



Volume 3, Chapter 2—Court Operations

2019 Value-for-Money Audit

Why We Did This Audit

- Our last audit in 2008 of Court Services, under the Ministry of the Attorney General (Ministry), reported that case backlogs in the courts were growing. The overall pace of court system modernization remains slow.
- The Ministry's Court Services Division (Division) is responsible for all matters relating to the administration of courts, costing \$258 million for 2018/19.
- Taxpayer monies are used to fund court operations. Given the delays experienced in the court system and the high percentage of remanded inmates in correctional institutions, we wanted to determine what was causing the delays in the court system.

Why It Matters

- The public expects court cases to be resolved on a timely basis and in a cost-effective way, and that court services are available when needed.
- Given that taxpayers' monies are used to support court operations, it is within our Office's mandate to assess the cost effectiveness and efficient use of government-funded resources, such as Ministry staffing, courtrooms, information system and other court services.

What We Found

- Ontario courtrooms were in operation only 2.8 hours on an average business day, well below the Ministry's optimal average of 4.5 hours. We found that the 55 courthouses (out of a total of 74) that reported above-average delays in disposing cases also operated fewer hours than the optimal average. Some courtrooms were sitting empty during our visits to a sample of courthouses.
- We were refused access to key information we needed to perform our audit and experienced delays in receiving other specific information. Without being given full access to administrative scheduling information, we were unable to examine the efficiency and cost effectiveness of court scheduling to confirm possible reasons for the under-utilization of courtrooms (e.g., the extent to which meetings, instead of being held in courtrooms, were now being held in other rooms or facilities). Our audits of the Criminal Court System (Chapter 3 of this volume) and Family Court Services (Chapter 4 of this volume) further discussed the delays in disposing criminal and family cases.
- Integrated Court Offences Network (ICON), which is a legacy information system established in 1989, tracks more than 98% of all criminal cases in the province. Little progress had been made in replacing ICON to support modernizing the court system. The same issue was reported in our 2008 audit of Court Services and our 2016 audit of Information and Information Technology General Controls.
- The Ontario Court of Justice publishes numerous court statistics, such as cases received, disposed and pending disposition; however, targets are lacking to measure against actual performance. In comparison, British Columbia provincial court publicly reports its actual performance against pre-established targets such as the number of criminal cases concluded as a percentage of the number of cases received.
- The average number of sick days per the Division's regular full-time employees rose from 10 in 2014 to 14.5 in 2018; this compares to the Ministry average of 9.5 days in 2014 and 11.35 days in 2018 and the Ontario Public Service average of 11 days in 2018. The Ministry reported that the total cost of lost time due to absenteeism was \$7 million in 2017 and \$8.6 million in 2018.
- Our review of a sample of 60 invoices claimed between March 2018 and February 2019 by court interpreters on the Ministry's central registry found that over one-third of the claims were uneconomical, and in some instances, a large portion of the expenses could have been saved.
- Ontario's court system remains heavily paper-based. In 2018/19, almost 2.5 million documents—over 96% of them paper documents—were filed in Ontario's court system, ranging from cases' initiating documents to evidence and court orders made by a judge.

Conclusions

- The overall pace of court system modernization remains slow and the system is still heavily paper-based, making it inefficient and, therefore, keeping it from realizing potential cost savings.
- With the exception of a few courthouses that were experiencing over-capacity issues, many other courthouses that reported above-average delays in disposition of cases were under-utilized in 2018/19.
- We experienced a significant scope limitation by being denied access to information to address our audit objectives on administrative court scheduling, and experienced significant delays in receiving information, such as, for example, staffing statistics that took two months to obtain.
- The Ministry should do more to manage the increasing number of sick days taken by Division staff and oversee the travel claims submitted by court interpreters.

Read the audit report at www.auditor.on.ca