

To: Warden and Members of County Council

From: Director of Corporate Services

Court Security and Prisoner Transportation (CSPT) Program Agreement and CSPT Review Final Report

RECOMMENDATIONS

- 1. That County Council hereby authorizes the Director of Corporate Services to execute a Funding Agreement with the Ministry of the Solicitor General, under the Court Security and Prisoner Transportation Program, as outlined in Report No. CS 2022-11;**
- 2. And further, that the “Review of the Court Security and Prisoner Transportation Program – Final Report” and “High-Level Summary of the Court Security and Prisoner Transportation Program Review” be circulated to the Local Court Security Advisory Committee at their 2022 annual meeting.**

REPORT HIGHLIGHTS

- Court Security and Prisoner Transportation (CSPT) Program provides partial funding for municipal court security and prisoner transportation costs
 - Annual court security and prisoner transportation costs related to the County’s Provincial Offices Administration (POA) budget is approximately \$14,000 in a typical year
 - 2022 court security and prisoner transportation special levy \$51,541
- 2021 funding allocation under the CSPT program – up to \$39,522

Implementation Points

Subject to the County entering into a Transfer Payment Agreement with the Ministry, the Ministry will provide allocations of funding based on the County’s 2020 provincial court security and prisoner transportation costs. Funding allocations will be received in four instalments over the course of the year – the first being upon final execution of the funding agreement; the second instalment upon the Province’s receipt and approval of the County’s 2021 Annual Financial Report; and, the remaining two instalments will be released in September and December 2022 respectively.

Financial Impact

A provision for Court Security and Prisoner Transportation Funding was not included in the 2022 budget, as staff were informed that the Province’s review of the CSPT program was still ongoing and therefore, were not in a position to commit to funding agreements for 2022. The program review has now been completed and the Ministry has released a summary of the full report, attached to this report as Attachment 1.

Considering municipal allocations will continue to be determined in relation to all municipalities’ CSPT actual costs for two years prior to the transfer payment, and is limited to a \$125 million provincial funding commitment, the County’s 2022 allocation has been calculated to be \$39,521.83.

Communications

The communications requirements of the transfer payment agreement indicate that the County will acknowledge the Province’s financial support for these services and any related publications be qualified as views of the County that do not necessarily reflect those of the Province.

The Ministry of the Solicitor General’s “Review of the Court Security and Prisoner Transportation Program – Final Report” will be circulated to the County’s Local Court Security Advisory Committee at their annual meeting to be held in the fall of 2022.

Strategic Plan (2020-2022)

					
WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
1.ii.					

DISCUSSION

Background

In response to *The Provincial-Municipal Fiscal and Service Delivery Review (PMFSDR)* that was completed in 2008, commencing in 2012 the Province began uploading costs of court security (including prisoner transportation) over seven years, by providing funding to municipalities to a maximum of \$125 million annually at maturity. Table 1 below illustrates the timing of the upload and the percentage of \$125 million allocated to municipalities across the Province over the transition period.

Table 1 – Provincial Upload Schedule – Court Security and Prisoner Transportation Costs

	2012	2013	2014	2015	2016	2017	2018
Court Security	14%	29%	43%	57%	71%	86%	100%

In 2018, the newly elected provincial government immediately initiated a province-wide review of government expenditures. In the ensuing years, municipalities have received notice of the continuation on the CSPT funding program on an annual basis within the funding year – typically at the end of March.

In preparation of the 2022 budget, the Ministry informed staff that the review of the CSPT Program was still underway and they were unable to provide an indication of whether the program would continue for 2022. On that basis, no provision was included in the 2022 budget.

Subsequently, on January 21, 2022, the County received from the Ministry of the Solicitor General, the “Review of the Court Security and Prisoner Transportation Program – Final Report”, as prepared by Goss Gilvroy Inc., dated March 26, 2021 – see Attachment 1. The full report was accompanied by a “High-Level Summary of the Court Security and Prisoner Transportation Program Review” summarizing the review process and the concluding recommendations – see Attachment 2.

Comments

An expenditure-based model is used to determine funding amounts for each municipality eligible for funding under the CSPT Program. The 2022 CSPT funding is allocated based on each municipality’s relative share of the total 2020 court security and prisoner transportation costs across the province. As a result, the County’s allocation for 2022 in comparison to years 2017 to 2022 is set out in Table 2 below.

Table 2 – 2017 – 2022 CSPT Funding Allocations vs Costs for Oxford County

Calendar Year	County Allocation	Actual/Budget Costs	% of Actual/ Budget Court Security Costs ^{1,2}	Provincial Upload Commitment of \$125 million
2017	\$9,300	\$12,540	74.2%	86%
2018	10,850	131,358	8.3%	100%
2019	9,842	108,579	9.1%	100%
2020	99,911	51,525	193.9%	100%
2021	30,431	95,088	32.0%	100%
2022	39,522	65,541	60.3%	100%
Total	\$199,856	\$464,631	43.0%	

Note 1: 2022 percentage is based on 2022 approved budget costs

Note 2: 2018 was the first year court security costs includes the court security and prisoner transportation grant to the City of Woodstock

Note 3: 2021 CSPT allocation was reduced by \$48,387 due to suspended court proceedings in response to the pandemic resulting in significant decrease in court security and prisoner transportation costs – similar adjustments may result in 2022, subject to the 2021 final financial report

CSPT Funding Program Review

In September 2020, the Ministry of the Solicitor General (Ministry) hired an independent consultant to conduct a review of court security and prisoner transportation in Ontario, including the design of the CSPT Program. Municipalities, police services and other justice sector partners were engaged during the review process.

The review was completed and on January 21, 2022, a letter was sent to review participants, including policing stakeholders and municipal partners, sharing an update on the review as well as a high-level summary and full report. As a result, the Ministry has committed to continuing the CSPT Funding Program with no changes to the overall funding envelope, subject to the regular fiscal process.

In addition, a phased approach is being taken in response to the program review to ensure a pathway for future planning and continuous improvement founded on evidence that addresses gaps in the program review. As a first step in this phased approach, and based on one of the consultant's recommendations, the Ministry is enhancing reporting requirements for the CSPT Funding Program through the introduction of a performance measurement framework. This will help create a foundation for continuous quality improvement and program efficiencies that is evidence-based.

Beginning in 2022, as part of the CSPT Funding program, a report-back on provincially identified performance measures and indicators will be required as outlined in the Transfer Payment Agreement. Reporting will be on an annual basis and aligned with the timelines for financial reporting.

Staff have reviewed the full report and are generally supportive of the recommendations. Most notably, the expanded use of virtual court appearances, which has proven to be more logistically efficient from a scheduling perspective for court appearances as well as cost effective, resulting in significant reduction in costs associated with in-person court security and prisoner transportation.

Many of the other recommendations pertain to how the police services are delivered, suggesting alternative staffing models be considered, such as special constables and/or contractors for certain functions to relieve the pressure on the sworn officers, and associated costs to provide court security and prisoner transportation. Woodstock police services has traditionally employed special constables to perform the security functions described in the consultant's recommendations.

Over the course of 2022, staff will compile the metrics required for reporting to the Ministry on the identified performance measures and will also report the measures to Council at the end of the first quarter in 2023. The performance measures include:

- Number of court appearances – broken down by in-person and virtual;
- Number of full-time sworn police officers and special constables supporting prisoner transportation and/or court security – broken down by sworn police officers and special constables; and
- Number of prisoner transportation trips – broken down by sworn police officers and special constables.

Conclusions

Securing a Funding Agreement for the CSPT Program will allow the County to receive up to \$39,522 in 2022 to offset the cost of providing court security and prisoner transportation in the Provincial Offenses Courtroom and offices, and the grant paid to the City of Woodstock.

Staff will work with the local police services to further review and implement any of the recommendations deemed to be beneficial in achieving efficiencies in service and cost savings. In the meantime, the Local Court Security Advisory Committee will meet in the fall of 2022 to consider a 2023 CSPT grant for the City of Woodstock and receive the Program Review Report for discussion purposes.

SIGNATURES

Departmental Approval:

Original signed by _____

Lynn S. Buchner, CPA, CGA
Director of Corporate Services

Approved for submission:

Original signed by _____

Gordon Hough on behalf of Michael Duben, B.A., LL.B.
Acting Chief Administrative Officer

ATTACHMENTS

Attachment 1 – “Review of the Court Security and Prisoner Transportation Program”, prepared by Goss Gilroy Inc., Management Consultants, dated March 26, 2021

Attachment 2 – High Level Summary of the Court Security and Prisoner Transportation Program Review