



**Town of Fort Frances
Provincial Offenses Division
2018-2020 Business Plan
November 2017**

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Business Plan 2018 – 2020

Provincial Offenses Division

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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 Offenses Division of the Town of Fort Frances Finance Department; operates the Provincial Offenses or POA court; which is part of the Ontario Court of Justice and according to the Legislative Assembly enacted Bill 108; the Streamlining of Administration of Provincial Offenses Act, 1997.

The Provincial Offenses Division is governed by the Provincial Offenses Act - to provide administrative support with provincial offense charges and prosecution in the Ontario courts. The Provincial Offenses Act applies to all Ontario statutes and regulations, Municipal by-laws and some Federal contraventions. Specifically - administrative support is provided to:

- The Ontario Court of Justice – Provincial Offenses Court
- The Judiciary
- Other court offices
- General public
- Enforcement agencies
- Legal profession

The Provincial Offenses Division administers charges, conviction and enforcement for over 156 statutes. While considerable volume of the charges fall under the Highway Traffic Act; other administered charges are under such statutes as (but not limited to):

- Fish & Wildlife Conservation Act
- Trespass Act
- The Railway Act (Federal)
- Public Lands Act
- Provincial Parks Act
- Ontario Fishery Regulations
- Off Road Motor Vehicle Act
- Compulsory Automobile Insurance Act
- Smoke Free Ontario Act
- Environmental Protection Act
- Occupational Health and Safety Act

In March of 2000; Provincial Offenses Administration was downloaded from the province through a Memorandum of Understanding between the Ministry of the Attorney General and the Municipalities of the District of Rainy River.

Service Strategy

To provide and deliver administration of the Provincial Offenses Act of the Ontario Court of Justice to the District of Rainy River. This is executed by procedures and function for professionalism, accountability, accuracy, impartiality and timely service. These service mandates will be reinforced with continuous and ongoing training and operations.

Accessibility

The Town of Fort Frances is committed to accessibility through it's Accessibility to Customer Service Standards Policy. The staff in the Provincial Offenses Office have completed training in Accessible Customer Service and the POA coordinator has also completed courses in Accessibility in a Courtroom Environment with the Ministry of Attorney General. The Provincial Offenses Division follows 4 basic principles of Accessible Customer Service:

1. Dignity
2. Independence
3. Integration
4. Equal Opportunity

The staff schedule interpreters as requested by the defendant, their counsel or as ordered by the court. The right to court interpretation is rooted in the Charter of Rights. Several times per year lingual interpreters are required and provided; most often for French and Ojibway languages.

Key Stakeholders

Our key stakeholders include

but are not limited to:

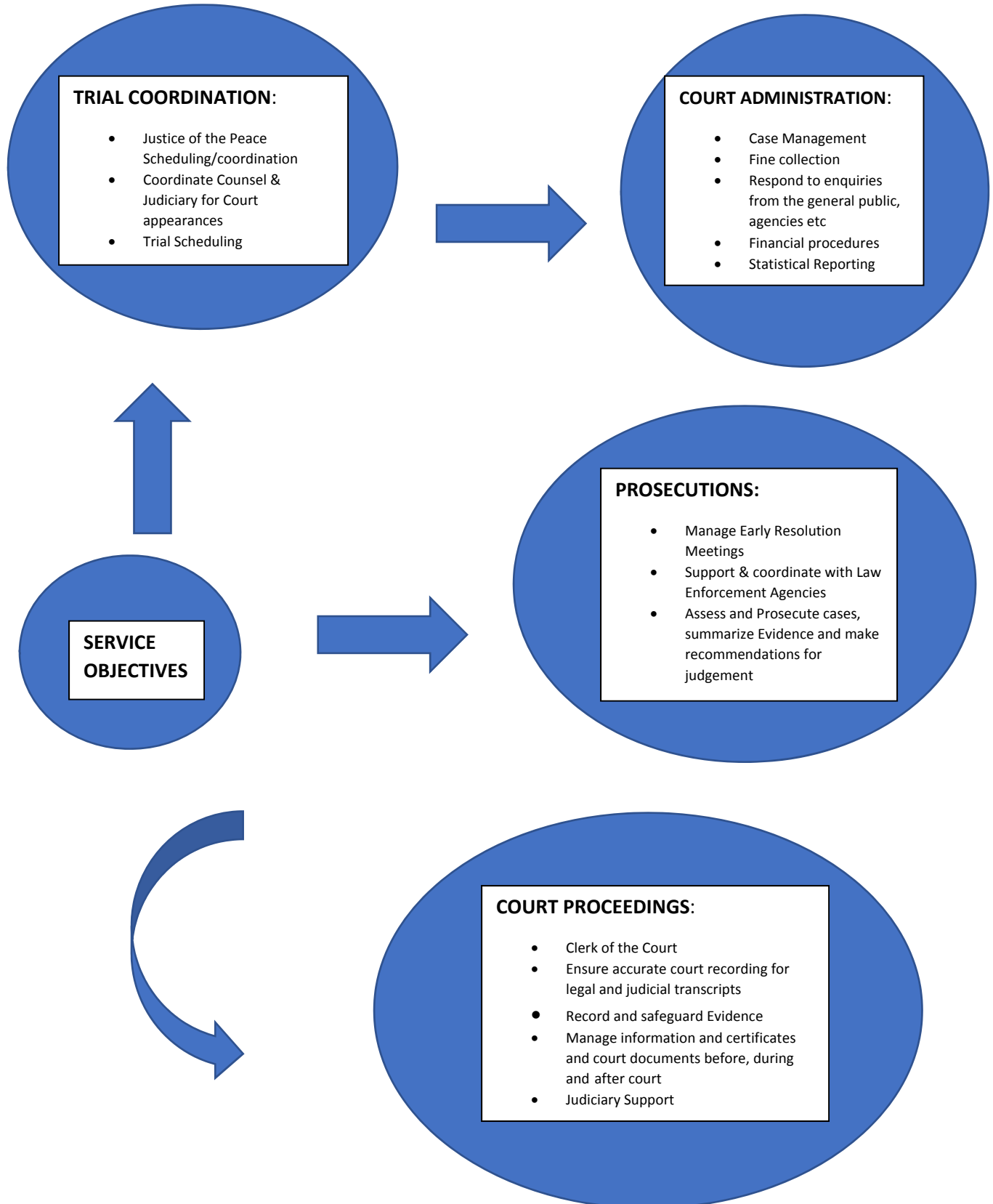
- Municipal council(s)
- Taxpayers of the District of Rainy River
- General Public
- The Judiciary
- Police Enforcement Agencies
- Ministry of the Attorney General
- Crown Attorney's Office(s)
- Municipal Prosecutors
- Ontario Court of Justice - Provincial Division
- Probation and Parole
- Ministry of Transportation
- Ministry of Environment
- Ministry of Natural Resources
- Minister of Finance
- Ministry of Labour
- Ministry of the Environment
- Local Tier Municipalities
- Defaulted Fines Control Centre
- Collection Agencies



Core Services

- Court administration
- Case management
- Court Interpreters
- Court utilization
- Statistical Reporting
- Trial and court appearance organization of resources and availability of Judiciary, Crown, Prosecutors and Defendant(s)
- Accounting functions and reporting, monitoring collection agency efforts
- Clerk of the Court
- Court Recording – ensuring all court proceedings are recorded, files backed-up and archived according to the POA Act retention schedule
- Ensuring preparation of transcripts are produced and delivered in accordance with the Ministry of Attorney General standards
- Strict adherence to accuracy and with confidentiality – updating the disposition of an offense within the ICON Ministry of Attorney General (Integrated Courts Offender Network)
- Evidence Act; Adhering to regulation 132/14 of the POA Act for Evidence
- Providing explanation of options to defendant(s)
- Resource to the Prosecutors, Judiciary and Law Enforcement Agencies
- Providing application or Motion forms such as: Motion for Extension of Time to Pay, General Affidavit, Re-opening a Matter or Appeal
- Oversee and monitor defendant Fine payment plans, collection notices and enforcing defaulted fines
- Processing payments with daily and monthly balancing procedures

SERVICE DELIVERY



Legislative Standards

- Provincial Offenses Act
- Evidence Act
- Municipal Act
- Municipal By-laws and Policies
- Municipal Freedom of Information and Protection of Privacy Act
- Ministry of Attorney General Best Practices

Linkages with Fort Frances Boundless **Strategic Plan** (adopted Aug 2015)

Besides the key core elements of ensuring our stakeholders are being served by a professional, efficient, cohesive, accessible and comprehensive commitment to accuracy and confidentiality as well as the commitment to economic and fiscal responsibilities there are several key initiatives for 2018, 2019 and 2020 which align directly with the Strategic Plan as follows:

POA Division Major Initiatives for 2018 thru 2020

Goals and objectives		Comments
Explore, implement and provide an on-line payment option for Provincial Offense Fines		Aligns with Goal #15 (Infrastructure & Technologies) of the Strategic Plan
Website – create a Provincial Offenses Page on the Fort Frances Boundless Website		Aligns with Goal #29 (Website) of the Strategic Plan
Software – stay cutting edge for enforcement, collection and information processing (E-tickets for example & ICON compatibility)		Aligns with Goal #32 (Software) of the Strategic Plan



Goals and Objectives

The POA Division will continue to work as efficiently as possible. With the recent hiring of the new POA Coordinator - who also serves as Clerk of the Court; this move will realize cost savings. In addition; the POA Coordinator will explore the possibility of:

1. Electronic storage of daily and monthly reports – which would result in a reduction of the amount of paper and storage required
2. Explore the option of sending Trial notices by electronic mail (to reduce postage and paper requirements)
3. Monitor and track the revenue loss from “Tickets not filed”. Specifically; enforcement agencies have 7 days to file the Part 1 offense with this office, if that deadline is not achieved - they can serve the defendant in person within 30 days of the offense. Ongoing commitment will be to work with our law enforcement agencies, as a resource for methods for filing within the 7 days. From a business standpoint - Not only is this a loss in revenue and statistics– it is also a waste of law enforcement resources
4. Postage costs are an increasing expense. The amount of returned mail for 10.5 months of 2017 equates to: 657 pieces x .82 cents each = \$538.74. The POA Coordinator will explore and research with other POA Office locations ideas such as: (a) is it possible for our law enforcement agencies to ask for a mailing address at time of writing the offense? (without causing a drain to their resources) (b) write a new policy/procedure that on every piece of returned mail – a search in ICON is completed (for other offenses for same person – perhaps has a more complete/accurate address), an internet search is performed (ie. Canada 411 etc, Canada post search etc), and if there is a driver’s license number on the ticket of offense – then a search is performed in ICON in Driver Control Centre to see if there is a valid mailing address on drivers license search
5. Work with IT Department and have a Provincial Offenses Page added to the Fort Frances Boundless website which would contain general information, links to Ministry of Attorney General Provincial Offenses Division forms etc. This will be a valuable resource to the general public and our clientele.
6. With the passing of Stronger, Fairer Ontario Act - Bill 177 on December 14, 2017: there will be key changes and education, training and processes to both the roles of the Municipal Prosecutor and the POA Coordinator/Clerk of the Court. Attend all education and informational sessions regarding the implementation of these key changes to the Provincial Offenses Act.

Bill 177 – Stronger, Fairer Ontario Act

The Stronger, Fairer Ontario Act – Bill 177; received Royal Assent on December 14th, 2017. With this comes several key changes for the delivery of Provincial Offences Administration – as indicated in section 35 of Bill 177:

- Part 3 Offences will now be prosecuted by the Municipalities (they will be downloaded from the Crown Attorney's Division - no word yet on how quickly this change will be implemented)
- Early Resolution Options for defendants will need to be offered in the setting and manner that will be identified shortly with the passing of this Bill. Key changes affecting specifically the Municipal Prosecutor's role are:

12. Municipalities can now be authorized by agreement with the Attorney General to conduct any prosecution under the Act or the *Contraventions Act* (Canada) and are no longer restricted to proceedings commenced under Part I or II of the Act.

3. The existing procedure for meeting with the prosecutor to resolve an offence under Part I of the Act is replaced with a new procedure for early resolution meetings between the defendant and the prosecutor. Early resolution meetings may be conducted in person, in real time by electronic method or, if the offence notice indicates that this option is available, through the exchange of written electronic communications. The procedures that apply to meetings conducted in person or in real time by electronic method are set out, and a regulation-making power is provided to set out the procedure for written electronic communication meetings.

4. The defendant and the prosecutor may agree in an early resolution meeting that the defendant will plead guilty to the offence, a substituted offence or a substituted allegation related to the offence and either pay the set fine or make submissions as to the amount of the fine or the time to pay the fine. The defendant may abandon an agreement to plead guilty and not make submissions before a justice within 15 days after signing it, in which case the matter will proceed to trial. If submissions are to be made, the justice who hears the submissions may enter a conviction and impose a fine at his or her discretion or may choose not to accept the guilty plea and instead set the matter to trial.

12. Municipalities can now be authorized by agreement with the Attorney General to conduct any prosecution under the Act or the *Contraventions Act* (Canada) and are no longer restricted to proceedings commenced under Part I or II of the Act.

- The Clerk of the Court (also the POA Coordinator) will have additional key responsibilities that will weigh heavily on the role of the Clerk of the Court. These new responsibilities downloaded from the Justice of the Peace Offices to the Clerk of the Court are to hopefully free up Justice resources. The 3 critical changes affecting the Clerk of the Court are:

5. Section 9 of the Act is amended to continue to provide that a person is deemed not to dispute a charge if they request an early resolution meeting but do not attend it. It is also amended to permit the clerk of the court to examine the certificate of offence when the defendant is deemed not to dispute a charge and enter a conviction if it is not defective. A person convicted as a result of this examination can apply to a justice to re-examine the certificate and determine if it is defective or is otherwise not complete and regular on its face.

6. The procedure in section 11 of the Act for defendants who have been convicted without a hearing to apply to strike out a conviction is amended to permit the clerk of the court to strike out the conviction if satisfied that the defendant was, through no fault of their own, unable to attend an early resolution meeting or appear for a hearing or did not receive delivery of a notice or document relating to the offence. If the clerk of the court does not strike out the conviction, he or she must forward the application to a justice for review.

8. A new process is provided to authorize the clerk of the court to grant applications for extensions or further extensions of the time for payment of a fine after the fine has been imposed. If the clerk does not grant the application, it is forwarded to a justice for review.

How are Services in the POA Division delivered

Previously to Sept 2017 the POA Staffing Complement was as follows:

POA Coordinator	1.0 FTE
Court Clerk	.20 FTE
Municipal Prosecutor	.20 FTE
Part-time Office Clerk	<u>.20 FTE</u>
TOTAL Previous FTE	1.60 FTE

As of September 11, 2017 with the hiring of the new POA Coordinator – who also performs the Clerk of the Court duties the FTE complement is as follows:

POA Coordinator	1.0 FTE
Municipal Prosecutor	.34 FTE
Part-time Office Clerk	<u>.13 FTE</u>
TOTAL Previous FTE	1.47 FTE

Please note: while the decrease in FTE Staffing as well as the new POA Coordinator hired at a lower Step pay-scale & vacation level -this will realize some cost savings for staffing; HOWEVER - the downloading of Part 3 prosecutions is imminent and likely to occur late in 2018 or early 2019 which will increase the Municipal Prosecutors hours likely to a .55 or .60 FTE, as well as the increased responsibility and duties downloaded to the Clerk of the Court (currently performed by Justice of the Peace) – may increase the part-time office staff hours in order for the Clerk of the Court/POA Coordinator to fulfill this new enhanced role.

Training and Development

2018 budget allows the following opportunities for staff:

- ICON training as offered, MCMA training as offered, MTO and DFCC Seminars as offered
- POA Coordinator – 2018 Budget allows for Municipal Court Manager's Association Conference, MCMA committee meetings and Annual POA Collections Conference (if offered)
- Municipal Prosecutor – 2018 Budget allows for the Prosecutor to attend the Annual Meeting and Conference

Transcriptions – Conflict of Interest Declared

It is the strong opinion of the new POA Coordinator – that it would inappropriate and a conflict of interest to obtain her ACT or Authorized Court Transcriptionist Certification. This is based entirely on the fact that while holding the position of POA Coordinator and Clerk of the Court (responsible for in court procedures as well as digital recording) – any transcription of proceedings must be completed by an independent certified transcriptionist. Therefore - all transcription requests for any proceedings will be obtained from an Authorized Court Transcriptionist in Thunder Bay.

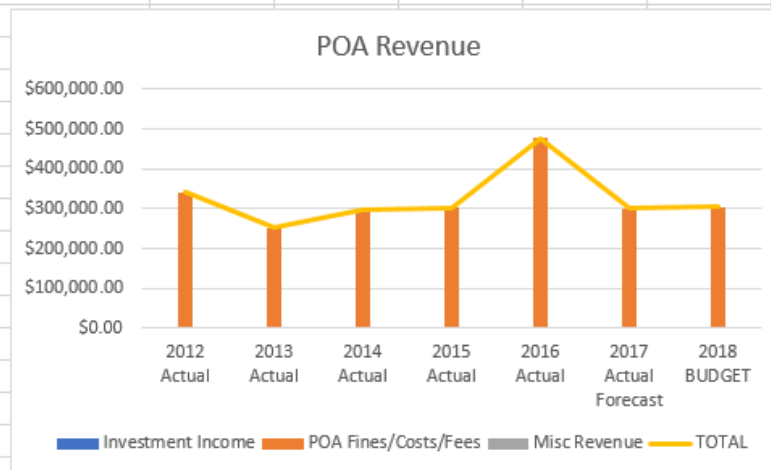
Revenue

Revenue for the Provincial Offenses Division is a volatile budget line to predict. Many factors impact our budgeted revenue. Based on a 5 year average; our revenues have held steady at approximately \$300K.

Our current Collection Agency vendor (as of July 2017) Nordia Collection Agency is producing results. Several very old fines (2009 and 2010) as well as recent fines are being collected weekly. In addition to a more aggressive approach to ensuring proper addresses are used at time of offense entry – our revenues should only increase steadily. Please see below for a 5 Year Historical View:

POA Revenue

	2012 Actual	2013 Actual	2014 Actual	2015 Actual	2016 Actual	2017 Actual Forecast	2018 BUDGET
Investment Income	\$680.70	\$403.42	\$488.86	\$561.62	\$782.34	\$326.85	\$325.00
POA Fines/Costs/Fees	\$341,962.25	\$250,906.77	\$295,406.76	\$302,698.71	\$476,747.07	\$299,838.14	\$304,500.00
Misc Revenue	\$1,156.59	\$96.63	\$0.00	\$70.20	\$261.80	\$167.70	\$100.00
TOTAL	\$343,799.54	\$251,406.82	\$295,895.62	\$303,330.53	\$477,791.21	\$300,332.69	\$304,925.00



Implementation of the Plate Denial legislation which improved the collection of outstanding fines as an enforcement tool went live in August 2017. This legislation allows Service Ontario centres to deny a person renewing their drivers license or plate renewals until their outstanding fines are collected. Service Ontario is now able to also collect these outstanding fines and remit to the proper agencies on a quarterly remittance reconciliation. This change will have a positive effect on our revenue.

Provincial Administration Charges for Judicial Court time increased in 2015 from \$200 per hour to \$300 per hour which has impacted our expenses marginally to this point. However – it is notable that docket size has increased and with the downloading of Part 3 prosecutions to Municipalities – the Judiciary Court time will likely be impacted by an increase in approximately \$5K to \$6K in 2019 and onwards.

In addition; a growing number of defendants are seeking early resolution options – rather than a day in court. This will require the Municipal Prosecutor's resources as well as when the Part 3's are downloaded – it is foreseeable there may be a considerable increase to the Municipal Prosecutors monthly hours.