
MEMORANDUM

JBM-C 9-2021

Subject: Court Services COVID-19 Update

Date: August 19, 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 5-2021 from April 8, 2021, 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.

Court Services has maintained ongoing contact 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.

Quick Facts

- **Leaders in Court Services:** Niagara Court Services became the first Provincial Offences Courthouse in Ontario to launch Zoom Trial proceedings in April 2021. Court Services provided support and resources to numerous municipalities across Ontario, including hosting court observation opportunities and Q&A sessions, as well as providing additional training opportunities for interested parties. Following this, Niagara Court Services also received inquiries from Provincial Offences Courthouses in Alberta and Nova Scotia to consult and support the launch of virtual trials in their provinces as well.
- **Virtual Court:** Over 2,700 individuals attended our virtual courtrooms (including participants and observers) between April 12 and June 30.

- **Trial Scheduling:** Currently scheduling Zoom trials into November 2021 for both Part I and Part III matters.
- **Early Resolution (ER):** As of June 1, 2021, Court Services has an 84% resolution rate, resulting in 16% of matters being set for trial. The trial request rate has gradually declined over the last several months, however overall it is the highest rate Court Services has experienced since ER started in 2012.
- **COVID-19 Related Charges:** Approximately 1000 cases related to the COVID-19 Pandemic (Reopening/Quarantine/Emergency Measures/bylaw) have been received during the last 15 months.
- **Delinquent Fine Enforcement:** For the first time since March 2020, Q2 of 2021 saw the return of enforcement activities for newly delinquent fines. During April and May 2021, a total of 2242 cases were suspended, with a total balance outstanding of just over \$3 Million. During these same months, we received payment in full for 468 (21%) of the cases totaling over \$330,300 (11%).

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.
- MAG have emphasized that virtual matters via audio and video will continue be the primary mechanism, with in-person matters occurring only when mandatory.
- In terms of site readiness, 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.
- A site assessment was completed on January 19, 2021, by Corporate Health & Safety and 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.
- The only site readiness component currently outstanding relates to daily HVAC reporting requirements based on further information provided by MAG in late May 2021 that may necessitate additional investments in infrastructure and labour resources. Court Services is actively working in collaboration with Facilities

Management, the Ministry and the Recovery Secretariat to determine next steps with regard to HVAC reporting.

- Once this is resolved, final approval to resume in-person matters will then be confirmed with the Niagara Region's CAO in accordance with Provincial requirements.
- Effective April 12, 2021, Niagara Provincial Offences commenced virtual Part I Trials via Zoom video; and received approval to commence Part III trial matters beginning in September 2021.
- Training and reference documents were prepared and provided to Court Services staff, judiciary, enforcement agencies, paralegal agent groups and external prosecutors 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 has now begun to be realized in 2021 and add to the overall 2021 gross revenue figures. As a Collections mechanism, drivers' license suspensions also resumed April 19, 2021 for the first time since March 2020.
- All 3 courtrooms are equipped to proceed with virtual trials with the necessary zoom licences and installation of document cameras and graphics processors completed to support the display of exhibits.
- To support access to justice in the new world of virtual court, Court Services established agreements with the Welland and St. Catharines Public Libraries to offer computer access and private space to participate in virtual court matters as needed. Staff also procured an iPad and docking station to create a Zoom Access Hub onsite in the courthouse lobby for individuals to use where they do not have access to internet or Zoom-compatible devices.
- Court Services has received approximately 1000 cases related to the pandemic, under a variety of different acts and municipal bylaws. Many of these charges are dedicated fines, which do not result in revenue for Court Services but do represent increased workload for prosecutors (e.g. high volume of disclosure)

and pressures on court time. Court Services is presently working to establish solutions to mitigate these current challenges.

- MAG is continuing to plan for a phased approach to the transfer of Part III prosecutions 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 commence within 2021 subject to the approval of the necessary amendment to the Inter-municipal 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.
- 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. A temporary Screener role was added to the staffing complement as a result of this pressure; the cost of which has been offset by Provincial pandemic relief funding.
- In addition it became quickly 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. As such, a temporary Court Customer Service representative role has been added to Court Services for the remainder of 2021 to assist with mitigating some of these pressures.
- The prosecution of COVID-19 pandemic related charges is beginning to present some workload challenges due to the significant amount of disclosure and time commitments required for these cases; which are also less likely to result in early resolution given their nature. Court Services is exploring options for 2022 with regard to temporary prosecution staffing resources to assist with these challenges.

Operational Outlook

- September to December 2021:
 - Launch virtual Part III trials via Zoom video effective September 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.
 - 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 Inter-municipal Agreement, including staffing recruitment and adaptation of processes as a result.

Respectfully submitted and signed by

Miranda Vink
Manager, Court Services