

Supplementary Budget – Briefing Note

2022 Budget

Increase Municipal Prosecutor Role from 0.58 to 1.0 FTE

Briefing Note required for:

- items +/- \$50,000 or more
- changes in FTE
- Council Priority requests

| Dept | Division | Item | Base Supp | Amount | FTE Impact |
|--------------------|----------------------|--|-----------|------------------|-------------|
| Corporate Services | Municipal Governance | Increase municipal prosecutor role from 0.58 to 1.0 FTE – Grade 9 of FT Non-union Grid and Labour Burden (\$88,606/\$26,139) | Base | \$114,745 | 1.00 |
| Corporate Services | Municipal Governance | Decrease PT municipal prosecutor Wage and Labour Burden budget to off-set cost of moving to FT status (\$61,464/\$7,683) | Base | (\$69,147) | (0.58) |
| | | Budget Request | | \$ 45,598 | 0.42 |

Background:

Since 2011, the Ontario Provincial Police (OPP) have provided a court officer at no charge, to assist the municipal prosecutor with case management. This included:

- sending out disclosure and resolution offers to defendants/counsel on behalf of the prosecutor,
- fielding calls and emails from defendants/counsel, and
- organizing files for prosecutor review and preparation for court.

In November 2020, the OPP, without notice, pulled this support. Since that time, this work has been done by the Chatham-Kent Police Services (CKPS) Court Officer and court staff as an interim solution. With the significant backlog created by court closure during the pandemic and resuming of court sittings, it is no longer feasible for court staff to assist the prosecutor, nor is it sustainable for the CKPS Court Officer to manage the OPP files. Increasing the prosecutor to full time will provide sufficient time for the prosecutor to perform this work as part of the current incumbent's vetting process, resolution review, and preparation.

To put the volume of work in context, the following are the total number of trials set 2016-2019, with at least half of these matters being OPP, all of which would have generated a brief and all of the work that follows:

| | | | | |
|---------|-------------|-------------|-------------|-------------|
| Year: | 2016 | 2017 | 2018 | 2019 |
| Totals: | 2100 | 1982 | 2415 | 3024 |

In 2020, there were 2523 trial requests and as of July 2021, there have been 1085 trial requests, all of which are pending due to backlogs created by the pandemic.

In addition to the OPP realigning the duties of the court officer, it is anticipated that the prosecutor workload will continue to increase with planned strategic changes including transitioning to a Formal Early Resolution Court and the downloading of the Part III matters. Making the Prosecutor full time at this point will position the court to successfully move forward with these initiatives.

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| Background: |
| Alternatively, the prosecutor could remain at 0.58 FTE and have a part time administrative clerk to assist/complete the work formerly completed by the OPP court officer. However, from an employee retention perspective it is recommended to have one full time position rather than two part time positions. |
| Comment: |
| The more efficiently the prosecutor can manage the workload, the faster matters can be resolved or trials completed. This in turn will generate revenue for the Municipality as matters are convicted and fines are paid. |