

COURTHOUSE ISSUES - TALKING POINTS - FOLA 2020

KEY ISSUES

- Security;
- Staffing;
- Accessibility;
- Redundancies associated with operating multiple courthouse locations;
- Lack of technology (i.e. inability to video conference).

SECURITY

There are inconsistencies throughout the province with respect to security. In many of our courthouses there are simply no security measures whatsoever. The lack of security measures (or inadequacy of security measures) have created a serious risk of harm to the public, members of the bar and the judiciary.

STAFFING

Failure to properly staff courts leads to the possibility of courtrooms closing - resulting in a significant unfairness to all justice system participants. As the Supreme Court of Canada said in *R v. Askov* and *R v. Morin*, the lack of institutional resources cannot be an excuse used by the Crown to deny an accused's right to a timely trial.

Staffing shortages are leading to:

- Cases being thrown out because of delays;
- Relocated cases - thereby increasing the likelihood of wrongful convictions because witnesses weren't able to travel to provide their evidence in court or causing the Crown's case to fall apart because their witnesses were unable to travel sometimes significant distances;
- Mandated services not being completed in a timely manner;
- Increased wait times for filing documents (sometimes weeks of delays);
- Increased incidents of verbal and physical threats (both in the courtroom and hallways) lead to the need to hire special constables (like at the Quinte courthouse last spring)

There are inconsistencies with respect to court staff training / roles and their responsibilities. This results in inconsistent messaging to the public and members of the bar with respect to procedure.

MULTIPLE COURT SITES

Certain cities have courts operating out of multiple sites. This can lead to a fractured justice system, create confusion amongst the public, lead to increased costs for operating each site, and create judicial isolation.

ACCESSIBILITY

Many of our courthouses are inaccessible to all members of the public.

TECHNOLOGY

There are inconsistencies across the province related to technology. In some jurisdictions, there are no capabilities to run electronic trials or conduct video conferencing. The lack of technology creates unnecessary expense by clients, and the system, by requiring in person attendances. This is particularly significant when dealing with persons in custody. The efficiencies associated with new technology are of no benefit when the facilities to support technology are not in place.

IMPROVEMENTS - WHAT THE GOVERNMENT NEEDS TO DO

- Ensure adequate funding of Ontario's courthouse infrastructure;
- Ensure that our courthouses are safe places for all participants in the justice system;
- Ensure that all members of the public can access our courthouses;
- Consider cost savings associated with operating courts out of a single site;
- Ensure that each of the 74 courts across the province is equipped with Wi-Fi;
- Enhance data sharing across the justice sector- courts, police, Crowns, staff and the public;
- Offer a service that will give the judge, lawyers, and the litigants in a case access to all the relevant case information and documentation in one place;
- Offer the option for Remote Court Appearances that will enable accused persons to participate in a full range of pre-trial appearances by video without the time or cost of having to be transported to appear in person;
- Offer the option for Remote Defence Access to provide an opportunity for accused people to discuss their case with defence counsel by video from a correctional institution instead of having to be transported to courthouses;
- Offer the option for Remote Testimony for Vulnerable Persons so that children or other vulnerable persons can appear before the court from a secure room within the courthouse via CCTV;
- Create province-wide courtroom staff roles/responsibilities/procedures and post online to create consistency across jurisdictions within Ontario.