

# Court Services Annual Report

2013

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This section includes a brief overview of the Court Services 2014 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.

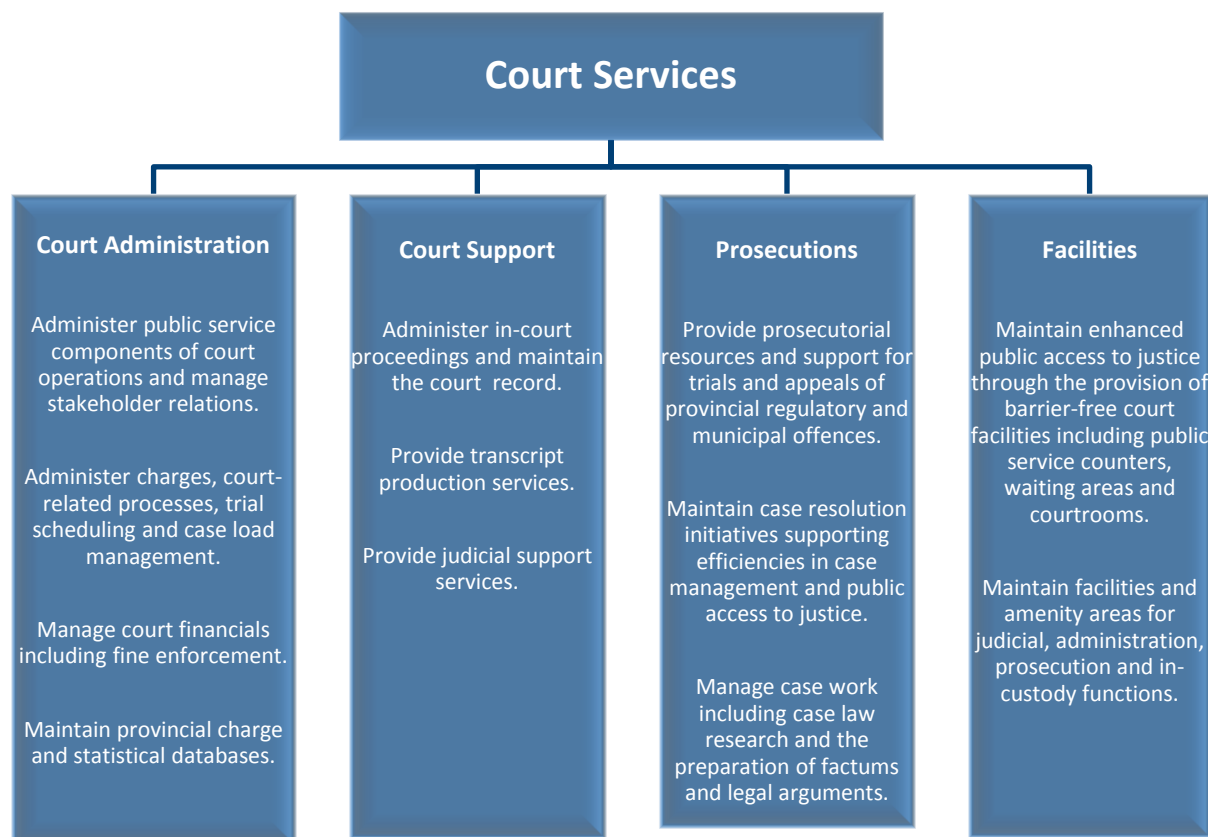
The Court Services Annual Report provides a summary and analysis of the operations of the Court Services Department including trends analyses, initiatives and accomplishments.

## 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.

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 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 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 2013.

### Automated Outstanding Court-Ordered Sentence Reminder System

Building on the success of a pilot project initiated in late 2012, the Court Administration Division implemented, on a permanent basis, the automated call reminder system. This system contacts court patrons by telephone with an automated voice message reminding them of their outstanding court-ordered sentence(s) (i.e. fine(s)). The person can immediately connect with court staff through the touch of a button on their telephone to reconcile their outstanding fine.

[2013 results are set out Community Impact portion of Section 3 of this Report]

### Off-Site Data Entry

Included in the 2013 Capital Budget was the implementation of ticket scanning equipment to provide for off-site entry of data into the Province's database that houses Provincial Offences case information. 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. Full implementation occurred in Q4 and the annual results anticipated in 2014 through this initiative are as follows:

Staff Time to Enter Data	Staff Time Associated with New System	Capacity Created	Value of Staff Time Reallocation	Project Costs	Net Value Results
1080 hours	84 hours	996 hours	\$24,900	\$7,200	\$17,700

### Master Court Plan Revisions

In the 2012 Annual Report, Court Services reported that in 2013 it would be proposing to the Regional Senior Justice of the Peace ("RSJP") adjustments to the local Master Court Plan (i.e. court schedule) to reduce the schedule of court sittings per week from five days to four days. That proposal was accepted by the RSJP in May 2013 and the court schedule changes initiated at that time. These adjustments have reduced in-court time by 23%, thereby increasing staff capacity (Court Support and Prosecution staff) to address out-of-court work in areas of transcript production and case management. Further, the reduced court time has decreased provincial chargeback costs for adjudication by 21%.

### Enhanced Communications

The Prosecutions Division implemented a separate email account for that Division to provide streamlined access for the public for inquiries and the management of cases. This enhancement directly impacts three of the Key Pillars of Performance: "Public Access to Justice", "Local Justice System" and "Business & Service Excellence".

## 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 2013 Court Services Dashboard provides a comparison of the progress made on these measures between 2012 and 2013. Some benchmarks have been retitled from previous Reports to better reflect the area of performance being analysed.

#### Court Services Dashboard

<u>Public Access to Justice</u>	2012	2013	<u>Local Justice System</u>	2012	2013
Service Transactions	+	+	Final Case Disposition Trend	+	+
Transcript Production		+	Case Resolution		+
Time to Trial	+	+	In-Court Results (Adjournment Rate)		
<u>Community Impact</u>	2012	2013	<u>Business &amp; Service Excellence</u>	2012	2013
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 2013 progress made toward targets and comparisons to the 2012 results. Also indicated are the 2014 targets.

Value Creation				
Measure	2013 Target	2013 Result (compared to 2012 results)		2014 Target
<b>Public Access to Justice</b>				
Public Access (Service Transactions)	-5% in-person +5% remote	Daily average In-person (-16%) Daily average Remote (+7%)	■+	-5% in-person +5% remote
Transcript Production	70 maximum	67 transcripts (-11%)	■+	70 transcripts
Time to Trial	120 days (provincial average)	94 days (-15%)	■+	145 days (2013 provincial average)
<b>Community Impact</b>				
Charges Filed	30,000 per year (avg.)	25,493 charges filed (-16%)	■-	30,000
Tickets Paid	55-65% (+ 1%/yr)	63.2% (+2.2%)	■+	55-65% (+ 1%/yr)
Tickets Disputed	20% maximum	18.4% (-0.6%)	■+	20% maximum
Tickets – No Action (Defaulted Fines)	15% maximum	11.4% (-1.6%)	■+	15% maximum
<b>Local Justice System</b>				
Final Case Dispositions	+ 100 cases/yr	+294 cases (-72%)	■+	+ 100 cases/yr
Case Resolutions	50% participation rate	76% (+29%)	■+	50% participation rate
In-Court Results (Adjournment Rate)	20% maximum	17% (0%)	■	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 (1:6,000)	■+	1: 6,000 cases
Revenue	\$3.5M/yr (minimum)	\$3.15M (-14%)	■-	\$3.5M
Costs	60% of gross revenue	63% cost factor (+2%)	■	60% of gross revenue

## Section 3: Performance Analysis Overview

At the outset, it is important to note that the number of charges filed in this court jurisdiction decreased 16% in 2013 over the 2012 volume and was 15% lower than the annual average target of 30,000 charges. The volume is the second lowest annual volume experienced across any of the previous 10 years of operations. The volume of charges filed in the court is one of the primary drivers of court operations. Significant fluctuations in charge volumes, such as this year's, affects trends analyses and can have positive or negative effects on other key performance indicators.

### 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 sentence (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	30,301	121	15,143	61	45,444	182

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 are declining year over year while remote transactions are increasing. These trends are in keeping with the targets and serving the objectives. When compared to charge volumes, charge to transaction ratios do not necessarily trend at similar rates. In fact, the ratios are 1.72 transactions per charge in 2011, 1.66 per charge in 2012 and 1.78 per charge in 2013. Operational initiatives have greater bearing on transaction rates. For example, increased efforts in court-ordered sentence enforcement (e.g. telephone reminder system for outstanding fines) cause increases in remote transactions with more people contacting the court office to address their fine.



**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.

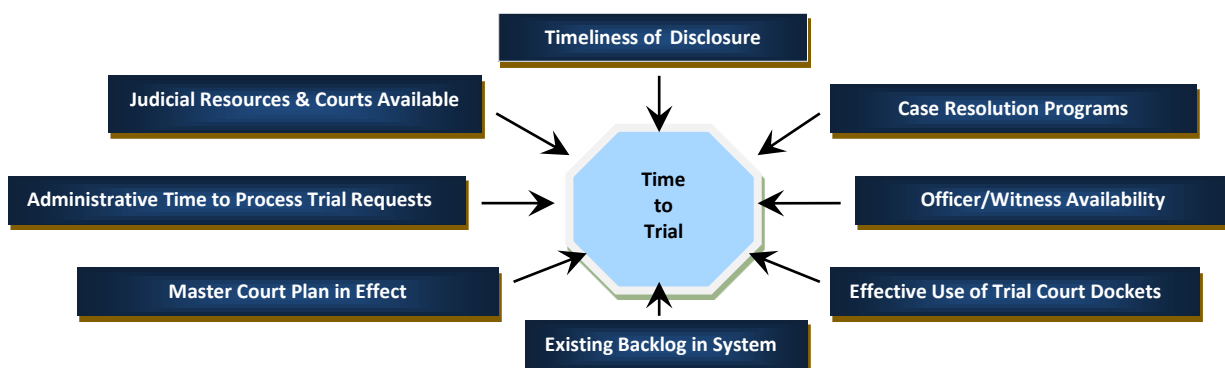
Transcripts production is a time-sensitive priority function in order to meet timelines for appeals and trial cases. The maximum thresholds (“targets”) set in the Scorecard are a baseline to recognize the upper limit of the number of transcripts that can be achieved with existing resources. Although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

In 2013, the Department was required to produce 67 transcripts; 12% fewer than in 2012. This reduction was mainly due to fewer lengthy or complex cases occurring during the year. For example, operational improvements reducing time to trial (see next section) has resulted in fewer Charter Applications related to that issue. Since those types of Applications usually require transcripts of previous court appearances to address the Application before the Court, any reduction in the number of those Applications, also results in a reduction in transcripts required.

**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.



New to the Report this year is a comparison of Guelph against other West Region courts. Three of the factors affecting time to trial (i.e. Judicial Resources, Courts Available and Master Court Plans in Effect) are regional factors, because the Regional Senior Judiciary approves changes to Master Court Plans and also determines judicial assignments and availability. As such, there is merit in tracking regional time to trial in an effort to utilize this

information in discussions with other regional Municipal Partners and the Judiciary with respect to required judicial resources, court schedule alterations and best practices that may assist in improving time to trial more consistently region-wide.

In 2013, Guelph reduced its time to trial by 15% over 2012, while the average time to trial of its comparator municipalities decreased by 7%. The provincial average (all POA Courts across the province) continues to decrease from its 195 day time period in 2011, and Guelph continues to establish its future year targets against this average.

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

Guelph has the 2<sup>nd</sup> lowest time to trial of its comparator municipalities, shares the lowest time to trial (with one other court) in the West Region and has the 7<sup>th</sup> lowest time to trial in the province.

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 the Prosecution to have disclosure within 30 days of a Notice of Trial being issued (for a Part I Summons – police issue disclosure immediately thereafter) – ensures effectiveness of case screening and expediency of the resolution process, reduces adjournment rates and delay applications; and
6. Trial scheduling to optimum use of court time available.
7. Adjustments to the Master Court Plan (court schedule).

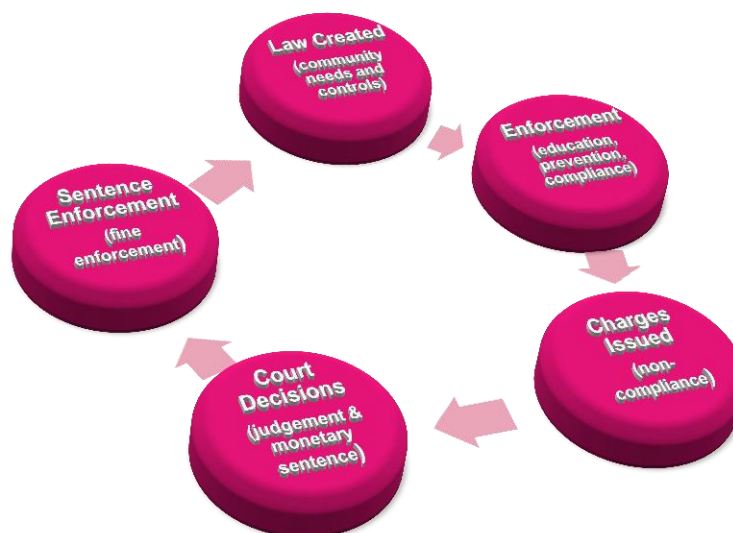
## Community Impact:

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

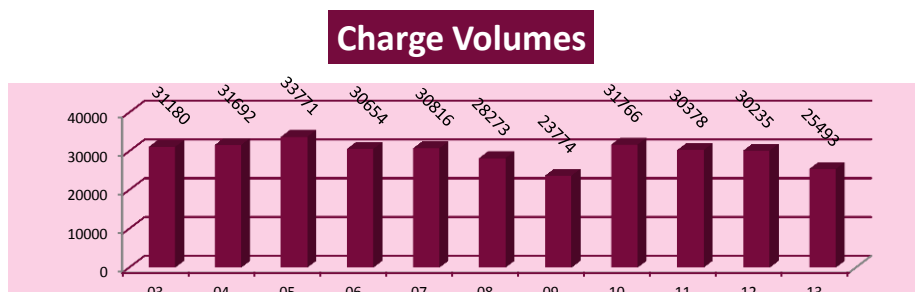
Community impact involves the creation of law by government to meet the needs for a peaceful, safe and liveable community, the enforcement of those laws, compliance with charges issued and/or court-ordered sentences and the enforcement of sentences to ensure sentencing objectives. As a reminder, one 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 efforts. 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. As illustrated in the following graph, the average annual charge volume from 2003 to 2012 was 30,253. In 2013, the actual charge volume was 16% lower than the 10-year annual average and the 2012 actual volume (4,742 fewer charges in 2013 than in 2012). Compared to the provincial trends, 2013 charges across the province were down by 10% over 2012, with Guelph's municipal comparators showing an overall average decrease of 2%.



Historically, Guelph Police Service (“GPS”) and the Wellington County OPP (“OPP”) charges account for 94-96% of the total number of charges filed in this jurisdiction, with each agency accounting for between 48-52% of that volume each year. The 16% decrease in total charges experienced in 2013 is directly related to the significant reduction in the number of charges filed by GPS (6,178 fewer than 2012). The overall decrease was mitigated by a slight increase in charges filed by the OPP over its 2012 volumes. The resulting percentage split between the two agencies for 2013 was 66% OPP and 34% GPS.

A reduced charge volume has positive and negative effects on operations and budgets:

- Reduced strain on charge processing resources;
- Slight reductions in trial matters, which assists to maintain a quicker time to trial;
- Shorter trial courts resulting in cost savings for provincial charge backs for adjudication;
- Fewer charges being entered into the provincial database resulting in cost savings in the provincial per charge fee;
- Less revenue, which has resulted in the 2013 negative budget variance; and
- Increase in staff capacity to address backlogs in areas of other core business functions.

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

Approximately 93% of POA charges (excluding parking) in the province are in the form of tickets issued. 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 business 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 with no action** (i.e. outstanding fines – undergoing sentence enforcement and/or write-off processes).

Understanding the overall trends of Charge Load Distribution is essential to the Department’s ability to effectively manage court business operations 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	Charge Load Distribution	Charge Load Distribution	Target
	2011	2012	2013	
Tickets Paid	58.9%	61%	63.2%	55-65%
Tickets Disputed	20.1%	19%	18.4%	15-20%
Tickets – No Action (i.e. outstanding fines)	14%	13%	11.4%	15% (max)

### **Tickets Paid**

Tickets paid are those charges that are paid within 90 days. 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.

In 2013 the rate of tickets paid was 63.2% (the highest paid rate since the Transfer of court operations to the City in May 2000). The 2013 rate is within the overall target range, increasing by 2.2% over the 2011 rate, thereby surpassing the 2012 target of at least a 1% increase in tickets paid.

**[See the Business & Service Excellence portion of this Section for revenue details]**

### **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 are not, and 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 that are 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.

In 2013, the rate of tickets disputed was 18.4%, which is slightly lower than the 2012 rate of 19%. Dispute rates have remained relatively stable over the years, with the local ten-year average (2003-2012) being 20.4%. 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).

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

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

Tickets with 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 2013, the rate of tickets with no action was 11.4%, below the maximum target range of 15% and down from the 2012 rate of 13%. This portion of the court business operations continues in a positive direction of fewer fines entering the outstanding balance. A more comprehensive picture of the history of the local outstanding fines balance and the success of efforts in enforcing payment of those sentences follows below.

**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 these court-ordered sentences.

Local collection strategies are designed to enforce fine payments on the following escalating basis:

**Reminder Phase:**

- Legislated Notice of Fine and Due Date sent to defendants
- Automated telephone reminder of outstanding fine
- Written notice advising of outstanding fine

**Regulatory Enforcement Phase:**

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

**Civil Enforcement Phase:**

- Filing of judgment in Small Claims Court
- Issue Writ of Seizure and Sale against property
- Garnishment of wages and/or bank accounts

**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") and that balance increased to approximately \$11M by 2008. Provincially, by 2009 the total outstanding fines balance across the province was increasing by approximately \$1M per week and the total balance in Ontario by the end of 2013 was \$1.513B (note: does not include written-off fines).

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 outstanding fines balance. 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. Write-offs apply to fines that are six years old and that have undergone all applicable collection efforts.

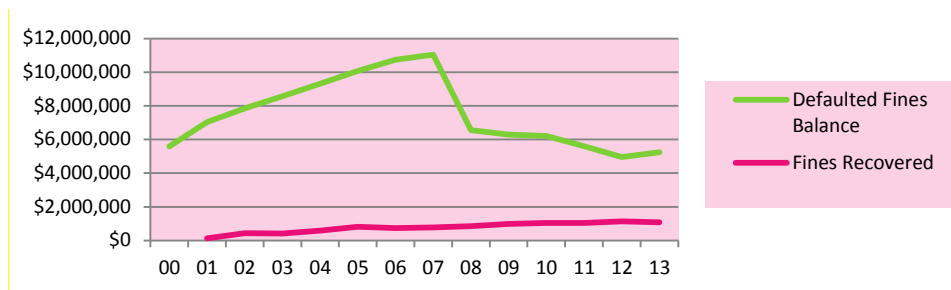
For clarity, the "Outstanding Fines Balance" is the balance of all fines unpaid (i.e. "defaulted fines" plus "written-off fines"). "Defaulted fines" are those fines still in the active sentence enforcement stage (i.e. collections) and "written-off fines" are those fines that comprise the total of fines 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 2013, Guelph's 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
33,069	\$12,920,999.95	8,954	\$5,246,706.54	24,115	\$7,674,293.41

Guelph's average annual rate of increase of the Outstanding Fines Balance is approximately 3.5% compared to the annual average rate of increase for the total Outstanding Fines Balance in Ontario which is approximately 17%.

**Defaulted Fines Balance** - The following chart illustrates the defaulted fines balance against fines recovered since Transfer.



The slight increase in the defaulted fines balance in 2013 is due to:

- Enhanced Civil Enforcement processes (Writs against property for unpaid fines) that, in effect, keeps cases within the active collection stage. As such, any cases under Civil Enforcement no longer flow to the write-off stage; and
- Some written-off fines have been re-instated to active collections as a result of enhanced information and tracking systems employed within the operations.

These adjustments increased the defaulted fines balance to approximately \$5.25M, up \$350,000 over 2012.

**Written-off Fines Balance** - Since the initial write-off in 2008, Guelph has written off an additional 7,608 cases totalling approximately \$3.1M. Of the total cases in the written-off fines balance, 3,198 have been paid totalling approximately \$543,000.00, leaving the 2013 yearend balance of the number of written-off cases at 24,115 with an associated dollar value of approximately \$7.67M.

**Success of Phases of Fine Enforcement:**

The percentage of annual gross revenue realized through the enforcement of court-ordered sentences has increased from 22.2% in 2005 to 34.3% in 2013 (+3.2 over 2012). This increase is a direct result of the targeted measures employed in the three escalating phases indicated earlier. Highlights respecting each phase are as follows:

**Reminder Phase** – The following table illustrates the 2013 results of the automated telephone reminder system initiative:

Contacts Made	Cases Resolved (i.e. fines paid)	Success Rate	Total Value of Fines Paid	Total Costs of Service	Net Value Results
1926	654	34%	\$107,424.75	\$1,467.98	\$105,956.77

**Regulatory Enforcement Phase** – The number of driver’s licence suspensions issued in 2013 declined by 25%. This was due to lower charge volumes and greater compliance with fine enforcement efforts made during the initial Reminder Phase of the collection process.

**Civil Enforcement Phase** – Although most defaulted fine payments are made within the Reminder and Regulatory Enforcement phases, measures undertaken in the Civil Enforcement Phase have produced positive results as well. To date, Guelph has recovered \$307,305.00 in outstanding fines (and \$12,694 in post-judgement interest) through this Phase. On average, 31% of cases addressed in this Phase result in payment of the fine, with particular emphasis on the 45% recovery rate associated with Writs filed.

## 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.

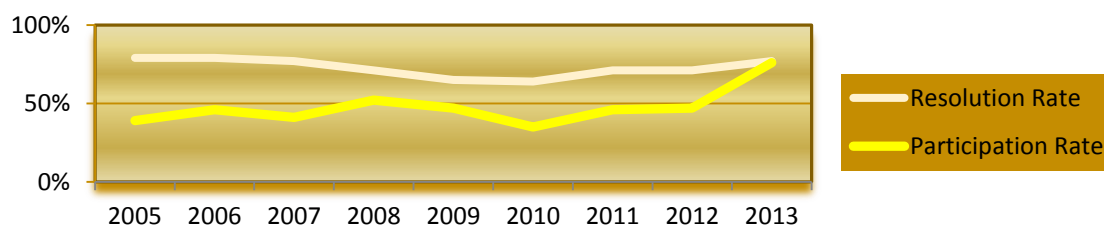
A positive signal is when the total cases reaching final disposition outnumber the total cases coming into the system in the year. Where that scenario is reversed, the trend is illustrated as a negative figure which serves as a signal to review the programs and systems towards making adjustments where 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. Although the trend in 2013 (+204) was lower than the 2012 trend (+1065), the trend is still pointing in a positive direction. The positive position of this performance indicator is a direct result of the 2013 decrease in the number of charges filed, the increase in tickets paid and the fact that 83% of in-court matters reach final disposition.

### 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.

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

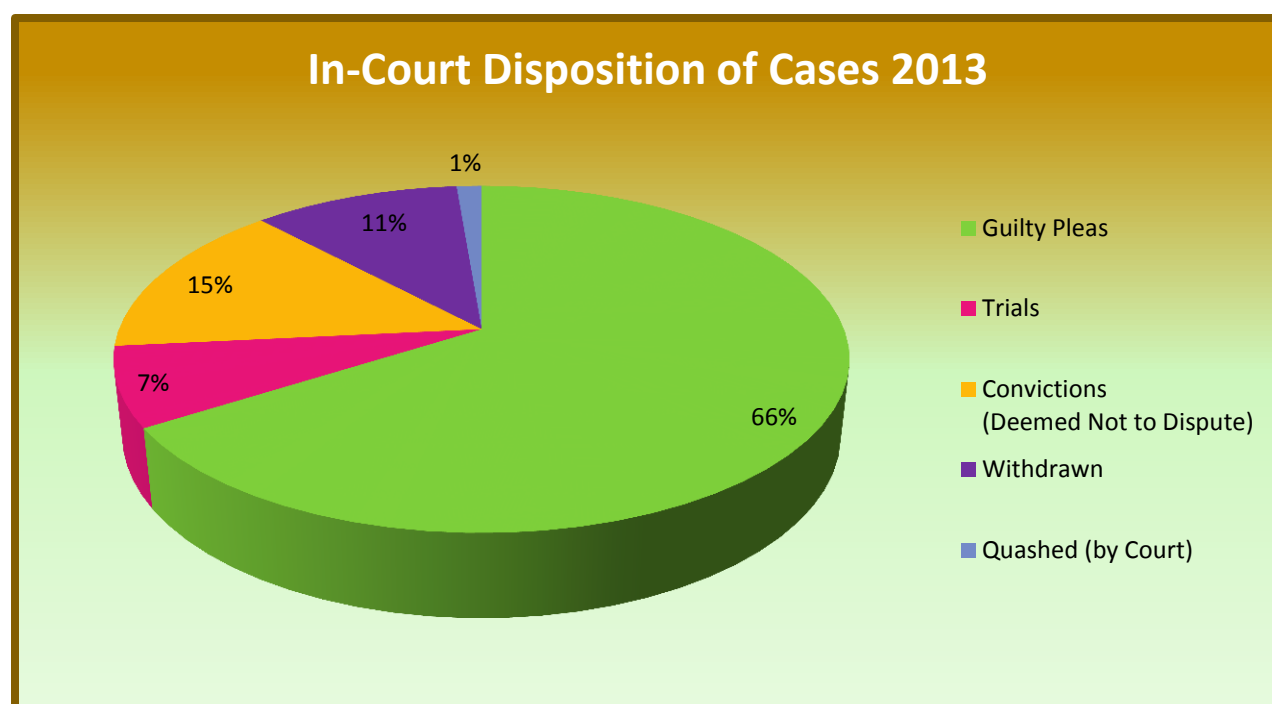




Historically, the rate of participation of accused persons has been approximately 47%. Measures taken since late 2012 to: (1) better communicate the purpose and availability of case resolution; and (2) shifting case resolution to the trial day, has served to significantly increase the rate of participation to 76% in 2013. Of note, a correlation exists between the increase in participation rate and the increase in guilty pleas occurring in court.

### 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 following graph illustrates the distribution of in-court results in 2013.



The adjournment rate in 2013 held steady at the 2012 rate of 17%, remaining within the target range. The remaining 83% of in-court matters continue to reach final disposition on the court day, with the distribution of those cases illustrated above. Of note, the percentage of trials increased slightly over 2012 (5%) and 2011 (3%).

### **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.

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 has been 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.

### 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 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 for every 5,000-6,000 charges received. Guelph averaged 30,000 charges from 2002-2012 and was at the top end of the standard (1 employee per 6,000 charges) during that period. With the reduced charge volume in 2013, the five employees dedicated to the work comprising the benchmark, places Guelph within the standard at the lower end of the benchmark. This has resulted in the improvement in the ratio illustrated by the increase to GREEN (+) from the previous year's GREEN (-).

### 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 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 annual target in the Scorecard of \$3.5M in gross revenue is based on average annual charge volumes of 30,000 charges. The decrease in charges received in 2013 resulted in a shortfall to the target by \$346,000. A potentially greater decrease was mitigated by efforts in two areas (previously explained in the Community Impact portion of this section): (1) the increase in the tickets paid rate (up 2.2% over 2012); and (2) the increase in the percentage of gross revenue attributable to sentence enforcement efforts associated with "outstanding fines".

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
\$41,868,778.21	\$19,744,690.77	\$22,124,087.77	\$11,261,303.91	\$10,862,783.53	\$974,854.72	\$11,837,638.25

One of the primary reasons for the Transfer of POA Courts to municipalities was to provide a significant revenue source to municipalities. Since Transfer of the POA Court operations to the City in May 2000, this Shared Service has provided annual average net revenue to the City (Service Provider) in the amounts of approximately \$835,600 from provincial offences fines, plus approximately \$75,000 from by-law fines, and average annual net revenue from provincial offences fines to the county municipalities (Served Municipalities) of approximately \$866,250.

### **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. Through the municipal budget process, costs are projected based on trends analyses and any known factors (i.e. compensation, supplies, existing contract service costs, etc.).

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. There is no current provincial benchmark regarding costs, however, discussion around common performance indicators for courts is currently underway involving representatives from municipalities operating courts and provincial Ministry of the Attorney General staff. Included in those discussions is the concept of a cost factor which, if implemented, would:

- allow the province and municipalities to monitor the effects of costs on the revenue benefit intended for municipalities through the Transfer initiative;
- consider measures to mitigate cost increases and to improve fine payment rates, particularly where revenue benefits may become at risk in light of rising operational costs; and
- provide comparisons across jurisdictions to determine best practices in cost mitigation and revenue recovery efforts.

Although the average cost factor across all years since Transfer is approximately 47%, the cost factor for 2013 is 63% slightly above the target of 60% and 2% above the 2012 cost factor. Most costs are static (e.g. compensation, facility costs, cross charges, etc.) and are not reduced when charge volumes decrease. As such, we can attribute the higher cost factor in 2013 to the lower gross revenue received due to the significant reduction in charge volumes.

## **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 in the amount of remote service transactions, 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 in the increasing number of tickets paid, a lower percentage of tickets disputed and fewer tickets with no action (i.e. fines becoming "outstanding"). Improvements also continue in support of the Local Justice System with final case disposition trends on the positive side, participation in case resolution up 29% 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 2013 key initiatives resulting in greater capacity support the pillar of Business & Service Excellence.

There are, however, clear cautionary signals relating to lower charge volumes and reduced gross revenue in 2013. 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: 2014 and Beyond

Looking forward through 2014 and beyond, the Departmental Work Plan includes the following initiatives:

### Departmental Statistical Systems

The Department will undertake to revise its statistical data monitoring systems by streamlining the data maintained and creating real-time analysis capabilities to provide efficiencies in resources required in data analyses. This work will provide the basis for key data sets to form part of the organization's open government initiative.

### 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 investigate potential on-line payment systems that integrate with the provincial court records database to provide greater opportunities for the public to address fine payments remotely. It is intended that this initiative will form part of the Department's 2015 proposed budget.

### 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 concerning the establishment of Key Performance Indicators for POA Courts and how those indicators will be measured and used in POA Court operations in Ontario.

### Business Continuity Plan

The Department will update its Business Continuity Plan to reflect current facility and operational changes.