

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

# **STANDING COMMITTEE ON PUBLIC ACCOUNTS**

## **COURT SERVICES**

(Section 3.01, 2003 Annual Report of the Provincial Auditor)

1<sup>st</sup> Session, 38<sup>th</sup> Parliament  
53 Elizabeth II

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The Honourable Alvin Curling, MPP  
Speaker of the Legislative Assembly

Sir,

Your Standing Committee on Public Accounts has the honour to present its Report and commends it to the House.

Norman Sterling, MPP  
Chair of the Committee

Queen's Park  
July 2004

**STANDING COMMITTEE ON PUBLIC ACCOUNTS**  
**MEMBERSHIP LIST**

1<sup>st</sup> Session, 38<sup>th</sup> Parliament

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## **PREAMBLE**

The Office of the Provincial Auditor audited the Courts Services Division of the Ministry of the Attorney General, and reported in Section 3.01 of the 2003 *Annual Report*. The Standing Committee on Public Accounts held hearings on this report on February 9, 2004 with representation from the Ministry of the Attorney General (the Ministry). The Committee endorsed the Provincial Auditor's 2003 audit report on Court Services, and recommended the implementation of the Auditor's recommendations by the Ministry.

The Committee would like to take this opportunity to extend its appreciation to the Ministry officials for their participation in these hearings. Also, the Committee acknowledges the assistance provided by the Office of the Provincial Auditor, the Clerk of the Committee, and the Ontario Legislative Library's Research and Information Services Branch during these hearings.

The structure of this Committee report includes introductory information in each section based directly on the Auditor's report, an overview of the hearings with applicable findings and conclusions, followed by Committee recommendations.

## **Ministry Response to Committee Report**

As noted, the Committee has prepared supplementary recommendations in this report based on its findings during the hearings. *The Committee requests that the Ministry of the Attorney General provide the Committee Clerk with a written response to these recommendations within one hundred and twenty calendar days of the date of tabling this document with the Speaker, Legislative Assembly of Ontario.*

## **1. AUDIT OBJECTIVES/SCOPE AND OVERVIEW**

### **1.1. Audit Objectives and Scope**

The audit objectives were to assess whether the Ministry, and where appropriate, the Ministry in conjunction with the Judiciary, had adequate systems and procedures in place to:

- ensure that the Division's resources and capital projects for courts were acquired and managed with due regard for economy and efficiency; and
- measure and report on the effectiveness of the Division's contribution to providing a fair and accessible justice system.

The audit fieldwork was substantially completed in March 2003, and the Auditor's *Annual Report* was tabled in November 2003.

### **1.2. Audit Overview<sup>1</sup>**

The Court Services Division (Division) of the Ministry of the Attorney General supports the operations of the court system through a network of approximately 250 courthouses and approximately 3,500 court support staff. Its functions

include providing administrative and support services to the Judiciary, preparing enforcement documentation, maintaining court records, and collecting fines.

The Division's expenditures for the 2002/03 fiscal year were \$302 million: \$107 million was spent on operating the offices of the Judiciary and on salaries and benefits for approximately 650 full- and part-time provincially appointed judges; and \$195 million was spent on administrative and court staffing costs, and other expenses required to support the operations of the courts. In addition, the Ministry spent \$35 million on capital projects to modernize and improve court buildings.

In the Auditor's 1997 audit of what was then the Courts Administration Program, it was noted that the successful implementation of a number of ongoing initiatives was needed to address the serious backlog of cases and deficiencies in the management of program resources. However, based on the current audit the Auditor concluded that little progress has been made since that time. For example:

- Efforts to reduce backlogs have not been effective. By March 2002 approximately 99,000 criminal charges had been pending at the Ontario Court of Justice for more than eight months. This was 39,000 more than in 1998.
- The Ministry invested approximately \$21 million in the Integrated Justice Project to develop new information systems. However, the project was terminated five years after its establishment with little improvement to the courts' antiquated computer and information systems.
- The lack of Ministry effort to collect millions of dollars in outstanding fines weakens the credibility of the justice system.

Other concerns noted during the current audit included:

- Controls over the planning, contractor selection, and project management for capital projects were inadequate. In one case, for example, a contractor was originally hired for \$52,000 to remove mould, on an emergency basis, at one large courthouse. However, further examination of the courthouse revealed the need to address other significant building deficiencies. This primary contractor eventually received payments of almost \$24 million; but in spite of increases in the scope and extent of the work and significant cost escalations, competitive quotes were not obtained from other contractors.
- Numerous significant deficiencies and inconsistencies in the level of security at courthouses across the province were noted both by a Ministry consultant and by the Auditor during visits to courthouses.

The Auditor made a number of recommendations for improvement and received commitments from the Ministry that it would take action to address these concerns.

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## DETAILED AUDIT OBSERVATIONS

### 2. ADMINISTRATIVE STRUCTURE OF THE COURTS

As part of its adjudication function, the Judiciary is responsible for the operation of courts and the use of court resources including the scheduling of cases and the assignment of judges. The Ministry is responsible for the budget and decides on staffing, the number of judges and physical facilities.

The Auditor recommended that to help ensure the justice system functions effectively and to improve the stewardship of funds provided to the courts, the Ministry and judiciary should improve their administrative and management procedures. They should do so by establishing a process of greater co-operation in decision-making that addresses longstanding concerns, and a better structure of courts administration with greater accountability for achieving desired results such as reducing case backlogs.

#### Committee Hearings

##### Administrative and Management Procedures

According to the Ministry, the Courts Services Division (CSD) works closely with the judiciary in the administration of the courts. In 1997, the Ministry and the judiciary tried to negotiate a plan for reform to the administrative structure of the courts. Although negotiations to develop a plan for reform in 1997 did not achieve a solution – such as the establishment of a court services agency – they did provide a platform to enhance the relationship between the Court Services Division and the judiciary, through the following:

- the inclusion of representatives of the judiciary with senior management of the Court Services Division to deal with management, planning, budgeting, and fiscal controllership matters;<sup>2</sup>
- the implementation of a five-year plan with CSD and the judiciary input, leading to the establishment of service standards to promote access to justice, efficiency, controllership, and timeliness; and
- regular meetings at senior and administrative levels to address matters such as the progress of mobile blitz courts, the improvement of the efficacy of mobile courts, emerging trends and new sites.<sup>3</sup>

In January 2004 at the annual opening of courts, the Attorney General indicated that he would re-examine courts administration to provide judges with a greater role in the administration of the courts.<sup>4</sup> The Ministry is examining options for a new governing structure for courts administration.<sup>5</sup>

#### Committee Recommendation

The Committee noted the initiatives taken and concluded that improved administrative and management procedures, and greater co-operation in decision-making are clearly priorities. The improvements will require an enhanced structure of courts administration that demonstrates clear accountability in addressing areas of concern, such as case backlogs.

The Committee therefore recommends that:

**1. The Ministry of the Attorney General should report to the Standing Committee on Public Accounts on the proposed new courts administration governing structure. The Ministry in preparing its report should consult with the Bar, the Bench and all relevant administrators. Furthermore, the Ministry should provide the Committee with an explanation of the measures against which it will review and assess the justice system to determine whether it is functioning effectively in specific areas such as the stewardship of funds, the effectiveness of administrative and management procedures, and the improved accountability features.**

**The Committee requests that the Ministry provide the Committee Clerk with a written response to this recommendation within six months of the date of tabling this report in the Legislature.**

### **3. CASE BACKLOGS**

The Supreme Court of Canada provided a guideline of eight to 10 months as a reasonable period of time to allow for cases going to trial. In 1993 and 1997, the Auditor reported that serious backlogs existed for criminal cases. Backlogs of pending charges continued to grow in the Ontario Court of Justice for the majority of criminal cases. The Auditor noted that over the five-year period from 1998 through 2002, the total number of criminal charges in the courts with an average age of more than eight months increased by approximately 65%, from 60,000 to over 99,000.

The Auditor recommended that the Ministry should work with the judiciary and other stakeholders to develop more successful solutions for eliminating backlogs, including: creating better tools to identify the sources and specific reasons for delays so that action can be taken to address potential problems in a more timely manner; assessing the resource implications of actions taken and decisions reached by the different parties to a trial so that resources allocated to courts can handle the increased caseloads; and establishing realistic targets and timetables for eliminating backlogs.

#### **Committee Hearings**

The Ministry provided an historical perspective on the backlog situation in Ontario, describing the 1990 Supreme Court of Canada *Askov* decision as a starting point. That decision was anchored in clause 11(b) of the *Charter of Rights and Freedoms*. The court held that any person charged with an offence has the right to be tried within a reasonable time. It set out as a guideline that most cases should be tried within eight months of the trial date being set. The decision resulted in over 47,000 charges being stayed or withdrawn between October 1990 and September 1991.

Regarding the causes of delay, according to the Ministry in the *Askov* case the Supreme Court of Canada made it clear that the delay must be unreasonable and must be largely attributable to the Crown. Factors that the Court considers include: the explanation for the delay; whether or not the accused has waived or

caused any of the delay, or suffered prejudice; and society's interest in the charges going ahead.<sup>6</sup> The Ministry reported in excess of 500,000 criminal charges that the system has to address; in addition to these criminal cases, there are non-criminal cases - civil, family and small claims - that total 270,000.<sup>7</sup>

The Deputy Minister identified various factors that have contributed to the backlog in the demand-driven court system and noted that some degree of backlog will always exist.<sup>8</sup> The number of charges over the last two to three years has gone up by 13% provincially, and 20% on average in most GTA jurisdictions.<sup>9</sup>

The increase in the number of charges received is due to many reasons, including:

- the hiring of more front-line police officers has a tendency to increase the number of charges coming into the system;
- new federal legislation (e.g., the *Youth Criminal Justice Act*) with the resultant increase in the complexity of cases;
- creation of new offences and changes to criminal procedure led to increased pressures on the system; and
- the reclassification of many offences in the Criminal Code permitting the Crown to decide to have these offences dealt with in the Ontario Court rather than the Superior Court.

Other factors contributing to delays include the increase in the average number of court appearances per charge; longer and more complex trials due in part to *Charter* motions; government policies; and certain legislative initiatives that may require additional court time.<sup>10</sup>

The Ministry pointed out, as noted in its 2003 response, that there have been expansions in the system to accommodate the pressures – through new appointments recently, and others planned in the near future.<sup>11</sup> The Ministry's overall approach to resolve the caseload is based on making court appearances more meaningful (i.e., case compression), judicial appointments, and working smartly.<sup>12</sup>

The Ministry highlighted a number of initiatives that have been taken in program areas and services in recent years to address the issue of backlog:<sup>13</sup>

- Systemic Impediments/Pre-trial Conferences - it is acknowledged that there will always be cases that have to be tried, but the objective is to eliminate systemic obstacles.<sup>14</sup> In order to reduce the number of cases being tried, efforts are made to bring parties together to achieve a resolution.<sup>15</sup> For example, the Ministry encourages experienced Crown attorneys at the front end of the cases to communicate critical information as soon as possible before being channelled into the court system.<sup>16</sup> Also, the Ministry has proceeded with pre-trial conferences between crown counsel and the defence to reduce the time required for each case. The objective is to review issues and attempt to reach an agreement as soon as possible thereby reducing the number of cases going to trial.<sup>17</sup>
- Protocol for Case Management – the Ministry developed a protocol for case management improvements, and instituted a bail best-practices protocol.

- Co-operative Initiatives/Judiciary and Stakeholders - these initiatives include a coordinated “delay reduction” initiative with additional resources assigned to criminal courts in areas with the greatest delays, mostly larger urban areas.<sup>18</sup>
- Ministry Summits – the summits permit the Ministry to assemble other players comprised of the judiciary, the bar, Legal Aid Ontario, children's aid societies, and other ministries and agencies, to discuss matters and facilitate the working relationship in the justice field. A summit is planned for spring 2004 to help introduce new best-practice protocols and case-management protocols.<sup>19</sup>
- Diversion Program/Alternative Measures - the Ministry has plans to explore the possibility of expanding diversion options for youth and adult offenders.<sup>20</sup> Youth Justice Committees are in place in a number of communities, and youth diversion and Youth Justice Committees are under consideration by the Ministry.<sup>21</sup>
- Blitz and Mobile Courts - since 1997 the Ministry has been active by working with the judiciary to implement blitz and mobile courts. This approach was introduced to address high demand areas with the largest number of criminal charges, by providing additional court services for periods of three to six months.<sup>22</sup> Blitz courts are planned for Barrie and Milton in April 2004, and have been located in Ottawa and Brampton.<sup>23</sup>

The Committee enquired about the appointments process for Justices of the Peace,<sup>24</sup> and the Committee posed questions on the time frame for a review of the appointments process, and whether that process would be internal. In addition, the Committee had concerns related to such matters as qualifications and standards, supervision and training, and in the interim appointments process pending the review.<sup>25</sup> The Deputy Minister responded to this matter in a letter dated March 22, 2004, in which he assured the Committee that the government has plans to review the appointments system for these officials.

### **Committee Recommendations**

The Committee expressed concerns over the increase in backlog year over year and that the issue had been raised and highlighted by the Auditor in the Office's *1997 Annual Report*. The Ministry was questioned with respect to:

- whether or not the lack of information hampered the ability of the Ministry to track the reasons for delay;
- whether or not adequate consideration has been given to addressing the issue of meaningful appearances and use of court time, such as flexible court time; and
- the need to look at the effectiveness of measures put in place to address backlog.

The Committee is seeking assurance that the initiatives taken by the Ministry to address trial delays will help in the reduction of the backlog.

The Committee therefore recommends that:

**2. The Ministry of the Attorney General should take steps to improve the gathering of information for identifying and tracking the reasons for the delays in cases going to trial. The Ministry should report on the types of cases in which delays are occurring, the main causes for such delays, as well as the proposed actions to address the delays.**

**The Committee requests that the Ministry provide the Committee Clerk with a written response to this recommendation within six months of the date of tabling this report in the Legislature.**

The Committee concluded that an assessment of the effectiveness of the initiatives to reduce the backlog is required.

The Committee therefore recommends that:

**3. The Ministry of the Attorney General should measure and report on the effectiveness of its various initiatives for reducing the backlog, identifying any shortcomings in the initiatives and overall strategy, and recommending remedial actions.**

**The Ministry should provide an interim report to the Committee Clerk on its progress within six months of the tabling of this report.**

#### **4. INFORMATION SYSTEMS AND THE USE OF NEW TECHNOLOGIES**

The Division has two main computerized systems providing information to the judiciary and Crown attorneys:

- Integrated Court Offences Network (ICON) - an online mainframe system that accumulates information by courthouse in the Ontario Court of Justice. It maintains case data and produces court dockets and monthly statistical reports.
- Court Input Statistics System (CISS) – this system produces monthly statistical reports of information collected from individual courts using manual or stand-alone computer systems.

Several courthouses have local systems to schedule civil cases.

#### **Integrated Justice Project**

The Integrated Justice Project (IJP) was initiated in 1996 to facilitate a more modern, effective, and accessible administration of justice through new integrated information systems for police, Crown attorneys, courts, and corrections. The IJP project was terminated in 2002. The Ministry has assumed responsibility for new court information systems and continues with any development carried over from the IJP project.

## New Technologies

New technologies have been introduced to certain courts, but they were conducted on a test basis, and have yet to improve the efficiency. The areas of concern relate to court documents and transcripts:

- limited use of the electronic court document system (filed forms processed electronically); and
- court transcripts are recorded manually by court reporters. The IJP tested digital audio recording systems in three locations; however, the Ministry determined that the software did not meet Ontario's functional requirements for courtroom recordings.

The courts have made good use of technology in video appearances. The Video Remand Project permits an accused person to appear in a courtroom via video conferencing from a correctional institution or police station.

The Auditor recommended that to help ensure the timely disposition of cases and improve efficiencies, the Ministry should take the necessary steps to upgrade the information technologies used in courts. In addition, the Ministry should establish a comprehensive plan for the timely implementation of new information technologies.

## Committee Hearings

The Ministry has continued to develop integrated technology, and it is in the process of implementing various components, for example:

- New case management system (*Frank*) – the *Frank* system is a new case management system for civil, small claims, family and superior court criminal cases to address case flow, and caseloads, while providing information on court proceedings;<sup>26</sup>
- ICON system - the Ministry is making improvements to the existing criminal case tracking system for the high-volume courts in the Ontario Court of Justice. The objective is to improve the quality and scope of information about criminal cases.<sup>27</sup>
- E-filing - the Ministry is evaluating e-filing in Toronto's Small Claims Court. This technology allows parties to file documents electronically without limitations on the time of transmission (24/7). The Ministry indicated that it has also developed a multi-year strategic information management and IT plan to define priorities and identify resource requirements. Improving the technology in courts will not only assist the Ministry in addressing issues such as backlog, but also enable it to better serve the public and deliver core court businesses.

### *Integrated Justice Project*

The Ministry provided a brief chronology on the IJP, noting that the matter is before the courts, and that discussions are continuing between the EDS, the former private-sector partner, and provincial ministries.<sup>28</sup> The Ministry explained that it was not in a position to comment.

The Committee indicated that once the legal proceedings are completed, that it may follow up on the Project's outcomes and measurables, taking into account new information made available since the completion of its 2002 report on this topic.<sup>29</sup>

### *Video Remand Project*

The Committee enquired about safety and security in the context of the video remand initiative. The process encountered initial resistance, but from a technological perspective it is gaining acceptance. The Ministry cautioned that it must be done in a respectful manner, with high quality transmissions, respecting solicitor-client privilege.<sup>30</sup> The Ministry is committed to pursuing this approach with the objective of providing beneficial efficiencies in security and costs, although face-to-face meetings may be required at times.<sup>31</sup>

### **Committee Recommendation**

The Committee acknowledges the importance of upgrading technologies in courts, specifically information technologies. The Committee expressed interest in whether value for money was achieved.

The Committee therefore recommends that:

**4. The Ministry of the Attorney General should report to the Standing Committee on Public Accounts on its progress in upgrading information technologies used in court. The report should include, but not be limited to an assessment of the costs and savings, and the benefits achieved.**

**The Committee requests that the Ministry provide the Committee Clerk with a written response to this recommendation within one hundred and twenty calendar days of the date of tabling this report in the Legislature.**

## **5. CAPITAL PROJECTS**

Over the past six years, the Ministry spent approximately \$275 million on capital projects to modernize and improve courts. Management Board requires that the Ministry arrange for the construction and management of capital projects by the Ontario Realty Corporation (ORC), or its private company agent.

The Auditor reported on three courthouse projects in Toronto, Newmarket and Milton, pointing out the relevance of achieving lower costs in such projects through the following:

- improved planning and project management;
- the use of competitive tenders; and
- compliance with corporate policies.

The Auditor recommended that to ensure courthouse construction and renovation projects are acquired competitively, on budget, and in accordance with Management Board of Cabinet policies, the Ministry, in conjunction with the

Ontario Realty Corporation, should adequately plan and manage its capital projects. In addition, the Ministry should ensure that appropriate controls are in place so that contractors are only paid for completed work.

### **Committee Hearings**

The Committee's fundamental concerns related to the increasing costs of these court facility contracts, the absence of competitive tendering, and the shortcomings in the overall management of major contracts.<sup>32</sup> The Ministry explained that the maintenance of court structures presents challenges, in part, because of the large number of properties in its portfolio.<sup>33</sup> It was confronted with serious emergency health issues, which included the quality of the air and presence of mould in buildings, as reported by the Auditor.<sup>34</sup> Ministry officials explained that the actions reported in the audit on these projects were not meant to replace public tendering, but rather that they were seen as an interim measure while making alternative arrangements.<sup>35</sup>

The Ministry indicated it has taken action to ensure compliance with Management Board Directives in the future. For example, tighter Ministry controls have been developed and additional staff training has been completed.<sup>36</sup> The Committee was assured that the necessary procedures are now in place, and that with its partners and the ORC it will be managing capital requirements within the established guidelines.<sup>37</sup> Also, the Ministry has improved its response mechanism to contingencies to avoid excessive costs, which may occur, for example, through work stoppages or health and safety issues.<sup>38</sup>

The Ministry has a management plan to oversee its real estate portfolio. The objective is to ensure that officials are apprised of all circumstances affecting its holdings, and in turn that it is in a position to act on a timely basis in a proactive manner.<sup>39</sup>

### **Committee Recommendations**

The Committee acknowledged that steps have been taken to ensure compliance with Management Board Directives. Specifically, the Ministry will be required to ensure that future construction and renovation projects follow procurement standards, through a competitive process.

The Committee recommends that:

**5. The Ministry of the Attorney General, in conjunction with the Ontario Realty Corporation, should ensure that all future courthouse construction and renovation projects are acquired competitively and in accordance with Management Board of Cabinet policies.**

**The Committee requests that the Ministry provide the Committee Clerk with a written response to this recommendation within one hundred and twenty calendar days of the date of tabling this report in the Legislature.**

The Committee noted that the Ministry has undertaken a plan to manage its portfolio of properties. The management procedures followed in this planning process will need to ensure that each property is profiled and regularly inspected, in an effort to identify future capital requirements.

The Committee recommends that:

**6. The Ministry of the Attorney General, in conjunction with the Management Board Secretariat, the Ontario Realty Corporation, and the Ministry of Public Infrastructure Renewal should report to the Standing Committee on Public Accounts on the features of its plan to manage its portfolio of courthouses to prevent such occurrences as those previously identified by the Provincial Auditor. The report should include an explanation of the procedures now in place to ensure that each property is profiled and properly inspected; and to proactively identify capital needs over the long-term.**

**The Committee requests that the Ministry provide the Committee Clerk with a written response to this recommendation within one hundred and twenty calendar days of the date of tabling this report in the Legislature.**

## **6. PERFORMANCE REPORTING**

In 1997, the Ministry informed the Auditor that it was developing performance measures for the administration of courts, which included standards and targets for inclusion in the Ministry's business plans. The Ministry planned to develop more specific performance indicators, such as benchmarks, against which achievement could be measured. In the Auditor's 1999 follow-up report, it was noted that these initiatives were still in progress, and the 2003 audit noted that the Ministry had not made any significant improvements to measure and report on its performance.

In March 2003, the Ministry had two performance measures, representing a small fraction of the services provided by courts, namely:

- results of surveys of public satisfaction with services in small claims court, and family law information centres, and
- a record of the percentage of civil cases settled through mediation.

The Ministry had not developed outcome measures on the core businesses of criminal courts and judicial services, or indicators to measure and report on efficiency (e.g., costs of providing court services). Relevant information was available within the Ministry, but was not published (e.g., data on backlogs, the number of court sitting hours, and the average time to trial in the Ontario Court of Justice). However, some jurisdictions reported relevant indicators (e.g., court workloads, the collection of fines, and waiting times for trials).

The Auditor recommended that the Ministry should measure and report on its cost-effectiveness, efficiency, and outcomes in providing court services by:

- working with the judiciary to develop appropriate performance indicators and targets against which it can measure the achievement of its business goals and operational standards;
- ensuring that its information systems gather and report the information needed for management to monitor performance on an ongoing basis; and
- reporting regularly to the public on its performance.

### **Committee Hearings**

The Ministry's indicated that its objective in the development of performance reporting is to involve all users and stakeholders' issues in the definition of common areas of interest. The Ministry acknowledged that the approach followed must be inclusive of the multiple users through stakeholder committees, which will help in garnering input prior to concluding the final design.<sup>40</sup> The Ministry assured the Committee that it is focused on providing better technology, better measurements and better results, building on the commitments outlined in the Auditor's report in 2003.<sup>41</sup>

### *Strategic Plan*

The Division has developed a five-year strategic plan with 42 service standards, business goals and multi-year priorities for the courts. This plan was developed with the assistance of the judiciary, in consultation with the bar.<sup>42</sup> The plan sets out the Division's mission, business goals, and service standards. These standards are described in terms of timely and efficient case processing; accessible services; consistently high-quality services; accountable and effective decision-making; and efficient resource management. According to the Ministry it is at the beginning of a very important process to better measure performance.<sup>43</sup>

During the hearings, the Ministry made reference to the release of the first annual report of the Court Services Division.<sup>44</sup> Specifically, the Operational Review Section of the report elaborated on the results-oriented strategies with long term planning:

CSD has developed a Five-Year Plan to improve the effectiveness, efficiency and accessibility of court services. The Plan establishes:

- Business Goals
- Service Standards
- Multi-Year Priorities
- Resource Needs
- Implementation Plans

The plan reflects the goals of front-line court managers and is a systematic approach to address identified areas for improvement with results-oriented strategies.

The Plan addresses the required staff complement and staff training, and presents a facilities strategy for maintaining courthouses across the province. In addition, the Plan outlines CSD's specific technological commitments to support efficient case processing, to provide accurate management information, and to contribute to the resolution of backlogs in criminal and child welfare proceedings, for example.<sup>45</sup>

### *Reporting Initiatives and Technology*

The Ministry did not provide a report card on its progress in performance reporting, but made reference to certain achievements. It elaborated on the new *Frank* system, improvements to the ICON system, the electronic courtroom, and e-filing.<sup>46</sup> Technology is an integral part of performance reporting and measurement, as demonstrated in the adoption of the *Frank* initiative.<sup>47</sup>

Statistical reports will be prepared in the future to provide more detailed and reliable data for analysis in such areas as caseloads and case flow.<sup>48</sup> The new standard financial reporting tools will identify court costs by case type, which will assist in the allocation of Ministry resources.<sup>49</sup> These reporting tools were scheduled for implementation by April 1, 2004.

### *Case Specific Efficiencies*

The Committee enquired about measuring efficiencies on a case specific basis, for example, the timeframe for processing child welfare cases and managing family law cases.<sup>50</sup> The Ministry acknowledged the importance of tracking the progress of cases within the system, identifying opportunities to better serve the parties involved.<sup>51</sup> The Ministry pointed out that this is complicated by the fact that many of the children are involved in crossover arrangements between different parts of the system.<sup>52</sup> In response, a child protection summit was developed to bring together officials from the child welfare area, the judiciary, CAS units, and the Ministry.<sup>53</sup> In the interim, the Ministry has prioritized the need for a consistent case tracking system, particularly for the child protection caseload. Also as noted, the implementation of the *Frank* system by the end of 2004 should address certain deficiencies in the system.<sup>54</sup>

The Committee discussed the role of measurables with reference to the complainants and victims in the court system.<sup>55</sup> At issue is whether the intended effectiveness measures will determine and therefore establish if a given outcome is satisfactory to the complainant, the victim, and society at large.<sup>56</sup> The Ontario Victim Services Secretariat, for example, has pursued the issue of the quality of service and information provided to victims. Also, Ministry resources have been allocated to enhance services for victims and witnesses.<sup>57</sup>

## **Committee Recommendations**

As noted, the Auditor had recommended that the Ministry should measure and report on cost-effectiveness, efficiency, and outcomes through appropriate performance indicators and targets. The Committee acknowledged the steps taken by the Ministry in this regard, and is supportive of making performance reporting a priority.

The Committee therefore recommends that:

**7. The Ministry of the Attorney General should report to the Standing Committee on Public Accounts on its immediate and longer term plans to enhance performance reporting.**

**The Committee requests that the Ministry provide the Committee Clerk with a written response to this recommendation within one hundred and twenty calendar days of the date of tabling this report in the Legislature.**

The Committee concluded that an additional recommendation is required to complement the previous recommendation on performance indicators and targets.

Specifically, the Committee drew attention to the importance of measuring efficiencies on a case specific basis, related to matters of information availability and transparency. The Ministry has taken certain initiatives to implement best practices to enhance overall efficiencies and public satisfaction, and it gave the Committee its assurance that it is committed to procedures to enhance victim and witness services.<sup>58</sup>

The Committee therefore recommends that:

**8. The Ministry of the Attorney General should report to the Standing Committee on Public Accounts on the implementation of its best practices to measure system effectiveness and overall efficiency in the management of individual cases. These practices should provide a definition of the quality of service delivery, addressing the provision of information for victims, within accompanying standards and goals for individual cases. Also, the Ministry should elaborate on the measurement of public satisfaction levels for complainants, victims and society generally.**

**The Committee requests that the Ministry provide the Committee Clerk with a written response to this recommendation within one hundred and twenty calendar days of the date of tabling this report in the Legislature.**

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## **7. LIST OF COMMITTEE RECOMMENDATIONS**

The Committee requests that the Ministry provide the Committee Clerk with a written response to the following recommendations within one hundred and twenty calendar days of the date of tabling this report in the Legislature, unless otherwise indicated in the recommendation.

**1. The Ministry of the Attorney General should report to the Standing Committee on Public Accounts on the proposed new courts administration governing structure. The Ministry in preparing its report should consult with the Bar, the Bench and all relevant administrators. Furthermore, the Ministry should provide the Committee with an explanation of the measures against which it will review and assess the justice system to determine whether it is functioning effectively in specific areas such as the stewardship of funds, the effectiveness of administrative and management procedures, and the improved accountability features.**

**The Committee requests that the Ministry provide the Committee Clerk with a written response to this recommendation within six months of the date of tabling this report in the Legislature.**

**2. The Ministry of the Attorney General should take steps to improve the gathering of information for identifying and tracking the reasons for the delays in cases going to trial. The Ministry should report on the types of cases in which delays are occurring, the main causes for such delays, as well as the proposed actions to address the delays.**

**The Committee requests that the Ministry provide the Committee Clerk with a written response to this recommendation within six months of the date of tabling this report in the Legislature.**

**3. The Ministry of the Attorney General should measure and report on the effectiveness of its various initiatives for reducing the backlog, identifying any shortcomings in the initiatives and overall strategy, and recommending remedial actions.**

**The Ministry should provide an interim report to the Committee Clerk on its progress within six months of the tabling of this report.**

**4. The Ministry of the Attorney General should report to the Standing Committee on Public Accounts on its progress in upgrading information technologies used in court. The report should include, but not be limited to an assessment of the costs and savings, and the benefits achieved.**

**5. The Ministry of the Attorney General, in conjunction with the Ontario Realty Corporation, should ensure that all future courthouse construction and renovation projects are acquired competitively and in accordance with Management Board of Cabinet policies.**

**6. The Ministry of the Attorney General, in conjunction with the Management Board Secretariat, the Ontario Realty Corporation, and the Ministry of Public Infrastructure Renewal should report to the Standing Committee on Public Accounts on the features of its plan to manage its portfolio of courthouses to prevent such occurrences as those previously identified by the Provincial Auditor. The report should include an explanation of the procedures now in place to ensure that each property is profiled and properly inspected; and to proactively identify capital needs over the long-term.**

**7. The Ministry of the Attorney General should report to the Standing Committee on Public Accounts on its immediate and longer term plans to enhance performance reporting.**

**8. The Ministry of the Attorney General should report to the Standing Committee on Public Accounts on the implementation of its best practices to measure system effectiveness and overall efficiency in the management of individual cases. These practices should provide a definition of the quality of service delivery, addressing the provision of information for victims, within accompanying standards and goals for individual cases. Also, the Ministry should elaborate on the measurement of public satisfaction levels for complainants, victims and society generally.**

## NOTES

<sup>1</sup> Ontario, *2003 Annual Report*, Office of the Provincial Auditor (The Office, 2003), p. 6. This section is a direct quote from the Provincial Auditor's *2003 Annual Report*, with minor stylistic changes for integration with this Committee report.

<sup>2</sup> Ontario, Legislative Assembly, Standing Committee on Public Accounts, Official Report of Debates (*Hansard*), First Session, 38<sup>th</sup> Parliament (9 February 2004): P-20.

<sup>3</sup> *Ibid.*, P-20.

<sup>4</sup> *Ibid.*, P-15.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, P-19.

<sup>7</sup> *Ibid.*, P-16.

<sup>8</sup> *Ibid.*, P-23.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*, P-14.

<sup>11</sup> *Ibid.*, P-19.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*, P-23.

<sup>14</sup> *Ibid.*, P-18.

<sup>15</sup> *Ibid.*, P-17.

<sup>16</sup> *Ibid.*, P-18.

<sup>17</sup> *Ibid.*, P-14.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*, P-23.

<sup>20</sup> *Ibid.*, P-14.

<sup>21</sup> *Ibid.*, P-35.

<sup>22</sup> *Ibid.*, P-14.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*, P-24.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*, P-22.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*, P-35.

<sup>30</sup> *Ibid.*, P-36.

<sup>31</sup> *Ibid.*, P-35.

<sup>32</sup> *Ibid.*, P-27.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*, P-29.

<sup>36</sup> *Ibid.*, P-28.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*, P-30.

<sup>40</sup> *Ibid.*, P-35.

<sup>41</sup> *Ibid.*, P-34.

<sup>42</sup> *Ibid.*, P-16.

<sup>43</sup> *Ibid.*, P-34.

<sup>44</sup> *Ibid.*

<sup>45</sup> Courts Services Division, *Annual Report 2002-03*, p. 27.

<sup>46</sup> Ontario, Legislative Assembly, Standing Committee on Public Accounts, Official Report of Debates (*Hansard*), First Session, 38<sup>th</sup> Parliament (9 February 2004): P-33.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*, P-15 and P-16.

<sup>49</sup> *Ibid.*, P-16.

<sup>50</sup> *Ibid.*, P-34.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, P-43.

<sup>54</sup> *Ibid.*, P-35.

<sup>55</sup> *Ibid.*

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.