

Court Services Annual Report

2012

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The Court Services Department exists to operate the Ontario Court of Justice - Provincial Offences (“POA Court”), a level of the provincial courts in which provincial and municipal regulatory matters are addressed. The City has operated the POA Court, serving Guelph-Wellington, under a shared service agreement with the Province of Ontario since May 2000. The City is the Service Provider and the county municipalities are Serviced Municipalities.

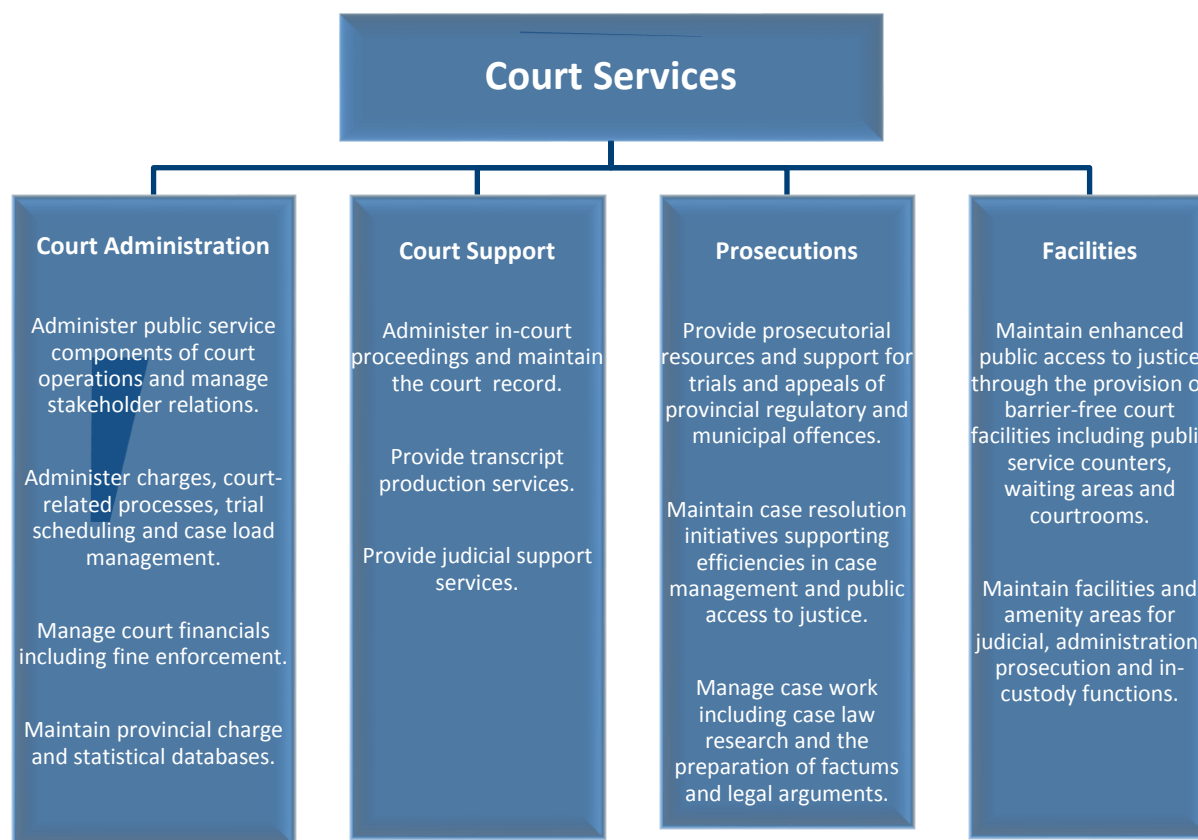
The Court Services Annual Report provides a summary and analysis of the operations of the Court Services Department including trends analyses, accomplishments and initiatives occurring within court operations.

Court Services Department Mandate:

Court Services provides court facilities, services and amenities within provincial policy and legislated frameworks and consistent with the broader principles of justice in Canada including the preservation of individual rights guaranteed by the *Canadian Charter of Rights and Freedoms* (“the Charter”). The Department blends corporate City values and strategic directions with provincial mandates and policies to provide justice services that are responsive to the local community and the broader provincial justice system to:

- Promote public access to justice through accessible facilities and services;
- Promote public confidence in the justice system by ensuring the independence of the judiciary, providing a system that is fair and timely and ensuring the court operates independent and free from political intervention;
- Implement improvements to the justice system towards a more efficient, streamlined and cost effective local system of justice; and
- Ensure the fundamental tenets of procedural fairness and natural justice are affirmed and upheld.

The following illustration represents the organizational structure of the Court Services Department in service module format:



In its role, the City performs both administrative court processing functions and acts as the “State” in its role of prosecutor.

The administrative function is a highly regulated procedural environment where the City provides the appropriate mandated service in the most efficient manner possible within policy and legislative requirements. The very nature of this function is neutral and has no influence or impact in the areas of decisions of the Court or the determination of whether or not a case is prosecuted.

The prosecution function, however, is very different in that it is not a “regulated” or “procedural” environment per se, but rather is a discretionary function exercised by the “State” founded in principles of fairness, rights preservation, public interest and the interests of justice. In essence, prosecutors are to be “ministers of justice” and balance these principles in making prosecutorial decisions in each case.

The Court (the judicial officer presiding) is independent of administration, prosecution and enforcement. Justices of the Peace and Judges, who preside in POA Courts are appointed by the Province and are judicially independent to adjudicate cases without influence or favour, but within the confines of the law and the statutory powers afforded them.

Key Pillars of Performance:

Driven by the focus areas of the corporate strategic plan and provincial and legislative mandates and policies, the four pillars of performance for the Department are:



Section 1: Key Initiative Summary

The following is a summary of key initiatives undertaken by the Court Services Department in 2012.

Case Resolution

Revisions to the case resolution process by the Prosecutions Division resulted in improved public access to justice and a significant reduction in time to trial. Rather than court patrons attending a case resolution meeting several weeks before their scheduled trial, adjustments to prosecutorial resources allowed for case resolution meetings to occur with court patrons on their trial date. This reduced the number of times patrons had to attend the court facility because if they reached resolution their plea was taken in court that day. If a resolution was not achieved, the matter proceeded to trial that day. In addition, the new process significantly reduced in-court “down time” (i.e. recesses during the trial court for prosecutors to speak with defendants about their case). This, in turn, allowed for more cases to be scheduled into trial courts, thereby reducing the overall time to trial.

Charge Wording Database for City Enforcement Officers

The Prosecutions Division prepared charge wording for every offence included in each of the City’s regulatory by-laws. Working with the City’s Information Technology Services Department, the wording is now accessible by authorized staff online through the City’s internal technology systems. This allows City enforcement officers to prepare necessary charges in a quick and consistent manner, without the need for the wording on charging documents to be reviewed by the Prosecutions Division prior to charges being issued. In addition to creating work time efficiencies, this initiative has reduced the potential for legal arguments regarding variances in charge wording.

Docket and Reports Data Capture System

The Court Administration Division worked with our Digital Recording Systems vendor to expand the technology to capture in digital format court dockets and court report files that are sent from the Province to each court on a daily basis. Historically, dockets were required to be printed daily on a line printer, then photocopied and distributed to various court stakeholders. The court report files printed automatically in each court location overnight, which incurred significant hard costs (i.e. paper, toner, etc) and staff costs to sort and file the documents and subsequently manage the file retention and destruction process pursuant to provincial retention policies.

Some of the savings and efficiencies realized by capturing the dockets and reports in digital format include 125,000 less sheets of paper used per year and increased capacity by reducing the staff hours (186 hours per year) associated with sorting, filing, photocopying and managing file retention and destruction processes.

Automated Outstanding Fine Reminder System

The Court Administration Division continued its enhanced fine enforcement measures through the implementation of an automated call reminder system in November 2012 on a trial basis. This system contacts court patrons by telephone with an automated voice message reminding them of their

outstanding court-ordered sentence. The person can immediately connect with court staff through the touch of a button on their telephone or utilize the system's automated credit card payment feature to reconcile their outstanding fine.

The system was operated on four days over a two week period. The costs for the calls made were \$180.00 and the calls resulted in over \$15,000.00 in outstanding fines being paid. Given these results, the system will be utilized on an ongoing basis in 2013 forward.

Facility Maintenance Cost Reductions

The Facilities Section worked to streamline facility maintenance operations which culminated in an efficiency expansion in the 2013 budget approval process. By transitioning most cleaning and maintenance functions from contract service providers to internal staff, the Departmental is able to realize ongoing annual savings of approximately \$40,000 in the area of facilities.

Expanded Use of Audio Transcripts

The Court Support Section worked with the Department's Digital Recording Systems provider to expand the use of audio "wave" files of court proceedings. These efforts were to provide judicial officers formulating judgements on complex cases to review court proceedings in audio format rather than requiring a typed transcript. These efforts reduced the number of typed transcripts required in 2012, thereby providing some increased capacity in staff resources. It is intended that the use of audio files will increase in future years as judicial officers become more comfortable with utilizing this method of review of court proceedings.

Enhanced Communications (Website, Easy Accessible Forms, Defendant Guides)

The Court Administration and Prosecutions Divisions improved court communications in 2012 included:

- Enhancements made to the Court Services website to provide easily accessible court forms online;
- Creation of printed Case Resolution cards that accompany Notices of Trial sent to defendants. The cards explain the case resolution process and invite defendants to participate in a resolution meeting with the prosecutor to discuss their case prior to trial; and
- Production of the Province's "Guide to Defendants in Provincial Offences Cases" for distribution to court patrons (including website links to the document).

These measures have served to enhance the Department's objectives regarding Public Access to Justice.

Section 2: Court Services Dashboard and Scorecard

Court Services Dashboard

Items in the dashboard marked by **GREEN** indicate that the City of Guelph is reporting metrics that compare positively to benchmarks. **YELLOW** and **RED** indicate items that are not currently in line with benchmarks. PLUS and MINUS signs indicate the direction that these items are trending. In addition, the 2012 Court Services Dashboard provides a comparison of the progress made on these measures between 2011 and 2012. The

<u>Public Access to Justice</u>	2011	2012		<u>Local Justice System</u>	2011	2012
Service Transactions	+	+		Final Case Disposition	+	+
Transcript Production				Case Resolution		
Time to Trial	+	+		Adjournments		
<u>Community Impact</u>	2011	2012		<u>Business & Service Excellence</u>	2011	2012
Charges Filed				Employee/Case Ratio		-
Tickets Paid		+		Revenues	+	+
Tickets Disputed		+		Cost Factor		-
Defaulted Fines	+	+				

Court Services Scorecard

The following Scorecard reflects the performance measures on the Court Services Dashboard and illustrates the 2012 progress made toward targets.

Value Creation			
Measure	Target	2012 Result	2013 Target
Public Access to Justice			
Public Access (Service Transactions)	-5% in-person +5% remote	Daily average In-person (-6% over 2011) Daily average Remote (+6% over 2011) ■+	-5% in-person +5% remote
Transcript Production	80 maximum	75 transcripts (-9% over 2011) ■	70 transcripts
Time to Trial	195 days (provincial average)	111 days (-14% over 2011) ■+	120 days
Community Impact			
Charges Filed	30,000 per year (avg.)	30,235 charges filed ■	30,000
Tickets Paid	55-65% (+ 1%/yr)	61% paid ■+	+ 1%
Tickets Disputed	20% (max. Avg.)	19% disputed ■+	20% maximum
Defaulted Fines	15% maximum	13% in default ■+	15% maximum
Local Justice System			
Final Case Dispositions	+ 100 cases/yr	+1065 cases ■+	+100 cases
Case Resolutions	45-50% participation rate	47% participation rate ■	50% participation
Adjournments	20% maximum	17% ■	20% maximum
Cost Control			
Business & Service Excellence			
Employee/Case Ratio	Provincial Standard 1:5,000-6,000 cases	1:6,000 (Within standard) ■-	1:6,000 cases
Costs	60% of gross revenue	61% cost factor ■+	60%
Revenue	\$3.5M/yr (minimum)	\$3.67M ■-	\$3.5M

Section 3: Data Analysis Overview

Public Access to Justice:

The public's access to justice is to be assured in preserving an individual's right to court services as guaranteed by *the Charter* including access to facilities and systems and to the timely provision of services and processes of the court. The Department currently gauges this pillar of performance in three areas:

- In-person and remote service transactions – the ability for the public to pay fines, request trials, participate in case resolution, obtain and file court forms, etc;
- Transcript production – the volume of trial transcripts requested and continuous improvement measures in place to provide transcripts to the public and the judiciary in a timely and cost effective manner; and
- Time to Trial – the length of time for cases to come to trial before the Court including administrative in-take periods and the effective use of resources towards maintaining the timeliness of trials.

Public Access (Service Transactions)

Service transactions measure primary court administration functions such as financial transactions, requests for trial, payment extension applications, case re-openings, appeals and informational inquiries. These transactions occur in a variety of ways (e.g. in-person, phone, e-mail, fax).

Year	Total In-person (Service Counter) transactions	Daily Average In-person transactions	Total Remote (Telephone Service) transactions	Daily Average Remote transactions	Total transactions	Daily Average Total transactions
2011	38,763	156	13,325	54	52,088	210
2012	36,123	146	14,175	57	50,298	203

The challenge is to ensure public access in ways that are beneficial and expedient to the public as well as efficient and cost-effective for court operations. As such, the Department continues to strive to provide the framework for a shift of in-person transactions towards remote transactions and to streamline in-person visits as much as possible.

In 2012, the following operational improvements helped to exceed established targets towards shifting in-person to remote transactions:

- More on-line information and forms on the Court Services website, which assisted court patrons to address court procedures and initiate processes remotely;
- Implementation of the automated telephone reminder system provided more opportunities for court patrons to address their outstanding fines over the phone instead of attending the court facility; and
- Adjustments made to the scheduling of case resolution meetings and a redeployment of prosecutorial resources allowed for court patrons to participate in case resolution and deal with their matter in court on the same day.

Transcript Production

The production of court case transcripts are a mandatory service included in the preservation of public access to justice. Most transcripts are required for case appeals (initiated by the defence or the prosecution) or requested by judicial officers when formulating judgements in specific trial cases (i.e. lengthy or complex cases). Although transcripts are also requested for civil proceedings and insurance purposes, such requests are few in number.

Transcripts production is a time-sensitive priority function in order to meet timelines for appeals and trial cases. The maximum thresholds (“targets”) set in the Scorecard are a baseline to recognize the upper limit of the number of transcripts that can be achieved with existing resources. Although the Department has no control over a person’s decision to request a transcript, its initiatives to improve operations in areas that may trigger transcripts (i.e. appeals resulting from “delay” in terms of time to trial or the ability for judicial officers to access trial proceedings electronically) can result in a reduction in transcripts required to be produced.

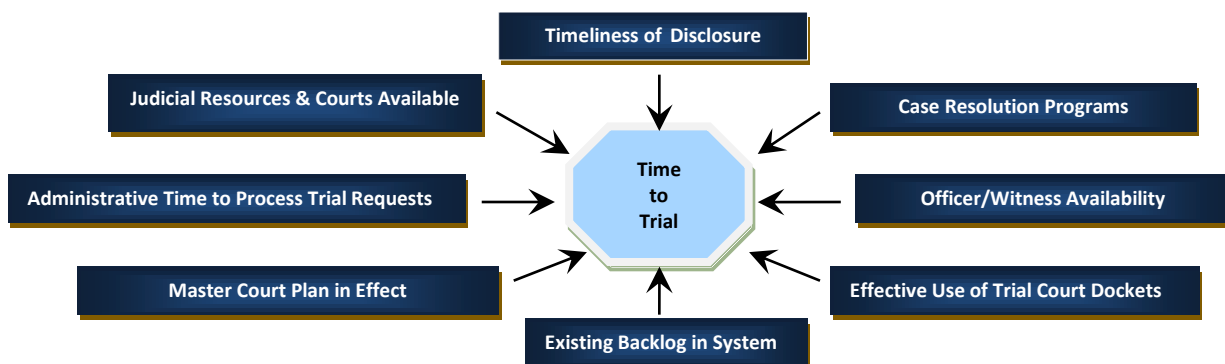
In 2012, the Department was required to produce 75 transcripts; 7% below the target and 9% fewer than in 2011. Since most transcripts are requested for appeals or for Justices formulating judgements in trial cases, the reduction in 2012 transcripts is a direct reflection of the effectiveness of improved Departmental operations:

- More Justices elected to utilize the Department’s newly implemented electronic audio systems to review trials by audio rather than requesting printed transcripts; and
- The number of appeals in 2012 (75) was the lowest in the last seven years of court operations (49% lower than 2010 and 16% lower than 2011). Since most appeals are due to “delay” arguments or issues surrounding disclosure, we can see the connection between appeal rates and the operational improvements made to the disclosure processes in 2011 and the time to trial reductions in 2012.

Time to Trial

People have a right to trial without unreasonable delay. The objective is to ensure that cases proceed to trial at the earliest opportunity within the established jurisprudence governing *Charter* issues surrounding “delay”. Within this framework are also initiatives designed to reduce the number of court appearances overall, which assists to reduce the time lag between date of charge and trial. Effective time to trial supports individual rights and procedural fairness, improves public perception of the justice system, reduces the potential for “delay” arguments, and assists in effectively managing court resources.

Effective management of the factors illustrated below including efficient court systems, case management protocols (timely disclosure of cases, case resolutions meetings, etc.) and court scheduling serve to preserve and enhance time to trial objectives.



In 2012, Guelph reduced its time to trial by 14% while the average time to trial of its comparator municipalities increased 16% over 2011. Of note, the provincial time to trial average (all POA Courts across the province) improved by 5%. The local improvement in 2012 was due primarily to:

- Improvements made in the administrative process to schedule trials sooner than had been previously achievable; and
- Adjustments made to the Case Resolution Process (explained earlier) not only improved that process, but served to minimize “down time” in the trial court, resulting in a more effective use of trial court dockets.

Municipality/Province	Average Number of Days to Trial	
	2011	2012
Guelph	129	111
Average of Comparator Municipalities	141	163
Provincial Average (all POA Courts)	195	185

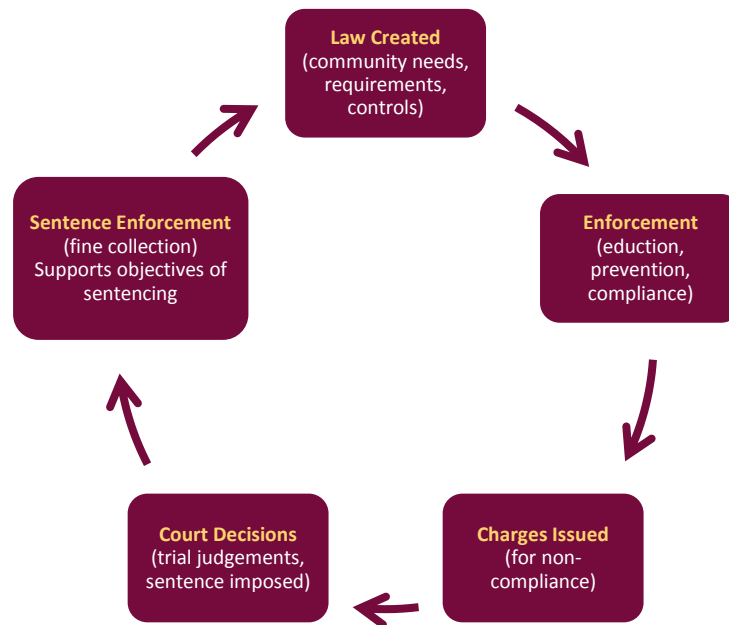
Community Impact:

The Court ensures independent decisions between the “State’s” regulations and the public’s behaviour in respect of those regulations. The independence and authority of Court decisions is essential towards a positive perception of the Court by all members of the community (those who are charged with offences, those who are not and the governments that create the laws). Although sometimes only viewed as the place where punishment is meted out for violations of law, the Court’s purpose, function and impact on the community is much more significant. It is this system in a free society that holds governments accountable for fairness in law, enforcing agencies for proper enforcement of those laws and the public accountable for compliance with those laws. The Court exists to, in part, balance the rights of the citizenry against the laws of the land and to ensure that, where violations are found to have occurred, appropriate sentences are imposed. Compliance with Court-imposed sentences is essential to:

- Preserving the authority of the Court and its decisions;
- Maintaining the authority and purpose of law in the community;
- Confirming community expectations with respect to compliance with law; and
- Maintaining the objectives of sentences including denouncing unlawful conduct, individual and general deterrence, promoting a sense of responsibility in offenders and acknowledgement of the harm done to victims and the community.

Impact Model

Community impact involves the creation of law by government to meet the needs for a peaceful, safe and liveable community, the enforcement of those laws, compliance with charges issued and/or court-ordered sentences and the enforcement of sentences to ensure sentencing objectives. As a reminder, one of the two objectives in the Province transferring POA Courts to municipalities was to “Give local communities more responsibility for justice with matters that have local community impact.”

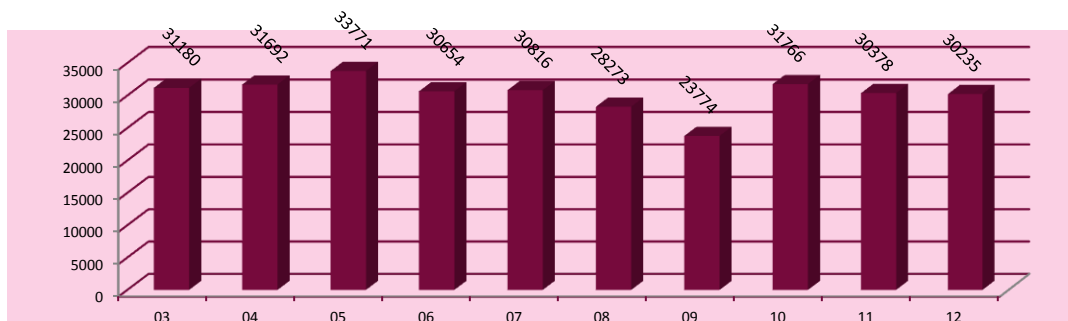


Charges Filed

The number of charges issued is the primary driver of the POA Court system. The Department has no influence in the number of charges issued. Charges are issued by enforcement agencies based on offences that occur and enforcement resources available. The POA Court is the system that is required to administer those charges regardless of how many are issued.

At Transfer of the POA Court from the Province to Guelph in May 2000, the average annual volume of charges issued in Guelph-Wellington was 19,800. That volume has increased over the years and is trending at approximately 30,000 charges per year. The following chart illustrates the last 10 years of charge volumes.

Charge Volumes



There are essentially two forms of Provincial Offence charges (excluding parking tickets): (1) “Ticket” (known as a Part 1 Provincial Offence) – where a person is issued a ticket with an associated fine amount and the person can pay the fine in full satisfaction of the offence or dispute the charge and elect a trial on the matter; and (2) “Information” (known as a Part 3 charge) – where a person is charged with an offence (with no fine that they can pay out of court) and the person is required to answer to the charge in trial court. Approximately 93% of all charges are Tickets and 7% are Informations.

Charge Load Distribution

Since ticket charges are the vast majority of the business of the POA Court, we are able to utilize data associated with tickets to assess the distribution of the charge load into three streams that drive court operations: (1) the number of tickets paid (i.e. administrative and financial operations); (2) the number of tickets disputed (i.e. administrative, prosecutorial and court support operations); and (3) the number of tickets in default (i.e. sentence enforcement and fine collection operations).

Understanding the overall trends of Charge Load Distribution is essential to the Department’s ability to effectively manage court operation in terms of targeted use of resources and the development and implementation of program and procedural efficiencies and initiatives within the Departmental service profiles.

Category	Charge Load Distribution (based on “Ticket” load of 93%)	Charge Load Distribution (based on “Ticket” load of 93%)	Target
	2011 Actual	2012 Actual	
Tickets Paid	58.9%	61%	55-65%
Tickets Disputed	20.1%	19%	15-20%
Defaulted Fines	14%	13%	15% (maximum)

Tickets Paid

Tickets paid are those charges that are paid within 90 days. Thereafter, the matter becomes a “Defaulted Fine”. This payment rate provides some indication of the general level of acceptance by the populace of paying the penalty for regulatory violations in the “first-instance”. Clearly, higher rates of tickets paid results in positive community impact including overall societal compliance with enforcement, reduced resources required to address matters and increased revenues. However, the Department’s ability to influence “first-instance” paid rates is really limited to providing effective methods and systems to pay fines, and to continually seek out and implement enhancements to such methods and systems.

In 2012 the rate of tickets paid was 61% (the highest paid rate since the Transfer of court operations to the City in May 2000). The 2012 rate is within the overall target range and surpassed the Department’s 2012 objective of realizing an increase in tickets paid by at least 1% over the 2011 rate.

Tickets Disputed

Tickets disputed are those charges for which the person charged has elected to dispute the charge and proceed through the trial process, which includes the ability for the person to participate in case resolution. The 2012 rate of tickets disputed was 19%, slightly lower than the 2011 rate of just over 20%. Dispute rates have remained relatively stable over the years, with the local ten-year average (2002-2011) being 20.9%.

POA Courts have little control over dispute rates because disputing a charge is an individually guaranteed right and choice. As such, reasons for dispute are not, and cannot be, tracked. On an anecdotal basis however, it is clear that the primary basis for tickets disputed is not whether the offence was actually committed or even the monetary

penalty associated with the offence, but rather the ramifications of demerit points and insurance rates associated with being convicted of an offence.

With these points in mind, the primary focus of the Department is to effectively manage the prosecutorial, in-court and administrative resources required to address the tickets disputed portion of the case load. With the current resource complement and program efficiencies in place, the Department can continue to accommodate fluctuations in dispute rates up to 25% (the maximum target in the Scorecard).

Defaulted Fines

The defaulted fine rate is that portion of the charge load of tickets for which persons charged fail to respond to the charge by paying it or disputing it. In essence, this is the rate of “no action” with respect to tickets issued. It is reflective of the portion of the populace that, for reasons unknown to the POA Court, do not address the charge issued to them. Inherent in the legislative system governing tickets are reminder notifications to defendants of the charge outstanding and measures for courts to enforce payment of fines in default.

Although the defaulted fine rate set out above is calculated on the basis of “tickets” issued to provide the Department with a clear view of the distribution of 93% of the workload to be addressed, the financial figures set out in this section of the Report is a comprehensive picture of all local defaulted fines (i.e. the dollar values in default for both “tickets” and “Information” charges combined).

Fine Balance At Transfer - At Transfer, the City inherited from the Province approximately \$5.6M of uncollected defaulted fines (“accounts receivable”). The default balance was on the rise pre-Transfer and has continued post-Transfer province-wide. By 2009, total defaulted fines across the province were increasing by approximately \$1M per week and by July of 2010 outstanding fines had reached \$1B provincially.

Fine Enforcement Measures - All POA Courts are required to make every effort to maintain the public’s confidence in the justice system with respect to steps taken to enforce and collect all fines. In addition, the effectiveness of enforcing compliance with court-ordered sentences (i.e. fines) directly affects local community impact.

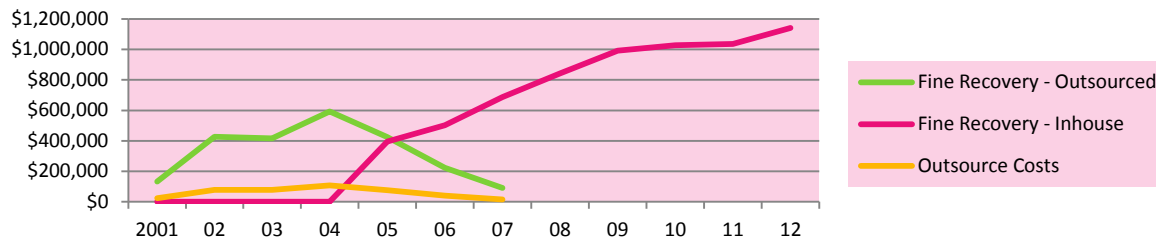
Municipalities across the province have various fine collection strategies in effect to enforce sentences. Many out-source collections to collection agencies, some have in-house collection services and some have a combination of collection services. Many municipalities have developed or purchased collection management systems to carry out the collection process with some offering their systems to other municipalities (with only nominal maintenance fees applied). Guelph is using such a system developed and maintained by Niagara Region. Local collection strategies are designed to enforce fine payments on an escalating basis utilizing the following tools:

- Reminder notices to defendants;
- Driver’s licence suspensions (where applicable);
- Filing judgments in Small Claims Court;
- Issuing Writs of Seizure and Sale against property; and
- Garnishment of wages and/or bank accounts.

Fine Collection Progress - Guelph out-sourced collections to a collection agency from 2001-2007. Beginning in 2004, the Department commenced in-house collection efforts in addition to collection agency efforts and, in 2005, implemented the Court Administration Management System from Niagara Region. From 2007 forward collection efforts have been solely in-house.

The percentage of annual gross revenue attributable to fine collections efforts has increased from 22% in 2005 to 33% in 2012. The revenue realized from collections in 2012 increased 10% over 2011.

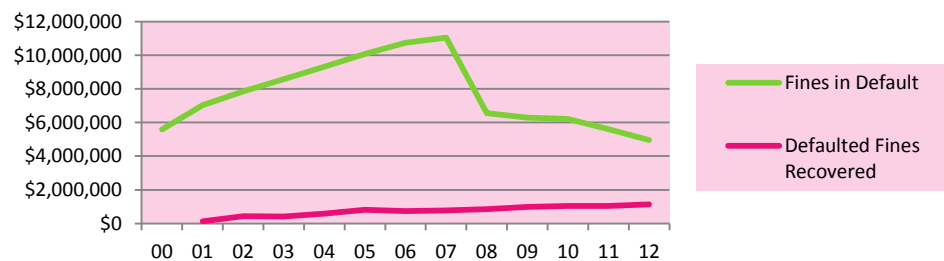
The following chart illustrates fines recovered before, during and after the transition from outsourced to in-house collections.



Decreasing Default Fine Balance – Although the fine balance shows a continuous increase from 2000-2008, collection efforts during that period served to reduce the percentage increase year-over-year from an 11.9% (2000-2001) to a 2.6% increase (2006-2007).

In 2008, in preparation for the implementation of Public Sector Accounting Board (“PSAB”) principles of accounting and asset management, Guelph undertook to write off \$5.1M in uncollectable assets. Each year, doubtful accounts are determined pursuant to the Council-approved Write-Off Policy established for the Court Services operations, and those accounts proceed to write off. Although written off accounts remain as fines outstanding in perpetuity, from an accounting perspective they no longer form part of the outstanding fine balance.

The following chart illustrates the rates of fines going into default against the fines recovered.



Guelph’s defaulted fine balance at the end of 2011 was \$5.6M and the balance at the end of 2012 stands at \$4.9M.

Local Justice System:

The local justice system reflects the broader system in Ontario with all justice principles, authority, integrity and objectives intact. However, each local system presents its own unique opportunities to create efficiencies, streamline processes, manage case loads and enhance public access, depending on the particular situations faced by the local court (i.e. charge volumes, trial loads, staff and judicial resource complements, etc.).

The current indicators (final case disposition, case resolution and adjournments) help us to ascertain the effectiveness of the local justice system and whether or not the system is moving forward in a positive way. Compared to the

baselines established in 2011, trends in 2012 are illustrated on the Dashboard as positive positions in the areas of final case disposition, case resolution and adjournment rates.

Final Case Disposition

The final case disposition factor measures the number of charges within the system year over year that reach final disposition. Final disposition is when a case reaches conviction (i.e. paid, convicted due to no action or a conviction registered by the Court at trial) or is withdrawn, quashed or otherwise dismissed by a Court.

The measurement is as follows:

A = Cases remaining from the previous year that are still “live” in the system not having yet reached final disposition

B = New cases filed with the court during the current year

C = Total annual “live” case load

D = Cases reaching final disposition in the current year

$$A + B = C - D = +/- \text{ Final Disposition Rate}$$

A positive signal is when the total cases reaching final disposition outnumber the total number of “live” cases that come into the system (A+B) in the year. Conversely, lower totals of cases reaching final disposition than incoming case volumes serves as a signal to review the programs and systems towards making adjustments where possible to ensure that the ongoing “live” case load from year to year remains within manageable parameters. That is to say we want to see final case disposition rates on the PLUS side rather than the MINUS side.

Historically (2005-2010), the average number of final case dispositions per year in Guelph exceeded the incoming cases by 8 cases. In 2011 and 2012, dispositions exceeded incoming by 91 and 1,065 respectively.

Final case disposition is primarily affected by two factors: (1) the volume of charges filed in any given year; and (2) the number of trial court matters reaching final disposition (i.e. time to trial). Since Guelph’s charge volume has remained relatively stable over the past several years (i.e. average 30,000) this positive progression in the last two years is directly related to the efficiencies achieved in reducing the local time to trial. More trial cases are being addressed quicker and within the year rather than rolling over to the next year.

Case Resolutions

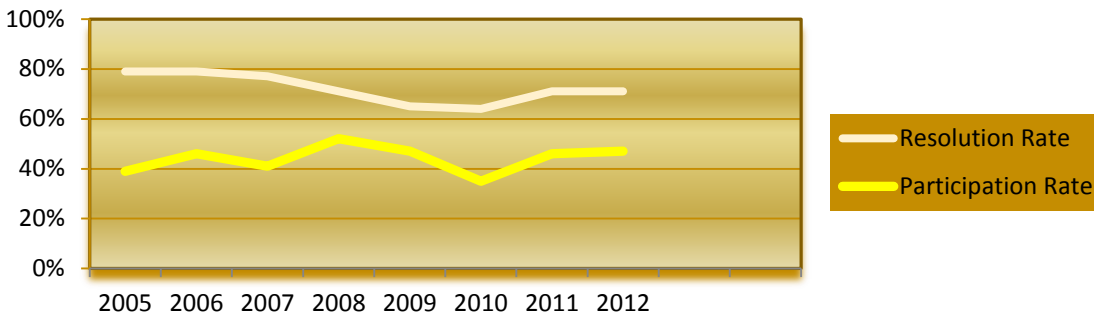
The case resolution process allows for defendants who have elected trial to meet with the prosecutor to determine if the case can be resolved to a substituted offence (i.e. lesser offence). If so, the matter does not proceed to trial, but instead the defendant enters a guilty plea in court to the amended offence.

The process was first implemented in 2001 and has undergone some revisions over the years (when meetings are held, number of prosecutors assigned to meetings, etc.) to accommodate the increasing trial load and to enhance the public’s access to justice.

Case resolution has the following benefits to the local justice system:

- Reduction in trial loads;
- Maintains the principles of sentencing;
- Increases the final disposition rate; and

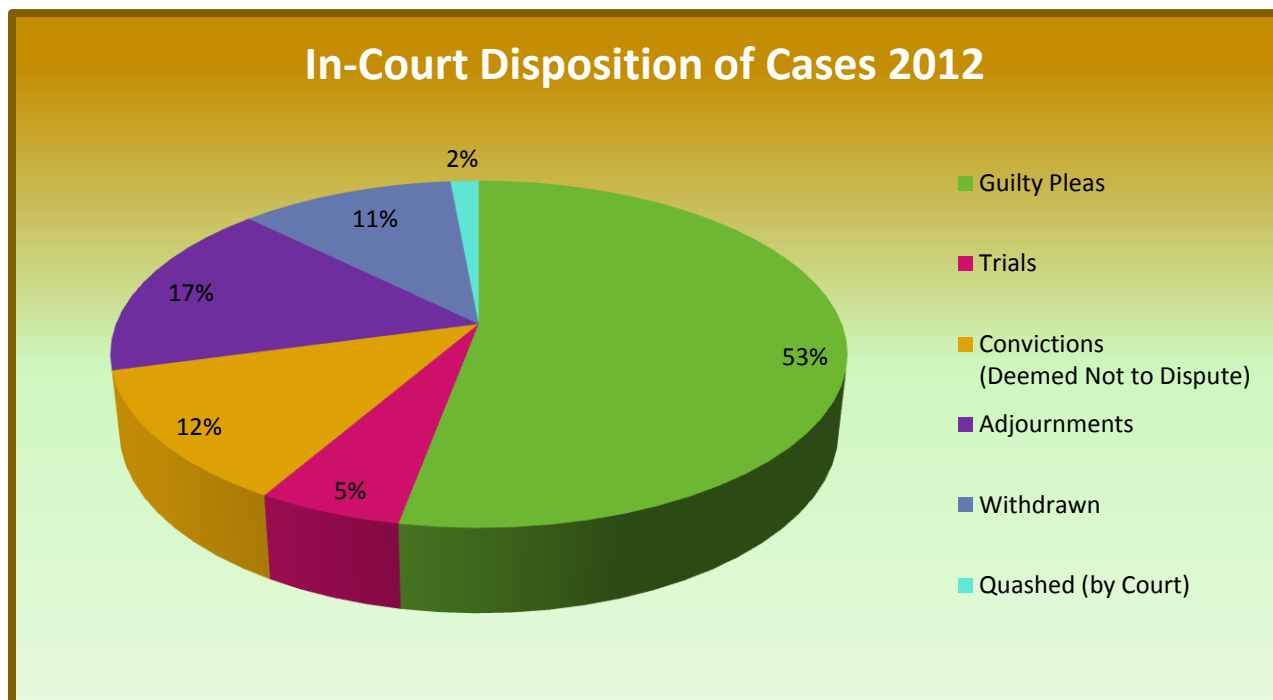
- Effective utilization of prosecutorial resources.



On average (2005-2011) 44% of people who requested a trial elected case resolution. Of those cases, the average resolution rate (i.e. pleas to amended charges) is 72%. In 2011 and 2012, the rates of participation in case resolution were 46% and 47% respectively. These figures are within the established target range of 45-50%, which continues to assist the Department to maintain effective management of in-court case loads.

Adjournments

The volume of adjournments is reflective of issues such as readiness for trial, the effectiveness of in-court time in being able to address all matters on a docket, and the effectiveness of the disclosure and case resolution processes. Adjournments can potentially cause increases in delay arguments, create backlog in the court system, negatively affect the final case disposition rate and negatively affect public perception of the integrity of the court process. The following chart illustrates the percentage distribution of the various results of the cases on a typical court docket for 2012.



Adjournments decreased in 2012 to 17% (2011 rate was 20%). Overall, 83% of in-court matters reach final disposition on the court day, with 65-70% of those matters being convictions, and 13% being withdrawn or quashed (i.e. no conviction). There was an increase in matters withdrawn to 11% of the load and a slight increase to 5% in the number of matters that proceeded to trial over the 3% trial rate in 2011.

The in-court disposition results (pleas, final disposition and low trial and adjournment rates) serve to confirm the successes of initiatives such as adjustments made to case resolution procedures in appropriate management of the in-court caseload and public access to justice principles.

Business & Service Excellence:

Business and service excellence in POA Court operations is reflected in the ability for the Department to meet legislated, mandated and policy requirements, provide all required services in a manner that enhances the use of the court by the public and other court stakeholders, be cost-effective and ensure a revenue source. This section of the Report focuses on mandated staff resource levels, operational costs as a percentage of gross revenue and revenue received and the distribution of that revenue to serviced municipalities pursuant to the City's operating agreements.

It is essential that concerns surrounding costs and revenues do not impede the appropriate operation of the POA Court in maintaining the principles of justice and the integrity of the Court. The preserving of public rights and access and the integrity of court stakeholder separation, independence and individual operating mandates must not be compromised by costs or a desire to increase revenue. As such, the Court Services Department has been positioned within the City's budgeting process as an Enterprise Budget in which the POA Court operates as a self-funded enterprise with revenues being reallocated to reserves and contingency funds to ensure long-term financial sustainability of the court. This approach ensures a separation between government and the justice system and costs, and demonstrates to all stakeholders that balancing the City's budget and revenue from court fines are independent of each other.

Employee/Case Ratio

Provincial standards are in effect with respect to the staffing levels associated with working the charge load. It is a benchmark used to ensure that the primary basis of the court's administrative work (processing charges and the administrative functions associated with those charges) is accomplished within legislative, mandated and policy frameworks.

The provincial standard is one employee for every 5,000-6,000 charges received. Guelph has averaged 30,000 charges per year since 2002 (growing from 19,800 in 2000 at Transfer). Ideally there should be six employees dedicated to the work processes comprising the benchmark, which would put Guelph at a ratio of 1:5,000. The current staff/case ratio remains as 1:6,000, at the top end of the standard as it was in 2011. However, unlike the cautionary signal illustrated on the Dashboard for 2011, the 2012 signal is GREEN (-), because Key Initiatives (section 1) have resulted in greater staff capacity, which actually narrows the gap in the employee/case ratio.

Revenue

The vast majority of revenue is from the payment of fines with small portions of revenue received from transcript production and courtroom rental to other levels of courts. Revenue is uncertain with the Department having little direct control over the amount received in any given year. As such, revenue projections are based on trends analyses.

The annual target in the Scorecard of \$3.5M in gross revenue is based on historical trends of charge volumes and tickets paid. Although charge volumes remain relatively stable year over year, the increase in tickets paid and the

increased efforts towards enforcement of defaulted fines has resulted in Court Services experiencing positive variances in gross revenue for the last three years of operations.

From 2002-2012, the total costs and revenue figures for Court Services are as follows:

Gross Revenue	Expenditures	Net Revenue for Distribution	County Portion of Net Revenue	City Portion of Net Revenue	City Bylaw Fine Revenue	Total City Revenue
\$38,715,117	\$17,755,448	\$20,959,669	\$10,628,213	\$10,331,455	\$848,593	\$11,180,048

With payment trends and collection efforts showing positive results in maintaining or exceeding the target, the challenge is cost control.

Cost Factor

The primary drivers of court costs are facilities, trial load, public activity with respect to charges (i.e. trials, motions, appeals, transcripts, extension applications, etc.) and the staff resources required to maintain court operations and address the workload caused by those drivers. Such costs can fluctuate significantly in any given year based on a variety of factors that are not within the Department's control such as enforcement activity, legislative, procedural and policy changes, utility increases, and internal cross charge increases for services provided by other City departments. Costs are projected based on trends analyses and any known factors (i.e. compensation, supplies, existing contract service costs).

One of the primary reasons for the Transfer of POA Courts to municipalities was to provide a significant revenue source to municipalities. The measurement of the "cost factor" in the Scorecard is designed to monitor the ongoing percentage of expenditures against gross revenue. The current target of a maximum 60% cost factor is to ensure, on a go-forward basis, sustainable annual net revenue to the City and County in the range of \$600,000-\$800,000.

Section 4: 2013 Looking Forward

The 2013-2014 Departmental Work Plan includes the following initiatives:

On-line Fine Payment Systems

The Department has been investigating the effectiveness of on-line fine payment systems that are in effect in other jurisdictions. These systems enhance the methods available for the public to pay fines remotely in an expedient manner. Local implementation of an online payment system is scheduled for Q4 of 2013.

Off-site Data Input

To build further staff capacity, 2013 will see the transition of some charge data entry to off-site sources. Many courts utilize vendors for this function in a cost-effective way that has assisted in building capacity for staff to focus efforts on other core functions of court operations.

Reduce Number of Courts Per Week

In the first half of 2013, the Department will be proposing to the Regional Senior Justice of the Peace alterations to the local Master Court Plan (i.e. court schedule) to reduce the number of court sittings per week. Efficiencies achieved in time to trial and the reduction of trial court time has resulted in the ability to effect this change. The alteration to the court schedule will provide greater staff capacity in the areas of Court Support and Prosecutions and create some cost savings.

Increased Use of Automated Telephone Reminder System

The Automated Telephone Reminder system that the Department piloted in November 2012 will become a permanent procedure in the Court Services operations in 2013. As illustrated in the Key Initiatives section of this Report, this program improves revenue and ultimately the final case disposition rate.