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COURT SERVICES STAFFING AND WORKLOAD UPDATE

The Finance and Administration Committee recommends:

1. **the adoption of the recommendation in the following report, May 16, 2005, from the Commissioner of Corporate Services; and**
2. **the Commissioner of Corporate Services provide a further report to the Finance and Administration Committee at its September 8, 2005 meeting.**

1. RECOMMENDATIONS

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

2. PURPOSE

The purpose of this report is to provide updates on:

a. The current staffing situation in Court Services.
b. The workload and revenue collection activities of Court Services in the first quarter of 2005.

3. BACKGROUND

At its meeting on March 31, 2005, Regional Council approved the budget for Court Services, but directed that only six of the proposed eleven positions be filled with temporary staff. With the planned Review of Court Services (scheduled for completion November/ December 2005), Council felt that the staffing and workload of Court Services should be reviewed again in June 2005.

4. ANALYSIS AND OPTIONS

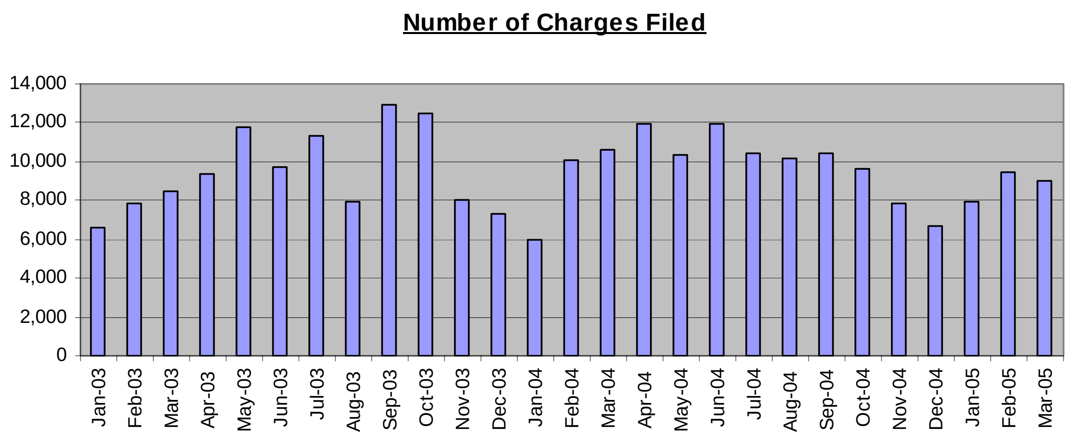
4.1 Staffing – First & Second Quarter 2005

At Council’s direction, Court Services management have reviewed the business cases for the additional staff and identified the six positions which would provide maximum support to the objectives of the Court Services Branch on an interim basis pending the review of Court Services. Three positions were filled in April, two positions were filled in May, and the recruitment process for the remaining position is expected to be completed by the end of June. The net impact of the hiring of these individuals has not been felt as most are still undergoing orientation and specialized training in unique program procedures and policies.

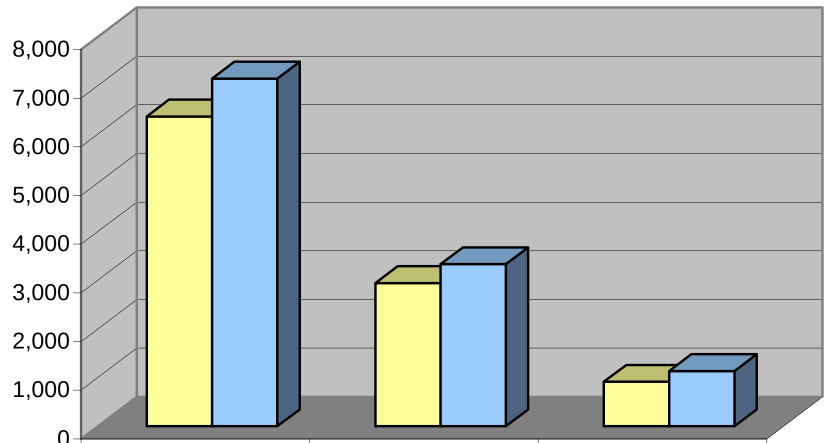
4.2 Workload and Revenue – First Quarter 2005

4.2.1 Workload Pressures

Between January 1 and March 31, 2005, a total of 26,427 new charges were filed with Court Services. This represented a small decline of 1% over the same period in 2004. For a variety of reasons, enforcement agencies tend to experience peaks and troughs in their activity levels from month to month. From past statistics, as well as ongoing dialogue with the major enforcement agencies that file charges in York Region, there is still every reason to expect an overall increase in workload for 2005. Enforcement campaigns are typically expected in the summer to early fall months especially around long weekends. The Court Services experienced fluctuations in previous years as demonstrated in the graph below.



Other key workload indicators for Court Services are already showing significant increases over the same period last year: Trial Requests +12.2%, First Attendance Hearing Requests +13.3% and Disclosure Requests +24.2%.



	Trial Request	FAH Request	Disclosure Request
Q1 2004	6,367	2,942	916
Q1 2005	7,142	3,332	1,138

4.2.2 Revenue Collected

Due to increased licence suspension activity by Court Services staff between January 1 and March 31, 2005, fine revenue increased by $253,378 (16.58%) compared with the same period last year.

It is important to note that this increase in revenue was achieved by a realignment of resources by program management in early 2005 and this resulted in an increased focus on licence suspension activity in the first quarter. This strategy allowed staff to administer records and files to facilitate supportable licence suspensions which in turn tends to promote fast fine payment by those convicted. This action was taken with some anticipation that the program would receive approval for the requested eleven staff and be able to re-balance workload and activities in Q2 and thereafter. This file management process is very labour intensive and the shift in emphasis has created backlogs elsewhere. With the six temporary positions now approved and staff coming on stream there is a need to realign work to address the growing backlogs in other mandatory functions.

Court Services will continue to take all possible steps to maximize resources to meet business objectives with the understanding that no further staff may be approved. It is unlikely however that the extremely high licence suspension activity of the first quarter can be sustained. To do so may jeopardize the ability of staff to properly handle charges within the prescribed timeframe. *Section 11(b) of the Canadian Charter of Rights and Freedoms*, as interpreted by the Askov case, demands that charges be stayed if they cannot be dealt with promptly by the Court. There is no final revenue from a stayed charge, but these cases still consume valuable court resources in their processing.

In the Court Services Business Plan for 2005, it had been projected that $7.8 M would be collected in 2005 (an increase of 12.8% on the previous year). This was based on the assumption that extra licence suspension and other collection activity would result from the hiring of eleven additional staff and that workload would reach 140,000 cases.

While Court Services has not received any new information that alters its original workload forecast and has attempted to validate the factors that could affect workload in 2005 including the impact of York Regional Police hiring 110 additional officers there is still belief that the forecasted workload will be realized. There is the possibility that revenue targets will not be realized without the additional five staff.

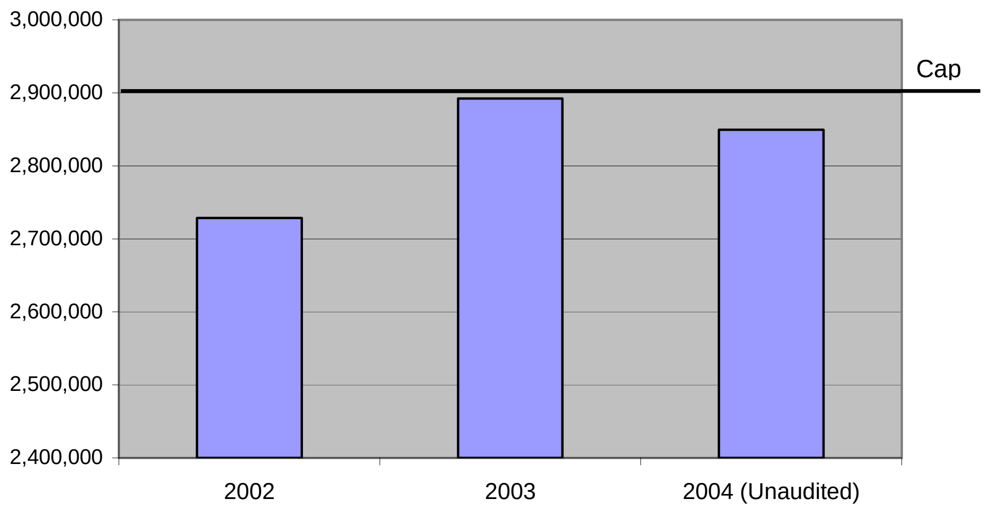
5. FINANCIAL IMPLICATIONS

Revenue overall for the first quarter of 2005 was higher by $253,378 (or 16.58%) when compared with the same period last year.

6. LOCAL MUNICIPAL IMPACT

The local municipal share of revenue for the first quarter of 2005 increased by $88,198 (13.6%) when compared with the same period last year. In addition to this “shareable revenue”, each Local Municipality also continues to receive all amounts collected in respect of its own By-Law cases. There is no fixed limit to the amount of By-Law revenue that a municipality may receive, but the remaining “shareable revenue” is limited by the overall cap of $2.9m adopted by Regional Council in the Court Services budget for 2005. Assuming workload and revenue projections are accurate they indicate that this cap will be reached in the fourth quarter of 2005, thereby capping at 2003 levels the amount of the final “shareable revenue” payments that are scheduled to be made to Local Municipalities in January of 2006. The By-law revenue would not be affected however. The chart below will summarize past disbursements against the 2003 revenue “cap”.

Area Municipal Revenue Share (Based on Financial Statements)



7. CONCLUSION

The hiring of six temporary staff in Court Services (approved on March 31, 2005) has not yet made an impact on workload management or revenue collection. By management reassigning existing resources and concentrating on licence suspension functions during the first quarter of 2005, it was possible for Court Services to increase revenue by 16.58% over the same period as last year. In order to continue with an intensive collection strategy while also meeting service standards for other mandatory court administration and prosecution functions, the program would require the five additional positions to assist with upcoming seasonal demands. The Court Services program is prepared to do its best to manage workload within current approved resources until such time as the independent review is complete and outcomes are reviewed.

The Senior Management Group has reviewed this report.