



Annual Report

For the Year Ended December 31, 2018

Legal & Court Services
Court Services Branch

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Court Services Mandate

Court Services provides two distinct functions: Court Operations and Prosecution. York Region operates the second largest *Provincial Offences Act* court program in Ontario.

Provides Services to:

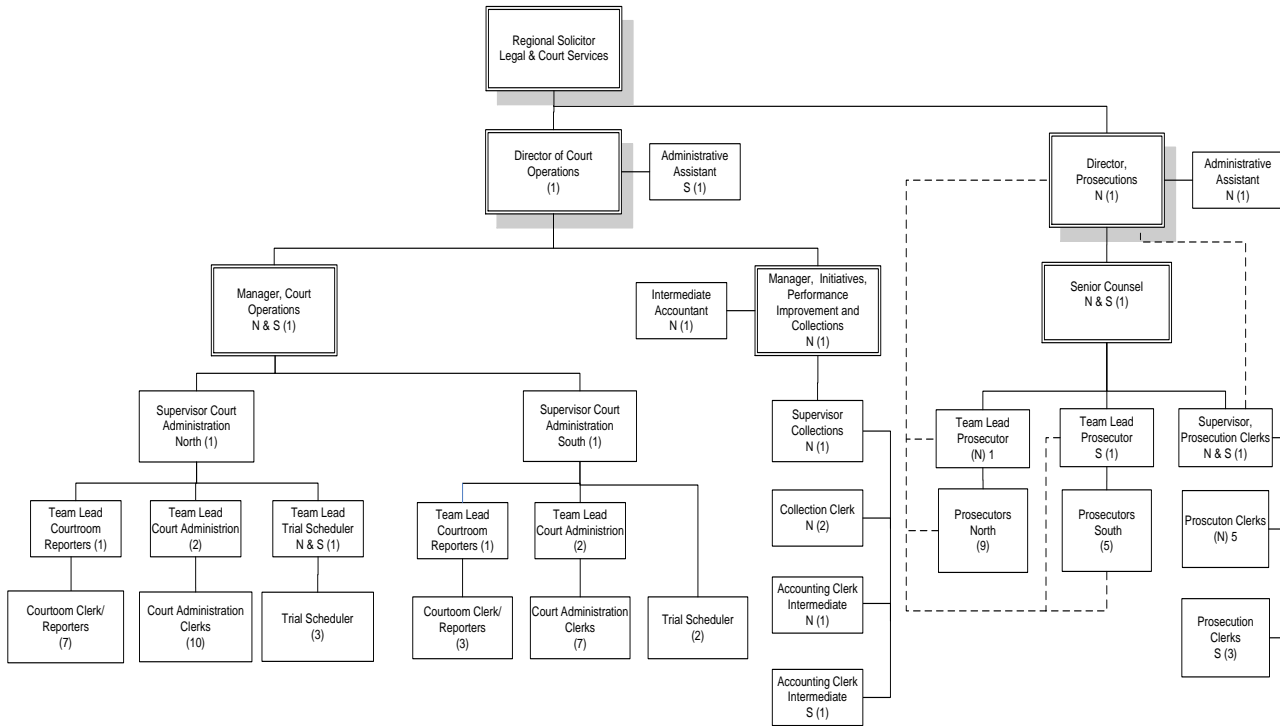
- Members of the Public
- York Region Local Municipalities
- Over 30 Law Enforcement and Regulatory Agencies
- Ministry of the Attorney General
- Judiciary

Operates:

- 2 Court Locations
Newmarket and Richmond Hill
- 6 Trial Courtrooms
(4 in Newmarket, 2 in Richmond Hill)
- 2 Intake Courtrooms
(1 in Newmarket, 1 in Richmond Hill)

We are committed to creating and fostering a progressive culture in Courts that strives to always be innovative, technologically advanced, inclusive, progressive, and fiscally responsible and which upholds a sustainable justice model.

Organization Chart at December 2018



(79 FTEs)

Message from the Director of Court Operations

Lisa Brooks

Court Services is committed to business and service excellence in the administration of justice. In 2018, Court Operations continued its focus on implementing technology to create operational efficiency, improving customer service delivery and communications, and improving fine enforcement and collection. Court Operations continues to identify opportunities to partner with stakeholders to mentor them, share resources, and improve access to justice. In 2019, our focus will be to continue our Provincial Offences Act (POA) streamlining and modernization efforts. We will be expanding the use of technology by identifying opportunities to replace the existing case management system. We will also implement the electronic filing and upload of certain charges and implement an online disclosure system in collaboration with the York Regional Police (YRP). We will continue to provide timely, quality, and cost-effective access to justice.

Message from the Director of Prosecutions

Hans Saamen

Prosecutions is responsible for a wide range of legal services including the prosecution of charges before the Ontario Court of Justice (OCJ) and appeals and judicial reviews in the OCJ, the Superior Court of Justice and the Court of Appeal for Ontario. In 2018, Prosecutions continued its focus on improving efficiencies in the use of electronic disclosure to receive and manage the disclosure of YRP charges. It was also involved in initiatives focused on the efficient use of court time: The Part I summons process was amended to resolve charges laid without the need to proceed to trial; YRP officers also began providing video testimony from the detachment making York Region the first municipally operated court in the province to do so. As we move into 2019, we will be focused on providing defendants access to disclosure through web based solutions. We will also focus on continued advocacy for streamlining and modernization of the POA, as well as legislative reforms to have automated speed enforcement and red light camera charges moved into an administrative penalty system in order to free up court time.

2018 Key Initiatives and Achievements

Customer service improvements:

Launched two successful communication campaigns to educate the public:

- Take Care of Your Ticket in Three Easy Steps
- Debunking Traffic Ticket Myths

Streamlined York Region Court Services external website to allow additional online forms for the public

Inter-municipal mentoring, cooperation or resource-sharing initiatives:

York Region Court Services conducted a stakeholder meeting to engage local municipal partners and enforcement agencies to provide relevant updates

Director and manager conducted in person meetings with ministry and municipal stakeholders to discuss local issues

Held monthly meetings with York Regional Police to share information, discuss issues, provide updates and identify opportunities to partner on technology projects

York Region Court Services represented MCMA on various committees (Legislative, Education, Forms, NFDD, ICON, and Statistics Committee)

York Region Management team attended the MCMA Annual Conference and OMTRA Conference

In partnership with York Regional Police and the Government of Ontario Justice Video Network, York Region implemented a remote testimony solution to enable police officers to provide real-time testimony from a location other than the courtroom where the trial is taking place. York Region was the first provincial offences court to introduce the technology for police testimony

York Region led 16 municipalities in the planning, creating and implementation of a new transcription production model

Fine enforcement improvements:

In 2018, York Region executed agreements with the City of Toronto and Town of Aurora in addition to agreements already in place with five other municipalities to add fines to property tax toll where applicable

Expanded the use of civil enforcement tools in support of the collection strategy, resulting in an increase of writs filed from the previous year

Staff training initiatives:

Together with York Regional Police, facilitated a phased approach to the Run, Hide, Defend active shooter security training

Provided change management training to all court staff to provide insight into how change impacts people, and equips them with the knowledge, skills and tools to successfully lead each person through change

Provided Mental health training for court administration team leads and accessibility coordinators to help staff learn to recognize and understand the symptoms of poor mental health and mental illnesses, including those related to substance abuse and get practical tools and solutions for accommodating people in distress or recovering from a crisis

Regional Accessibility Unit provided training on accessible customer service guidelines that included tips, processes and templates to best serve our customers with disabilities and meet the mandatory requirements set out in the Customer Service Standards under the Accessibility for Ontarians with Disabilities Act, 2005

Invited a motivational speaker to speak to all staff on creating a “Get To” culture which is designed to create and sustain a team of people who are energetic, engaged, passionate, high performing, self-motivated, and fun

Facilities improvements:

In partnership with York Regional Police and the Government of Ontario Justice Video Network, York Region implemented a remote testimony solution to enable police officers to provide real-time testimony from a location other than the courtroom where the trial is taking place. York Region was the first provincial offences court to introduce the technology for police testimony

Information technology upgrades:

In collaboration with York Regional Police, implemented electronic filing of Part One Summons matters

Integrated the uploading of Part One Summons images into daily case management system processes

Introduced scanners at the front counters to read the barcodes of tickets and NFDD notices to automatically populate the ticket number into ICON to reduce data entry errors

Other initiatives:

In collaboration with Ontario’s Behavioural Insights Unit and The Ministry of Attorney General, designed, conducted and completed a pilot project to develop interventions that were added to the Notice of Fine and Due Date reminder notices to determine the impact on fine behaviour

Accomplishments

In 2018, Court Services created its first-ever multi-year plan for the years 2019 – 2013. The plan complements the Region’s Strategic Plan by adding specific context associated with the services it delivers. It will inform, focus, and re-affirm the services, values and goals for the branch.

Court Services Staff continue to have high profile positions with the MCMA. Lisa Brooks co-chaired the MCMA Statistics Committee to develop meaningful measures to assist with and enhance the delivery and management of Provincial Offences services. Barb Ryner, Manager of Court Administration, chaired the MCMA Education Committee that created and implemented an alternative transcriptions model, which would outsource transcript creation for participating courts and Sandra Garand, the Supervisor of Court Administration, chaired the MCMA Forms Committee to make recommendations on form development and acts as liaison between its members and the Ministry of Attorney General. Lisa is also leading the municipal Administrative Monetary Penalty System (AMPS) Working Group involved in the exploring opportunities to implement a Region-wide AMPS to reduce municipal charges in our POA courts.

Hans Saamen, Director of Prosecutions, was a guest speaker at the Law Society of Ontario on Practice and Procedure for Paralegals involving trial and evidence issues. Both Hans and Chris Bendick, Senior Counsel, Prosecutions have presented at the Osgoode Hall Law School Certificate Program for Paralegals on issues involving procedure and evidence in the Provincial Offences Court. Hans was also involved with the Ontario Traffic Council (OTC) working group on issues involving the implementation of Automated Speed Enforcement. Hans and Chris are involved in the municipal Cannabis Working Group on issues involving the implementation of provincial regulation for the use of recreational cannabis and drafting a standard by-law. Both are also members on the AMPS working group. Hans and his team also provide training to new York Regional Police officers. Hans and Chris have also reviewed and revised draft by-laws for several local municipalities with a view to making enforcement and prosecution more effective.

Notable Precedent Setting Cases

Prosecutions successfully argued a number of precedent setting cases:

R. v. Martingrove Properties—the Ontario Court of Justice held that the presumptive ceiling for section 11(b) Charter applications (unreasonable delay to trial) gets reset once a retrial is granted. The charge in this case involved a delay of 10 years from the charge date, where there were three trials with dismissal of the charges and successful appeals of these dismissals. Leave to the Court of Appeal for Ontario was denied.

R. v. McGuigan—the Court of Appeal for Ontario clarified that the testing procedures for speed measuring devices used for speeding offences are first party disclosure to which the defendant is entitled to receive. The Court also held that the Region could post these testing procedures on the Region's website to satisfy its disclosure obligations, thereby greatly streamlining the disclosure process.

Chow v. York (Regional Municipality)—The Ontario Court of Justice on appeal reviewed the meaning of "complete and regular on its face" for Certificates of Offence and provided an excellent summary of what errors or omissions would make the Certificate of Offence not complete and regular and what errors or omissions would not affect the regularity and completeness.

Key Workload Drivers

Total Charges Filed (by Agency) in 2018

	Number of Charges	Percentage of Caseload
York Region Police	119,051	74.69%
Ministries and Other Agencies	17,089	10.72%
Ontario Provincial Police	13,275	8.33%
York Region	6,371	4.00%
Town of Whitchurch-Stouffville*	943	0.59%
Town of Aurora*	858	0.54%
City of Markham	444	0.28%
Town of East Gwillimbury*	425	0.27%
Township of King*	334	0.21%
City of Vaughan	236	0.15%
Town of Richmond Hill	235	0.15%
Town of Georgina	68	0.04%
Town of Newmarket	60	0.03%
Total Charges Filed	159,389	100.00%

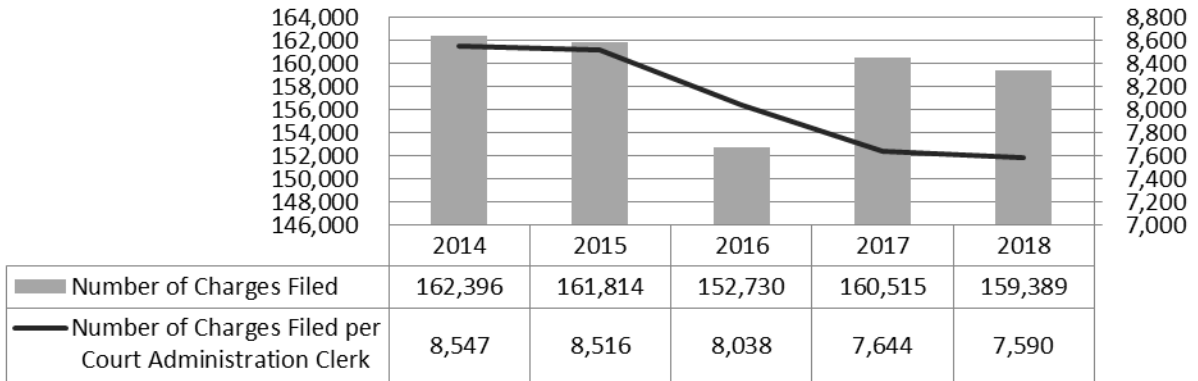
*These municipalities have not yet “opted in” under section 18.6(1)(a) of the *Provincial Offences Act*. This means that their Parking Tickets are still being processed through the ICON computer system and are automatically included in the total number of charges filed. For other municipalities (those that have “opted in”), parking charges are not included in the statistics above.

In 2018, the total charges filed in York Region remained stable.

Act Type	Number of Charges Filed
Certificate of Offence - Accidents (i.e. Motor Vehicle)	5,182
Accident Information	10
Federal Certificate of Offence	296
Federal Information	7
Certificate of Offence	139,667
Parking Infraction Notice	3,316
Information	10,911

The Provincial standard for number of charges filed per court administration clerk is in the range of 5,000 - 6,000. In 2018, the number of charges filed per court administration clerk was 7,590, a slight decrease from 2017. Court Services continues to look for innovative ways to manage workload while providing high quality of work and customer service.

Number of Charges Filed per Court Administration Clerk

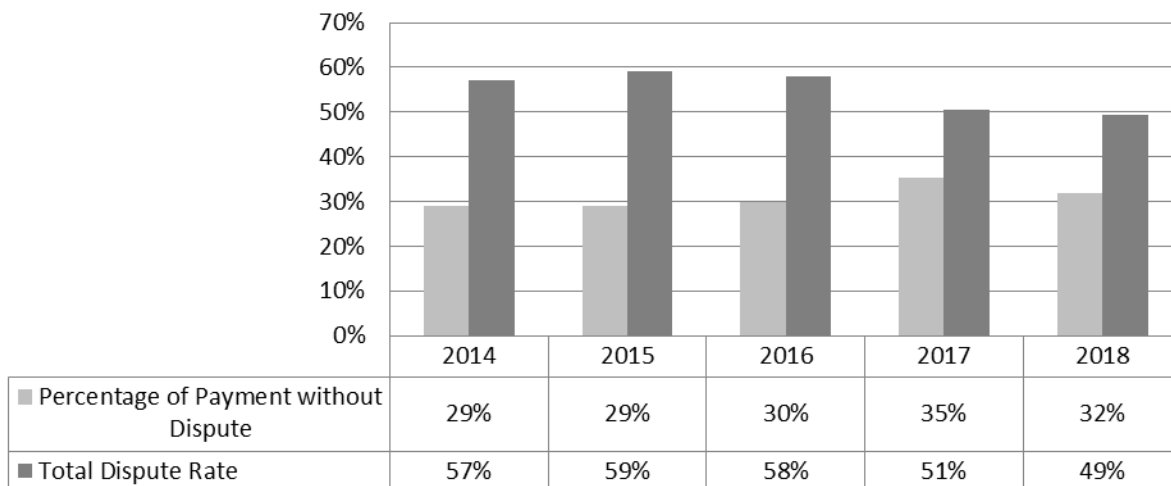


York Region continues to provide almost 170,000 in-person and telephone services to all court users at both court locations.

	Front Counter	Telephone	Total Customers Served
Newmarket Court Location	46,381	37,849	84,230
Richmond Hill Court Location	56,131	29,293	85,424
Total	102,512	67,142	169,654

High Dispute Rate

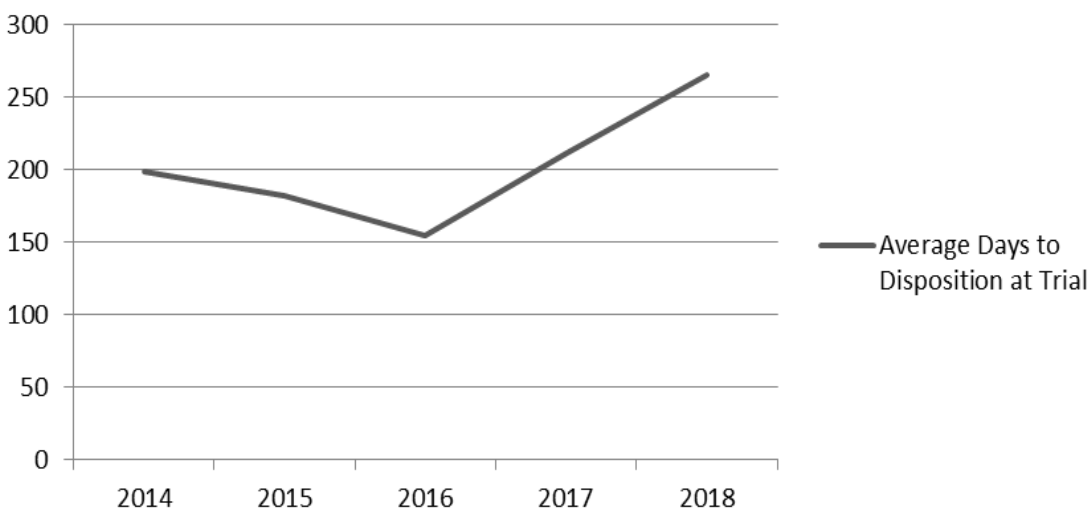
The dispute rate continues to decrease largely as a result of the suspension of the Early Resolution Program in 2017. At 49 per cent, the dispute rate is two per cent lower than 2017. The high dispute rate in York Region creates pressure on the resources of the court program.



Note: The remaining percentage of workload is Fail to Respond convictions

The average days to disposition at trial has increased 26 per cent from 2017. As the trial option is the only option available to defendants to dispute their charge, suspension of the early resolution has put increased pressure on trial dockets. Court staff continues to maintain time to trial within the legislative timeframes through the redistribution of workload.

Average Days to Disposition at Trial



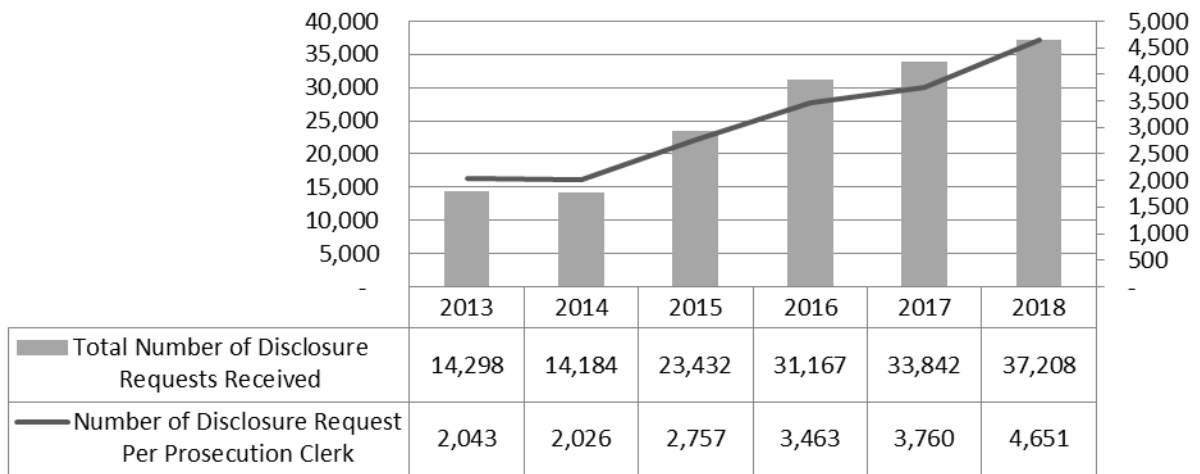
The Early Resolution program was suspended effective January 1, 2017. Over 117,000 matters were addressed in Trial Courts in 2018, which represents a 13 per cent increase from 2017 (103,714 matters in 2017). Despite a general increase in all Part One traffic matters, the largest increase was in the Richmond Hill R4 court, mainly as a result of the increase in red light camera ticket matters.

One of the challenges faced by Court Services is scheduling multiple day trials for Ministry matters. If the matter is resolved on the first day, the courtroom will remain vacant as the presiding justice is often reallocated to another location.

Appearance Room	Grand Total
R3 - Traffic and Municipal Parking and Bylaws	19,929
R4 - Part One Traffic Court	18,632
T1 - Part One Traffic Court	22,243
T2 - Ministry and Municipal Parking and Bylaw Court	8,077
T3 - Part Three Provincial Court	25,479
T4 - Part One Traffic Court	23,170
Total Number of Matters on Trial Dockets	117,530

Changes to the Notice of Trial and notification to the defendants of a right to disclosure have increased the number of disclosure requests received by Prosecutions. The disclosure rates continue to increase as a result of the increased trial requests.

Number of Disclosure Requests per Prosecution Clerk

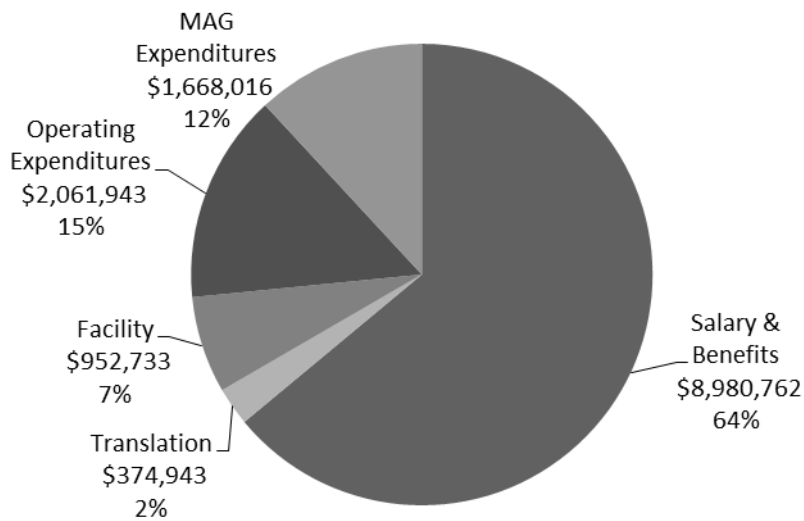


Note: In 2018, the number of prosecution clerks was reduced from 9 to 8 due to the conversion of the team lead prosecution clerk position to a supervisor, prosecution clerk position.

No provincial standards exist for the number of disclosure requests per prosecution clerk

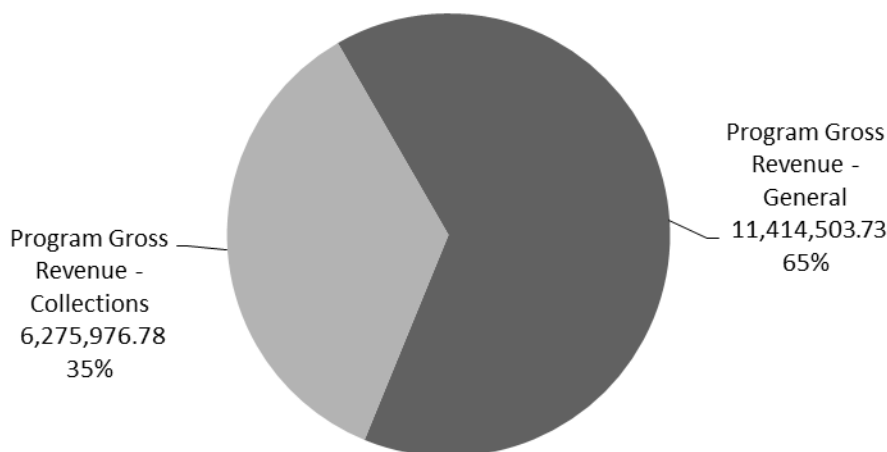
2018 Expenditure and Revenue Analysis

2018 Operating Budget by Expenditure Category



*Ministry of Attorney General (MAG) expenditures decreased eight per cent in 2018 from the previous year as of result of decreased judicial and provincial prosecution hours

2018 Revenue Source¹



¹ 2018 Revenue Source calculations include both internal and external collections efforts due to the decline in collections from third-party agencies. In 2017, the calculations included overall revenue and collection agency revenue were reported.

Expenditure

Salary and Benefits

Includes all staffing expenses related to Court Administration, Prosecution and Collections. Includes all permanent, casual and temporary staffing in addition to overtime and benefits.

MAG Expenditures

Total cost of expenses paid to the Ministry of Attorney General including Judicial and ICON related costs. Victim Fine Surcharge and Dedicated fines are not included.

Operating Expenditures

Total cost of general operating expenses including the purchase of charging documents, witness fees, general office supplies, postage expenses and other minor operating expenses.

Facility

Total cost of facility expenses.

Translation

Total cost of providing interpreter services to court users.

2018 Auditors Report

An independent audit of the consolidated financial statements of the Regional Municipality of York for the year ending December 31, 2018 was completed by KPMG in May 2018. Accordingly, the scope of the audit included the information about the results of the Region's Provincial Offences Office presented in the notes to the consolidated financial statement.

Excerpt from the Regional Auditor's Report

PROVINCIAL OFFENCES ADMINISTRATION

The Region administers prosecutions and the collection of related fines and fees under the authority of the Provincial Offences Act ("POA"). The POA is a procedural law for administering and prosecuting provincial offences, including those committed under the *Highway Traffic Act*, *Compulsory Automobile Insurance Act*, *Trespass to Property Act*, *Liquor Licence Act*, Municipal By-laws and minor federal offences. Offenders may pay their fines at any court office in Ontario, at which time their receipt is recorded in the Integrated Courts Offences Network system ("ICON"). The Region recognizes fine revenue when the receipt of funds is recorded by ICON regardless of the location where payment is made.

Gross revenue is comprised primarily of fines levied under Part I, II and III (including delay penalties) for POA charges. The total revenue for 2018 amounts to \$22,665,795 (2017 - \$21,942,116) and the net revenue amounts to \$3,650,124 (2017 - \$2,183,364). Balances arising from operation of the POA offices are consolidated with these financial statements.

THE REGIONAL MUNICIPALITY OF YORK
Provincial Offences Office
Statement of Receipts and Expenses
For the year ended December 31, 2018

	Budget 2018 <u>(Unaudited)</u> \$	Actual 2018 <u>(Unaudited)</u> \$	Actual 2017 <u>(Unaudited)</u> \$
Revenue			
Fines and Miscellaneous Revenue Collected	20,716,196	22,665,795	21,942,116
Expenses and Disbursements			
Salaries and Benefits	8,873,040	8,980,762	8,854,775
General Administration	1,590,725	1,451,114	1,799,352
Program Related Services	1,811,994	1,764,241	1,927,260
Professional Services	895,463	865,706	803,293
Occupancy Expenses	1,017,841	951,167	989,829
Amortization	0	0	0
Asset Acquisitions	47,000	25,407	57,821
	<u>14,236,063</u>	<u>14,038,397</u>	<u>14,432,330</u>
Income before disbursements to area municipalities and others	6,480,133	8,627,398	7,509,786
Disbursements to Area Municipalities and Others	<u>(5,562,125)</u>	<u>(4,977,274)</u>	<u>(5,326,422)</u>
Net Surplus/(Deficit)	918,008	3,650,124	2,183,364
Contribution from Reserves	744,539	0	0
Contribution to Reserves	<u>(120,000)</u>	<u>(1,120,000)</u>	<u>(857,795)</u>
Net Surplus/(Deficit) after Contribution to/from Reserves	<u>1,542,547</u>	<u>2,530,124</u>	<u>1,325,569</u>

The accompanying notes are an integral part of the financial statement

THE REGIONAL MUNICIPALITY OF YORK

Provincial Offences Office

Note to the Financial Statement

December 31, 2018

The Regional Municipality of York (the Region) administers prosecutions and the collection of related fines and fees under the authority of the Provincial Offences Act (“POA”). The POA is a procedural law for administering and prosecuting provincial offences, including those committed under the Highway Traffic Act, Compulsory Automobile Insurance Act, Trespass to Property Act, Liquor Licence Act, Municipal By-laws and minor federal offences. The POA governs all aspects of legal process from serving notice to a defendant, to conducting trials, including sentencing and appeals.

1. SIGNIFICANT ACCOUNTING POLICIES

The statement of financial activities for the Region’s Provincial Offences Office is prepared by management in accordance with generally accepted accounting policies for local governments as recommended by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada. Significant aspects of the accounting policies are as follows:

a) Revenues

Revenues are accounted on cash basis. The revenues of the court office consist of fines levied under Parts I, II and III (including delay penalties) for POA charges filed at the courts and located at The Tannery Mall, 465 Davis Drive, Newmarket and 50 High Tech Road, Richmond Hill. Offenders may pay their fines at any court office in Ontario, at which time their receipt is recorded in the Integrated Courts Offences Network system (“ICON”) operated by the Province of Ontario. The Region recognizes fine revenues when the receipt of funds is recorded by ICON regardless of the location where payment is made.

The Region also recognizes revenues that are collected on behalf of Area Municipalities and the Ministry of the Attorney General. These revenues include payments recovered with respect to local area municipal By-laws, Dedicated Fines related to various statutes, licence plate denial fees and the Province’s portion of parking fees as well as the Victim Fine Surcharge.

Partial payments received for fines are automatically applied in the ICON system in the following order:

- Victim fine surcharge
- Fine
- Costs
- Administrative fees
- Collection agency costs

b) Expenses

Expenses are recorded on the accrual basis of accounting which recognizes expenses as they are incurred and measurable as a result of the receipt of goods or services and creation of a legal obligation to pay.

c) Use of estimates

The preparation of the financial statement in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of revenues and expenditures and disclosure of contingencies at the date of the financial statement and for the period being reported on. Actual results could vary from these estimates.

d) Reserve

In 2015, a reserve was established to assist in planning and managing costs, which can vary significantly each year. The reserve will be funded through any net surplus in the prior year, after allocations, with an established upset limit.

Court Services: Priorities for 2019

Customer Service:

- Implement online disclosure system in collaboration with York Regional Police
- Enhance public awareness and communication through targeted external campaigns
- Review and implement changes to court administration and prosecution processes

Efficient case management:

- Improve court utilization through trial scheduling
- Part III Download – Develop transition plan for P3 prosecutions

Process Improvement:

- Implement the electronic filing of Part I charges
- Electronic upload of Part III charges
- Finalize process manuals for all Court Operations positions

Performance Focused:

- Review and revise default collection practices including the development of measures and targets.
- Review and revise collection practices
- Develop transition plan for the move to the annex

Training and Development:

- Develop enhanced training material for staff

Technology:

- Identify opportunities to replace existing case management system
- Replace Iconview and upgrade ICON server