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COURT SERVICES - ANNUAL REPORT 2011

The Finance and Administration Committee recommends the adoption of the recommendation contained in the following report dated September 13, 2012, from the Commissioner of Corporate Services.

1. RECOMMENDATION

It is recommended that this report be received for information.

2. PURPOSE

The Court Services Annual Report is required for the Attorney General and it provides Council with an overview of the accomplishments, events and successes of the Corporate Services Department - Court Services Branch, during 2011.

3. BACKGROUND

The Region administers the *Provincial Offences Act* Program under strict controls

The Court Services Branch provides two separate functions of Court Administration and Prosecution. It operates six trial courtrooms and two intake courtrooms at two separate locations (Tannery, Newmarket and South Services Centre, Richmond Hill) and serves the residents of York Region, the local municipalities, the Judiciary and over thirty law enforcement and regulatory agencies operating within the Region.

The work of the Court Services Branch is constrained and controlled by statutes, regulations, case law and provincial directives. Although certain functions were transferred to York Region from the Province of Ontario on July 12, 1999, the Attorney General of Ontario retains overall responsibility for court administration and prosecution functions throughout the Province. The program is, therefore, subject to regular audit by provincial and federal auditors as well as York Region's own internal and external auditors.

Court administration provides a wide range of in-court and out-of-court administrative functions

Court administration provides a wide range of in-court and out-of-court administrative functions for charges filed under the *Provincial Offences Act* and *Federal Contraventions*

Act. These functions include customer service counters, telephone inquiries, trial scheduling, transcript production, fine collection and enforcement, and business and various accounting processes.

Prosecutions provide a variety of services

Prosecutions reviews prosecution briefs from enforcement agencies and conducts prosecutions of a wide range of offences under numerous statutes. It also provides disclosures to defendants, conducts early resolution negotiations, prosecutes at trials and provides advice and education to police and other enforcement agencies.

4. ANALYSIS AND OPTIONS

Major highlights of the year are as outlined in the 2011 Annual Report (see Attachment 1)

- **167,189** charges were filed (2.2% increase from 2010)
- Restructured Court Administration to maximize operational efficiency and ensure the best use of available resources
- Prosecutions staff delivered two By-Law training sessions (August 20, 2011 and October 18, 2011) to assist Police and Municipal By-Law staff in preparing their cases for court
- Continued planning for proposed new court facility in Newmarket
- Continued implementing legislative changes made to the *Provincial Offences Act* pursuant to the *Good Government Act 2009*
- Refined and improved customer queuing systems for office counters and telephones
- Devised systems and working practices to facilitate the recently legislated Early Resolution Process which will become operational in 2012
- Conducted analysis of existing and future fine collection sanctions
- Held two stakeholder meetings (May 25, 2011 and November 12, 2011) and obtained high participation rate and positive feedback from court users
- Director of Court Services was a speaker at conference of Municipal Court Managers Association (MCMA) and was the Municipal Courts representative on Ontario's POA Streamlining Working Group

- Senior Counsel, Prosecutions was a speaker at the spring and fall conferences of the Prosecutors' Association of Ontario (PAO), the Federated Press conference on Creating and Enforcing Municipal By-laws, the Police College in Aylmer on Admissibility of Statements, and York Regional Police and municipal training sessions
- Supervising Prosecutor was a speaker at a conference of the Ontario Building Officials Association, as well as the Prosecutor's Association spring and fall conferences.

5. FINANCIAL IMPLICATIONS

There is no direct financial implication associated with this report.

6. LOCAL MUNICIPAL IMPACT

There are no local municipal impacts associated with this report.

7. CONCLUSION

This report provides an overview of the activities and services provided by the Corporate Services Department - Court Services Branch. The Branch continues to successfully balance its responsibilities and obligations and provide an efficient and effective service to the residents of York Region, the local municipalities, the Province of Ontario, the Judiciary and over thirty law enforcement and regulatory agencies operating within the Region.

For more information on this report, please contact Norman Scarratt, Director, Court Services at Ext. 3250.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the October 4, 2012 Committee meeting.)



2011

Annual Report

FOR THE YEAR ENDED DECEMBER 31, 2011

Corporate Services Department
Court Services Branch

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Our Mission

To provide quality, cost effective administration and prosecution services for the Ontario Court of Justice.

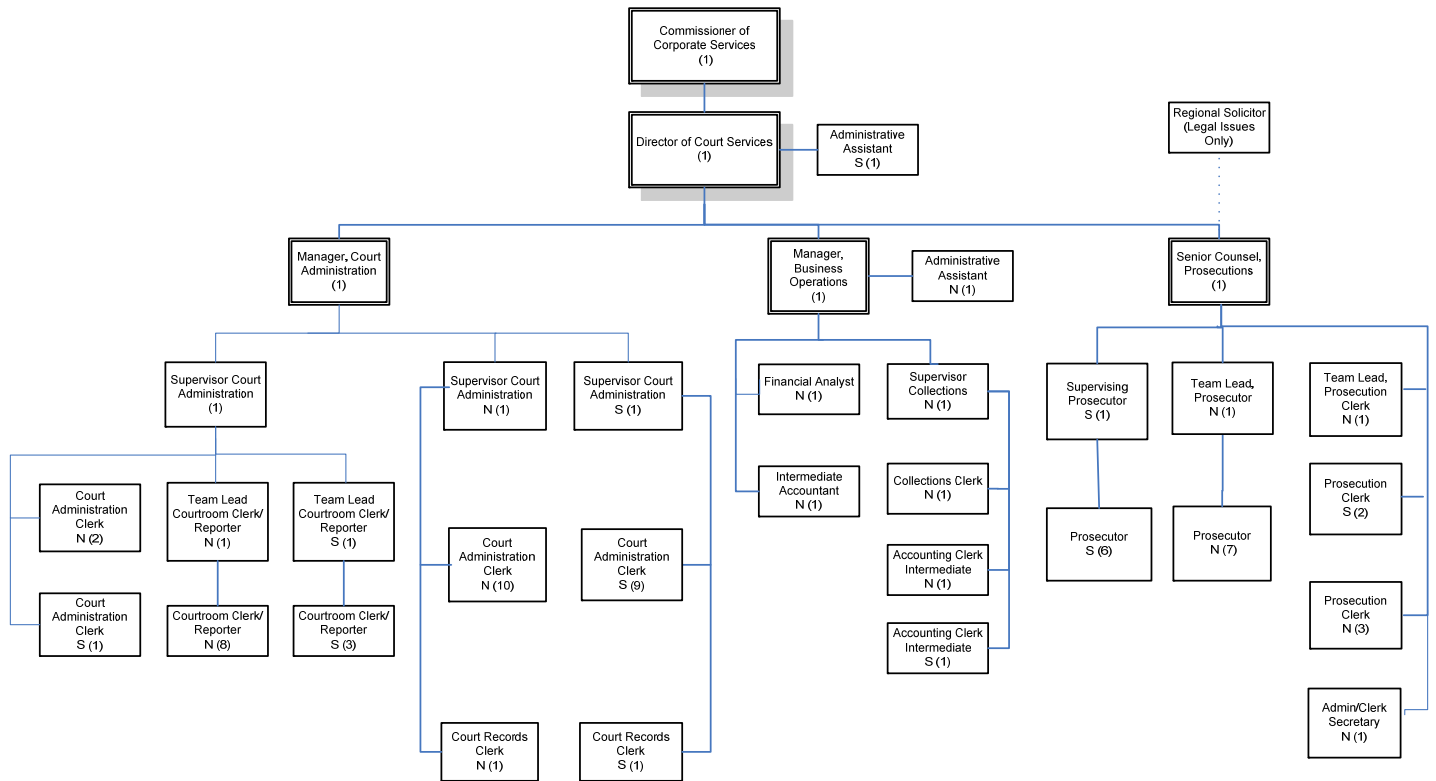
Program Background

Responsibility for the delivery of certain Court Administration functions was transferred from the Province of Ontario on July 12, 1999 by virtue of the provisions of *Part X of the Provincial Offences Act*.

Oversight of the Program

The work of the Court Services Branch is constrained and controlled by statutes, regulations, case law, provincial directives, etc. Notwithstanding the transfer of certain functions to York Region, the Attorney General of Ontario retains overall responsibility for court administration and prosecution functions throughout the Province. The program is subject to regular audit by provincial and federal auditors as well as York Region's own internal and external auditors.

Organization Chart at December 2011



(74 FTEs)

YORK2771945

Workload Benchmarking Information:

of charges per Court Administration Clerk = 9,462

of charges per Prosecutor = 5,863

Note:

All Charges require processing by Court Administration. However, not all charges require the involvement of a Regional Prosecutor (e.g. undisputed cases, outside prosecutor, etc.).

Highlights of the Year 2011

- **167,189** charges were filed (2.2% increase from 2010)
- Restructured Court Administration to maximize operational efficiency and ensure the best use of available resources
- Prosecutions staff delivered two By-Law training sessions (August 20, 2011 and October 18, 2011) to assist Police and Municipal By-Law staff in preparing their cases for court
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Total Charges Filed (by Agency) 2011

	Number of Charges	Percentage of Caseload
York Region Police	134,291	80.32%
Ontario Provincial Police	19,305	11.55%
York Region Transit	4,322	2.59%
Ministries and Other Agencies	5,116	3.06%
City of Vaughan	1,528	0.91%
Town of Aurora*	1,105	0.66%
Town of Whitchurch-Stouffville*	442	0.26%
Town of Markham	393	0.24%
Town of Richmond Hill	211	0.13%
Township of King*	165	0.10%
Town of Georgina	142	0.08%
Town of East Gwillimbury*	134	0.08%
Town of Newmarket	35	0.02%
Total Charges Filed	167,189	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 their total number of charges filed. For other municipalities (those that have “opted in”), parking charges are not included in the statistics above.



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Mr. Norman Scarratt
Director of Court Services
The Regional Municipality of York
Provincial Offences Office
50 High Tech Road
Richmond Hill, Ontario
L4B 4N7

May 24, 2012

Dear Mr. Scarratt:

As requested, we are writing to you to confirm that KPMG has completed an audit of the consolidated financial statements of the Regional Municipality of York ("the Region") for the year ended December 31, 2011 and our report, issued without reservation, is dated May 4, 2012.

The operating results of the Region's Provincial Offences Office are included in the accounts of the Region and information about those results is included in Note 11 of the Region's consolidated financial statements. Accordingly, the scope of our audit included the information about the results of the Region's Provincial Offences Office presented in the notes to the consolidated financial statements but this was done in relation to the materiality level of the Region taken as a whole. Please refer financial statement users to the annual report of the Region and our auditors' report on the consolidated financial statements that appear therein.

We trust that conveys the information that you require.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Kevin M. Travers'.

Kevin M. Travers C.A.

Partner

416-228-7004

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.

The gross revenue is comprised primarily of fines levied under Part I, II and III (including delay penalties) for POA charges. The total revenue for 2011 amounts to \$15,624,475 (2010 - \$15,606,240) and the net loss amounts to \$1,057,575 (2010 - \$4,863,352). 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, 2011

	Budget <u>2011</u> (Unaudited) \$	Actual <u>2011</u> \$	Actual <u>2010</u> \$
Revenue			
Fines and Miscellaneous Revenue Collected	16,601,700	15,624,475	15,606,240
Expenses and Disbursements			
Salaries and Benefits	6,683,000	6,269,266	6,073,947
Program Related Services	1,617,000	1,410,094	1,322,342
General Administration	1,419,242	1,210,516	1,238,116
Occupancy Expenses	1,153,968	1,059,966	903,707
Professional Services	851,130	973,350	873,179
Amortization	0	138,394	110,328
Asset Acquisitions	27,500	69,942	71,559
	<u>11,751,840</u>	<u>11,131,528</u>	<u>10,593,178</u>
Income before disbursements to area municipalities and others	4,849,860	4,492,947	5,013,062
Disbursements to Area Municipalities and Others (Note 2)	<u>(5,906,400)</u>	<u>(5,550,522)</u>	<u>(9,876,414)</u>
Net Deficit	<u>(1,056,540)</u>	<u>(1,057,575)</u>	<u>(4,863,352)</u>

The accompanying notes are an integral part of the financial statement

December 31, 2011

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 Canadian Institute of Chartered Accountants. 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.

Goals for 2012

- Implement New Early Resolution System
- Implement customer service initiative to minimize front counter congestion and provide improved access to information
- Carefully monitor caseload fluctuations and ensure best possible use of available court time to minimize exposure to violations under the Charter and the Memorandum of Understanding with the Province
- Continue liaison with architects and key stakeholders on proposed new court facility in Newmarket
- Review, develop and implement best practices and respond to impact of Bill 168 as it relates to Court Services