
MEMORANDUM

JBM-C 7-2020

Subject: Court Services COVID-19 Update

Date: August 13, 2020

To: Joint Board of Management, Niagara Region Courts

From: Miranda Van Dyke, Manager, Court Services

The purpose of this memorandum is to provide the Joint Board of Management (JBM) with an overview of the operational impacts of the COVID-19 pandemic and associated declaration of emergency on Court Services.

As a result of the pandemic, the POA Courthouse building has been closed to the public, however staff have continued to support core business within Court Services. In addition, a number of Court Services staff have also been redeployed to provide critical support to Long Term Care (LTC) within Niagara Region's Community Services department.

Court Services has participated in regular teleconferences with the Ministry of the Attorney General to keep apprised of Provincial developments affecting court operations and has issued a number of communications to JBM, Regional Council, and other stakeholders, including enforcement agencies, to provide updates regarding key changes. The Region's website has been kept up-to-date to ensure the public is informed of developments as they occur.

The following provides an overview of activity that has taken place and a projection of expected service delivery moving forward.

Current Status of Operations

Highlights of operational changes to Court Services:

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- POA Courthouse building has been closed to the public since March 16, 2020.
 - Providing service via telephone and email to individuals
 - Providing onsite service for enforcement agencies related to receipt of charges for filing.
 - Direction from the Ministry of the Attorney General (MAG) has been received indicating that all in-person matters have been adjourned to September 11, 2020
 - Beginning July 6, judicial pre-trial matters and early resolution guilty pleas began remotely where eligible, before a Justice of the Peace via audio or video conference. The first 2 weeks of remote matters was a great success as a result of planning efforts by the Court Services Team. Remote processes were easy to navigate by defendants and agents, with 453 out of 499 matters scheduled early resolution matters being resolved over 5 court days.
 - On July 21, 2020, Bill 197, the *COVID-19 Economic Recovery Act, 2020*, received Royal Assent, thereby increasing remote court processes and administrative capabilities for POA courts. The key changes include:
 - Allowing defendants to request a trial, in early resolution courts and in first attendance municipalities that administer parking, by mail or other electronic method permitted by the court house;
 - Allowing defendants and prosecutors to conduct early resolution discussions remotely in all cases;
 - Allowing any participant, including a clerk of the court, witness, judge, or justice of the peace, to attend any proceeding remotely by audio or video, unless the presiding judicial official orders otherwise;
 - Allowing the judiciary to order in-person attendance where the interests of justice or a fair trial require it;
 - Permitting provincial offences officers to seek search warrants remotely in all cases; and
 - Allowing defendants to provide credible and trustworthy information upon applying for a re-opening without the need to attend court to have an affidavit commissioned.
 - Continued collaboration with Facilities and Corporate Health & Safety to prepare a plan for reopening utilizing the Recovery Secretariat Guidelines which have been provided by the MAG.
 - MAG has advised that the proposed transfer of Part III prosecutions will be delayed until later in 2020. 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.

- Implementation of Vision Zero Project (Red Light Camera and Automated Speed Enforcement) has been delayed. The implementation was originally targeted for September 2020, however as a result of the re-prioritization of work across the corporation in response to the pandemic, the timelines for implementation are being reviewed.

Staffing

Court Services is presently operating with limited staffing resources in order to meet essential business functions. Remote work arrangements have been facilitated where possible. There are also some staff members out of the workplace on approved leaves.

As of August 13, 2020:

- 11 staff members (4 Court Clerks, 2 Collections, 1 Prosecutor, 1 Prosecution Coordinator, 1 Trial Coordinator, 1 Senior Prosecutor/Supervisor, 1 Manager) remain onsite to deliver core services and complete essential functions
- 4 staff members (1 Collections, 1 Court Clerk, 2 Prosecutors) are presently redeployed to LTC (and will be re-called as necessary to support the reopening of the Courthouse to the public for the resumption of in-person proceedings)
 - **Note:** salary expenses related to any hours worked at a redeployment site will be charged back to Community Services and will not impact Court Services budget.

Operational Outlook

- July & August 2020:
 - Continue responding to public enquiries and requests from enforcement agencies while awaiting resumption of regular in-person court proceedings.
 - Continued remote court matters where eligible
 - Ongoing recovery planning for reopening to public
- September 2020:
 - At this time, in-person court matters are set to resume as of September 14, 2020 at the earliest
 - Anticipated return of redeployed staff members upon reopening
 - Continue to leverage remote court matters wherever possible

- Court tier times to be increased and scheduled at intervals to control the number of individuals visiting the courthouse at a given time
- October 2020 and beyond:
 - Ensure readiness for Vision Zero implementation
 - Continued discussions regarding Part III transfers with MAG
 - Monitor Provincial direction regarding court operations to ensure alignment
 - Ongoing active communications with JBM and stakeholders

Financial Impacts

Current revenue, projects and budget impacts for the remainder of 2020 are outlined in detail in a separate August 13th memo (**JBM-C 5-2020 - 2nd Quarter Variance Analysis and Forecast to December 31, 2020**).

Next Steps

Niagara Region Court Services Staff will continue to monitor the impact of the COVID-19 pandemic and engage in communication with stakeholders, in order to keep JBM apprised of operational impacts and seek direction from JBM as necessary.

Respectfully submitted and signed by

Miranda Van Dyke
Manager, Court Services