



COUNTY OF PERTH

Corporate Services Department

Court Services POA Division

2021-2023 Business Plan

December 2020

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Business Plan 2021-2023

Provincial Offences Division

December 2020

Questions should be directed to the Manager of Court Services.

Preamble

In Ontario, the court system comprises three distinct courts: the Ontario Court of Justice, the Superior Court of Justice, and the Ontario Court of Appeal. The Provincial Offences Division of the Corporate Services Department operates the Provincial Offences (POA) court, which is a division of the Ontario Court of Justice.

The purpose of the Provincial Offences Division is to provide administrative support to:

- the Ontario Court of Justice – Provincial Offences Court
- the judiciary
- other court offices
- general public
- enforcement agencies
- legal profession

The Provincial Offences Division answers enquires and responds to request from the general public in relation to offences committed under the legislation governed by the Provincial Offences Act. There is a great deal of data entry and processing of payments. Accuracy is of paramount importance to this office since errors can affect a large number of stakeholders.

The Provincial Offences Division administers charges, conviction and enforcement for over 150 statutes. While the greatest volume of charges are under the Highway Traffic Act, other administered charges are under such statutes as the Compulsory Automobile Insurance Act, the Liquor Licence Act, the Occupational Health and Safety Act, the Retail Sales Tax Act, the Environmental Protection Act, etc. including all municipal bylaws and parking.

As part of the Local Service Realignment Review of 2000, Provincial Offences Administration was downloaded from the Province in March 2000 through a Memorandum of Understanding between the Ministry of the Attorney General and the County of Perth. The County of Perth also entered into an inter-municipal Service Agreement with the municipalities within the geographic Perth County, formalizing the County of Perth as the service provider for the Provincial Offences Court.

Service Strategy

To serve the function of the Ontario Court of Justice – Provincial Offences. This is executed by office procedures guiding job function rotation as a guideline for priority of service. Clerks are to provide professional, accurate, impartial, timely service in the following order:

1. Person present at the counter.
2. Telephone.
3. Fax/E-mail/Voice mail/correspondence.

The priority of service is reinforced throughout training and operations.

The County of Perth Provincial Offences Division has opted in to the Early Resolution System. Defendants are given the opportunity to meet with the prosecutor in an attempt to resolve their matter rather than going directly to trial. The Municipal Prosecutor has been provided a separate office to facilitate private resolution meetings.

Accessibility:

Staff has completed training in “Accessible Customer Service”.

The staff schedule interpreters as requested by the defendant or as ordered by the court. The right to adequate court interpretation is entrenched in the Charter of Rights. Twice a year we are provided with a bilingual Justice of the Peace and all French trial requests are scheduled for these dates.

Key Stakeholders

- County Council
- Taxpayers of the County of Perth
- General Public
- The Judiciary
- Police Enforcement Agencies
- Ministry of the Attorney General
- Crown Attorney’s Office
- Municipal Prosecutors
- Ontario Court of Justice – Provincial Division
- Probation and Parole
- Ministry of Transportation
- Defaulted Fines Control Centre
- Service Ontario
- Collections Agencies
- Ministry of Environment

- Ministry of Finance
- Ministry of Labour
- Ministry of Natural Resources
- Ontario Society for Prevention of Cruelty to Animals
- Perth District Health Unit
- Local Tier Municipalities

Core Businesses/Services

- Court Monitor, Court Reporter, Clerk of the Court
- Trial and court appearance coordination of resources and availability of judiciary, crown and defendant(s)
- Preparation of transcripts in accordance with Ministry of Attorney General standards when resources permit. Larger transcripts are sent out for production.
- Court administration: case management, tracking courtroom utilization.
- Cashier, processing payments: balancing daily cash receipts
- Providing explanation of options to defendant.
- Providing application forms (extension, reopening, appeal)
- Monitoring payment plans, mailing out collection notices, enforcing defaulted fines.
- Monitoring performance of collection agencies.
- Preparing statistical information as required by the Regional Senior Justice of the Peace.
- Bookkeeper: balancing all monies, investigating incorrect payments and balancing month-end.

Legislated Standards

- Provincial Offences Act
- 150 Statutes that are administered by the Provincial Offences Court
- Cannabis Act
- Evidence Act
- Municipal Act
- Payment Card Industry Data Security Standard
- County of Perth By-laws & Policies
- Municipal Freedom of Information and Protection of Privacy Act
- Employment Standards Act
- Ministry of Attorney General Best Practices

Program Maps

Trial Coordination	Court Administration	Prosecutions
Justice of the Peace Scheduling Coordination	Case Management	Manage Early Resolution Meetings
Coordination of counsel and judiciary for court appearances	Fine collection. Ensuring funds are properly applied to case	Support/Coordinate with police for court appearances
Trial scheduling	Respond to enquiries from the general public	Assess & prosecute cases, summarize evidence and make recommendations for judgement
Assist Early Resolution Meetings	Record courtroom utilization	
Court Monitor		
Clerk of the Court.		
Ensure accurate court recording for legal and judicial transcripts.		
Manage information and certificates before the court.		
Judiciary support.		

Major Initiatives for 2021, 2022, 2023

Due to the COVID-19 Pandemic, the Provincial Offences Courts have been closed to in person appearance by order of the Chief Justice from March 15 up to and including January 22, 2021. This has had a profound impact on our operations and has required adjustments to our normal procedures. The Regional Senior Justice of the Peace has given court staff the authority to administratively adjourn all matters on the dockets that

fall within this closure. Appropriate notices have been produced and defendants have been contacted by mail, by e-mail or by phone in accordance with legislative requirements.

The Chief Justice has issued a series of orders pursuant to section 85 of the Provincial Offences Act the latest one extends certain time periods to February 26, 2021, including convictions for failing to respond and for enforcing defaulted fines by licence suspension.

Audio courts have been held since July 7 for all non-trial matters which include guilty pleas and matters that are resolved to a lesser charge. The prosecutor meets with defendants by telephone to discuss their cases and offer resolutions where appropriate. On a separate date, the plea is taken on the record.

To mitigate the risk of COVID-19 to staff and the public, the Perth County Courthouse has been renovated to include central reception where the public are screened and occupancy numbers are controlled by staff. The prosecutor has been relocated to a separate office and has been provided with a waiting room for those defendants that appear in person. The Court Administration office has been renovated to update and improve the original wicket, add a second wicket for overflow traffic and to give the staff more space to assist with physical distancing.

Court Services staff continue to work with the Ministry of Attorney General recovery secretariat to set up remote video courts using the Zoom platform. Until further notice, the only matters that can appear in court in person will be ordered by a Justice of the Peace.

Modernization efforts will continue as the responsibility for registering convictions for failing to respond, granting extensions and reopening applications are migrated to the clerk of the court. Specific instructions and considerations will be provided to the clerks, but there will be training required.

Key Linkages with Strategic Plan

The Provincial Offences Division collects fine revenue and operates the Provincial Offences Court on behalf of our local municipal partners.

Court dockets are reconciled to ensure accuracy. Deposits are reconciled daily. Monthly analysis by location of offence ensures that these funds are distributed in accordance with the local side agreement between all Perth County municipalities.

As such, its actions link with **Goal 2: Regional & Service Effectiveness** and **Goal 3: Customer Service Excellence**, of the County's 2019-2022 Strategic Plan.

The Division continues to work as efficiently as possible. By adopting an electronic document policy we have made the court more conveniently accessible. Daily and monthly reports are received and stored electronically resulting in a reduction of the amount of paper we use and consequentially the amount of storage we require.

We send court appearance notices and correspondence by e-mail when we have permission from the recipient to do so.

POA/Prosecution Intern was hired in fall of 2020

The Division had the benefit of a summer student from May to the end of August. We were able to avoid any backlog and the summer student tackled the time-consuming project to change the disbursement codes on all the outstanding cases.

Program Delivery Plan

How will the program be delivered and at what level?

- 1 Manager of Court Services
- 3 Court Services Clerks
- 1 POA Prosecution Intern (September 2020 to August 2021)
- 1 Summer student (May to September)
- Office hours 8:30 a.m. to 4:30 p.m., Monday to Friday

What changes will impact program delivery in the future?

- Changes Mandated by Other Levels of Government
 - Amendments to Municipal Act, SO 2001
 - Amendments to Provincial Offences Act
 - Changes to other Acts and Regulations
- Download of Part III Prosecutions to the Municipal Partner
- Direction Received from County Council and CAO
 - Structure of County operations
 - Policy decisions

Financial Allocation/Deployment Plan

Service	FTE Requirements by Year			
	2020	2021	2022	2023
Provincial Offences Administration Division				
Total Program FTE Requirements	4.68	5.03	4.34	4.34

FTE Variances

- COVID-19 cancelled plans to hire a summer student for 2020
- We were given authorization to hire a POA Prosecution Intern in fall 2020.
- No changes in staffing levels anticipated.

Training and Development

- Court Services Clerks – 2021 professional development budget allows the following opportunities for staff:
 - Clerk/Monitor training, ICON training, MTO DFCC Seminars
 - Court Reporter certification when offered by MCMA Education Committee
 - Trial Coordinator Meetings
 - Annual MCMA-POA Collections Conference
- Manager of Court Service – 2021 professional development budget allows for the following conference:
 - Municipal Court Manager’s Association Conference
 - MCMA Committee Meetings
 - Annual MCMA-POA Collections Conference
- Attendance at any training, conference or meeting will depend on the outcome of the pandemic. As of this moment, all meetings are attended remotely.

Comments

Revenue for the Provincial Offences Division is difficult to predict as it relies upon a

number of factors. Budgeted revenue and net distribution are based on a 5-year average. Final revenue distribution is based on the location of the offence.

Under section 1.3.2 of the Memorandum of Understanding, the County is responsible for providing a municipal prosecutor for proceedings under Part I of the Provincial Offences Act. The cost to provide municipal prosecution services continues to increase. It appears that defendants find the early resolution option less intimidating than the trial option and as a result, we are receiving more requests. The impact of demerit points and convictions on insurance rates seems to motivate drivers toward this option as well. Court days are quite full and the municipal prosecutor sub-contracts a second municipal prosecutor to improve the flow of persons in and out of the courthouse.

On August 2, 2017 the Province notified the C.A.O. that they will be proceeding with the download of most Part III Prosecutions to the municipal partners. This is projected to increase our prosecution expenses by 51% per year. Part III matters are the more complex cases and more serious charges. Every person charged under Part III is summoned to court and in all cases where a person does not appear for court, an ex-parte trial is required in order to register a conviction. More preparation time is required and more court time is required. As of the end of 2020, the province has not moved forward with download of Part 3 prosecution.

The same person has provided prosecution service to the County for Part I prosecutions and to the Crown for Part III prosecutions for quite some time. It is a more efficient way to deliver the service from an operational standpoint, but with this download, when it eventually happens, will increase our costs.

COVID-19 has had an operational impact in 2020 that has resulted in a 27% reduction in charges files from the yearly average. Revenue shows a 17% reduction from the yearly average. The order under section 85 made by the Chief Justice has halted all convictions under section 9 of the Provincial Offences Act. There are charges that remain unanswered and without a conviction from January 2020. Courts cannot take any action on these charges until such time as a conviction is registered. Further, the order stops all enforcement of defaulted fines. Staff cannot send out collection letters or suspend licences and consequently the collection agencies are not receiving new files for collection and civil enforcement. All this impacts the reduction in our revenue.