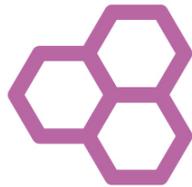


# Provincial Offences Act Modernization

August 16, 2016



**MAG** Modernization

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# Overview

1. Provincial Offences Act (POA) Background
2. The POA Partnership
3. Current Challenges
4. Recent Reforms
5. Current Projects

# Provincial Offences Act (POA) Background

- Procedural framework for non-criminal offences created under provincial statutes, municipal by-laws and specific federal acts:
  - Parking Tickets;
  - Traffic offences;
  - Liquor licence violations;
  - Workplace safety offences; and
  - Violations of environmental regulations.
- POA Transfers – 1999 to 2002.



# POA Partnership

- Municipal Partners are responsible for:
  - Performing POA courts administration and support functions for trials;
  - Prosecuting most POA tickets; and
  - Enforcing and collecting POA fines.
- The province is responsible for:
  - Prosecuting more serious POA offences and offences committed by young persons;
  - Performing courts administration and support functions for POA appeals; and
  - Supporting and monitoring the local delivery of justice services by Municipal Partners.



# POA Partnership (continued)

- Long history of working collaboratively with Municipal Partners and associations, like AMO, to identify and address POA issues:
  - POA Table – 2004 to Present
  - POA Streamlining Working Group - 2006 to 2009
  - Provincial-Municipal POA Fine Collection Working Group – 2012 to Present
  - POA Modernization Expert Table – 2015 to Present
- Many successful POA reforms aimed at improving access to justice, reducing demand for resources and enhancing POA fine enforcement.

# POA Challenges

## **FINE ENFORCEMENT**

- As of December 31, 2015, municipalities across Ontario were owed over \$958 million in defaulted POA fines (not including surcharges, fees and costs).

## **TIME TO RESOLVE**

- In 2015 it took an average of 150 days to resolve a Part I ticket at trial and 332 days to resolve a Part III offence at trial.
- Some municipalities have experienced POA trial backlogs.
  - In September 2015 the City of Toronto withdrew 880,000 parking tickets due to backlog.

POA statistics from [www.ontariocourts.ca/ocj/stats-prov/](http://www.ontariocourts.ca/ocj/stats-prov/)



# POA Challenges (continued)

## HIGH VOLUME

- Not including parking, over 1.6 million POA matters were resolved in municipal POA courts in 2015.
- More than 91% were minor Part I tickets, most of which were not legally complex (i.e., straight forward facts and defence).

## COST

- Millions of taxpayer dollars are spent on justices of the peace, prosecutors, police witnesses, municipal court staff and court facilities to address disputed POA matters.
- Media reports indicate that in 2014 the City of Toronto spent over \$5 million in over-time for police witnesses for POA trials.

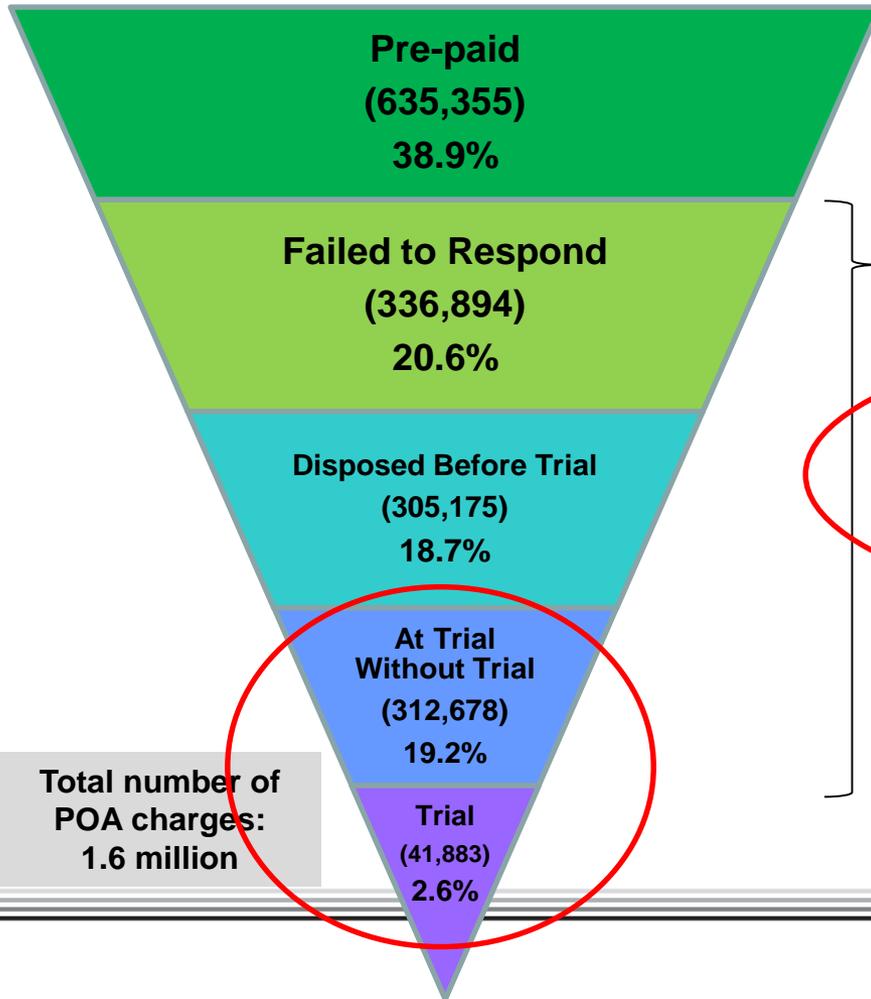
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# POA Challenges (continued)

## POA Matters Disposed in 2015



- Resolving POA matters requires a significant use of court and enforcement resources.

- Most resources are used for matters that are ultimately resolved without a full trial.

In 2015, over 88% of POA matters set for trial (313,000 of 355,000) were resolved on the trial date without a trial, meaning that scheduled judicial time, police witnesses and court resources were not optimally spent.

POA statistics from [www.ontariocourts.ca/ocj/stats-prov/](http://www.ontariocourts.ca/ocj/stats-prov/)



# Recent POA Reforms

- Administrative Monetary Penalties (AMPs) for Parking
- POA Streamlining
- POA Fine Enforcement



# Parking AMPs

- In 2006, the municipalities were given authority to establish local administrative monetary penalty (AMP) systems to regulate parking to:
  - Increase local flexibility;
  - Reduce caseload pressures on municipal courts; and
  - Lessen demands for expensive court resources.
- Parking AMP systems can be tailored to meet local needs, including providing for service of tickets by mail.
- In 2015, the parking AMP regulation was amended to give municipalities greater flexibility.
- To date, 20 municipalities have implemented parking AMP systems.



# POA Streamlining

- The provincial-municipal POA Streamlining Working Group recommended legislative reforms in 2009.
- More than 75% of the Working Group's recommendations have been implemented, including:
  - A new early resolution process to reserve trial time for truly contested matters.
  - Increasing the POA ticket maximum fine from \$500 to \$1,000 to increase the use of simplified procedures, including out-of-court resolution.
  - Expanded use of electronic documents and appearances by teleconference or video conference.
  - Easier municipal access to collection agencies and civil enforcement mechanisms for POA fine enforcement.
  - Municipal authority to add defaulted POA fines to property tax bills.



# POA Fine Enforcement

- In 2012, the Provincial-Municipal POA Fine Collection Working Group recommended several initiatives for the Ministry of the Attorney General to examine.
- The Ministry agreed to pursue all of these municipal POA fine enforcement requests and has made significant progress on two initiatives:
  - Increase the late fee added when a POA fine goes into default from \$20 to \$40 to encourage timely fine payment, resulting in an estimated \$21 million per year in additional municipal revenue – implemented January 1, 2016.
  - Make municipal collection agency costs added to defaulted POA fines enforceable like the fine – currently before the Legislature (Bill 218, Burden Reduction Act, 2016).



# Positive Outcomes

## POA Fine Enforcement

- Recently implemented POA fine enforcement initiatives and the hard work of municipal court and collections staff across the province have had a clear, positive impact on POA fine enforcement.
- Since 2009, the provincial POA fine collection rate has increased steadily, year-over-year from 66% to 80%.
- During this period, annual POA fine revenues collected by municipalities have increased by more than \$18.2 million (9%), despite a 23% decrease in POA charges received.



# Positive Outcomes (continued)

## Increased Early Resolution

- Between 2014 and 2015 the percentage of POA matters resolved without a trial increased from 75% to 78%.
- This means that there were 66,000 fewer trials in municipal courts in 2015, resulting in significant municipal cost savings.

POA statistics from [www.ontariocourts.ca/ocj/stats-prov/](http://www.ontariocourts.ca/ocj/stats-prov/)



# Current POA Projects

## POA Fine Enforcement

- Require fine defaulters to pay their oldest fines first.
- Keep the late fee added when a POA fine goes into default payable when an extension of time to pay the fine is granted.
- Working with the Ministry of Transportation on the expansion of vehicle plate denial for POA fine enforcement.

## POA Modernization

- Pursuing further streamlining reforms to simplify municipal court processes.
- Working with municipalities to develop online court services.
- The goal is to improve service delivery and reduce demand for court resources.



# POA Modernization Background

- 2011 - Law Commission of Ontario “Modernization of the Provincial Offence Act” Report.
- Early 2015 - Ministry of the Attorney General public consultation on moving minor provincial offences to an online Administrative Monetary Penalty (AMP) system.
  - We heard that people want more efficient and accessible ways to resolve traffic tickets and value the right to defend and dispute a charge and present evidence.
- Late 2015 - Expert Table discussions on POA transformation with justice sector and municipal stakeholders, including AMO.
- Based on the feedback received, the Ministry is focusing on improving the existing, court-based system for POA matters, rather than pursuing an AMP model.
- With AMO’s consent, the Ministry has initiated discussions with municipal court managers and prosecutors to clarify proposed POA streamlining reforms and possible online services.

# Further POA Streamlining

- POA streamlining proposals discussed to date focus on:
  - Simplifying pre-trial processes, including early resolution, for court users;
  - Giving municipal court clerks and prosecutors more authority to directly address and resolve POA tickets before trial and other administrative matters; and
  - Addressing remaining municipal fine enforcement requests.



# POA Court Services Online

- To date, provincial-municipal discussions on optional POA court services online have focused on improving:
  - Self-service access to case-based information and process guides;
  - Intake processes for early resolution;
  - Early resolution discussions between defendants and prosecutors; and
  - Fine payment processes.



# POA Modernization Expected Benefits

- The proposed streamlining reforms and online services are expected to:
  - Reduce municipal costs for policing (i.e., witnesses and court security), justices of the peace, courts administration and facilities;
  - Increase municipal POA-related revenues through improved fine enforcement and clearer, easier payment options;
  - Improve service to the public through faster, simpler processes and the expansion of online service delivery; and
  - Provide for improved traffic enforcement by encouraging pre-trial resolution and freeing enforcement officers from time consuming trial-related duties.



# What Can You Do?

- Are your municipal court office, fine collection group and parking enforcement making the best use of available tools to reduce costs and improve fine collection:
  - Early resolution options.
  - Teleconference and video appearances.
  - Administrative monetary penalties for parking.
  - Inter-municipal tax rolling agreements.
  - Write off old fines locally considered uncollectable to focus enforcement activities on collectable fines.
  - Identify and implement best practices.
  - Online service delivery.



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