



Hamilton

ANNUAL REPORT
PROVINCIAL OFFENCES OFFICE
CITY OF HAMILTON
2014



INTRODUCTION TO THE HAMILTON PROVINCIAL OFFENCES OFFICE

The Provincial Offences office (POA) is responsible for the administration and prosecution of all provincial offences matters occurring within the City of Hamilton. These offences are varied and cover a broad range of legislative enforcement from speeding to careless driving under the Highway Traffic Act, charges under City of Hamilton By-laws, Liquor Licence Act, Trespass to Property Act, Compulsory Automobile Insurance Act, the Environmental Protection Act and Occupational Health and Safety, to name a few.

This office deals with Part I and Part III offences under the Provincial Offences Act; filed by Enforcement Agencies.

A Part I is commonly referred to as a "ticket" and is most often issued by an officer at the time of the offence.

A Part III is considered a more serious offence and one that requires the offender to appear in court before a Justice of the Peace. This court appearance allows the prosecutor to introduce evidence that may affect sentencing, such as a driving record.

Charges Filed

Charges filed have remained consistent over the past three years with an average of 97,125 each year since 2012. In 2015, POA administered to 91,108 part ones certificates of offence and 3,538 part three charges. POA scheduled 13,512 Early Resolution meetings and 7,272 trials due to public demand.

Trials

Trials are scheduled five days a week in two courtrooms. Trial requests have reduced with the onset of the early resolution process, but not as significantly as anticipated. The trial request rate is currently 8% of all part ones filed in 2014 and the rate was 7% in 2013 and 7.7% in 2012. Previously the rate was 9% for 2011 and 2010.

Early Resolution

Early resolution hearings began in June of 2012. This process is intended to help to reduce time to trial and provide resolution to court matters without a trial. The need for more courtroom availability is aligned with the increasing number of charges filed and early resolution requests. Judicial resources and courtroom availability are always on the radar of court administration and prosecution to ensure we have an appropriate balance of available court time to the number of charges where an early resolution meeting or a trial has been requested. Additional courtrooms and staff resources are needed to manage the response to the Early Resolution process and in 2014 two additional prosecutors were approved. Court administration has requested a court administration clerk and a court reporter in the 2015 budget. 15% of all part ones filed result in a request for an Early Resolution meeting with a prosecutor. This has increased from 14%

in 2013 and 7.7% in 2012. 26% of all charges filed result in a court hearing requiring resources from court support (court reporters) and prosecutors.

Fail to Respond

In 2014, 26% of all Part I certificates of offence filed were placed on a Fail to Respond docket, up from 25% in 2013. These tickets are then reviewed by a Justice of the Peace, and if appropriate a conviction is entered and a Notice of Fine and Due Date is mailed to the client.

Revenue

<u>Year</u>	<u>Hamilton Revenue</u>	<u>Other City Departments</u>	<u>Provincial Offences</u>
2009	7,391,027	1,045,849	6,345,178
2010	9,158,571	2,563,272	6,595,299
2011	9,043,352	2,337,940	6,705,412
2012	10,659,793	3,010,924	7,648,869
2013	11,122,251	3,797,524	7,324,727
2014	11,261,223	3,730,384	7,530,839

\$511,897.50 of the Net Revenue of \$7,530,839.00 resulted from large fine payments of \$10,000.00 or more.

Fine Revenue Not Reported through the POA Budget

The Provincial Offences office administers to and collects fines where the revenue is disbursed to other city departments such as: Animal Control, Building and Licensing, and Red Light Camera (Traffic Engineering & Operations). Dedicated Fines and Victim Fine Surcharge, payable to the Ministry of the Attorney General, and fines collected for other POA sites are paid quarterly to the appropriate party after reconciliation with the quarterly statement. All fine payments are processed through ICON (Integrated Courts Offence Network). This system must be used as per the Memorandum of Understanding with the Province.

Prepaid Fines

In 2014, 56% of all Part I certificates issued resulted in voluntary pre payment of the fine. In 2013, 58% were prepaid. This statistic is consistent within a few points each year since 2006, also taking into consideration that the number of charges filed each year varies.

Mail Payments

The Provincial Offences office places high priority on the processing of fine payments received by mail. These payments are processed the day they are received, or the following day should volumes not allow for same day processing. This efficiency ensures that cases are not sent to further enforcement unnecessarily which would cause concern to our clients. Enforcement can include suspension of driver's license, plate denial and collection activity.

Telephone Payments

In January of 2012 POA began taking credit card payments over the phone. This option was included on our phone auto attendant to inform our clients of this new option. By year end POA staff had processed an average of 250 phone payments monthly. In 2013, the number of phone payments processed each month averaged 400. They have increased to an average of 420 a month in 2014 indicating positive response to this option which eliminates the need to attend in person.

Internal Collections

The internal collection staff has produced more revenue as a result of collection activity than the external collection agencies have produced. The internal collection staff administer to the more recent files which should be more fruitful than older files sent to the external collection agencies.

Internal collections were responsible for collecting \$3,693,860.73 and the external collection agencies collected \$1,644,116.69 in 2014. That represents an increase in overall collections by the internal staff and the collection agencies of \$782,254.42 over 2013.

Collection Agency Fee By-Law 07-007

The collection agency fees were added to ICON as an efficiency method for front counter staff. This has improved front counter service and has made it easier for staff and clients. \$225,860.00 was recovered from defendants in 2014. That represents 93% recovery of the total collection agency fees billed in 2014.

Outstanding Accounts Receivables

Outstanding accounts receivables as of December 31, 2014 are \$59,225,747. The outstanding accounts receivables for 2013 totalled \$55,694,977.

Write-offs

A review of all outstanding fines occurs annually to determine what cases should be considered for write-off based on the inability to collect. The Proposed Write-Off Report of Outstanding Fines for Provincial Offences in 2015 is being delayed until the Spring of 2016 due to the timing changes of the Ministry of the Attorney General write off process.

Write offs for Deceased Persons which are an automatic write off by the Ministry of the Attorney General once POA updates the ICON system totalled \$121,331.48.

<u>WRITE-OFF HISTORY</u>			
<u>Council approval</u>	<u>Files</u>	<u>Dollars</u>	<u>Outstanding Accounts Receivable</u>
2009	12,266 (includes parking)	1,468,950	42,019,788
2010	1,725 (no parking)	564,740	43,876,452
2011	3,028 (no parking)	976,875	43,335,804
2012	3534	1,056,465	48,335,804
2013	2996	744,348	51,813,277
2014	2575	413,742	55,694,977

Challenges

Judicial Resources

Judicial Resources are insufficient to permit Early Resolution meetings to occur during the months of July and August. The ability to schedule these meetings during the summer months would reduce the time from date of offence to early resolution meeting and expedite this process through the court system. This has been addressed with the Judiciary in 2015 and many court dates were opened to assist with this backlog.

Time to Trial and Early Resolution

Charges filed where a trial is requested are being scheduled into 2016 as of early 2015. Without additional courtroom allocation, assignments will push the time to trial out even further. The Local Administrative Justice of the Peace provided an additional two court days in our third courtroom in 2012, which continued through 2013 and 2014. Trial requests have increased by a small margin in 2014 compared to 2013 (1%). The third courtroom was utilized for 107 days in 2014, an increase of 11 days over 2013. This courtroom was used 51 days in 2012.

Workload

All staff in the POA section are professional and passionate about their work. Our work requires a thorough understanding of the Provincial Offences Act, Courts of Justice Act, ICON and many other policies and procedures. We work closely with members of the public realizing the sensitivities required and consequences to individuals respecting fines, etc. Staff must administer according to all rules, regulations, policies and legislation. POA staff are addressing a much higher volume of clients with the increase in charges filed over the last few years and the public uptake of the early resolution option. The ratio of charges filed per court administration clerk is now at 1 to 9,545 charges. All charges generate phone and counter inquiries and activities such as fine payments, requests for Early Resolution or a Trial, requests for more time to pay, court appearances, re-openings and appeals. We are managing the additional workload through overtime in order to meet legislated timeframes. Additional staff were requested through the 2015 budget process as a result.