



The Regional Municipality of York Police Services Board

To Make a Difference in Our Community

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May 7, 2019

The Honourable Caroline Mulroney
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9

Via Email: caroline.mulroney@pc.ola.org

Dear Minister:

Re: Provincial Offences Act Court – Impacts on Road Safety

We are writing to you on behalf of the York Regional Police Services Board and York Regional Police, to bring your attention to a matter of great concern with respect to our ability to effectively improve road safety through enforcement. On September 26, 2018 Chairman Wayne Emmerson wrote to you on behalf of Regional Council seeking support for the use of administrative penalties to enforce automated speed enforcement and red light cameras to help ease the burden on Provincial Offences Courts and align road safety initiatives with enforcement. We share the concerns raised by Regional Council as outlined in that letter.

As Attorney General, we are asking for your support of the request of our Board and York Regional Police, supported by Regional Council, to the Province of Ontario for legislative and regulatory amendments needed to address the significant impact of judicial shortages and outdated legislation on the capacity of our Provincial Offences Act (POA) Courts and the operations of York Regional Police.

In York Region, our POA Courts handle approximately 160,000 charges per year, of which 75% are charges filed by York Regional Police. Approximately 90% of the matters in our POA courts arise from charges laid under the Highway Traffic Act as part of our ongoing efforts to improve road safety through enforcement.

Road safety has been a significant part of our Strategic Plan and Business Plans for the past 20 years. Our community has identified road safety

consistently as one of our top 5 community priorities. As a result of this input from the community we too have made road safety as one of our top priorities.

York Region operates the second largest POA Court program in Ontario, second only to Toronto. Our courts are currently operating at capacity and the consistently high rate of dispute continues to put increasing pressure on these courts. These identified high dispute rates have resulted in 34,560 hours of officer time in court in 2018 at a cost of approximately \$1.9M, which is on the conservative side. This is a significant amount of lost community engagement and police resources due to our front line officers having to spend considerable time in travelling to and from court and in court away from their assigned community.

Through the use of technology and shared initiatives, York Regional Police and the Region's POA court services team have introduced efficiencies and innovation to address court capacity and minimize negative impacts of the lack of capacity on the operations of York Regional Police, including the introduction of the first video testimony program in Ontario's POA courts. However, there are many pressures on the courts that are beyond our control and can only be addressed by the provincial government.

Despite the best efforts of our staff, decreased court availability due to judicial shortages combined with an increasing dispute rate continues to have a negative impact on our officers, citizens and road safety initiatives. We firmly believe that opportunities exist that would support your government's goal to create a justice system that is efficient, accessible, and responds to the needs of the public. By working together, we can create efficiencies through modernization and streamlining of our current POA court system while enhancing community safety and timely access to justice.

Our greatest concern centres on the lack of judicial resources and frequency of court closures. Over the past three years alone, our courts have seen a 9 % reduction in the number of available court days due to a shortage of Justices of the Peace. In many instances, a full day of court time is lost without advance notice due to the unexpected absence of a Justice of Peace.

A detailed outline of our current challenges and full recommendations is included in the attachment to this letter. Below is a brief summary of our concerns and some recommendations for consideration:

Challenges:

- Court Availability has decreased as a direct result of the province-wide judicial shortage. This has increased both scheduled and unscheduled court closures

- An increase in trial requests threatens York Region's ability to schedule matters within the tight constitutional timeframe
- Time to trial is increasing, denying fair and timely access to justice

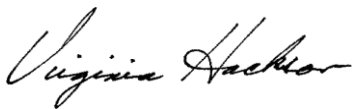
Recommendations:

- Proclaim all provisions of Bill 177 *Stronger, Fairer Ontario Act (Budget Measures)*, 2017, Schedule 35 to implement modernization measures
- Proclaim s. 21.1 of the Highway Traffic Act, amend s.21.1(13) to add that an administrative penalty is a debt due to the crown or to a municipality as provided for in regulation, and enact a regulation that would allow for administrative penalties to be imposed for red light camera and automated speed enforcement offences with the revenue dedicated to the municipality operating the program
- Conduct a review of the judicial complement to ensure our POA courts are adequately resourced and court closures reduced or eliminated

Knowing that your government is committed to finding efficiencies as part of their mandate and vision, we believe our recommendations align with the government's goals including the mandate of your Ministry to improve the efficiency of the justice system to support and enhance community safety. We also believe that through consultation and collaboration, the province and York Region can achieve significant positive results towards meeting these goals and our common objectives.

Given the importance of these issues to the Region, our Board and York Regional Police, we request the opportunity to meet with you and Ministry staff to share this information in more detail and discuss the opportunities for legislative and regulatory amendments, and potential solutions to address judicial shortages.

Sincerely,



Chair Virginia Hackson
York Regional Police Services Board



Chief Eric Jolliffe
York Regional Police

Copy to: Chairman Wayne Emmerson, Regional Chair, York Region
Hon. Sylvia Jones, Solicitor General
Hon. Jeff Yurek, Minister of Transportation
Hon. Christine Elliott, MPP Newmarket-Aurora
Hon. Michael A. Tibollo, MPP Vaughan-Woodbridge
Michael Parsa, MPP Aurora-Oak Ridges-Richmond Hill
Stephen Lecce, MPP King-Vaughan
Logan Kanapathi, MPP Markham-Thornhill
Gila Martow, MPP Thornhill
Daisy Wai, MPP Richmond Hill
Paul Calandra, MPP Markham-Stouffville
Billy Pang, MPP Markham-Unionville
Association of Municipalities of Ontario