

The Regional Municipality of York

Committee of the Whole
Finance and Administration
June 13, 2019

Report of the Regional Solicitor

Court Services Annual Report 2018

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 2018 Annual Report (Attachment 1) submitted to The Ministry of the Attorney General. It provides a summary of Court Services 2018 workload activity, key accomplishments, and planned initiatives for 2019. The Annual Report is required under the Memorandum of Understanding with the Province of Ontario.

Key Points:

- Court Services continues to find innovative ways to lead key initiatives while maintaining timely, quality and cost-effective access to justice
- Court Services implemented technological advances to improve operational efficiency, enhance customer service, and improve fine enforcement and collection
- In 2019, Court Services will continue to advocate for a streamlined and modernized *Provincial Offences Act* and will look for ways to continuously improve in line with our objective to always be innovative, technologically advanced, inclusive, progressive and fiscally responsible and to uphold a sustainable justice model

3. Background

Court Services administers the *Provincial Offences Act* program under strict legislative and legal constraints

Responsibility for the administration and prosecution of certain charges under the *Provincial Offences Act* (POA) was transferred to the Region on July 12, 1999. The Ministry of the Attorney General retains overall responsibility for the integrity of the justice program. The

program is subject to strict constraints through legislation, regulations, case law, and Ministry directives.

York Region operates the second largest *Provincial Offences Act* court program in Ontario based on the number of charges filed. It is our mission to provide timely, quality, and cost-effective access to Justice.

Court Services provides two distinct functions of Court Operations and Prosecution

Court Operations is responsible for the administration and court support services at two court locations and is responsible for the administration of all *Provincial Offences Act* charges issued in York Region. Court Operations provide a variety of legislated services to the general public while maintaining York Region's customer service standards.

Prosecutions is responsible for providing a wide range of legal services including the prosecution of cases before the Ontario Court of Justice, and appeals and judicial reviews in the Ontario Superior Court, the Ontario Court of Appeal, and the Supreme Court of Canada.

The majority of charges filed in the Region's POA courts are traffic offences filed under Part I of the Provincial Offences Act

The majority of charges filed in the Region's courts are offences under Part I of the *Provincial Offences Act*. Part I charges include many of the offences under the *Highway Traffic Act* and carry a maximum penalty up to \$1,000. A ticket is issued to the defendant and the defendant has the option to pay the ticket, plead guilty before a Justice of the Peace, or request a trial. Parking offences are filed under Part II of the Act. Part III charges include more serious offences (such as driving without insurance and stunt driving). The defendant receives a summons and is required to appear in court. Maximum penalties under Part III are more severe and may include incarceration up to two years.

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

4. Analysis

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

2018 Key Workload Drivers and Activity Statistics:

- 7,590 charges were filed per court administration clerk (159,389 total)

- 4,651 disclosure requests were processed per prosecution clerk (37,208 total), representing a 9.9 per cent increase from 2017
- 49 per cent of all Part I charges are disputed, resulting in a two per cent decrease from 2017, and a nine per cent decrease from 2016
- Over 169,000 customers are served through in-person and telephone service, representing less than one per cent increase from 2017
- Over 117,530 matters were on Trial Dockets in 2018, which included 234 charges related to cannabis

Court Services continues to lead key initiatives in 2018 which improved operational efficiency, enhanced customer service and improved fine enforcement and collection

Court services continued to identify innovative ways to respond to the increased workload while maintaining operational standards. Initiatives focused on continuous improvement through leveraging technology and partnering with stakeholders to improve service delivery.

2018 Key Initiatives:

- Improved information to the public through two communication campaigns to educate and streamline information provided to the public
- Participated in inter-municipal mentoring, corporation or resource-sharing initiatives including representing York Region on various Municipal Court Managers Association (MCMA) committees and working in partnership with York Regional Police
- Executed Agreements with the City of Toronto and the Town of Aurora for property tax rolling and expanding the use of civil enforcement to improve the collection of defaulted fines under the Provincial Offences Act
- Trained staff in the provision of Accessible Customer Service, mental health, change management; In collaboration with YRP facilitated a phased approach to the Run, Hide, Defend security training
- Implemented a remote-video testimony solution to allow officers to provide real-time testimony from outside the courtroom enhancing public safety by keeping officers in their jurisdictions and saving their time and transportation costs
- Implemented the electronic filing of Part One summons matters in conjunction with the York Regional Police
- Completed a pilot project with the Ministry of the Attorney General and the Office of the Treasury Board. Using behavioural science, interventions were developed and added to fine Notices and reminders to improve fine-payment behaviours

The use of technological enhancements makes York Region a leader among municipalities

In 2018, York Region began using video testimony to allow York Regional Police officers to provide real-time testimony from a video suite in police district. This technological enhancement improves public safety by keeping officers in their jurisdiction and minimizing the time an officer is required to be off the road. Additional cost efficiencies will be achieved through reduced time and transportation costs. York Region is the first municipality to use video testimony in *Provincial Offences Act* matters. This technology was first introduced in one courtroom and one police district and due to its immediate success, will expand to additional police districts in 2019.

Continued advocacy and continuous improvement will create a streamlined and modernized Court Services

In 2018, Court Services identified areas for process improvement to create efficiencies and maintain performance measures. In 2019, Court Services will continue to advocate for a streamlined and modernized *Provincial Offences Act* and will look for ways to continuously improve in line with our objective to always be innovative, technologically advanced, inclusive, progressive and fiscally responsible and to uphold a sustainable justice model. In particular, we will be providing disclosure to defendants through web-based solutions.

Court staff will continue to look for ways to improve operational efficiencies. For example, we will explore legislative reforms to have automated speed enforcement and red light camera charges moved into an administrative penalty system.

2019 Goals:

- Finalize transition plan for the implementation of online disclosure system in collaboration with York Regional Police
- Enhance public awareness and communication through targeted external campaigns
- Review and implement improvements to court administration and prosecution processes
- Improve court utilization through trial scheduling
- Part III Download – Develop transition plan to assume Part III prosecutions (more serious offences)
- Identify additional opportunities to streamline shared processes with York Regional Police
- Review and revise collection practices including the development of collection measures and target
- Develop transition plan for the relocation of Courts to 17150 Yonge street in 2020
- Enhance training material for court staff
- Complete required upgrades to technology

5. Financial

There are no financial implications directly associated with this report. The performance measures set out in this report are reflected in the 2018 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 by-law 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 however legislative constraints continue to be a challenge for Provincial Offences Act programs. York Region will continue to advocate for meaningful legislative changes that will create flexibility in service delivery, providing municipalities the ability to deliver POA services in response to specific pressures experienced within individual jurisdictions.

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: **Joy Hulton**
Regional Solicitor

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

May 29, 2018
Attachments (1)
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