



Hamilton

ANNUAL REPORT
PROVINCIAL OFFENCES OFFICE
CITY OF HAMILTON
2015



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 in 2015 totalled 84,747. This number was less than 2014 as a result of reduced enforcement for a 6 week period by Hamilton Police and the OPP due to security coverage for the Pan Am games. In 2015, POA administered to 81,141 part ones certificates of offence and 3,606 part three charges. POA scheduled 12,590 Early Resolution meetings and 7,899 trials due to public demand. There was an increase in the number of trials scheduled and a small decrease in the number of Early Resolution meetings scheduled. The variance in the combination of both of these requests between 2014 and 2015 is a modest 295 in difference.

Trials

Trials are scheduled five days a week in two courtrooms. In 2015 POA was successful in securing additional usage of our third part-time courtroom. As a result we now schedule into three courtrooms every day with the exception of one or two days a month in our third courtroom. Trial requests have increased in 2015 to 10% of all part one charges filed compared to 8% in 2014. Charges filed where a trial is requested are being scheduled into the Fall of 2016. The third courtroom was utilized for 137 days in 2015, an increase of 30 days over 2014.

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 were secured to manage the response to the Early Resolution process through the budget process in 2015. 16% of all part ones filed resulted in a request for an Early Resolution meeting with a prosecutor. This has increased from 15% in 2014 and 13% in 2013. 26% of all charges filed result in a court hearing requiring resources from court support (court reporters) and prosecutors.

Judicial Resources

Judicial Resources are being allocated to permit Early Resolution meetings to occur during the months of July and August for the first time. The ability to schedule these meetings during the summer months along with the addition of our third courtroom has reduced the time from date of offence to early resolution meeting and expedite this process through the court system. We now are able to schedule an Early Resolution meeting within eight weeks from the date of offence, where they were being scheduled approximately eight months from the date of offence. This is a great improvement, more in line with the expectation of this process and much improved customer service.

Fail to Respond

In 2015, 26% of all Part I certificates of offence filed were placed on a Fail to Respond docket, consistent with 2015. 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
2015	11,352,372	3,877,848	7,474,524

\$262,520.00 of the Net Revenue of \$7,474,524.00 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 2015, 57% of all Part I certificates issued resulted in voluntary pre payment of the fine. In 2014, 56% 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. The numbers have steadily increased year over year. In 2014 we processed 5,036 phone payments and in 2015 it increased to 6,372. This represents an increase of 26.5% in 2015 over 2014. The number of telephone payments has more than doubled between 2012 and 2015.

Internal Collections

The internal collection staff produced more revenue as a result of collection activity than the external collection agencies have. 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 \$3,857,644 and the external collection agencies collected \$1,649,974 in 2015. That represents an increase in overall collections by the internal staff and the collection agencies of \$169,666.47 over 2014.

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. \$247,242 was recovered from defendants in 2015. That represents 88% recovery of the total collection agency fees billed in 2015.

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 did not occur due to timing changes by the Ministry of the Attorney General for the 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 \$253,579.11

<u>WRITE-OFF HISTORY</u>			
<u>Council approval</u>	<u>Files</u>	<u>Dollars</u>	<u>Outstanding Accounts Receivable year end prior to write-off request</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
2015	0	0	59,225,747
2016	3924	1,541,754.55	61,636,843

Outstanding Accounts Receivables

Outstanding accounts receivables as of December 31, 2015 are \$61,636,843. The outstanding accounts receivables for 2014 totalled \$59,225,747.

Workload

Six additional red light cameras were added in 2015. Additional cameras are being planned for 2017 through 2021. This additional work will require hiring of court administration clerks and possibly court reporters.

The number of events heard in 2015 was marginally more than 2014 – 64,467 matters. Charges pending over six months saw a reduction by 36.4%.

Re-openings increased by 20% and appeals increased by 52%. This creates more work for court administration and court support staff.