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COURT SERVICES STATISTICAL UPDATE

The Finance and Administration Committee recommends the adoption of the recommendation contained in the following report, May 24, 2007, from the Commissioner of Corporate Services together with a further recommendation 2 as follows:

2. The Regional Clerk forward a copy of this report to the local municipalities for their information.

1. **RECOMMENDATION**

It is recommended that this report be received for information purposes.

2. **PURPOSE**

The purpose of this report is to provide Council with a routine update on caseload trends in the *Provincial Offences Act* courts:

- a. Annually (comparing 2006 with 2005)
- b. Quarterly (comparing the first quarter of 2007 with the same period in 2006)

3. **BACKGROUND**

Responsibility for court administration and selected prosecutions in the *Provincial Offences Act* Courts was downloaded from Ontario in July 1999. Since that time, caseloads have increased significantly. Over the same period of time, statistics show an increase in “trial rate” (i.e. the tendency for defendants to request a trial rather than settle out of court).

Regional Council has requested periodic reports showing the workload demands placed upon Court Services and any budget impacts.

4. **ANALYSIS AND OPTIONS**

- 4.1 Explanation of Workload Indicators**

- 4.1.1 Description of “Charges Filed” Indicator**

The primary workload indicator for Court Services is “Charges Filed” (i.e. the number of charges filed with the court by enforcement agencies). In York Region, the largest

enforcement agencies in terms of charge volume are York Regional Police and the Ontario Provincial Police. Although Court Services staff cannot have any role in deciding the activity levels or enforcement policies of any enforcement agency, regular liaison takes place to ensure that Court Services managers are generally aware of planned changes in enforcement activity levels. Due to the dynamic and responsive nature of enforcement agency initiatives, fluctuations naturally occur in the number of charges filed from month to month. Past experience shows that increased enforcement activity in one quarter does not automatically indicate an ongoing or sustainable trend. This indicator needs to be continually monitored by Court Services staff.

4.1.2 Description of “Charges Disposed” Indicator

The secondary workload indicator for Court Services is “Charges Disposed” (i.e. the number of charges that are brought to final conclusion). Disposal may take place “out of court”, for example when a defendant pleads guilty to a traffic ticket by paying the fine, or when the prosecutor is able to negotiate a guilty plea with a defendant through the First Attendance process (described below). Alternatively, the charge may be disposed in a trial situation where the judicial officer may find the defendant either guilty or not guilty. Naturally there are higher costs associated with disposals when a trial becomes necessary. These costs include the hourly adjudication fees paid to the Province, the cost of courtroom staff and prosecutors, any witness costs, any interpreter costs, etc.

In common with other major urban areas in Ontario, York Region receives a high percentage of trial requests. The Province has designated York Region (through *Regulation 140/01*) as an area where the First Attendance process is operational. This process provides a detailed framework for prosecutors to meet with defendants, resulting in the early resolution of numerous cases without trial.

4.1.3 Court Scheduling – Time Lag Issue

It is important to note that the “charges filed” and “charges disposed” in any given period of time are not directly related. This is due to the inherent time lags in court scheduling. For example, in the first half of 2006, the majority of trials being conducted related to charges that had been filed in 2005. In the second half of 2006, some of the charges filed in the early months of 2006 were reaching their trial dates, but the majority of defendants who requested a trial on a “2006 charge” would normally receive a trial date in 2007.

4.1.4 Description of “Charges Pending” Indicator

For the reasons mentioned above, numerous charges will be in a “pending” state at any given time. Ideally, if court resources are sufficient for the prevailing caseload and they are being well-managed on an ongoing basis, the pending charges should not increase at a greater percentage than the overall number of charges being filed with the court. However, the disposal of charges can be impacted by several uncontrollable factors, including the ongoing shortage of judicial officers and the generally increasing tendency for defendants to dispute charges. These factors impact directly on the timely disposition of cases, thereby increasing the charges pending despite the best efforts of prosecutors and court administration staff.

4.2 Analysis of Caseload Trend

Figure 1 compares the annual caseloads of the years 2005 and 2006.

Figure 2 compares the quarterly caseloads of Q1, 2006 and Q1, 2007.

Figure 1

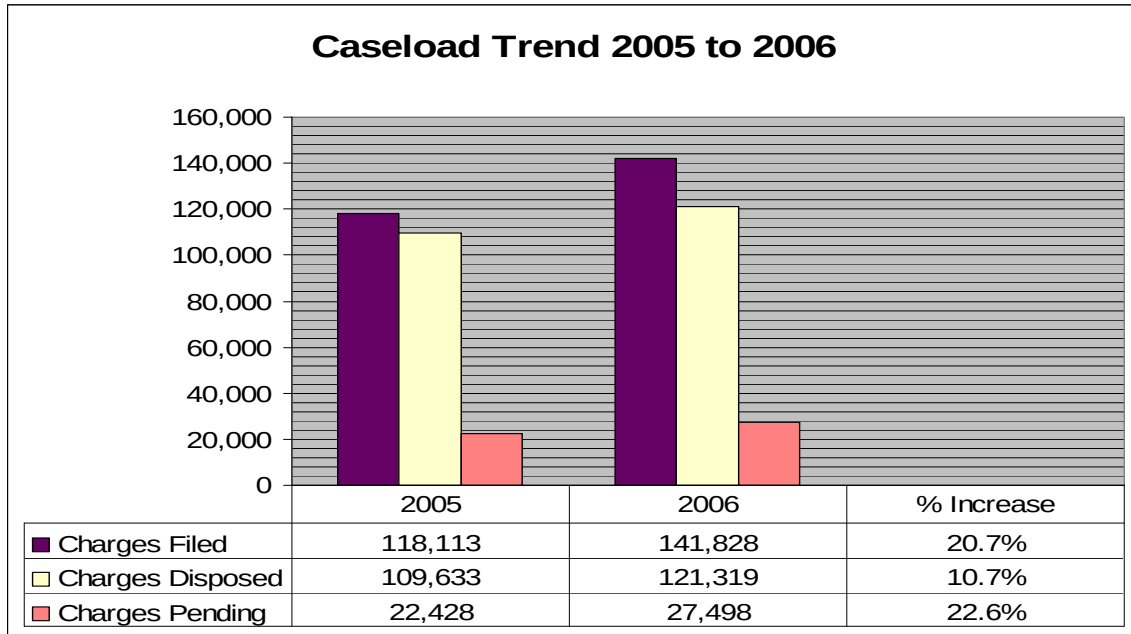
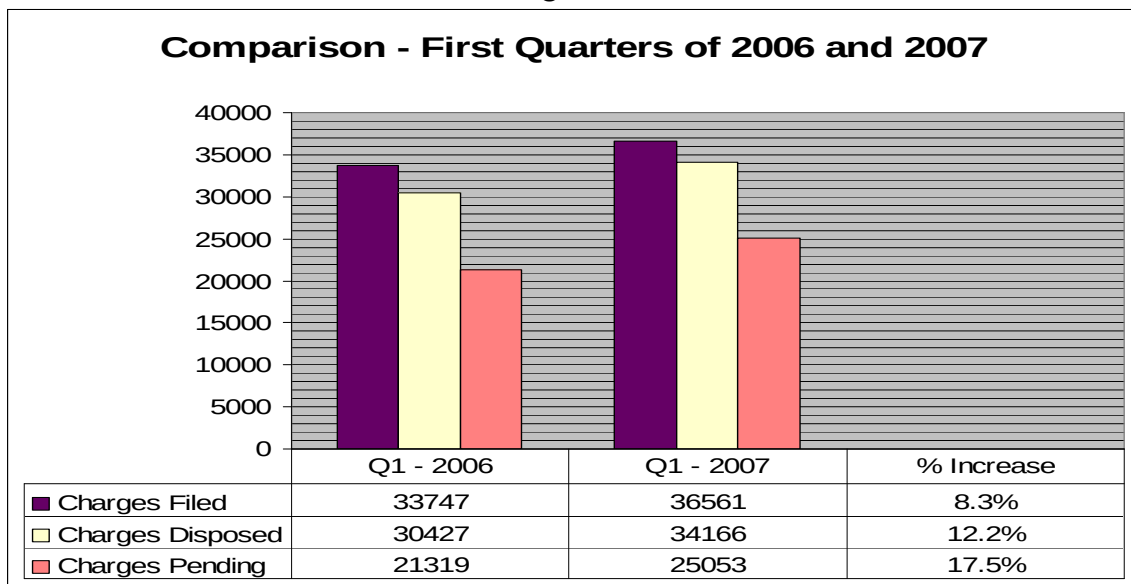


Figure 2



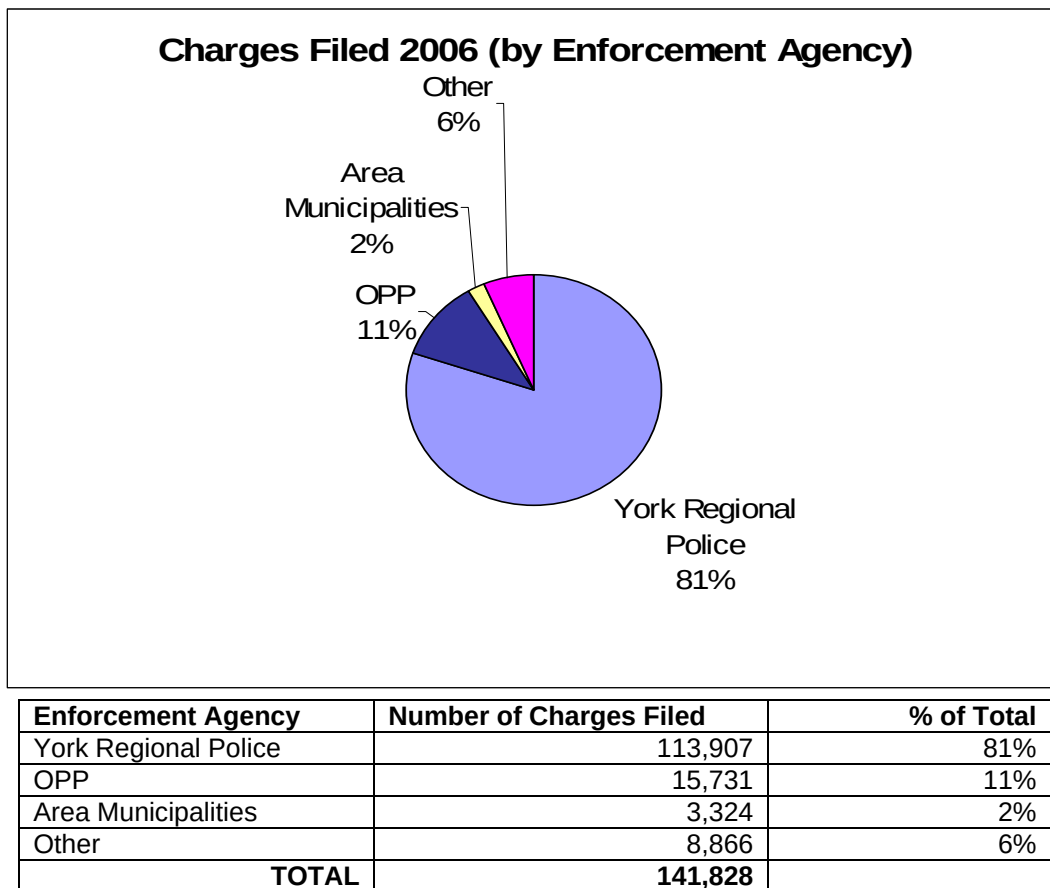
4.2.1 Analysis of “Charges Filed”

Between January 1 and December 31, 2006, a total of 141,828 new charges were filed. As can be seen at Figure 1, this represented an annual increase of 20.7% when compared with 2005.

The upward trend continued in the first quarter of 2007 (see Figure 2), with a total of 36,561 new charges being filed between January 1 and March 31, 2007. This translates into an increase of 8.3% when Q1 of 2006 is compared with Q1 of 2007.

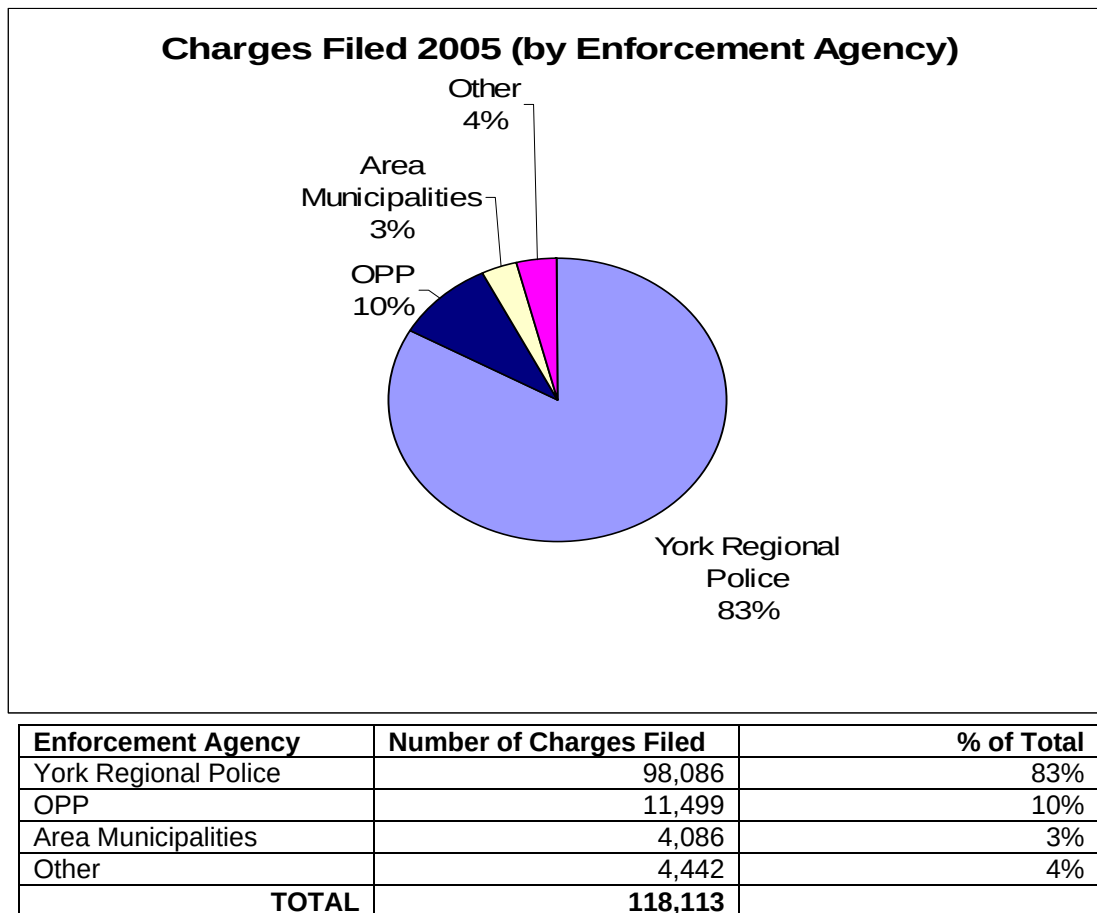
Figures 3 and 4 give a breakdown of the charges filed for 2006 and 2005 respectively, indicating the source of the workload (i.e. the enforcement agencies that filed charges).

Figure 3



Please note that the numbers quoted in Figure 3 were un-audited at the time when this report was written.

Figure 4



As can be seen from Figures 3 and 4, the two largest enforcement agencies (York Regional Police and the Ontario Provincial Police) continue to account for approximately 92-93% of the total number of charges filed. From 2005 to 2006, both agencies increased their activity levels significantly. York Regional Police went from 98,086 charges in 2005 to 115,271 in 2006 (up 17.5%). The Ontario Provincial Police went from 11,499 charges in 2005 to 15,728 charges in 2006 (up 36.7%). Court Services managers continuously monitor activity levels and also liaise with enforcement agencies in an effort to obtain future estimates on enforcement activity.

In late 2006 and early 2007, Court Services staff worked cooperatively with York Regional Police on a pilot project known as “E-tickets”. The pilot was intended to reduce the amount of manual work for police officers and also improve the data quality of the tickets produced, thereby resulting in fewer tickets being quashed for errors. Numerous charges were filed using this new process in the first quarter of 2007. Court Services managers continue to monitor the E-tickets initiative and liaise regularly with York Regional Police about possible workload fluctuations on an ongoing basis.

4.2.2 Analysis of “Charges Disposed”

Between January 1 and December 31, 2006, a total of 121,319 cases were disposed (i.e. brought to final conclusion). As can be seen at Figure 1, this represented an increase of 10.7% over 2005, despite the fact that court cancellations increased in 2006 due to the Justice of the Peace availability problem.

In the first quarter of 2007, a total of 34,166 cases were disposed. This represented an increase of 12.2% over the same period in 2006 (see Figure 2), despite the ongoing court cancellations. The improvement in case disposal rate was due to the efforts of both court administration and prosecution staff to make the best possible use of available court time.

Figure 5 compares the charge dispositions in 2005 with those in 2006.

Figure 6 compares the charge dispositions in Q1 of 2007 with those in Q1 of 2006.

Figure 5

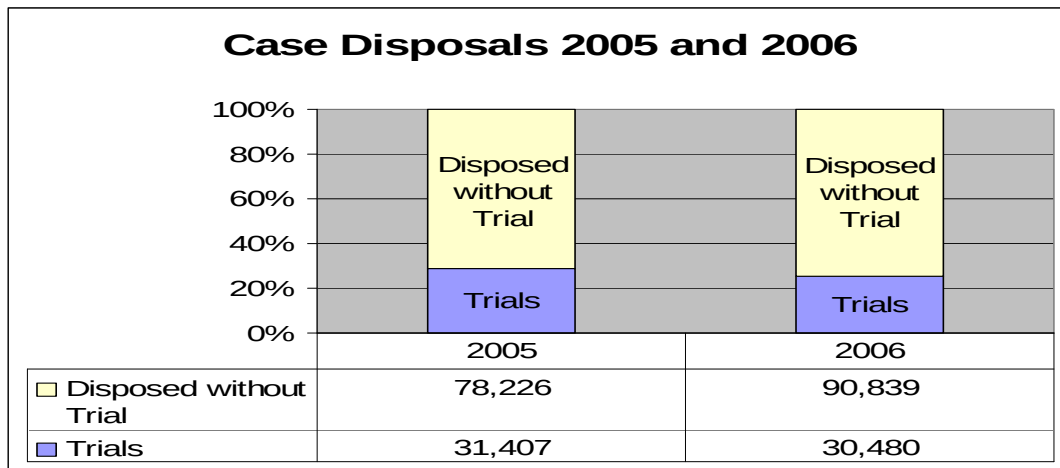
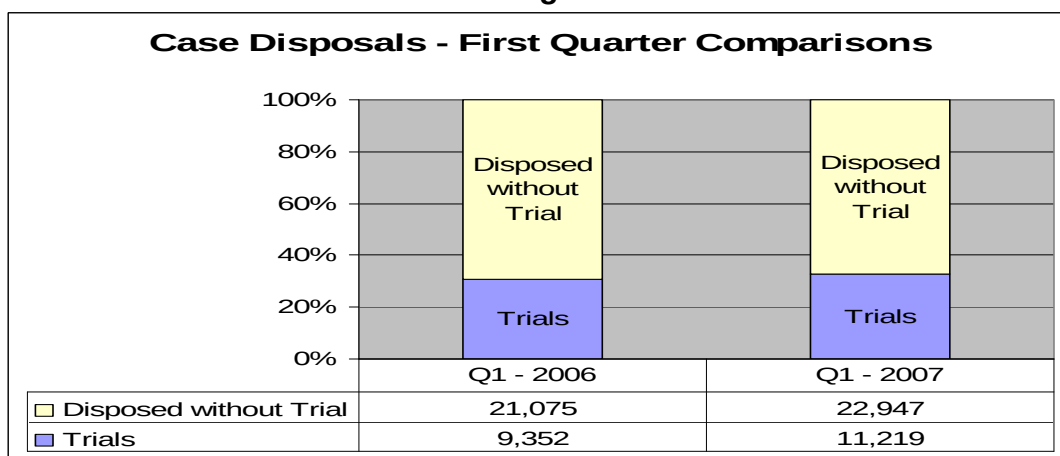


Figure 6



4.2.3 Analysis of “Charges Pending”

Although the charges filed continue to increase and court cancellations have become more commonplace, prosecutors and court administrators have worked hard to maximize the use of court time, thereby keeping the pending caseload under control. At the end of the first quarter of 2007, the pending charges stood at 25,053 (see Figure 2). When this number is compared to the pending charges at the end of the first quarter of 2006 (21,319) it can be seen that pending charges increased by 17.5%. However, given that the new charges filed increased by 20.7% in the past year, this means that the pending caseload has been very well managed.

4.3 Increased Fine Collection Activity

In accordance with the 2006 Business Plan approved by Council, an internal collections team was set up within Court Services in May 2006. This team has achieved considerable success by actively pursuing defaulters, reviewing the quality of data on old files downloaded from the Province, ensuring better control over the Region’s external collection agencies and working to ensure that appropriate methods of enforcement are used according to the specific type of case (e.g. drivers’ licence suspensions, vehicle plate denials, civil court proceedings, collection agencies, etc.).

In May 2007, (pursuant to *Section 165 (9) of the Provincial Offences Act*) the Region of York received permission from the Attorney General to charge fine defaulters an additional fee of 15.9% when their case has been referred to an external collection agency for action. This effectively transfers the cost away from taxpayers and makes defaulters personally liable for the additional cost that arises from their default.

Unfortunately, the provincial computer system (ICON) is currently unable to process this additional charge. Regional staff are now working to find an interim solution that will allow the Region to benefit from the savings as soon as possible, rather than waiting for the Province to carry out the required technology changes. Court Services had budgeted to spend \$300,000 annually on external collection agency fees in 2007, but savings are now expected due to this new initiative. This will reduce operating costs.

5. FINANCIAL IMPLICATIONS

At the end of the first quarter, there was no significant deviation from the expected net budget position at that time. Please see the summary below for more information on the budget approved for Court Services in 2007.

A more meaningful assessment of financial performance against budget projections can be made at the half-year point. The recent approval from the Attorney General regarding Collection Agency Fees (mentioned in section 4.2) will create cost savings for the Region in due course.

Summary of approved 2007 budget for Court services:

(000's)	2007 Budget
Revenue	\$10,625
Less: Expenditures	\$7,562
Net Program Revenue before Distribution to Area Municipalities	\$3,063
Less: Distribution to Area Municipalities	\$2,929
Tax Levy impact before Allocations	\$134
Less: Allocations (as of Apr 27/07)	\$1,108
Tax Levy impact after Allocations	(\$974)

6. LOCAL MUNICIPAL IMPACT

The Court Services Branch continues to work cooperatively with local enforcement staff and other stakeholders to ensure that high quality court administration and prosecution services are maintained. The following initiatives have been implemented in this regard:

- Regular liaison meetings between enforcement officers and assigned prosecutors
- Improved collection of fines through in-house collection team
- Agreed protocols for file handover between enforcement and prosecution staff
- Stakeholder advisory committee model adopted
- Regular training seminars arranged for enforcement staff

7. CONCLUSION

Although workload in the first quarter of 2007 increased more quickly than had been expected, such fluctuations can be a normal feature of court business and they do not necessarily indicate a sustained trend. Court Services staff will continue to liaise with enforcement agencies on their ongoing activity projections. Despite increases in the number of charges filed, a growing tendency for defendants to dispute charges and the ongoing shortage of judicial officers, Court Services has maintained good control over the caseload and maximized the available court hours. There has effectively been no increase in charges pending, despite the prevailing conditions. This benefits all enforcement agencies having business before the court, including Area Municipalities.

The Senior Management Group has reviewed this report.