



THE REGIONAL MUNICIPALITY OF NIAGARA
JOINT BOARD OF MANAGEMENT - NIAGARA COURTS
AGENDA

JBM 1-2020

Thursday, March 5, 2020

3:30 p.m.

Committee Room 4

Niagara Region Headquarters

1815 Sir Isaac Brock Way, Thorold ON

Pages

1. CALL TO ORDER
2. DISCLOSURES OF PECUNIARY INTEREST
3. SELECTION OF COMMITTEE CHAIR AND VICE-CHAIR FOR THE 2020 TERM
 - 3.1 Call for Nominations for Board Chair
 - 3.2 Motion to Close the Nominations for Board Chair
 - 3.3 Voting for Position of Board Chair
 - 3.4 Call for Nominations for Board Vice-Chair
 - 3.5 Motion to Close the Nominations for Board Vice-Chair
 - 3.6 Voting for Position of Board Vice-Chair
4. PRESENTATIONS
5. DELEGATIONS
6. ITEMS FOR CONSIDERATION

7. CONSENT ITEMS FOR INFORMATION

- | | | |
|-----|---|---------|
| 7.1 | <u>JBM-C 1-2020</u>
2019 Year-End Report for Provincial Offences Court | 3 - 8 |
| 7.2 | <u>JBM-C 2-2020</u>
Bill 177 Update | 9 - 11 |
| 7.3 | <u>JBM 5-2019</u>
Joint Board of Management Committee - Niagara Courts Meeting
Minutes
December 12, 2019 | 12 - 14 |

8. OTHER BUSINESS

9. NEXT MEETING

The next meeting will be held on Thursday, June 4, 2020 at 3:30 p.m. in Committee Room 4, Regional Headquarters.

10. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

Subject: 2019 Year-End Report for Provincial Offences Court

Report to: Joint Board of Management, Niagara Region Courts

Report date: Thursday, March 5, 2020

Recommendations

That this Report **BE RECEIVED** for information.

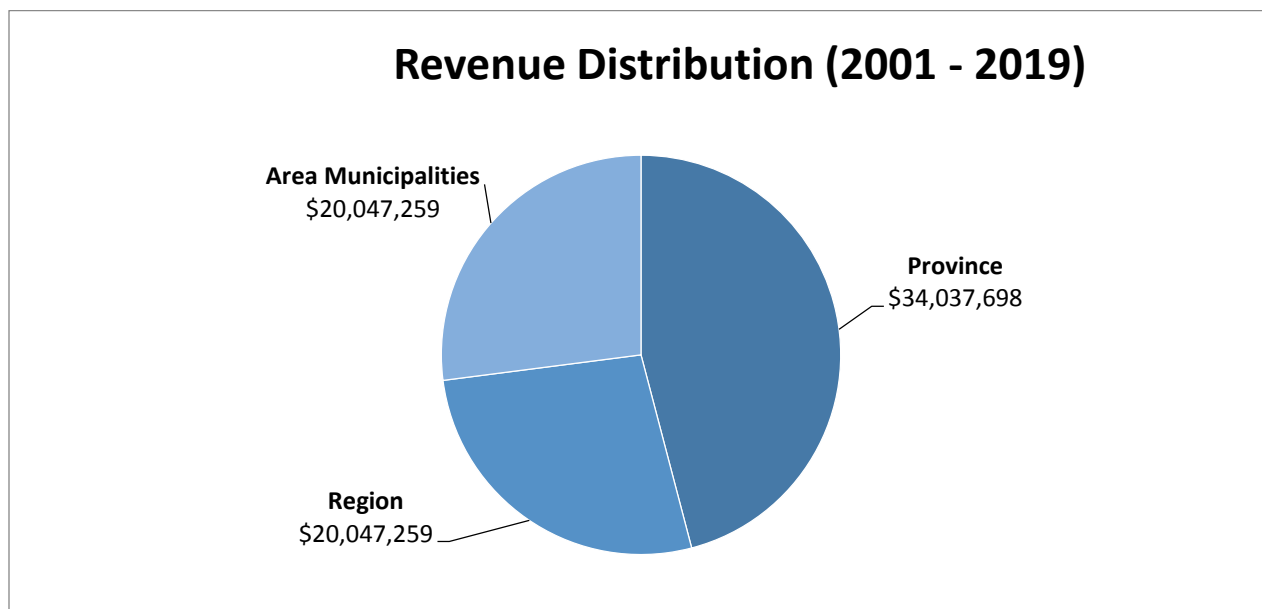
Key Facts

- Pursuant to the Memorandum of Understanding and Local Side Agreement with the Ministry of the Attorney General and the Inter-Municipal Agreement, The Regional Municipality of Niagara (the “Region”) acts as agent on behalf of the 12 local area municipalities (the “LAMs”) to administer the Provincial Offences Court located in Welland (and the St. Catharines court until its closure October 31, 2019).
- Court Services staff administers violations under the *Highway Traffic Act*, the *Trespass to Property Act*, the *Liquor License Act*, municipal by-laws, other provincial and federal offences and more serious matters such as charges under the *Compulsory Automobile Insurance Act*, the *Environmental Protection Act*, the *Fire Prevention and Protection Act* and the *Alcohol & Gaming Control Act*.
- In 2019, there was a 4.4% (\$318,808) decrease in gross infraction revenue over 2018, in spite of a 12.3% (3,933) increase in charges laid.

Financial Considerations

- In 2019:
 - Gross revenue, including net proceeds from the sale of surplus lands, was \$7,240,347, representing a 1.4% (\$103,350) decrease over 2018.
 - Gross expenditures were \$6,402,771, representing a 3.3% decrease (\$211,443) over 2018.
 - Net revenue of \$444,234 is expected to be distributed based on the unaudited operating statements for 2019, as per the Inter-Municipal Agreement.
- The Region assumed responsibility for the administration of the Provincial Offences Court in 2001 and since then:
 - The Region has received \$20,047,259 in net revenue, and as per the Inter-Municipal Agreement, the LAMs have shared \$20,047,259 in net revenue (based on unaudited 2019 results).

- The Region has paid the Province \$34,037,698 inclusive of victim fine surcharges, adjudication fees, part III prosecution charges, dedicated fines, oversight charges, and ICON processing charges.



Source of Data: Year End Operating Statements

Analysis

Revenue

Gross revenue in 2019 was \$7,240,347, a 1.4% (\$103,350) decrease over 2018. Gross revenue is impacted by a variety of factors, including but not limited to, applications for extension of time to pay, license suspension and charges laid.

- Applications for extension of time to pay fines:
 - The number of applications from 2018 (4625) to 2019 (4685) has remained consistent. There is a correlation between extension requests and revenue, as defendants usually file for extensions for economic reasons.
- Suspension of driver's licenses:
 - The number of suspensions decreased from 2018 (6190) to 2019 (4084). Suspensions occur when certain fines are not paid by the due date. Revenue is impacted through either a delay in a fine being paid or not paid at all. The opportunity to collect on revenue decreases as time passes. In 2019, the suspensions were delayed in order to increase early enforcement by the collection agency.

- Charges laid:
 - The number of charges laid increased in 2019. This is the first time since 2014 that an increase in charges has occurred; the previous trend showed a decrease on an annual basis.

Year	New POA Offence Charges
2014	53,913
2015	48,303
2016	40,026
2017	34,709
2018	31,957
2019	35,890

Continuous Improvement

Court Services continues to leverage every opportunity to do business differently through innovation and process improvements to reduce cost, maximize revenue and ensure access to justice.

Court Services continues to work in conjunction with the Niagara Regional Police (NRP) after implementing e-ticketing in 2017. The initial cost benefit of e-ticketing was realized in 2018 and will continue to be seen with a reduction in the cost of paper tickets, as well as the number of paper tickets required to be keyed into CAMS and ICON. Within 2019, 95% of tickets issued by NRP were issued electronically via e-ticketing, compared to 89% in 2018.

To enhance customer service to the LAMs and regional enforcement departments, as well as to reduce the financial implications related to charges withdrawn or dismissed due to a lack of reasonable prospect of conviction and/or because of errors in charging documents, the Prosecution Team worked with the LAMs and Regional enforcement departments providing pre-consultation services, which included assistance with inquiries on files prior to their appearance in Court.

Court Services Collections Team led an RFP, on behalf of the Niagara Region and a number of participating agencies, to solicit proposals from Collection Agencies to collect outstanding POA fines. The RFP was completed ahead of schedule, and contracts were executed within 2019. It is anticipated that informative collections data will be available later in 2020, based on the established 6, 9 and 12 month cycles of collections recovery.

Court Services achieved full amalgamation of services in 2019, following the closure of the St. Catharines courthouse and the centralization of all staff at the new Welland POA courthouse. Court Services has benefited from a reduced reliance on the labour pool and not needing to operate out of multiple locations. Based on a redistribution of work

following the centralization of staff, Court Services was able to streamline processes, continue to leverage the benefits of e-ticketing, while simultaneously dealing with an increased volume of work, resulting in a reduction of 3 FTE's for 2020 budget.

Niagara Region's Court Services Team held an information session in May 2019 for our local municipal enforcement agencies to review Trial Coordination and Prosecution services. The session was well received and resulted in excellent responses and reviews. As a result of the success of the inaugural session, Court Services intends to run the information session annually.

Court Services also collaborated with the Transportation, Business Licencing and Finance divisions to support the development of a business case for the 2020 budget to implement Vision Zero, a road safety initiative.

Costs

Gross expenditures in 2019 were \$6,191,327, a 3.3% decrease over 2018.

Costs are impacted by several operational factors, including but not limited to, trial requests, re-opening applications, the need to undertake enforcement to collect on delinquent fines and the number of court appearances to resolution (average of 3.9 appearances per case – reduction of 2.6%). These factors increase costs to administer through the court system from filing to completion. 2019 also saw a 7% increase in Early Resolution matters; 5843 in 2018 compared to 6244 in 2019.

Despite the increase in the number of charges laid and a decrease in overall costs, Court Services has continued to undertake a number of cost saving strategies:

- A decrease in personnel costs by the reduction of 3 FTE's through attrition;
- The new court master plan reduced adjudication costs by consolidating all matters to the new courthouse in Welland as of October 1, 2018 with the full benefit being realized in 2019;
- Court Services has continued to utilize video conferencing in the courtrooms to connect with interpreters and are exploring the use of video technology for remote officer testimony in 2020;
- Greater use of online video for meetings and video conferencing for appearances; and
- The benefit of the 2017 implementation of e-ticketing will continue to be realized beyond 2019 as more agencies transition to e-ticketing. Niagara Parks has begun to utilize e-ticketing as of January 2020 which will result in further benefit.

It is important to note that some of the savings outlined above were somewhat offset by increases in costs such as:

- Per diem prosecutors required to manage vacancies; and
- Unanticipated IT costs for software licenses.

The amounts paid to other POA courts for fees collected on their behalf varies from year to year and the amount is difficult to predict. This expense was higher than anticipated in 2019 by approximately \$46,000.

Customer Service

The average time to trial decreased from 5.0 months in 2018 to 2.0 months in 2019.

The prosecution unit continues to provide French language services to Provincial Offences Courts for trials in neighbouring municipalities on occasion in exchange for prosecutorial resource support in Niagara when required. Staff also continue to work with enforcement agencies to provide guidance in working toward consistent charging and prosecutorial practices.

A variety of information, including frequently asked questions and answers, are displayed on digital screens in the public waiting area to assist members of the public with information regarding court procedures. Furthermore, Court Services has implemented the online initiative spearheaded by the Ministry of the Attorney General to allow the public to look up the status of their matter online before the court and/or request an Early Resolution meeting.

Delinquent Fine Enforcement

In 2019, \$2,900,609 in delinquent fines was collected, which is consistent with 2018. On average, 664 new cases were added to the delinquent fines portfolio each month in 2019, up from an average of 578 cases per month from 2018. This represents a 15% increase or 1035 cases more than were added in 2018. This increase in delinquent cases is consistent with the increase in the number of charges filed in 2018.

As of December 31, 2019, approximately 80% of all fines outstanding were delinquent. Delinquency occurs when the time to pay a fine has expired and the fine or part of a fine remains unpaid. The balance or approximately 20% of all fines outstanding is on cases where there is a conviction and a fine amount assessed however not delinquent because there was time to pay granted or a subsequent extension of time to pay was granted.

A partnership was created between the Region and all 12 of the LAMs in the “add to tax roll” program, which has proven to be an effective enforcement initiative since its implementation in 2014. \$1,428,476 has been added to tax rolls in the Region and to date \$926,460 has been collected, which is a 65% collection rate. In 2019, \$123,344 of that amount was collected.

Staff utilize several other enforcement methods. These include the suspension of driver's license, plate denial, use of third party collection agencies, and civil enforcement. Civil enforcement includes the garnishment of wages, bank accounts and the filing of Writs of Execution to secure property owned by the debtor.

Through ongoing investigative and collection efforts by staff, a total of 1885 writs have been filed by Court Services. As a result, \$5,700,000 has been secured and \$3,300,000 collected since implementing this process in 2003. It is anticipated that these Writs of Execution will continue to contribute to revenue in future years.

Alternatives Reviewed

N/A

Relationship to Council Strategic Priorities

The Provincial Offences Court is self-funding and therefore not reliant on the levy budget. 50% of the net revenue is split between the LAMs with the other 50% going to the Region, which could assist with achieving Council's priorities.

Other Pertinent Reports

JBM-C 1-2020 2019 Year-End Report for the Provincial Offences Court

Prepared by:

Miranda Van Dyke
Manager, Court Services
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

This report was prepared in consultation with Sara Mota, Program Financial Specialist, and reviewed by Donna Gibbs, Director, Legal and Court Services.

MEMORANDUM

JBM-C 2-2020

Subject: Bill 177 Update

Date: March 5, 2020

To: Joint Board of Management

From: Miranda Van Dyke, Manager, Court Services

The purpose of this memo is to provide JBM with an update for information purposes regarding the status of the changes introduced by Bill 177 that affect Provincial Offences Court operations, and next steps.

Transfer of Part III POA Prosecutions

Legislation passed on December 14, 2017 (Bill 177: Stronger, Fairer Ontario (budget Measures) Act) included changes (in Schedule 35) that permit the Attorney General to enter into agreements with municipalities to transfer responsibility for certain prosecutions currently prosecuted by the Ministry of the Attorney General's Criminal Law Division under Part III of the *Provincial Offences Act*. The Ministry will continue to prosecute certain Part III POA cases, including those in which a criminal charge is also laid, charges involving Ontario's sex offender registry and Young Persons, and a review of POA fatalities will be conducted on a case-by-case basis to determine if the Crown Attorney or municipality will prosecute. In the Fall of 2018, Ontario's Cannabis Laws changed and have generated a new type of POA prosecution work that has become the responsibility of both the municipalities for Part I matters and the Ministry for Part III. The transfer of POA Part III offences will include offences under the Cannabis Control Act which came into force on October 17, 2018.

The Ministry is continuing to plan for a phased approach to the transfer of this Part III work and the timing of individual transfers across the Province will be informed by local site readiness and capacity to assume this important responsibility.

An amending legal agreement will be required, consisting of an amending Memorandum of Understanding and amending Local Side Agreement which will specifically address the transfer of the Part III prosecutions. The Ministry will be working with a cross-section of municipal representatives across Ontario in the development and finalization of these legal agreements to achieve the transfer. Regional Court Services staff are engaged in ongoing communications with other municipal representatives to leverage the experience and knowledge of other municipalities across the Province in responding to this initiative.

The Region received correspondence from the Niagara Crown Attorney's Office on January 28, 2020, seeking to engage in discussions regarding the proposed Part III transfer with respect to components of the transfer agreement specific to Niagara region as well as feedback on education/training information to support the transfer. Niagara Region Court Services staff will be meeting with a representative of the Crown Attorney's office in March to have preliminary discussions and collect information related to the proposed Part III Transfer implementation in Niagara.

Modernization Streamlining Amendments

The same legislation passed in December 2017, included several POA streamlining amendments intended to simplify and reduce demand for judicial resources, including Early Resolution Reforms, Clerk Review and Screening Reforms, and Certificate Evidence Reforms. Amendments to improve POA fine enforcement were also passed, including the requirement to pay oldest fines first and clarifying that the default "fee" is an administrative monetary penalty, payable even if an extension of time to pay the fine has been granted.

While the goal of modernization is to create efficiencies, simplify and reduce the demand for judicial resources, it is anticipated that the municipalities will experience impacts as a result particularly given the increased reliance on Court staff to perform functions currently undertaken by Justices of the Peace. These changes could have significant implications in Niagara, including but not limited to pressures on staffing resources and operations, and changes to the Early Resolution process which may impact time to trial.

Next Steps

While the legislation related to the Part III POA Transfer and POA Modernization has been passed, it has not yet been fully proclaimed. The Ministry of the Attorney General has indicated a target date of August 2020 to proclaim certain reforms and determine implementation dates in partnership with municipalities.

As the necessary agreements are still taking shape and communications remain ongoing, the business implications of the Part III Transfer and modernization for Niagara are not yet certain. Any budget implications related to implementation of these initiatives will be submitted for review and subject to the approval of JBM and Council for the 2021 budget.

Niagara Region Court Services Staff will continue to monitor status of the proposed changes and engage in communication with stakeholders in order to provide the Joint Board of Management a more fulsome report in future to facilitate discussion and receive direction related to implications and potential options for implementation.

Respectfully submitted and signed by;



Miranda Van Dyke
Manager, Court Services

**THE REGIONAL MUNICIPALITY OF NIAGARA
JOINT BOARD OF MANAGEMENT - NIAGARA COURTS
OPEN SESSION**

**JBM 5-2019
Thursday, December 12, 2019
Campbell East (CE) 101
Niagara Region Headquarters, Campbell East
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: C. Genesse (Pelham), D. Gibbs (Niagara Region), S. Hanson (Port Colborne), H. Salter (Board Chair), G. Stephenson (Fort Erie)

Absent/Regrets: D. Jaques (Niagara Falls), J. Tosta (Board Vice Chair)

Staff: J. Foley, Acting Manager, Court Services, K. Lotimer, Legislative Coordinator, S. Mota, Program Financial Specialist

1. CALL TO ORDER

H. Salter, Board Chair, called the meeting to order at 3:32 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. PRESENTATIONS

There were no presentations.

4. DELEGATIONS

There were no delegations.

5. ITEMS FOR CONSIDERATION

5.1 JBM-C 13-2019

Court Services Write-Off Recommendations for the Period Ending October 31, 2019

Moved by C. Genesse
Seconded by S. Hanson

That this Board **RECOMMENDS** to the Corporate Services Committee:

1. That Report JBM-C 13-2019, dated December 12, 2019, respecting Court Services Write-Off Recommendations for the period ending October 31, 2019, **BE RECEIVED**; and

2. That the delinquent cases summarized in the Analysis Section of Report JBM-C 13-2019, **BE APPROVED** for write-off and removal from the Integrated Court Offences Network (ICON) system in accordance with the Ministry of the Attorney General (MAG) Provincial Offences Act Write-off Directive and Operating Guideline and the Niagara Region Courts approved write off criteria (POA Write-off Criteria).

Carried

5.2 JBM-C 14-2019

Recommended 2020 Meeting Dates for Joint Board of Management - Niagara Courts

Moved by G. Stephenson
Seconded by C. Genesse

That Correspondence Item JBM-C 14-2019, being a memorandum from J. Foley, Acting Manager, Court Services, dated December 12, 2019, respecting Recommended 2020 Meeting Dates for Joint Board of Management - Niagara Courts, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Joint Board of Management - Niagara Courts meetings **BE HELD** on Thursdays at 3:30 p.m. on the following dates in 2020:

March 5, June 4, August 13, November 5 and December 17.

Carried

6. **CONSENT ITEMS FOR INFORMATION**

Moved by D. Gibbs
Seconded by G. Stephenson

That the following items **BE RECEIVED** for information:

JBM-C 15-2019
Court Services Strategic Plan

JBM 4-2019
Joint Board of Management – Niagara Courts
Meeting Minutes - November 18, 2019

Carried

7. OTHER BUSINESS

7.1 Court Services Manager Recruitment

Donna Gibbs, Director, Legal Court Services, advised Board members that second round interviews for the position of Court Services Manager have been completed, a preferred candidate has been identified and reference checks are currently being conducted.

8. NEXT MEETING

The next meeting will be held on Thursday, March 5, 2020 at 3:30 p.m. in Committee Room 4.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 3:44 p.m.

Heather Salter
Board Chair

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk