technological advancements, trends in online vs telephone vs in-person customer service, and fluctuations in workload drivers, among others are all influencing factors that have contributed to service delivery model transformation.



Increasing Backlog, Extended Time-to-Trial and More Disclosure Requests Will Drive Workload and Costs

- The Region has no control over the volume of tickets filed or the volume of charges that are disputed.
- Tickets filed are largely paper-based and require significant manual data entry.
- There is a large backlog in the court systems with high dispute rates and an increasing rate of disclosure requests.
- Continued pattern of disputes places great pressure on the court system, ultimately resulting in very little change to outcomes. Virtually all charges that get laid end up being resolved.



Expansion of the Automated Speed Enforcement (photo radar) Pilot Program Could Dramatically Increase Workload

- York Region is conducting a pilot program with one camera the same program has been very successful in other jurisdictions.
- If York Region expands this program, the anticipated volumes are large if these all need to be processed in POA Courts, it will overwhelm the system.



ASE Programs Improve Road Safety and Support Safe Communities

- ASE programs support safe communities by promoting vehicle compliance of road safety laws in school and community safety zones.
- Evidence from other municipalities suggest that when the number of ASE cameras are increased, vehicles slow down and comply with speed limits.
- The Hospital for Sick Children conducted a study in 2020 which found that lower vehicle speeds:
 - ✓ Reduced the number of pedestrian motor vehicle collisions, and
 - ✓ Reduced injury severity for the pedestrians who were involved in collisions.



The Current Service Delivery Model is not Sustainable to Support a Modest Expansion of the ASE Program for Road Safety

- The Region continues to play catchup with court backlog and the forced closure of courts in 2020 further amplified this issue.
- Large volume increase of offences are projected if there is an expansion of the ASE Program.
- An alternative process to support the current workload and expected additional volumes would improve service delivery.
- A more digital service delivery process would improve workload and capacity volumes.



MNP

A Potential AMPS Solution

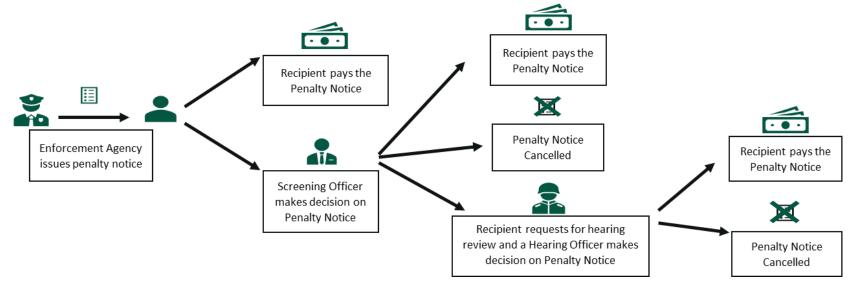
About AMPS

- AMPS is an alternative enforcement approach that includes an efficient dispute process by replacing the traditional POA system for certain offences. It is designed to streamline the process by reviewing disputed offences outside of the backlogged court system.
- Under AMPS, an enforcement agency issues a **Penalty Notice** (instead of a ticket) to the customer. If a customer disputes the Penalty Notice, the matter is reviewed by a municipally-employed **Screening Officer** who decides to reject, reduce, or confirm the penalty. If the customer disagrees with the decision, they can have an independent **Hearing Officer** review the matter and make a final decision.

The Province is considering regulations that would allow ASE charges to be administered under an AMPS.

- The Provincial Offences Act ("POA") is the current system in place to prosecute Part I & III Offences. Currently, AMPS is not an option for processing ASE charges.
- The Ministry of Transportation Ontario (MTO) indicated that the Province is committed to building a regulatory framework for Highway Traffic Act Offences, including ASE offences, to be administered under AMPS.
- MTO provided an estimated timeline for the Province's commitment to developing regulatory framework, which for AMPS is by Summer of 2022.
- If allowed, York Region could use an AMPS process to administer the projected increase in ASE volume, thus easing pressure on already overwhelmed courts.

AMPS is an alternative dispute resolution process to the POA court system, involving screenings and hearings.





The Recommended AMPS Model for York Region

There are four offences that are recommended to include in a York Region AMPS program:



Automated Speed Enforcement (ASE)

A camera is positioned in community safety zones with a speed measurement device to detect and capture images of vehicles travelling over the speed limit. York Region is currently running a pilot program with one ASE camera operating during limited hours.



Red Light Camera (RLC)

A traffic enforcement camera that photographs vehicles that enter an intersection during a red light so they can be issued tickets. York Region currently operates 40 RLCs in various Regional intersections.



York Region Transit Proof of Payment (YRT POP)

Customers travelling YRT without valid tickets, transfers, passes, PRESTO card or mobile ticket/pass may be subject to a fine or charge.



Bylaw

Recommended Regional Municipal bylaws to include in the AMPS program include Forest Conservation Bylaw, Discharge of Sewage, Storm Water and Land Drainage Bylaw, Smoking in Public Places and Workplaces Bylaw, and Towing Services on Regional Roads Bylaw.

School Bus Cameras (SBCs) are devices on the stop arm of school busses that capture photographs of vehicles that illegally pass when children are crossing. SBC offences were considered in this review. However, it is not recommended in the initial AMPS model. There is limited data available about the outcome of this program or whether it is a concern within York Region, and implementation can be challenging as the cameras would be mounted on private property. SBC offences could be a consideration when there is more data and the framework is established.

The number of ASE cameras is the primary driver of offence volume, workload, costs and revenues. Expansion of the current ASE pilot will be brought forward for Regional Council consideration over the coming months. For the purposes of this Business Case analysis, the following assumptions have been made regarding the potential deployment of ASE cameras:

	Year 1	Year 2	Year 3	Year 4	Year 5	
Number of ASE Cameras	3	10	15	20	25	

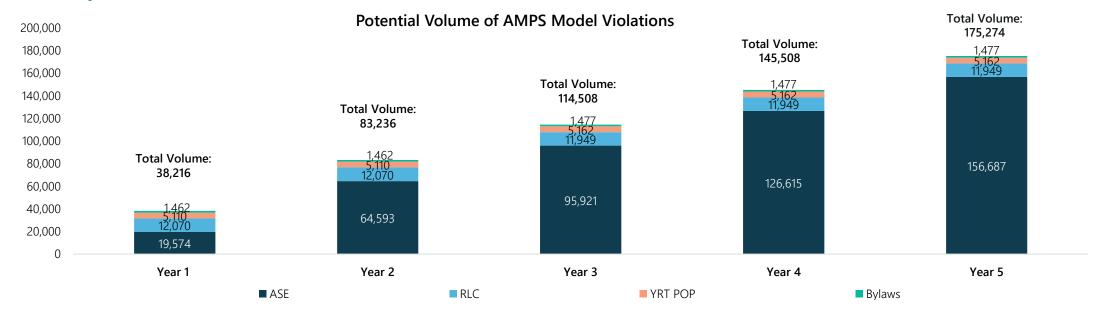
Note: this schedule of ASE cameras does not reflect a Council approved activity.

The number of RLCs, YRT POP, and selected bylaws are assumed to remain at current volume.



The Recommended AMPS Model for York Region (continued)

The recommendations on the previous page were used to forecast the potential volume of offences for ASE, RLC, YRT POP, and Bylaws:



With 25 ASE cameras deployed by year five, well over 150,000 additional new cases could be generated. These high volumes are confirmed by experience of other municipalities that have deployed ASE. Based on this assumed volume increase, the following staffing assumptions were developed:

	Year 1	Year 2	Year 3	Year 4	Year 5
Screening Officer FTE	1.5	3.0	4.0	4.5	5.0
Hearing Officer Working Days	45	99	136	172	208
Administrative Support FTE	1.0	2.0	3.0	4.0	4.5



The Recommended AMPS Model for York Region (final)

The AMPS process will be highly digital, streamlined and automated, in keeping with the Digital Roadmap. The following technology requirements are recommended:

Implementing AMPS allows the Region to transition away from antiquated processes and leverage technology to streamline and automate processes.

- ✓ AMPS Case Management Software A case management solution that would support the AMPS process for camera-based offences and bylaw violations.
- ✓ Online, Fillable Forms Online, fillable screening review and hearing review request forms that are integrated with the Region's case management system.
- ✓ Online Scheduling Tool Online scheduling tools to enable customers to schedule their own screening and hearing reviews based on the availability.
- ✓ Virtual, Integrated Conferencing Tools Use of phone or video conference calls to conduct Screening and Hearing Reviews, rather than doing them in person.
- ✓ **Secure Digital Document Exchange** Providing the option to complete Screening and Hearing Reviews through the exchange of digital documentation this would improve the accessibility of services to citizens who cannot take time off of work to meet with a Screening or Hearing Officer during regular work hours.
- ✓ Online Customer and Enforcement Agent Portal Online portal where citizens can log in and see their penalty notice(s), any related evidence, pay a penalty fine and any administrative fees, and review the decisions of Screening and Hearing Officers. This portal should also allow for the defendants and enforcement officers to input information relevant to each violation and provide a space for open dialogue between the defendant/enforcement officer and the screening/hearing officer.

The following administrative fees would be included under an AMPS regime:

Administrative Fee	Fee
MTO Search Fee	\$10
Late Payment Fee	\$25
Failure to Attend Screening Review Fee	\$50
Failure to Attend Hearing Review Fee	\$100
Each MTO Plate Denial Registration Fee	\$22

Consultations identified some elements of a Regional program that may be of interest to the local municipalities:



A Regional Processing Centre – Camera-based offences require a processing centre to issue offence notices. Municipalities who adopt ASE may be interested in a shared processing centre service.



A Regional AMPS Program – Local municipalities who do not have AMPS processes and resources in place and are interested in implementing AMPS could buy into a Regional program.



Regional AMPS Training Programs – Training for Screening Officers, Hearing Officer, and administrative support to provide consistency across the Region.

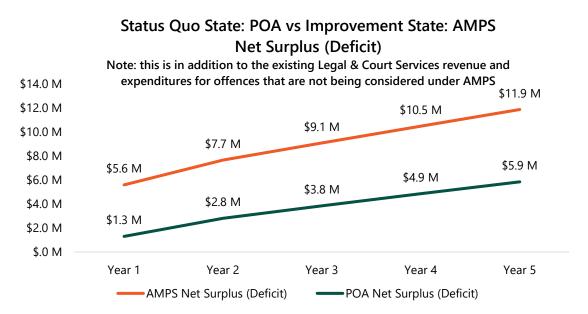


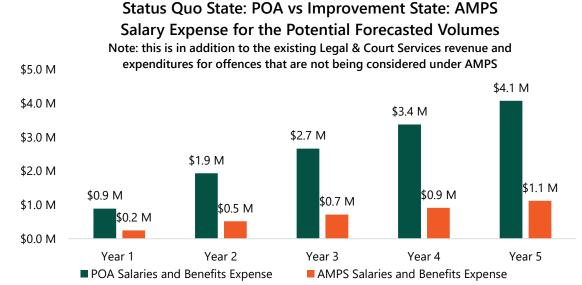
Financial Benefits of AMPS: Cost Avoidance and Cost Recovery

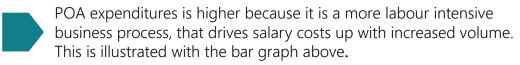
To develop a Business Case, a financial analysis was completed that compares the costs and revenues for the forecasted additional volumes under a status quo state (the traditional POA courts-based model) and the improvements state (a new, highly digital and automated AMPS program).

POA courts operate at a net surplus, but an AMPS process generates a much larger surplus because costs are lower, and revenues are higher. The difference between the surplus projections shows the incremental financial benefits of AMPS.

02









Scenario testing was conducted to test the validity of results. While the upheld penalties and fines differed across the scenarios, the AMPS state consistently provided strong financial benefits in the forecasts.

Cost Recovery: The increased net surplus achieved with AMPS can be used to offset other community safety initiatives, including York Regional Police (YRP).

Cost Avoidance: Camera-based traffic enforcement is more cost efficient than traditional police enforcement.

The average cost per ticket of traditional police traffic enforcement = \$49.17 The average cost per ticket of camera-based traffic enforcement = \$21.39 (by year five) 12



Summary: There is a Very Strong Business Case for AMPS

Regional Benefits

- Reduced timelines for ticket processing.
- Reduced use of courts for minor, less disputable offences.
- Reduced dispute rates lower incentive for customers to "game" the system by going to trial hoping the ticket is dismissed.
- More effective use of court resources, focusses on serious cases.
- Better administration of justice by reducing tickets dismissed due to unreasonable delay (i.e. the Jordan Decision).
- Consistent approach to enforcing camera-based offences.
- AMPS can be highly digital and automated which means labour costs are less affected by offence volume fluctuations.
- Recovers administrative costs.
- The net revenues would recover the cost of the AMPS process, as well as contributing towards community safety initiatives and YRP enforcement expenses.

Financial Benefits Summary

AMPS is a less expensive process than POA courts. If ASE offence volume increases, then AMPS will help to avoid the required increase in POA capacity and expenses. AMPS will not decrease overall courts services expenditures, but it would avoid a significant increase in costs should ASE offences be processed through POA courts.

- AMPS process is streamlined and more efficient than POA.
- An offence under AMPS cost \$56 to process, compared to \$79 under a POA courts process.
- AMPS provides the opportunity to recover administrative costs.
- AMPS can be highly digital and automated which means labour costs are less affected by offence volume fluctuations.
- The increased net surplus achieved with AMPS can be used to offset other community safety initiatives, including York Regional Police (YRP).
- Camera-based traffic enforcement is more cost efficient than traditional police enforcement.

Road Safety Benefits

- ASE programs are proven to increase road safety.
- Evidence from the City of Toronto's ASE program fund that when ASE cameras are increased, drivers slow down and obey the speed limit.
- SickKids study found that lower vehicle speeds:
 - ✓ Reduced the number of pedestrian motor vehicle collisions.
 - ✓ Reduced injury severity for the pedestrians involved in collisions.
- ASE would support York Region's Community Safety Strategy and implementing AMPS would provide a platform to expand to a fully operating ASE program.

Local Municipality Benefits

- Leverage a Regional AMPS shared service program.
- Consistent AMPS processes and service delivery across the Region.
- Access to a Regional shared processing centre for camera-based offences.

Taxpayer Benefits

- Revenue could fund additional road safety initiatives.
- Encourages compliance rather than relying on punishment.

Customer Benefits

- · Reduced Wait Times.
- Flexibility of service options.
- · Less intimidating process.

Chapter 3: Digital Roadmap

This chapter summarizes the vision and priorities for York Region Court Services (YRCS) department, and the resulting initiatives that were identified. These initiatives are summarized with an implementation roadmap in this section with the resulting financial and non-financial benefits outlined, illustrating the improvements that could be achieved through the Digital Roadmap.

The Digital Landscape

Digital transformation trends shaping YRCS's Digital Roadmap

Digital transformation has become a priority for organizations around the world as they aim to improve business processes, find better ways to deliver services to customers, and embrace new ways of doing business. In the public sector and justice and courts sector, we see common trends in how technology is reshaping service delivery.

These trends have influenced the development of YRCS' digital roadmap by:

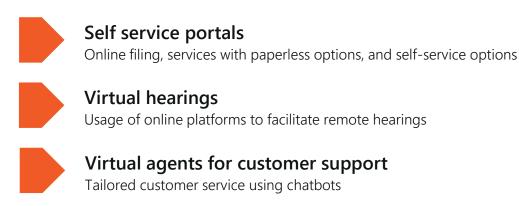
- ✓ Demonstrating the fundamental need for a system to manage client data and case information that provides the foundation for managing the administration and delivery of court services in-person as well as online;
- ✓ Illustrating opportunities to use technologies, such as machine learning and digital document management, to reduce manual, time-intensive tasks; and,
- ✓ Highlighting the shift in service delivery to online portals and virtual agents to provide a more self-service model with 24/7 access to court services

There are six common trends shaping the public sector



The Digital Landscape (continued)

Focusing on Justice and Courts, YRCS's roadmap was influenced by six trends shifting the industry





Influence of current OCJ and York Region Initiatives

The Ontario Courts of Justice (OCJ) digital transformation will have significant impact on YRCS digital roadmap. The main priority areas of OCJ are: to streamline online applications for **Criminal E-intake**, implement **systems for digital evidence management**, facilitate **digital disclosure and hearings management**, and modernize the **case management solution**. The COVID-19 pandemic forced the rapid adoption of digital technologies by Ontario's court services such as Zoom for virtual meetings and Adobe Sign for electronic signatures. YRCS will need to monitor and align its roadmap with the direction of the Ministry of Attorney General and Ontario Court of Justice.

York Region is also undertaking its own modernization initiatives to better support a digitally-enabled government:

- ✓ eDoc replacement
- ✓ Customer Experience & Engagement Platform
- ✓ Customer Identity Management
- ✓ Corporate eSignature Solution

Court as a service, not a location.

York Region's intention is to be leaders in the delivery of justice services by challenging traditional boundaries through innovation and digital transformation.

Building towards a 'Court as a Service, not a location' model

Through its digital strategy and roadmap, YRCS will strive to deliver services that achieve the following key objectives:



A Seamless Experience

Easy to use, integrated and accessible anytime, anywhere and on any device

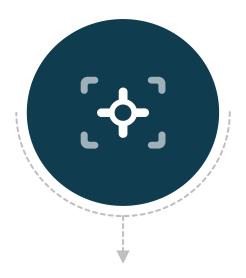
- ✓ Reduce the intimidation of the court process
- ✓ Humanize the experience
- ✓ Accommodate the needs of people (accessibility and timeliness)



Smart & Inclusive

Informed by data and protected by secured transformation

- ✓ Level the playing field: give equal access to all
- ✓ Ensure not only quality of service but also equity of service
- ✓ Be the source of truth for content



Continuous Improvement

By a digitally-fit, agile, and innovative workforce

- ✓ Reduce costs
- ✓ Optimize court resources
- ✓ Streamline service delivery

18

Priorities

The following priorities were identified through engagements with YRCS leadership and team members as fundamental to the success of the digital modernization program.

AN EFFECTIVE CASE MANAGEMENT CAPABILITY

01

YRCS needs a scalable case management system to manage case data, content and activities throughout the life cycle of a court case. Such case management system must also provide flexible integration with any provincial systems with minimum manual interference. Adoption of a new case management system is a critical requirement to YRCS's digital modernization program.

04

YRCS needs to define a data strategy for managing its data lifecycle and a data governance strategy to ensure data quality and accuracy. Any systems implemented must support data integration with provincial and enforcement systems and adhere to Ministry requirements.

02

IMPROVED CUSTOMER EXPERIENCE

YRCS needs a public portal to provide customers with a streamlined, self-service access to court services, which could include, but not limited to, online forms, case status, and other inquiries.

05

PROTECTED DATA AND SYSTEMS

ENHANCED DATA MANAGEMENT

YRCS needs to develop the strategy to protect systems from cyber security vulnerabilities, including an incident response plan.

03

FLEXIBLE PROCESSES & SYSTEMS

YRCS needs to adopt processes and technologies that automate time-intensive manual processes and reduce the dependency for physical documents and locations.

06

ENGAGEMENT WITH STAKEHOLDERS

YRCS needs to align its plans with direction from MAG & OCJ as well through partnership and engagement with enforcement agencies and other POA courts. It must also ensure that its internal stakeholders (Corporate IT and staff members) are engaged and prepared for this change.

MNP.ca

Initiatives

The initiatives were categorized by one of three ways:

Initiatives were categorized to understand their importance and degree of idealism in regards to shaping YRCS's future state, to **evaluate their impact on the strategic roadmap** in order to map a three year horizon plan. This will aid YRCS in understanding the incremental **steps required to digitally transform its operations**. An outline of these categories is described below.



Foundational Operational Enhancements: Activities identified as necessary, high priority, that are crucial to improve operations or decrease costs.



Innovative: Activities that must be done to remain current in the existing business model.



Transformative: Activities that are differentiators for YRCS's operations, designed to make YRCS a leader and redefine the industry.





Innovative



Initiatives (continued)



FOUNDATIONAL / OPERATIONAL

- 1. Case Management System
- 2. Document Digitization
- 3. Payment System Replacement
- 4. In-Court Technology Upgrades



INNOVATIVE

- 5. Court User Portal
- 6. Data Reporting & Analysis
- 7. Enforcement Agency Portal
- 8. Collections Agency Portal
- 9. Online Dispute Resolution



TRANSFORMATIVE

- 10. Online Customer Service Virtual Agent
- 11. AMPS Case Management System
- 12. Digital Competencies Learning & Development Program
- 13. Process Innovation Program

KEY DIGITAL OUTCOMES

Key Digital Outcomes:

- Reduce costs
- Optimize operations
- Improve customer satisfaction
- Automate processes

Key Digital Outcomes:

- Innovate within traditional practices
- Create new customer experiences
- Innovate on the Cloud

Key Digital Outcomes

- Innovate beyond traditional boundaries
- Redefine industry practices
- Extend capacity through partnerships & networks

Investment Summary

In the absence of investment in technology, capacity to respond to the growing workload is fully dependent on the workforce. Through investment in technology, YRCS will alleviate pressure on resources.

Cost savings and efficiencies are a combination of operating cost savings and cost avoidance through a reduction of employee time spent on manual and duplicated tasks. Potential annual efficiencies by Year five are 34,305 staff hours that can be redirected to more cost effective, high priority work.

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Investment	\$1,150,000	\$2,450,000	\$2,150,000	\$2,050,000	\$100,000	\$7,900,000
Change to Operating Expenses	\$2,500	\$27,500	\$177,500	\$187,500	\$282,500	\$677,500
Anticipated New Resources Required	3	-	-	-	-	3
Potential Cost Savings & Efficiencies		\$5,000	\$702,500	\$1,095,000	\$1,345,000	\$3,147,500

Note: These are preliminary estimates.

Expected Benefits & Outcomes

To realize these potential benefits and outcomes of the Digital Roadmap, YRCS will need to invest in technology, team development, process redesign, and new staff resources.

Increased Productivity

Reducing duplication of effort for both internal court staff and enforcement stakeholders.





Improved Access to Courts

Providing greater access to Court Services through online portals and online dispute resolution. As well as providing faster access to justice, reducing time to disposition.

Indirect Cost Savings

Creating an opportunity to benefit from cost efficiencies and avoid additional resource requirements to support legislative change.





New Skills and Approaches

Developing new skills and approaches for Court Services team members to excel through the court modernization program

Address Community Needs

Creating a more integrated justice system connected with justice partners and sharing data across systems that is addressing the changing needs of the community





Greater Alignment

Aligning with the direction of the Ontario Courts of Justice, as well as municipal and industry service delivery best practices and digital standards.

More Responsive to Change

Creating a more agile and responsive court program that is less vulnerable to external influences.



Next Steps

Dependent on Council approval and contingent on Provincial guidelines.

- Develop internal working group to work through the recommendations and develop next steps for AMPS in York Region
- Engagement/consultation with local municipalities and community safety partners to develop an appropriate program and implementation plan
- Establish a working group to advance the Digital Roadmap and develop the business case for investment