
2006 OPERATING BUDGET BRIEFING NOTE: Proposed new initiative respecting court attendance by police officers

Background:

Court Services staff schedule trials for charges where either a mandatory court appearance is required or upon the request of a person charged with an offence who elects to contest the matter. Currently, 46% of persons charged with a ticketable offence (excluding parking tickets) request a trial. This represents about 250,000 charges a year that need to be scheduled for trial. When scheduling a trial date, court services staff refer to the courtroom assignment plan that is approved by the judiciary. This plan sets out the number of courtrooms available and the type of charges to be heard at various times and days of the week. The details of the court plan are entered as court sessions onto the court computer system. When scheduling a case for trial, staff use information provided by the Toronto Police Service that outlines dates when an officer is made available to attend court sessions. Tickets issued are grouped by badge number and then scheduled in a manner that minimizes as much as possible the number of court appearances required for by an officer. Notification of the trial date is then given to the person charged, the police and prosecution.

Key points:

Dates police officers are made available to attend court are provided to Court Services by the Toronto Police Service. Currently, day court dates are in accordance with officer on duty schedules and night court is off-duty. (As a result of judicial shortages, the night court program has been significantly reduced with about 1,600 traffic charges per month being heard at night court.) As trials are scheduled many months into the future, and this is largely due to the availability of justices of the peace to hear Provincial offences cases, frequently on the day of trial, police officers are excused from attending court. When informed of this, the prosecutor withdraws the charge as he/she has no witness available to give evidence.

In a report considered by the Toronto Police Services Board at their November 17, 2005 meeting, the Toronto Police Service (TPS) advised that since early 2004 when Toronto Police began assigning officers to attend night court on an off-duty court date model, the rate of non-attendance was over 40%. After two years, this rate has been reduced to 26%. The report also notes that officers are being cancelled from attending on-duty day court 63% of the time as they are required to attend service calls. By shifting the scheduling model to off-duty dates, it is expected that attendance at court can improve. Recent media articles have reported on this issue and concerns respecting road safety and the need for the court system to be able to support these charges have also been expressed.

Court services statistics indicate that as of the end of November 2005, over 45,000 minor traffic charges were withdrawn in Toronto traffic courts on the trial date as a result of the police officer not being in attendance.

Apart from the public safety issues surrounding road safety, using an estimate of \$75 per charge and a conviction rate of 80%, the annual revenue lost is calculated to be about 3 million dollars. The cost of paying officers to attend court off duty has been estimated by TPS to be 2.4 million dollars resulting in net revenue of six hundred thousand dollars. As the 2006 court calendar is already filling into the summer months, budget calculations include half year costs and revenue. There is some risk that the trial rate may not change and costs could be higher if every case required a trial and more court time was required, however, by ensuring officers attend court more frequently, it can reasonably be expected that the current trial rate of 46%, the highest in Ontario, should decline. Many courts in Ontario have a trial rate of under 23%, with some GTA courts at about 25 to 30%. With a lower trial rate and consequently fewer court appearances over time, costs relating to court attendance should go down.

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