
MEMORANDUM

JBM-C 5-2021

Subject: Court Services COVID-19 Update

Date: April 8, 2021

To: Joint Board of Management, Niagara Courts

From: Miranda Vink, Manager, Court Services

The purpose of this memorandum is to provide the Joint Board of Management (JBM) with an update regarding the operational impacts of the COVID-19 pandemic and associated declaration of emergency on Court Services. This memorandum is a follow up to JBM-C 1-2021 from January 28, 2021, JBM-C 14-2020 from December 17, 2020, as well as JBM-C 7-2020 from August 13, 2020.

As a result of the pandemic, the POA Courthouse building was closed to the public on March 16, 2020, and reopened for counter service on September 14, 2020. In alignment with the Stay at Home Order, the Niagara Region's POA courthouse building closed temporarily to the public on Friday January 15, 2021. Following the end of the Stay At Home Order, the courthouse reopened to the public and resumed counter service on Tuesday, February 16, 2021.

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 updated regularly to ensure the public is informed of developments as they occur.

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

Highlights of operational changes to Court Services:

- The courthouse is presently open to the public to provide in-person customer service.

- Direction from the Ministry of the Attorney General (MAG) has been received indicating that all in-person Provincial Offences matters remain adjourned at the present time. Key components to resuming in-person matters at Niagara POA will be a) site readiness and b) availability of judicial resources.
- While a resumption date for in-person matters has not been provided, the Ministry have emphasized that virtual matters via audio and video will continue be the primary mechanism, with in-person matters occurring only when mandatory.
- Court Services has been collaborating with Regional Facilities, Court Services Joint Health & Safety Committee and Corporate Health & Safety to prepare the Courthouse building for resumption of in-person matters utilizing the Recovery Secretariat Guidelines provided by MAG has continued.
- A site assessment was completed on January 19, 2021, by Corporate Health & Safety, which confirmed site readiness. The required survey of the building HVAC system was completed by Facilities and submitted to the Province on January 22, 2021.
- Court Services successfully completed the site assessment by the Public Services Health & Safety Association (PSHSA) on January 28, 2021.
- Direction from MAG is pending regarding HVAC reporting and the Court Emergency Management protocol in order to complete site readiness. Once these remaining items are realized, final approval to resume in-person matters will then be sought from the Niagara Region's CAO in accordance with Provincial requirements.
- Effective April 12, 2021, Niagara Provincial Offences will commence virtual Part I Trials via Zoom video. Part I trial matters are scheduled for April and May 2021.
- Training and reference documents completed for Court Services staff, judiciary, enforcement agencies and paralegal agent groups to assist with preparation for Zoom trials.
- Staff continue to provide judicial pre-trial matters and early resolution guilty pleas remotely where eligible, before a Justice of the Peace via audio conference (commenced July 6, 2020) and continue to conduct all eligible non-trial matters remotely via audio conference (resumed as of October 19, 2020).
- Judiciary are participating in court matters remotely in the majority of cases, however some members of the judiciary are participating in court matters onsite.
- The extension of time provided regarding limitation periods and the pause on enforcement pursuant to Provincial and Judicial Orders ended on February 26, 2021. This extension had implications for what would have been Infraction and Delinquent revenue realized in 2020. With enforcement methods having

resumed, this revenue is anticipated to be realized in 2021 and add to the overall 2021 gross revenue figures.

- Procurement and installation of 2 document cameras and graphics processors was undertaken in November 2020 and March 2021 in Courtroom 101 and Courtroom 103 respectively, to support the display of exhibits during virtual court matters.
- Staff procured 2 Zoom Business licenses to facilitate virtual court via video in 2 of 3 courtrooms onsite. Zoom was obtained as the preferred video conferencing software for virtual court matters identified by MAG.
- MAG 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 and is now targeted to occur within 2021 subject to the approval of the necessary amendment to the Intermunicipal Agreement.

Staffing

- Court Services is presently operating with regular staffing resources in order to meet essential business functions. A hybrid of in-office and remote work arrangements has been facilitated where possible. Two staff members remain out of the workplace on approved leave.
- Unanticipated staffing pressures related to COVID-19 are currently impacting the Court Services Team, including the use of Court Services employees to complete MAG mandated visitor screening at the courthouse entrance during business hours. Staff are seeking alternative options to address this requirement.
- It has become apparent that a 2nd staff member is required to assist in the courtroom during Zoom matters. While the Court Room Clerk conducts the court matters and completes the courtroom monitor functions, a 2nd person is required to act as the meeting host in Zoom. The host works to coordinate the participants, manage the decorum and enable features such as setting up breakout rooms for defendants and their legal counsel to hold a private discussion.
- The Staffing Restructuring plan which was introduced to JBM (JBM- C-11-2020) and Court Services Staff in November 2020, has been effectively executed to this point. Following a fulsome recruitment for the Business Analyst position the successful candidate entered the role on March 22, 2021. Recruitments

outstanding include the 12 additional FTE's as required following the approval and implementation of Vision Zero.

Operational Outlook

- April to June 2021:
 - Launch virtual Part I trials via Zoom video effective April 12, 2021.
 - Continued facilitation of hybrid service delivery - court matters via audio, video and in-person (to the extent possible).
 - Continue to conduct matters where eligible via audio and video conference while awaiting resumption of in-person court proceedings and/or Part III trials via video.
 - Ongoing recovery planning in collaboration with MAG and the Recovery Secretariat for resumption of in-person matters.
 - Preparation for Vision Zero launch subject to approval of the amendment to the Intermunicipal Agreement, including staffing recruitment and adaptation of processes as a result.
 - Ongoing site preparation for virtual matters via video – equipping the remaining courtroom with document cameras and graphics processor, procuring a 3rd Zoom Business license to enable virtual proceedings in all 3 courtrooms.

Respectfully submitted and signed by

Miranda Vink
Manager, Court Services