



## **COUNTY OF PERTH**

Corporate Services Department

Provincial Offences Division

### **2017-2019 Business Plan**

August 12, 2016

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# Business Plan 2017-2019

## Provincial Offences Division

August 12, 2016

Questions should be directed to the POA Coordinator or the Director of Corporate Services.

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### 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 part 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
- Collections Agencies
- Ministry of Environment

- Ministry of Finance
- Ministry of Labour
- Ministry of Natural Resources
- Perth District Health Unit
- Ontario Society for Prevention of Cruelty to Animals
- 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
- 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
- Evidence Act
- Municipal Act
- County of Perth By-laws & Policies
- Municipal Freedom of Information and Protection of Privacy 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.

## Key Linkages with Strategic Plan

The Provincial Offences Division collects fine revenue. 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 1: Ensure residents are being served by an efficient, cohesive, accessible and comprehensive service delivery model**, of the County's 2012-2017 strategic plan, adopted August 16, 2012.

## Achievement of 2016 Program

2016 Goals / Objectives	Achieved	Comments
2015 Annual Performance & Progress Report submitted to Ministry of Attorney General	Yes	Transmitted March 24, 2016; Consolidated Financial Statements followed on August 12, 2016.
Pilot project utilizing three collection agencies to attempt to collect more defaulted fines.	Ongoing	Analysis of collection data continues.
Put enhanced enforcement into practice as legislative amendments are made.	Ongoing	Legislation has been passed. Ministry of Transportation estimates Spring 2017 implementation.
Determine feasibility of implementing E-tickets with the OPP	Ongoing	Continue discussions with OPP on feasibility of implementing e-tickets.

## Major Initiatives for 2017, 2018, 2019

2017 Goals / Objectives		Comments
Complete pilot project utilizing multiple collection agencies.		The results will determine the number of agencies to continue with for our collection purposes, to continue to increase defaulted fine collection and identify cases suitable for write off.
Put enhanced enforcement into practice as legislative amendments are made.		Once direction has been received from the Ministry of the Attorney General

2018 Goals / Objectives		Comments
Put enhanced enforcement into practice as legislative amendments are made.		
Updated Strategic Plan		Development of a new Strategic Plan in conjunction with our member municipalities to assist in making more focused and strategic decisions into the future by setting the priorities and goals for the County.

2019 Goals / Objectives		Comments
Put enhanced enforcement into practice as legislative amendments are made.		
Implementation of Strategic Plan – Goals and Initiatives		Continued development and implementation with Stakeholders who are demanding greater leadership, accountability and decisive action for continuous improvement practices on municipal funding as well as spending activities around issues such as infrastructure needs.

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.

Staff has experimented with sending court notices by e-mail in an attempt to reduce postage costs and to work around postal disruption(s). This delivery option also reduces paper use.

In the past, the division has hired summer students. During the summer months the highest volume of charges are filed during preferred vacation time for staff. Hiring a summer student would help manage the workload and prevent build-up of a backlog, which can result in Charter arguments and dismissed cases. This also gives back to the community, providing valuable and rare experience in the court administration field.

## Program Delivery Plan

How will the program be delivered and at what level?

- 0.15 FTE Director of Corporate Services & Treasurer
- 1 Provincial Offences Coordinator
- 3 Provincial Offences Court Administration Clerks
- 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
- Direction Received from County Council and CAO
  - Structure of County operations
  - Policy decisions

## Financial Allocation/Deployment Plan

Service	FTE Requirements by Year			
	2016	2017	2018	2019
<b>Provincial Offences Administration Division</b>				
<b>Total Program FTE Requirements</b>	<b>4.15</b>	<b>4.49</b>	<b>4.49</b>	<b>4.49</b>

### FTE Variances

- Addition of summer student (May to September) to cover vacation vacancies and reduce backlog and scheduling delays during busiest time of the year.

### Training and Development

- Administration Clerks – 2017 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
- Coordinator – 2017 professional development budget allows for the following conference:
  - Municipal Court Manager’s Association Conference
  - MCMA Committee Meetings
  - Annual POA Collections Conference

### 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.

Renovations and upgrades to the POA office were completed in December 2008. Upgrades provide improved safety features and ergonomic improvements for staff. An ergonomic assessment was completed in 2013. Further ergonomic improvements were

implemented in 2014, but accessibility of the POA court room continues to remain a critical issue. There are additional issues related to delivering this service through the existing facility, such as lack of parking, lack of waiting area, lack of reception, and lack of meeting room space to facilitate early resolution mediation meetings.

Changes to legislation made in 2015 are promising improvements to the collection of outstanding fines, which include the expansion of the use of plate denial as an enforcement tool for defaulted fines, which would make it more difficult for vehicle owners to avoid paying their overdue parking fines and linking the ownership records to the driving records so that a person with a suspended licence will not be able to renew the validation on their licence plates. The Ministry of Transportation estimates implementation in Spring 2017.

We were notified that the Provincial Administration charges would increase in 2015. Monitoring and Enforcement Costs doubled in 2016 to \$4,700/year. The hourly rate we are charged by the Province for Judicial Court time increased from \$200/hour to \$300/hour.

Under section 1.3.2 of the Memorandum of Understanding, the County of Perth 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 the defendants find the early resolution option less intimidating than the trial option and we are receiving more requests as a result. 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.

Working with Stratford Police Service we continue to upload Part I E-tickets using CAMS. This has greatly reduced the amount of data entry, and we plan to continue discussions with OPP on feasibility of uploading their e-tickets.

Other budget activities as listed in the 2017-2019 Provincial Offences budget reflect no change in the ongoing operations of the Division.