

# Court Services Annual Report

2014

## Table of Contents

<b>Introduction</b>	<b>3</b>
An overview of the departmental mandate, structure and the key pillars of performance.	
<b>Section 1: Key Initiative Summary</b>	<b>5</b>
A summary of the Department's key initiatives throughout the year.	
<b>Section 2: The Court Services Dashboard and Scorecard</b>	<b>6</b>
A visual interpretation of the data analysis, trends and targets.	
<b>Section 3: Performance Analysis Overview</b>	<b>8</b>
This section provides further context, detail and analysis regarding the performance measures reported in the dashboard and scorecard with a general summary at the end of the section.	
<b>Section 4: 2015 and Beyond</b>	<b>19</b>
This section includes a brief overview of the Court Services 2015 work plan incorporating any required work resulting from the analysis in section 3.	

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, since May 2000 as a shared service pursuant to a Memorandum of Understanding with the Province of Ontario. The City is the Service Provider and the county municipalities are Serviced Municipalities.

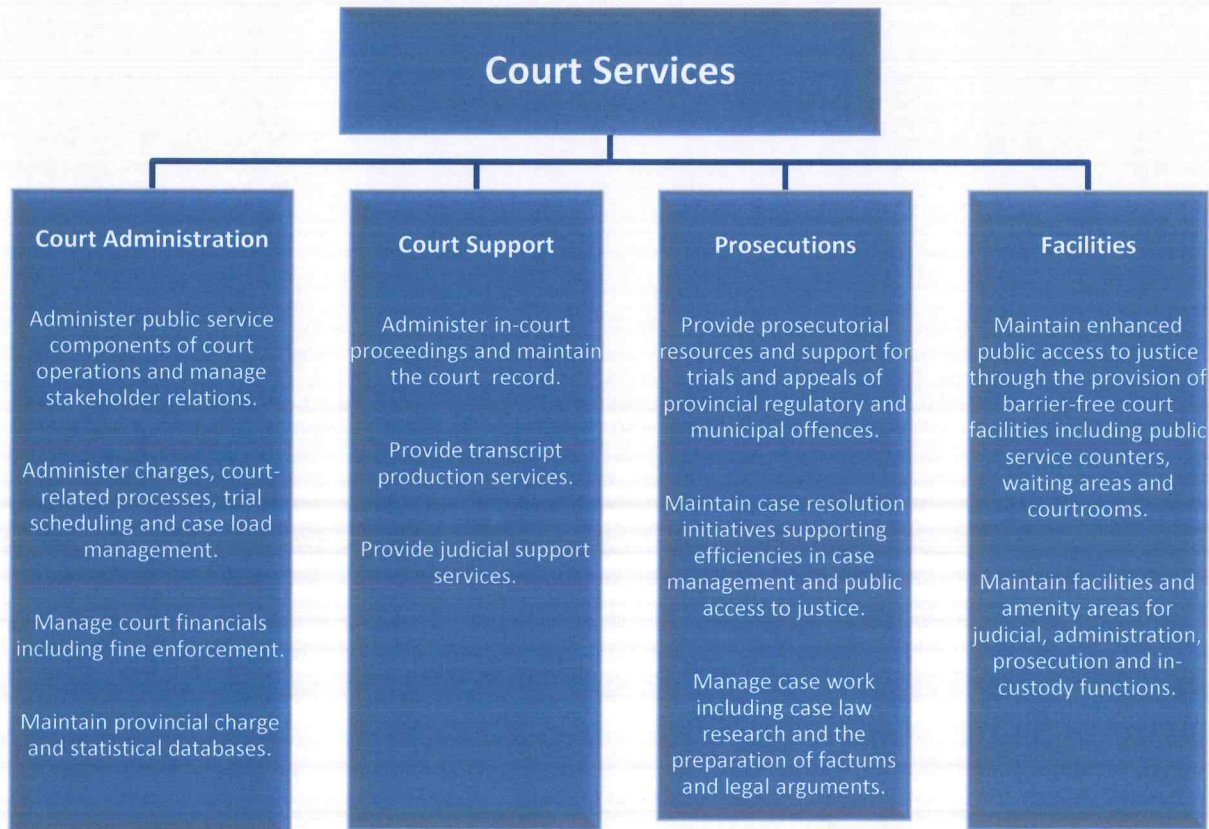
The Court Services Annual Report provides a summary and analysis of the operations of the Court Services Department including trends analyses, initiatives and accomplishments.

### 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 is 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.

**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.

**Prosecution function** - is “discretionary” by nature 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 regarding each charge that is disputed.

**“The Court” (the presiding judicial officer)** – the Court 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 2014.

### E-Tickets

The Department provided the required court support to the Guelph Police Service (and the broader PRIDE group of police services including Waterloo Region, Stratford and Brantford) initiative to implement E-Tickets (electronic issuance of tickets from police cruisers). This phase of development included system programming (charge information, legislative section references, ticket information required and format of tickets) and procedural steps (requirements surrounding how E-tickets are filed with the Court).

It is anticipated that this work will continue in 2015 as area courts and police agencies address the potential for electronic upload of the ticket information directly to the provincial Integrated Court Offences Network (ICON) database.

### Fine Enforcement (collection) Tools

Additional fine enforcement tools were implemented in 2014 to enhance the Department's ability to locate and contact persons with outstanding court-ordered sentences (i.e. fines). Electronic access to certain debtor information controlled by Equifax (credit bureau) was implemented in December 2014 as a winning submission through the City's Dragon's Den program. The business case for this initiative set out a cost of \$8,000 and a minimum projected revenue return of \$33,000. Results of this enforcement tool will be measured throughout 2015 and reported at year end.

### Data Entry

In Q4 of 2013 the Department implemented ticket scanning equipment and procedures to provide for off-site entry of data into the provincial ICON system. This procedural change has been undertaken by several courts across the province as a cost-effective way to assist in building staff capacity to focus efforts on other core functions of court operations. The following table illustrates the 2014 business outcomes of this initiative:

Ticket Charges Entered	Staff Time to Enter Data	Staff Time Associated with New System	Capacity Created	Value of Staff Time Reallocation	Operating Costs	Net Value Results
16,882	844 hours	84 hours	760 hours	\$19,000	\$6,753	\$12,247

### Statistical Data Management

In July 2014 improvements to the departmental statistical data management systems and processes was complete. This initiative has improved data tracking and trend analyses resulting in enhanced (real time) understanding of operating and financial trends. These efforts allow for greater sharing of information with court stakeholders regarding court time usage, time to trial, in-court results, case load analysis and fine enforcement (i.e. collections) measures.



## 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 2014 Court Services Dashboard provides a comparison of the progress made on these measures between 2013 and 2014.

### Court Services Dashboard

<u>Public Access to Justice</u>	2013	2014	<u>Local Justice System</u>	2013	2014
Service Transactions	+		Final Case Disposition Trend	+	+
Transcript Production	+	+	Case Resolution	+	+
Time to Trial	+	+	In-Court Results (Adjournment Rate)		+
<u>Community Impact</u>	2013	2014	<u>Business &amp; Service Excellence</u>	2013	2014
Charges Filed	-	-	Employee/Case Ratio		+
Tickets Paid	+	+	Revenues	-	+
Tickets Disputed	+	+	Cost Factor	+	
Tickets – No Action (Defaulted Fines)	+				

## Court Services Scorecard

The following Scorecard reflects the performance measures on the Court Services Dashboard, illustrating the 2014 progress made toward targets and comparisons to the 2013 results. Also indicated are the 2015 targets.

Value Creation			
Measure	2014 Target	2014 Result (+/- compared to 2013 results)	2015 Target
<b>Public Access to Justice</b>			
Public Access (Service Transactions)	-5% in-person +5% remote	-20% Daily average In-person -7.6% Daily average Remote	-5% in-person +5% remote
Transcript Production	70 (maximum)	61 transcripts (-0.9%)	65 transcripts (maximum)
Time to Trial	145 days (provincial average)	100 days (+6.4%)	100 days (maximum)
<b>Community Impact</b>			
Charges Filed	30,000 per year (avg.)	24,566 charges filed (-3.6%)	30,000
Tickets Paid	55-65% (+ 1%/yr)	64% (+0.8%)	55-65% (+ 1%/yr)
Tickets Disputed	20% maximum	18% (-0.4%)	20% (maximum)
Tickets – No Action (Defaulted Fines)	15% maximum	12% (+0.6%)	15% (maximum)
<b>Local Justice System</b>			
Final Case Dispositions	+ 100 cases/yr	+348 cases (+18.4%)	+ 100 cases/yr
Case Resolutions	50% participation rate	90% (+14%)	90% participation rate
In-Court Results (Adjournment Rate)	20% maximum	16% (-1%)	20% (maximum)
<b>Cost Control</b>			
<b>Business &amp; Service Excellence</b>			
Employee/Case Ratio	1: 5,000-6,000 cases (Provincial Standard)	1:5,000 (1:5,000)	1: 6,000 cases (maximum)
Revenue	\$3.5M/yr	\$3.32M (+5.4%)	\$3.35M (budgeted)
Costs ("Cost Factor")	60% of gross revenue (max. range 58%-65%)	62% of gross revenue (-1.0%)	65% (budgeted)



## Section 3: Performance Analysis Overview

Court Services is operating positively in most key performance areas despite lower volumes being reported in two of primary drivers: (1) charges filed and (2) revenues.

Fluctuations in charge volumes can affect other performance areas including:

1. Revenues – there is generally a direct correlation between revenues and charges filed;
2. Service transactions – fewer charges results in fewer service transactions;
3. Employee/Case Ratio – fewer charges assists to maintain the employee-to-case ratio in line with provincial operating standards; and
4. Cost Factor – lower revenue and steady or increasing operating costs can result in a higher cost factor.

### 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 comply with Court-ordered sentences (i.e. 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 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)	Daily Average In-person	Total Remote (Telephone)	Daily Average Remote	Total Transactions	Total Daily Average
2011	38,763	156	13,325	54	52,088	210
2012	36,123	146	14,175	57	50,298	203
2013	29,701	119	15,143	61	44,844	180
2014	28,870	115	13,990	56	42,860	171

The objective 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.

As illustrated, in-person transactions have been declining year over year, even during 2011 and 2012, where charge volumes were in the range of the annual 10-year average. The significant reductions in 2013 and 2014 are a direct result of lower charge volumes experienced in those years.



Remote transactions in 2014 were also less than targeted due to lower charge volumes. However, the average daily remote transaction rates in 2013 and 2014 (years with lower charge volumes) remained relatively steady, which is attributable to ongoing enhancements in the fine collection process, particularly through the telephone reminder system.

**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.

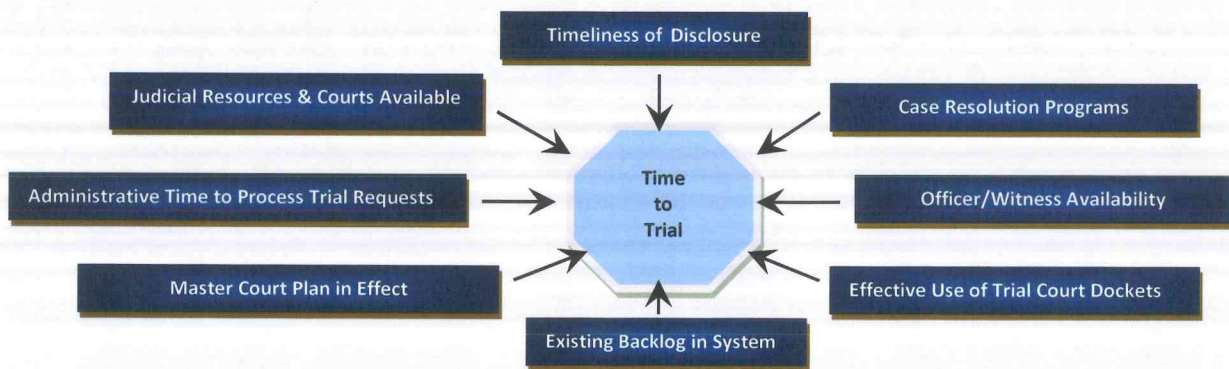
Transcript production is a time-sensitive priority function in order to meet timelines for appeals and trial cases. The maximum thresholds (“targets”) set in the Scorecard are a baseline to recognize the upper limit of the number of transcripts that can be achieved with existing resources. Although the 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 typed transcripts required to be produced.

Due to streamlined in-court processes and the lower time-to-trial, transcript production has been steadily decreasing in recent years: 75 transcripts (2012), 67 transcripts (2013) and 61 transcripts (2014) respectively. This trend has allowed for more efficient utilization of staff resources to address other court functions.

**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 the date a trial is requested 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.



Since tickets accounted for 94% of the charge volumes in POA Courts in Ontario in 2014, time to trial was measured based on cases involving tickets.

Guelph's time to trial continues to be consistently below the average of its comparator municipalities, West Region courts and the provincial average.

Municipality/Province	Average Number of Days to Trial			
	2011	2012	2013	2014
<b>Guelph</b>	<b>129</b>	<b>111</b>	<b>94</b>	<b>100</b>
<b>Average of Comparator Municipalities</b>	<b>141</b>	<b>163</b>	<b>151</b>	<b>147</b>
<b>West Region Courts</b>	<b>N/A</b>	<b>135</b>	<b>134</b>	<b>127</b>
<b>Provincial Average (all POA Courts)</b>	<b>195</b>	<b>185</b>	<b>145</b>	<b>145</b>

In 2014, Guelph's position within the assessed groups was as follows:

- 3<sup>rd</sup> lowest of its comparator municipalities
- 4<sup>th</sup> lowest of the West Region courts
- 11<sup>th</sup> lowest in the province (out of 52 municipalities operating 64 court service areas)

The successes in Guelph are attributable to operational improvements in the following areas:

1. Streamlining of the local case resolution process allowing for resolutions pre-trial or on trial days, thereby reducing adjournment rates;
2. Police agencies use of Part I Summons procedure for careless driving offences, which provides for more effective resolution meetings and expedient disposition of those cases, while providing more effective scheduling of the remaining case load;
3. Enhanced use of prosecutorial resources pre-court, which has virtually eliminated court recesses needed to discuss cases during trial courts;
4. Appropriate case screening to determine which matters should undergo the pre-trial process before being set down for trial;
5. Expedient disclosure processes in place allowing for disclosure within 30 days of a Notice of Trial being issued, thereby ensuring effectiveness of case screening, expediency of the resolution process and reduced number of adjournments; and
6. Trial scheduling to optimum use of court time available.

## Community Impact:

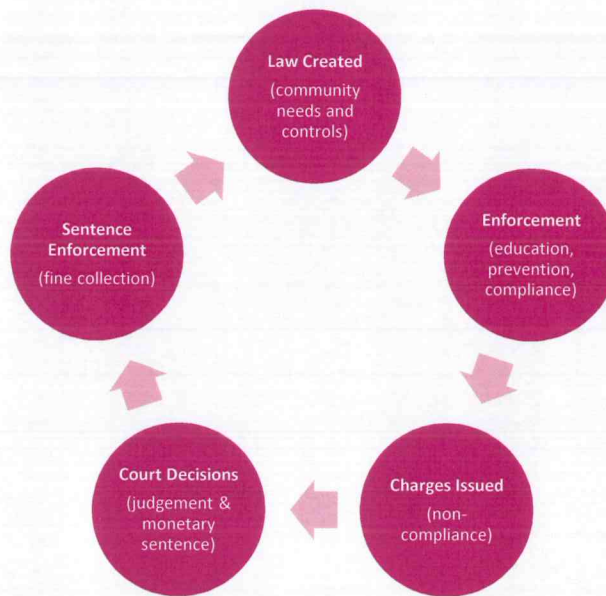
The Court ensures independent decisions between the "State's" regulations and the public's behaviour in respect of those regulations. The independence and authority of Court decisions is essential towards a positive perception of the Court by all members of the community (those who are charged with offences, 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 sanctions are imposed. Compliance with Court-imposed sanctions (i.e. 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**

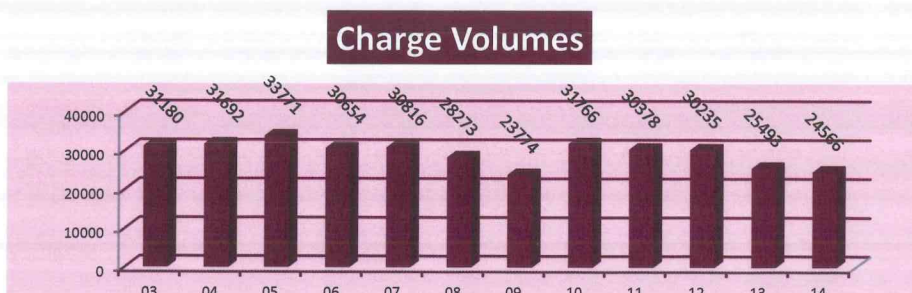
Community impact involves the creation of law by government to meet the needs for a peaceful, safe and liveable community, the enforcement of those laws, compliance with charges issued and/or court-ordered sentences and the enforcement of sentences to ensure sentencing objectives. As a reminder, one 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 Department has no influence over the number of charges issued. Charges are issued by enforcement agencies based on offences that occur and enforcement efforts. The POA Court is the system that is required to administer those charges regardless of how many are issued.

As illustrated in the following graph, the average annual charge volume from 2003 to 2012 was approximately 30,000. The actual charge volumes in 2013 and 2014 were lower than the annual average by 15% and 18% respectively.



Historically, Guelph Police Service (“GPS”) and Wellington County OPP (“OPP”) charges account for 94-96% of the total number of charges filed in Guelph. The 18% overall reduction in the 2014 charge volume was a result of a 34% reduction in GPS charges filed and a 7.5% reduction in OPP charges filed from the historical annual average volume.

#### **Distribution of Charge Load by Court Business Operations**

Understanding the overall trends of Charge Load Distribution is essential to the Department’s ability to effectively manage court services in terms of targeted use of resources and the development and implementation of program and procedural efficiencies within departmental service profiles. Using the 94% (ticket volume of business) factor, the distribution of the charge load is categorized into three streams that drive court business: (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 with no action** (i.e. outstanding fines – collection operations).

Category	Charge Load Distribution	Charge Load Distribution	Charge Load Distribution	Charge Load Distribution	Target
	2011	2012	2013	2014	
<b>Tickets Paid</b>	<b>58.9%</b>	<b>61%</b>	<b>63.2%</b>	<b>64%</b>	<b>55-65%</b>
<b>Tickets Disputed</b>	<b>20.1%</b>	<b>19%</b>	<b>18.4%</b>	<b>18%</b>	<b>15-20%</b>
<b>Tickets – No Action</b> (i.e. outstanding fines)	<b>14%</b>	<b>13%</b>	<b>11.4%</b>	<b>12%</b>	<b>15% (max)</b>

#### **Tickets Paid**

**Tickets Paid** are those charges that are paid within 90 days of being filed with the court. Thereafter, the matter becomes a **Ticket-No Action** and is included in the outstanding fines balance. 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 acceptance of regulatory laws in effect and societal compliance with enforcement of those laws, reduced resources required for tickets disputed or default fine enforcement and increased revenues. However, the Department’s ability to influence “first-instance” paid rates is limited to providing effective methods and systems to pay fines, and to continually seek out and implement enhancements to such methods and systems.

The **Tickets Paid** rate has been increasing since 2011 with the rate reaching 64% in 2014. This rate is within the overall target range of 55-65% and an increase of 0.8% over the 2013 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. POA Courts have little control over dispute rates because disputing a charge is an individually guaranteed right and choice. As such, reasons for dispute cannot be tracked. However, it is anecdotally clear that the primary basis for disputing a charge is not whether the offence was actually committed or even the monetary penalty associated with the offence, but rather the issue of demerit points, higher insurance rates and ramifications for Novice, G1 and G2 drivers, all of which may be 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.



Historically in the province, the rate of **Tickets Disputed** is in the range of 15-20%. In 2014, the local rate of **Tickets Disputed** was 18%, which is within the target range and down 0.4% over 2013. Dispute rates have remained relatively stable over the years, with the local twelve-year average being 18.9%.

**[See the Local Justice System portion of this Section for in-court results]**

### **Tickets – No Action (Outstanding Fines)**

**Tickets No Action** 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. These charges flow through the process of enforcement of court-ordered sentences (i.e. fine collection). Inherent in the legislative system governing charges are reminder notifications to defendants of outstanding fines and additional measures for courts to enforce these sentences.

In 2014, the rate of **Tickets No Action** was 12% of the charge load, up 0.6% over 2013, but remaining below the maximum of 15% set in the target.

**Enforcement of Court-Ordered Sentences (Outstanding Fines Balance)** - At Transfer, the City inherited from the Province approximately \$5.6M of uncollected outstanding fines (“accounts receivable”). Across Ontario, the outstanding fines balance increases by approximately \$1M per week and the total balance by the end of 2014 was \$1.572B, an increase of 3.9% over 2013. This figure does not include fines “written off” by municipalities (explained further below).

In 2008, in keeping with Public Sector Accounting Board (“PSAB”) principles of accounting and asset management, Guelph undertook to write off 19,705 cases (cases from the years 1950-2002) totalling \$5.1M in uncollectable assets. Although written off fines remain outstanding in perpetuity, from an accounting perspective they no longer form part of the “defaulted fines” balance.

For clarity, the “Outstanding Fines Balance” is the balance of all fines unpaid (i.e. “defaulted fines” plus “written-off fines”). “Defaulted fines” are those fines still in the active sentence enforcement stage (i.e. collections) and “written-off fines” are those fines that comprise the total of fines written-off. It is important to note that some written-off fines are returned to the defaulted fines balance when information becomes available in subsequent years for that fine to be re-instated into the defaulted fines balance and once again undergo active collection.

At the end of 2014, the total local Outstanding Fines Balance was as follows:

Total Cases Outstanding	\$ Value of Outstanding Fines	# of Cases in Defaulted Fines Balance	Defaulted Fines Balance	# of Cases in Written-Off Fines Balance	Written-Off Fines Balance
34,866	\$13,203,561.75	9,929	\$5,150,642.31	24,937	\$8,052,919.44

Of note, each fine assessed includes a Victim Fine Surcharge (VFS) that is payable to the Province. The overall rate of VFS is approximately 20% of the outstanding fines. As such, approximately \$2.64M of Guelph’s outstanding fine balance is VFS, leaving approximately \$10.5M of outstanding fines owed to Guelph (\$4.1M in defaulted fines and \$6.4M in Written Off fines).

**Fine Enforcement Measures** - All POA Courts are required to make every effort to maintain the public’s confidence in the justice system through measures employed to enforce court-ordered sentences. The following illustrates the phases of local collection strategies and the success rates associated with each phase.

**Reminder Phase:**

51% of defaulted fines are paid within this phase. The Reminder Phase includes the following enforcement measures:

- Legislated Notice of Fine and Due Date sent to defendants
- Automated telephone reminder of outstanding fine
- Written notice advising of outstanding fine and pending driver's licence

The following table illustrates the success rates and net value results of the Automated Telephone Reminder system over the last two years:

YEAR	Contacts Made	Cases Resolved (i.e. fines paid)	Success Rate	Total Value of Fines Paid	Total Costs of Service	Net Value Results
2013	1926	654	34%	\$107,424.75	\$1,467.98	\$105,956.77
2014	1060	388	37%	\$57,139.45	\$357.60	\$56,781.85

**Regulatory Enforcement Phase:**

20% of defaulted fines are paid within this phase. The Regulatory Enforcement Phase includes the following enforcement measures:

- Driver's licence suspensions (where applicable)
- Final written notice of outstanding fine and advising of pending civil action

Of the fines paid within this phase, 78% had a licence suspension imposed.

**Civil Enforcement Phase:**

2% of defaulted fines are paid within this phase. The Civil Enforcement Phase includes the following enforcement measures:

- Filing of judgment in Small Claims Court (28% of cases paid employing this measure)
- Issue Writ of Seizure and Sale against property (54% of cases paid employing this measure)
- Garnishment of wages and/or bank accounts (98% of cases are paid employing this measure)

**NOTE: 27% of fines that proceed into default in any given year remain unrecovered in that year.**

**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 in-court results "adjournment rate") help to ascertain the effectiveness of the local justice system and whether or not the system is moving forward in a positive way.



### **Final Case Disposition Trend**

The final case disposition trend indicates whether or not the overall live caseload of the court is increasing or decreasing year over year. Essentially it is determined by calculating the total number of cases coming into the system each year against the total number of cases reaching final disposition within that year. 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.

A positive signal is when the total cases reaching final disposition outnumber the total cases coming into the system in the year. Where that scenario is reversed, the trend is illustrated as a negative figure which serves as a signal to review the programs and systems towards making adjustments where possible to ensure that the ongoing case load from year to year remains within manageable parameters. The Department wants to see final case disposition trends on the PLUS side rather than the MINUS side. Since Transfer, the final case disposition trend has been positive, meaning each year more cases are reaching final disposition than are coming into the system. The trends over the last three years of operation show year over year disposition rates of +1065 (2012), +204 (2013) and +348 (2014). The positive trends of this performance indicator are a direct result of the increase in tickets paid year over year and the low adjournment rate (see "Adjournments" later in this section).

### **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) or withdrawn altogether based on the circumstances involved in each case.

Case resolution positively impacts the local justice system by:

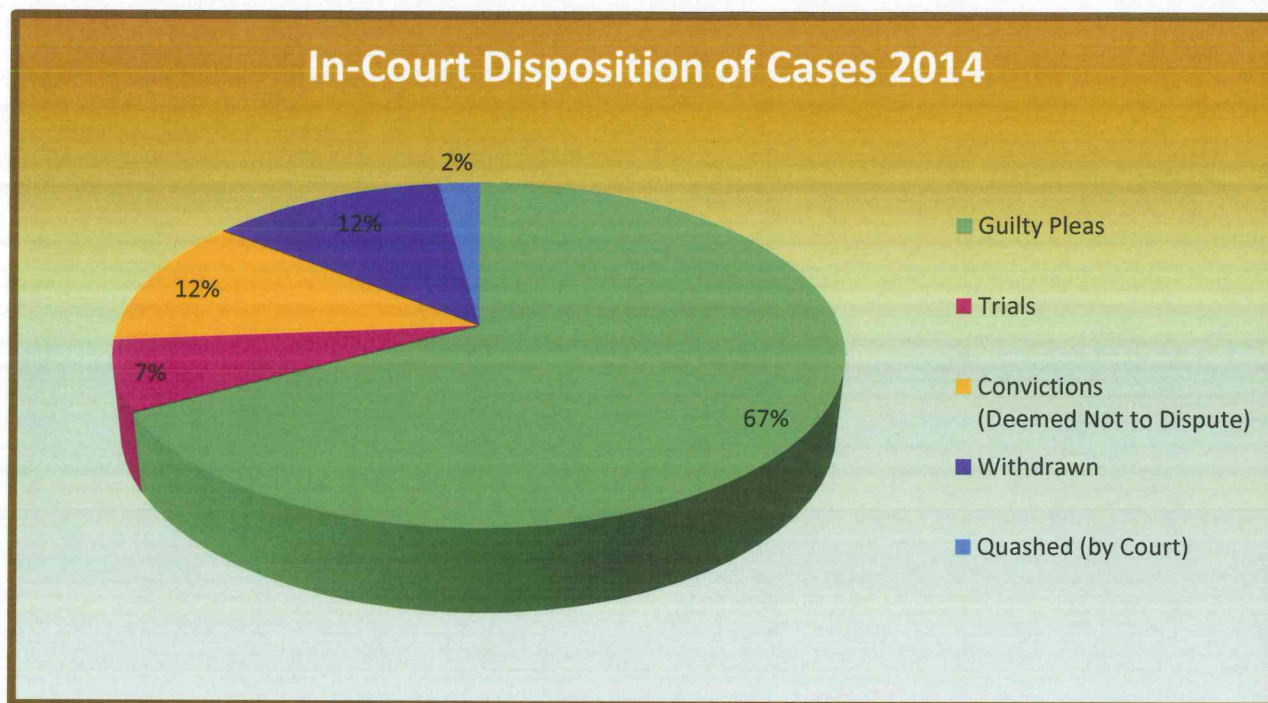
- Enhancing the public's access to justice
- Reducing trial loads
- Ensuring principles of sentencing are achieved and better understood by accused persons
- Increasing final case disposition trends
- Creating greater efficiencies in the use of prosecutorial resources
- Improving courtroom utilization

Measures taken in recent years to better communicate the purpose and availability of case resolution and by shifting case resolution to the trial day, has served to significantly increase the rate of participation to 90% in 2014. Of the 2014 cases where participation in a resolution meeting occurred, approximately 82% of those cases resulted in either a guilty plea or a withdrawal of the charge in court. This rate is within historic trends of resolution rates.

### **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 trend and negatively affect public perception of the integrity of the court process. The adjournment rate in 2014 remained within the target range at 16%, down 1% from 2013.

For the remaining 2014 in-court caseload, the following distribution applied:



Comparing 2014 over 2013 disposition rates, trials remained stable at 7%, Guilty pleas, Withdrawals and Quashed charges increased by 1% respectively, and Convictions (Deemed Not to Dispute - i.e. defendants not appearing for court) fell by 3%. These results illustrate that:

1. Overall fluctuations in charge volumes do not result in a lower percentage of charges being disputed - the public inclination to dispute charges remains relatively stable year over year regardless; and
2. Prosecutorial determinations regarding guilty pleas and case withdrawals remains steady even where the rate of participation in resolution meetings increases. This illustrates consistency in the application of prosecutorial principles associated with determining reasonable prospect of conviction and consideration of public interest issues in each case.

## **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 the distribution of net revenue to serviced municipalities pursuant to the City's operating agreements.

### **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 core court 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 (working in the areas comprising the ratio) for every 5,000-6,000 charges received. In



previous years, where annual charge volumes of 30,000 were the norm, Guelph was at the top end of the standard. With the lower charge volumes in 2013 and 2014, Guelph is better placed closer to the lower end of the ratio.

### **Revenue**

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 preservation of the public's rights and access to the court, and the integrity of court stakeholder separation, independence and respective operating mandates must not be compromised by costs or a desire to increase revenue. As such, the Court Services Department is positioned within the City's budgeting process as a Non-Tax-Supported Budget. Court Services operates on a self-funded model 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.

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 and tribunals. 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 historical trends associated with charge volumes.

The 2015 annual target in the Scorecard of \$3.35M in gross revenue is based on current charge volume trends coupled with historic payment rates. Reduced charge volumes in 2013 and 2014 resulted in negative budget variances in Court Services operations; however, operational efficiencies served to maintain a relatively stable cost factor (see "Cost Factor" later in this section).

The following table illustrates the financial summary of costs and revenues, including the distribution of net revenue between the City and the County, since Transfer.

Gross Revenue	Expenditures	Net Revenue for Distribution	County Portion of Net Revenue	City Portion of Net Revenue	City Bylaw Fine Revenue	Total City Revenue
\$45,186,087	\$21,787,157	\$23,398,932	\$11,800,103	\$11,602,207	\$1,078,530	\$12,680,737

Gross revenue in 2014 was approximately \$3.32M. Although below the target range by \$180,000, the revenue did increase by 5.4% over the 2013 revenue figures.

### **Cost Factor**

The primary drivers of court costs are facilities, trial load, public services (i.e. fine payments, trials, motions, appeals, transcripts, extension applications, etc.), required staff resources and provincial and municipal service cross charges associated with 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 cross charge increases.

The measurement of the "cost factor" in the Scorecard is designed to monitor the ongoing percentage of expenditures against gross revenue to ensure, on a go-forward basis, sustainable annual net revenue to the Service Provider and the Serviced Municipalities. The current target of 60% has been established internally by staff as a

benchmark that would ensure sustained net revenue at appropriate levels provided charge levels and payment trends remain relatively constant.

Work currently underway among municipalities operating courts will result in several common key performance indicators being established for POA Courts, including a cost factor benchmark. Preliminary figures emanating from this work show an average cost factor for initially participating municipalities between 58% and 65%. Refinements and greater uptake by municipalities in 2015 should result in a more reliable province-wide average against which Guelph's 2015 figures can be compared. However, Guelph's cost factor, in recent years, is within this preliminary range with cost factors of 61% (2012), 63% (2013) and 62% (2014) respectively.

## **GENERAL SUMMARY:**

This Annual Report illustrates overall positive trending for most service measures supporting the four Key Pillars of Performance. Enhancements to Public Access to Justice can be seen in improvements such as the reduced number of transcripts required and Guelph being a jurisdiction with one of the lowest time to trial rates in the province. Community Impact continues to improve as illustrated in the increasing number of tickets paid and by the slight reduction in the percentage of tickets disputed. Improvements also continue in support of the Local Justice System with final case disposition trends on the positive side, participation in case resolution up 14% and in-court results continuing to show a low adjournment rate and a high rate of final disposition of cases. Finally, improvements in the employee to case ratio and some 2014 key initiatives support the pillar of Business & Service Excellence.

There are, however, clear cautionary signals relating to lower charge volumes and lower than average annual gross revenue in 2013 and 2014. Although departmental initiatives continue to improve efficiencies, public service, create greater capacity and improve enforcement of outstanding fines, the continuation of lower charge volumes on an ongoing basis will create higher cost factors and continued lower revenues in future years. The Department will continue to monitor these trends, assess potential impacts and address operational changes where necessary to mitigate any significant negative cost/revenue effects.



## Section 4: 2015 and Beyond

Looking forward through 2015 and beyond, the Departmental Work Plan includes the following initiatives:

### Departmental File Systems

The Department will undertake to revise its electronic and hard copy file systems. This work involves ensuring separation between “court” and “municipal” records and updating retention controls in keeping with freedom of information protocols. In addition, standard electronic file pathways will be implemented across departmental records to create operational efficiencies and provide synergies for future corporate records management systems.

### On-line Payment Systems

The Department will implement on-line payment systems to provide greater opportunities for the public to address fine payments remotely. It is anticipated that this opportunity will result in better service, greater compliance by the public in paying fines and enhance existing staff capacity through automation of some fine payment processing.

### Fine Collection Tools

With additional collection tools at our disposal (i.e. same as collection agencies), the Department will continue its efforts to collect the over \$10M in unpaid fines. This work will include the use of credit, property and driver information systems, and procedures for adding unpaid fines to municipal tax rolls. The outcomes of this work over the next few years will provide the required information to evaluate the effectiveness of the tools and strategies in achieving significant positive results of people complying with court-ordered fine payments.

### Succession Planning

The Department will continue its work in assessing mission critical staff resource requirements and develop plans to ensure continuity of key operational and leadership roles in keeping with anticipated future staff turnover. Included in this work are assessments of Divisional operating plans to determine the long-term resource levels required in the 10-year outlook.

### Provincial KPI Work

Staff will continue to participate in the province-wide discussions to conclude the establishment of Key Performance Indicators for POA Courts and how those indicators will be measured and used in POA Court operations in Ontario.

### E-Tickets

The Department will continue to work with the PRIDE group of police agencies in the development and implementation of the technology required to complete second phase of E-tickets – the electronic upload of ticket data to the Province’s ICON system.