Statistics Canada
Canadian Centre for Justice Statistics
Overview of the Courts Personnel and Expenditures Survey

Purpose of Survey:
The Courts Personnel and Expenditures Survey (CPES), conducted biennially by the Canadian Centre for Justice Statistics, collects information on court personnel and the costs of operating the Canadian court system. Data for the CPES are collected with the assistance of the thirteen provincial and territorial court jurisdictions as well as the Supreme Court of Canada, the Federal Court of Canada, the Tax Court of Canada and the Office of the Commissioner for Federal Judicial Affairs (OCFJA). This information assists the partners in the National Justice Statistics Initiative to address their policy and management agendas.

Collection Method:
Jurisdictional respondents complete survey questionnaires according to specific scoring rules and instructions. Information provided to the survey is used to create standard tables which are analysed for consistency and quality, and follow-up verification where necessary. Survey tables are then sent to respondents for final review and sign-off to confirm that the reported data are accurate.

Reference Period:
All data pertain to the fiscal year **April 1st** to **March 31st**.

Factors Influencing Costs:
In examining the size of operating expenditures and the number of personnel involved in court services, it is important to remember that there are significant differences among jurisdictions. Such differences may explain variations in expenditures, although it is not currently possible to quantify the extent of their effect.

It is particularly important to note that within Canada, two very distinct charging practices exist. In British Columbia, Quebec and New Brunswick, a Crown prosecutor assesses the charge(s) proposed on the Report to Crown Counsel from the police. In the remaining provinces and territories, police may lay charges on their own, and prosecutors review the charges by way of a post-charge review.

In addition, structural differences in the organization of Court Services Branches among jurisdictions results in variation in the types of costs included in *Other expenditures*. In some cases, jurisdictions do not incur certain expenditures or may have expenditures paid by other organisations. For this reason, caution must be used when making inter-jurisdictional comparisons of *Other expenditures*. For example, Maintenance Enforcement Programs (MEP), fall under the courts' budgets in Prince Edward Island, Nova Scotia, New Brunswick, Manitoba, Yukon, Northwest Territories and Nunavut. Variations exist as well among other types of operating expenditures.

There are also variations across jurisdictions in how work is distributed, in its volume, and its complexity. It is essential to bear in mind that unique factors (e.g. crime rates, criminal court workloads, geographic size and population distribution, etc.) contribute to the significant inter-jurisdictional differences. For example, in provinces with a large or difficult geographic area to cover, transportation costs will be relatively high. Another important variable when considering the cost of operating courts is the "size and complexity" of the cases which are prosecuted in relation to the resources required for each court appearance.

Limitations/Qualifiers:
- Benefits for Section 96 judges are included in each jurisdiction (with the exception of the Supreme Court) but are paid by Treasury Board.

- Salaries for Section 96 judges (except for the Supreme Court of Canada) are included under the jurisdiction where the judge is presiding but are paid by the Office of the Commissioner for Federal

Judicial Affairs (OCFJA). Consequently, OCFJA expenditures represent administration staff only, and training for Section 96 judges. The language training and other training costs for Section 96 judges are included in *Other operating expenditures* for the OCFJA.

- Other expenditures include law library/publication costs, witness costs, transcription costs, Section 96 judges' allowances and annuities, travel, communications, office and computer supplies, maintenance and repair services, training costs. They exclude, however, building occupancy costs, capital costs related to building construction, maintenance or leasing, staff expenditures associated with Crown prosecutions or coroner inquests, and prisoner escort services provided by law enforcement agencies.

- Expenditures for Alternative Dispute Resolution (ADR), which are part of *Other expenditures*, were provided by Newfoundland and Labrador, Nova Scotia, Ontario and Saskatchewan. ADR expenditures are covered by the Department of Justice in Newfoundland and Labrador, Court Services Branch in Nova Scotia and Ontario, and by the Dispute Resolution Branch in Saskatchewan.

- *Other expenditures* were not available for Prince Edward Island and *Law library and witness fees* were not available for Newfoundland and Labrador.

- Breakdowns by sex were unavailable for court/administration staff for Nova Scotia, Quebec, Ontario, Saskatchewan and British Columbia.

- Data for 2000/01 and 1998/99 have been revised since the release of the 2000/01 report.

- In 2000/01, data for Alberta includes retroactive payment of benefits ($14.7 million) and retroactive compensation to Justices of the Peace ($1.4 million). Also includes approximately $2.3 million in one time expenditures for digital recording equipment and set-up, and approximately $1.4 million in data processing costs relative to the development of a replacement criminal case tracking system.

- Nunavut has one level of trial court at the territorial superior court level. Judiciary reported under superior court perform both superior and territorial court functions.

- In Yukon, the Court of Appeal is composed of the judges of the Supreme Courts of the Yukon and Northwest Territories, and the judges of the Court of Appeal of British Columbia.

- The number of judges reported for Ontario does not include Per Diem Provincial/Territorial Supernumary Judiciary.

Definitions:

Expenditures

- **Salaries and Wages**: Includes salaries and wages for all personnel, including overtime, awards for full-time civil servants, holiday pay, long service payments, isolation pay and bursaries. Excludes honorariums paid to justices of the peace.

- **Benefits**: All payments made to employees which are neither salaries nor wages, are considered benefits. Benefits are frequently reported as a percentage value applied to the total salary amount and are often paid by provincial Treasury Board or Finance Departments. Examples of benefits would include employer's contribution to:

  - Canada Pension Plan (CPP)
  - Employment Insurance (EI)
  - Superannuation/Pension Plan
  - Health Insurance Plan
  - Dental Plan
  - Group Life Insurance Plan
  - clothing allowances
  - worker's compensation/disability payments
  - maternity leave payments
  - severance pay
  - transportation allowances
  - death benefits

- miscellaneous allowances (e.g. contribution to plans such as Visioncare)

- **Law Library/Publication Costs**: Includes all costs associated with the operation of law libraries and publication costs (e.g. purchases of journals, subscriptions, etc.), excluding salaries. Only libraries associated with the operation of the courts are included.

- **Contracted services (i.e. individuals or agencies that are not on the court services payroll)** are excluded from the personnel counts; however, the cost associated with this work is included with 'Professional Services/Contracts'.

Personnel

- **Court/Administration Staff**: Include actual number of full-time as well as permanent part-time employees who were on the courts services branch payroll as of March 31. This category includes staff such as:

  Court Clerks: These counts include courtroom staff that perform functions within and outside the courtroom. Full time equivalent court clerks include court clerks employed by the court services branch not presiding over courtroom functions, such as prothonotaries and clerks of the court.

  Court Reporters: Full-time equivalent court reporters include any court reporters employed by the court services branch not presiding over court functions, such as clerks of the court, court reporters/recorders and court stenographers.

  Security staff includes actual courtroom security staff employed by the court services branch, such as bailiffs, security, sheriffs and ushers.

  Other Court Staff: Include any court staff employed by the court services branch not specified above. This category includes staff such as:

  - administrative support
  - clerical support
  - court social workers
  - judicial officers
  - judges' secretaries
  - justices of the peace
  - law library and legal research staff
  - legal researchers
  - masters
  - mail and messenger services
  - maintenance enforcement program workers
  - management and central services
  - native court workers
  - other court program workers
  - registry staff
  - registrars
  - students
  - systems support
  - ushers
  - victim/witness program workers

- **Judiciary:** Includes all provincially and federally appointed judiciary. Judges from all levels of courts within each province/territory are included (i.e. Provincial/Territorial Courts, Superior Courts, and Courts of Appeal). Excluded are justices of the peace, prothonotaries, masters, registrars, judicial officers and clerks of the court performing quasi-judicial functions, however, these are included in Court Staff.

  Full-time Judiciary: Includes all full-time judges appointed by the Minister of Justice Canada or by the Province.

  Supernumerary Judiciary: Includes all non-retired, active judges over the age of 65 years.