



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

# Report of the Task Force on Courthouse Facilities

**Strategic Communications Inc.**

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# Executive Summary

## **Introduction (Section 1.0)**

This report presents the findings of the Task Force on Courthouse Facilities questionnaire, drafted and distributed by the Law Society of Upper Canada during the Spring-Summer of 2000. Tabulation, analysis and interpretation of results have been carried out by Strategic Communications.

A total of 152 wholly or partially completed surveys were data-based and tabulated to produce overall, aggregate survey results (Appendix 1). In addition, 47 separate county/district reports were drafted, based on the completed surveys received from one or more courthouse facilities in the designated county/district. Draft reports were returned to the individuals who completed the courthouse survey for modifications, corrections or additions. Final drafts of the county/district reports incorporated these changes and are attached in Appendix 2.

**Part 1** of this report -- Sections 3, 4, 5, 6 and 7 -- is based on the 47 separate county/district reports, which reported on a total of 100 separate courthouse facilities. Section 3 classifies counties/districts of Ontario in four separate groups (Groups 1, 2, 3, and 4 and listed in Table 1), ranging from the four counties/districts where courthouse facilities are *adequate* and reporting few problems, to those 12 counties/districts where courthouse facilities are *inadequate*. This section provides an overview of some general indicators of inadequate courthouse facilities and key problem areas (Charts 1 and 2). This overview illustrates that a majority of courthouse facilities in Ontario report a relatively long list of specific inadequacies or problems that have compromised one or more aspects of the quality of justice services provided.

In a sizeable proportion of courthouse facilities - the 12 counties/districts and 26 separate courthouses included in Group 4 – a host of problems have rendered the facility as a whole inadequate to meet current requirements and standards for the delivery of justice services.

Sections 4, 5, 6 and 7 of the report analyze courthouse facilities, administrative services, key issues and prospects for meeting current and future requirements for each of the four groups of counties/districts identified in Table 1. Each of these sections follows a similar format, combining quantitative measures with open-ended comments from survey respondents, to illustrate the scope and severity of the problems confronting courthouse facilities. Perhaps not surprisingly, respondents provided more comments and more detail where problems were perceived to be more widespread or more severe. This commentary is reported in some detail in Sections 6 and 7, which review county/district Groups 3 and 4 respectively.

**Part 2** of this report is based on the aggregate results of 152 returned surveys. Part 2 provides additional quantitative details, comparing the findings generated by analysis of individual surveys with those reported in Part 1 based on county/district reports. It notes that the findings generated by the two forms of analysis are consistent for every aspect of courthouse facilities and key issues analyzed in the report as a whole.

Section 8 reports mainly quantitative findings (Tables 5, 6, 7, 8 and 9) regarding courthouse facilities and services. This section follows the same format as the analysis of county/district groups in Part I of the report (Sections 4, 5, 6 and 7), analyzing the following aspects of courthouse facilities:

- Lawyer-client meeting rooms
- Public/witness accommodation
- Lawyers' facilities
- Courtrooms
- Jury facilities
- Judges chambers
- Crown Attorney Offices
- Other administrative uses

Section 9 reviews survey findings with respect to key issues, beginning with a summary of the results of survey question 27, which asked respondents to, "Describe the top three issues relating to this facility as you perceive them." Table 10 analyzes the distribution of 338 comments related to eight separate issue/areas. The balance of the section briefly reports and discusses additional quantitative results (Tables 11, 12, 13, 14 and 15) for the following issue/areas:

- Space and overcrowding
- Security (holding cells and other security matters)
- Air quality/health and safety
- Public and disabled access
- Maintenance and cleanliness.

Finally, Section 10 in Part 2 of this report provides information about heritage/historical courthouse facilities (Table 16). Table 17 provides a brief comparison between heritage and non-heritage courthouse facilities using some of the key indicators of courthouse house facilities and issues that have been identified throughout this report.

Part 3 of this report summarizes the conclusions of Parts 1 and 2.

## **Method (Section 2.0)**

As indicated, this report is based on the results of 152 self-administered questionnaires. Part I of the Task Force questionnaire comprised 154 questions, of which 27 were open-ended in whole or in part. Part II, intended to be completed for each county or district, comprised 11 questions, of which five were open-ended. Design of the questionnaire, distribution to respondents across Ontario, and subsequent collection of completed questionnaires was carried out by the Law Society of Upper Canada.

*The analysis and interpretation of results in this report are based on two separate methods, representing somewhat different datasets.*

Part 2 of this report is based directly on the aggregated results of the 152 wholly or partially completed questionnaires. Although the survey method originally intended that one survey would be completed for each courthouse facility in Ontario, this format was not always followed. In a majority of cases a single questionnaire was completed by one or more individuals for each courthouse. But in a substantial minority of cases, two or more questionnaires were submitted for a single courthouse. As a result, the 152 surveys that were returned to the Law Society reported on just 100 separate facilities.

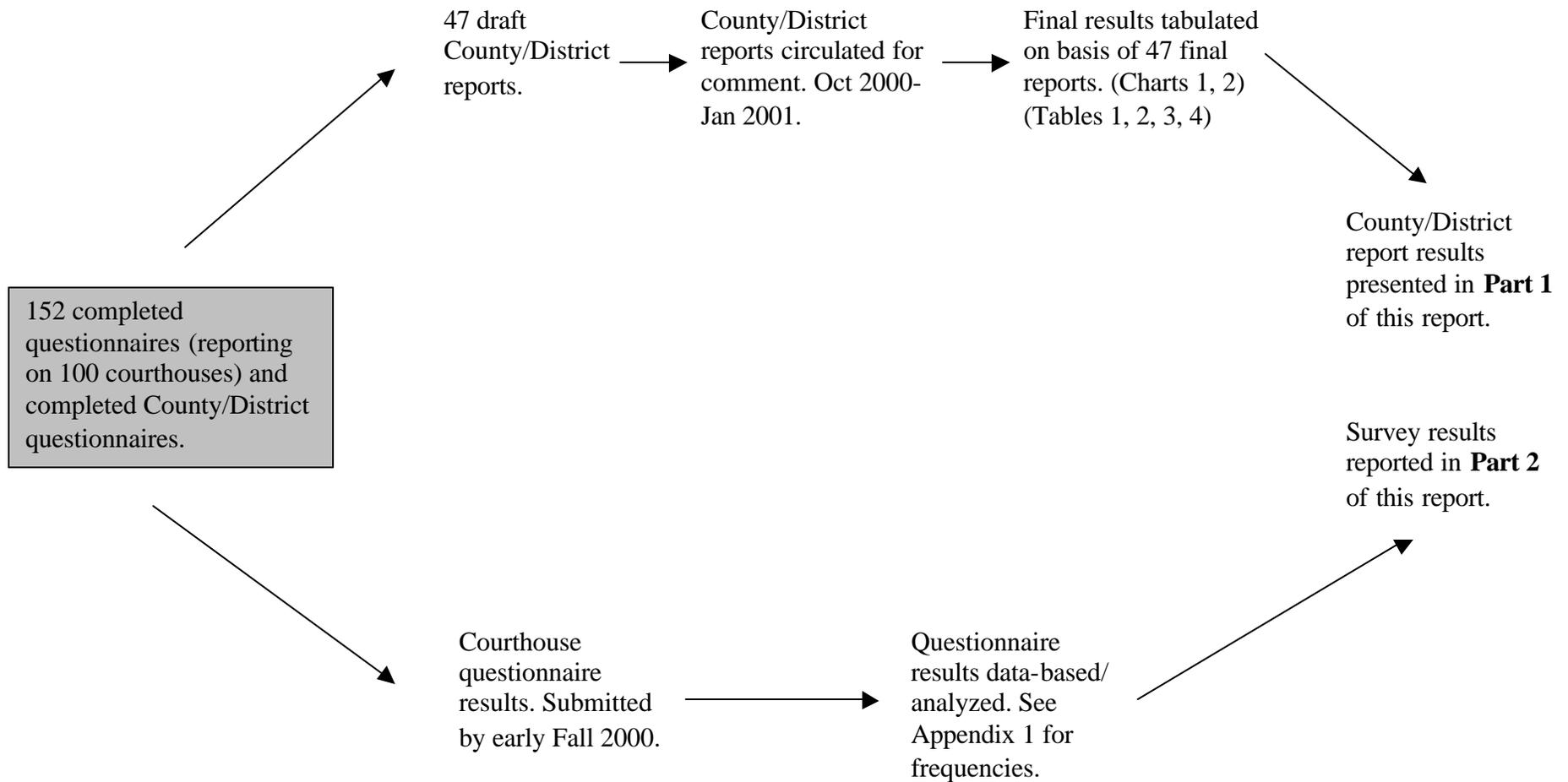
Duplicate or multiple survey responses, received for some but not all courthouse facilities, represent one possible source of error in the survey results. Some courthouses are over-represented in the aggregate results reported in Appendix 1.

Another possible source of error in the survey results is the fact that the survey was self-administered, and therefore not all respondents answered all questions or completed the whole questionnaire with equal thoroughness. A number of questions that applied to all respondents received a relatively high proportion of “no answers” (more than 10%), suggesting that respondents did not understand the question or considered the question not applicable to their circumstances.

For these reasons, the aggregate survey results reported in Appendix 1 should be interpreted cautiously and wherever possible “cross-tabulated” or corroborated by the results of the individual county/district reports.

Part 1 of this report is based on the 47 county/district reports, each of which integrated all of the survey information available, as well as Part II of the questionnaire, which addressed overall county/district issues. In several instances preparation of the county/district reports involved reconciling different and even contradictory information received in separate completed questionnaires. A subsequent step in producing accurate county/district reports was the distribution of the draft reports to the original survey respondents. This *iterative* process of producing the final county/district reports (Appendix 2) meant that in many instances important additions or modifications were made to the factual information originally provided in the completed courthouse questionnaire. The two methods of generating results are illustrated in Figure 1.

**Figure 1: Generating Two Data Sets From the Courthouse Questionnaire.**



As a result of the process of producing accurate county/district reports, there may be some discrepancies between the aggregate results generated by the original 152 completed courthouse questionnaires and the final results reported in 47 separate county/district reports. Whereas Part 2 of this report provides quantitative results based on the 152 completed questionnaires, Part 1 has generated quantitative results based on 100 separate courthouse reports, which have already integrated duplicate surveys in a single report.

Reflecting the different methods used to calculate responses to various survey questions, the quantitative results cited in Parts 1 and 2 of this report are not always *exactly identical*. Because of the careful process of review and correction involved in generating the county/district reports, *the information in Part 1 should be considered the most accurate provided in this report*<sup>1</sup>. However, the process of re-tabulating results based on the narrative format of each county/report (Appendix 2) has meant that not all of the original 154 survey questions could be tabulated and compared. Hence the original survey results (Appendix 1) reported in Part 2 of this report have furnished extensive additional detailed information.

Part 1 of this report has built a strictly accurate profile of courthouse facilities and issues, based on 47 separate county/district reports. Part 2 has added further detailed quantitative and qualitative findings based on 152 separate surveys returned. Comparison of results generated by these two slightly different methods reveals close correspondence of numbers and percentages on virtually every single question.

Although the methods employed for generating and reporting results of the courthouse survey have involved several detailed steps, and some specific adaptations in the format of this report, we are confident that the results provide an accurate and detailed picture that has captured the range and quality of opinion expressed by survey respondents.

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<sup>1</sup> The completed courthouse questionnaires were returned by early fall 2000. The county/district reports were then drafted, circulated and re-drafted. This allowed for modifications and incorporation of new information until the final draft of this report ( January 30, 2001).

## **County and District Reports (Section 3.0)**

Part 1 of this report, based on the 47 separate county/district reports, reports on 100 separate courthouse facilities, which have been divided into groups based on four-point scale of adequacy/inadequacy. These four groups were defined as follows:

- Group 1 (four courthouses) reported adequate courthouse facilities, identifying few and limited problems.
- Group 2 (18 courthouses) also reported adequate facilities with a longer list of specific problems.
- Group 3 (52 courthouses) reported facilities that are inadequate in important respects, requiring systematic solutions to meet current requirements.
- Group 4 (26 courthouses) reported facilities that are inadequate and require comprehensive solutions to meet current needs.

The division or classification of county/district courthouse facilities into these four groups was not based on strict criteria. Given the number of quantitative and qualitative issues explored in the courthouse survey questionnaire, it would not be feasible to develop a comprehensive criteria which would allow for easy comparison of different variables covering a wide range of quantitative and qualitative indicators. Moreover, in some cases, analysis and comparison of counties/districts has necessarily involved making generalizations about the overall adequacy/inadequacy of a group of courthouse facilities.

For these reasons, the grouping of county/district courthouse facilities is not intended to represent a strict classification but rather a more loosely conceived spectrum - ranging from “adequate” to “inadequate”- allowing for comparison of quantitative and, wherever possible, qualitative aspects of key courthouse facilities, issues and prospects for meeting requirements. Table 1 lists the counties/districts according their classification along this spectrum, from adequate to inadequate.

**Table 1: Evaluating the Adequacy of Ontario’s Courthouses by County/District.\***

<b>Group 1</b> Adequate courthouse facilities. Few and limited problems. <i>(4 courthouses)</i>	<b>Group 2</b> Adequate courthouse facilities. Longer list of specific problems. Solutions are available. <i>(18 courthouses)</i>	<b>Group 3</b> Courthouse facilities are inadequate in important respects. Systematic solutions are required <i>(52 courthouses)</i>	<b>Group 4</b> Facilities are inadequate to meet current needs. Comprehensive solutions are required. <i>(26 courthouses)</i>
<b>Lincoln – St. Catherines</b> <b>Leeds/Grenville -</b> <i>Brockville</i> <b>Nipissing – North Bay</b> <b>Peel – Brampton</b>	<b>Bruce – Walkerton</b> <b>Brant – Brantford</b> <b>Dufferin – Orangeville</b> <b>Hamilton-Wentworth –</b> <i>Hamilton</i> <b>Huron – Goderich</b> <b>Muskoka – Bracebridge</b> <b>Norfolk – Simcoe</b> <b>Prescott-Russell –</b> <i>L’Original</i> <b>Temiskaming -</b> <i>Haileybury</i> <b>Victoria-Haliburton –</b> <i>Lindsay</i> <b>Welland - Welland</b>	<b>Algoma – Sault Ste. Marie</b> <b>Carleton – Ottawa</b> <b>Essex – Windsor</b> <b>Frontenac – Kingston</b> <b>Halton - Milton</b> <b>Hastings – Belleville</b> <b>Kent – Chatham</b> <b>Lanark – Perth</b> <b>Lennox-Addington –</b> <i>Napanee</i> <b>Middlesex – London</b> <b>Northumberland –</b> <i>Cobourg</i> <b>Parry Sound – Parry Sound</b> <b>Perth – Stratford</b> <b>Lambton – Sarnia</b> <b>Simcoe – Barrie</b> <b>Sudbury - Sudbury</b> <b>Stormont-Dundas-</b> <b>Glengary - Cornwall</b> <b>Toronto - Toronto</b> <b>Waterloo – Kitchener</b> <b>Wellington – Guelph</b>	<b>Cochrane – Timmins</b> <b>Durham – Whitby</b> <b>Elgin – St. Thomas</b> <b>Grey – Owen Sound</b> <b>Haldimand – Cayuga</b> <b>Kenora - Kenora</b> <b>Oxford – Woodstock</b> <b>Peterborough –</b> <i>Peterborough</i> <b>Rainy River – Fort</b> <i>Frances</i> <b>Renfrew – Pembroke</b> <b>Thunder Bay – Thunder</b> <i>Bay</i> <b>York - Newmarket</b>

\*Each column records county/district and the main urban centre for the region, as designated by the CDLPA.

For the most part classifying counties/districts was straightforward, based primarily on the length of the list of problems reported (Tables 2, 3 and 4). Classification of counties/districts in Group 4 was based both on the length of the list of specific problems *and* the direct comments of respondents which characterized courthouse facilities as inadequate. However, in a few instances classification was more difficult. In some cases survey results and accompanying open-ended remarks did not necessarily provide a clear picture of the general state of a courthouse. Forming a clear impression was sometimes complicated by contradictory information about the same facility or feature. In other cases a single factor, rather than a list of issues, provided the main reason for a specific classification. For instance, the Carleton County report described the Ottawa courthouse as “a wonderful facility by comparison to others in the Province.” However, the accompanying report of “serious defects in the courthouse – particularly relating to air quality” justified placing Carleton in Group 3 with county/districts described as “inadequate in important respects.” Finally, in some cases, notably Toronto and Simcoe

County, the existence of many and varied courthouse facilities, rendered a general classification difficult. Particularly in the case of Toronto, the larger framework of the analysis made it necessary to make a generalization, which did not fully reflect the diverse quality of separate facilities within the district.

Part I of the report shows a close association between all or most of the “indices of inadequacy,” which we have measured (Tables 2, 3, and 4). Problems with respect to insufficient space in one area of a courthouse facility tended to be associated with insufficient/inadequate space throughout that courthouse facility. Moreover, a higher frequency of insufficient or inadequate facilities was linked to more frequently reported concerns over security, health and safety and disabled access. All of this suggests close linkages between the various issues measured and assessed by the courthouse questionnaire. Problems identified in one area typically affect the quality of the facility in a host of other areas or dimensions. Conversely, specific problems are often best understood as a particular expression of more systematic problems within the courthouse facility. Certainly the closely interconnected nature of a long list of problems seemed to be characteristic of courthouses included in Groups 3 and 4.

Optimism with respect to meeting current and future requirements appeared to be in inverse proportion to the scale and urgency of the identified needs. Courthouses in Groups 1 and 2, which reported a small list of discrete problems, were optimistic that the solutions could be found in the short and medium-term and that the necessary resources were available, if not ready-to-hand.

By contrast, counties/districts in Groups 3 and 4, where the list of immediate problems was long and the proposed solutions were appropriately comprehensive, generally expressed pessimism regarding the prospects of meeting requirement in the foreseeable future. Exceptions were those few facilities that reported comprehensive plans having already reached the implementation stage.

## **An Overview of Courthouses in Ontario**

An overview of survey results leaves the strong impression that most courthouse facilities in Ontario face a variety of problems. Whereas a small number of completed questionnaires described courthouse facilities and services that were fully adequate to current requirements and anticipated needs, a much larger proportion reported various inadequacies in courthouse facilities. Problems affecting one or more aspect of courthouse facilities included a lack of space and overcrowding, security concerns, poor air quality and other health and safety issues, and restricted access for the disabled.

In some cases, the extent and severity of problems was limited, and did not appreciably undermine the adequacy of the courthouse. But in a majority of cases the problems described were both numerous and appeared to be relatively severe, compromising one or

more important aspects of the justice services provided by the facility and, in some instances, the quality of the courthouse as a whole.

### **Key issues**

Survey question number 27 asked respondents to list the “top three issues relating to this facility, as you perceive them.” A total of 338 responses were received from 152 completed questionnaires. Table 10 summarizes the results of these open-ended questions. The key issues, in particular space, security, air quality/health and safety and disabled access, are discussed in detail in throughout Part 1 of this report and also in Part 2, Section 9.

**Table 10: Top three issues relating to this facility, as you perceive them. (Survey question 27)**

<b>Issue</b>	<b>Total percentage of mentions</b>
<b>Space:</b> inadequacy of existing space, shortages or overcrowding within the facility, need for addition facilities – courtrooms, judges’ chambers, lawyer/witness consultation areas, meeting rooms, robing facilities, public areas, holding cells, libraries, etc.	49%
<b>Security:</b> for judges, lawyers, courthouse staff, witnesses, prisoners and public; reference to actual, attempted or potential prisoner escapes, theft	17%
<b>Air Quality/Health and Safety:</b> bad air, poor ventilation, climate control, poor/non-existent air-conditioning	9%
<b>Public and Disabled Access:</b> poor parking facilities, not user friendly, availability of disabled access to the facility or parts thereof.	5%
<b>Maintenance and housekeeping:</b> external and internal, including repairs, upkeep, housekeeping and specific problems (i.e. condition of older courtrooms)	5%
<b>Systemic Problems :</b> inadequate facility, need for consolidation of courthouse facilities, lack of planning on the part of the Attorney General.	5%
<b>Equipment, furnishing and design problems:</b> need for electronic equipment, inadequate facilities for technology, poor or absent furnishings, and/or design problems with one specific aspect of the facilities.	5%
<b>Noise:</b> acoustics in courtrooms and noise exterior to the building	2%

## The Quantity and Quality of Courthouse Facilities

The shortcomings or inadequacies of Ontario's courthouse facilities were frequently described in terms of shortages of space, overcrowding or insufficient facilities to meet anticipated needs. As Table 10 indicates 49% of open-ended responses referred to the inadequacy of existing space, shortages, overcrowding and/or the need for additional facilities including public areas, lawyer/witness meeting rooms, courtrooms, judges' chambers, robing facilities, holding cells, libraries and other courthouse facilities (Table 10).

Overall 70% of the 100 courthouses surveyed reported one or more problems associated with inadequate space. Specific problem areas, reported in **Chart 1**, included the following:

71% of courthouses reported either an insufficient number of lawyer/client meeting rooms to meet current needs or none at all where such facilities were required.

55% of courthouses reported insufficient seating for witnesses and the public, external to the courtroom.

42% of courthouses reported that existing courtrooms were insufficient to accommodate reasonably foreseeable growth and demand.

Other courthouse facilities described as insufficient to meet current or future needs included:

50% of courthouses reported no lounge or similar space devoted exclusively to lawyers (Tables 2, 3, and 4).

About one third of jury-equipped courtrooms do not have dedicated jury facilities (Table 7).

43% of survey responses reported that existing judges' chambers in their courthouse facility were not sufficient to accommodate "reasonable foreseeable growth." (Table 8)

These results indicate that there is just not enough room in many of Ontario's courthouses - for the public, witnesses, lawyers, judges, security officials and courthouse staff - to conduct their business. And, in many facilities the problem is endemic. Competition for scarce resources has imposed multiple demands on the same physical space, with the result that clients, lawyers, staff and prisoners jostle over limited resources. As one respondent explains: "There is less and less space for lawyers, judges, clients and juries which makes the facility less useable by all."

Although insufficient *quantity* of space was the issue uppermost in the minds of many respondents, closed-ended and open-ended survey responses also indicated various inadequacies in the *quality* of courthouse facilities. Courtrooms were described not only as too small but “antiquated” and suffering from bad acoustics. Consultation rooms were too few, and also not sufficiently private. One library was described as both too small and lacking adequate security. In one instance witness rooms were characterized as “disgracefully inadequate.” In these and many other instances, *insufficient* space and *inadequate* facilities were often closely linked issues.

Courthouse facilities which were characterized as inadequate with respect to specific qualitative features included the following:

More than one quarter of survey responses described 14 specific features in Superior Courtrooms and 12 specific features in Ontario Courtrooms as “poor” or “non-existent” (Section 8.4).

Where dedicated jury facilities exist, about one third are reported as inadequate with respect to one or more of the following: private entrances, segregation from other courthouse users, adequately sized rooms and adequate furnishings.

38% of survey questionnaires indicated that existing judges’ chambers do not provide for “secure and private access to and egress from each court” (Table 8).

Almost half of the survey responses that reported on Crown Attorney’s offices described existing space as inadequate to accommodate existing needs (Table 9).

As explained in the introduction to this summary, Part 1 of this report is based on 47 county/district reports, which have been divided into four groups ranging from “adequate” to “inadequate” courthouse facilities. These are discussed in detail in Sections 5.1, 6.1 and 7.1. Further analysis and discussion of courthouse facilities, based on the 152 completed questionnaires is also provided in Part 2, Section 8.0 of this report.

## **Security**

As indicated in Table 10, security issues ranked high among survey respondents (17% of 338 responses mentioning).

Security issues were addressed in several areas of the courthouse questionnaire. These included: public witness accommodation, holding cell facilities, security with respect to courthouse facilities as a whole and in relation to specific staff and users of the courthouse. Results from these questions include the following:

45% of courthouses reported inadequate holding cell security (Chart 2).

32% of courthouses reported security-related incidents that were handled ineffectively (Chart 2).

Respondents reported security issues associated with members of the Bar, Crown attorneys, the judiciary, police, court staff and the public. The highest level of concern appears to be in relation to the judiciary (43%) and the lowest level with the police (23%) and the public (24%) (Table 12).

**Part 1** of this report discusses the range and severity of security issues in sections 5.2.1, 6.2.1 and 7.2.1. Security is further discussed in Part 2, section 9.2.

### **Air Quality/Health and Safety**

As reported in Table 10, air quality and other health and safety issues received the third highest proportion of mentions (9%) when respondents were asked to list the three most important issues related to their courthouse facility. Thirty-two percent of courthouse reports indicated health and safety issues at their facilities.

Although concerns over air quality and associated health issues were quite extensively reported, there were few specific references to the issue of *mould*. As the discussion in **Part 1** (Sections 5.2.3, 6.2.3. and 7.2.3) has reported, separate investigations conducted during or since the circulation of the Task Force questionnaire have identified mould problems at a number of courthouse facilities.

Eight courthouses, for which the completed questionnaires made no specific references to mould, have been identified as having mould. These were: the Superior and Ontario Court at 45 Main St. East in Hamilton; Ontario Courts at 80 The East Mall, 311 Jarvis Street and 1911 Eglinton Avenue East in Toronto; the Superior Court at 5 Court Street in Kingston; the Ontario Court in Kingston; the Superior and Ontario in Sault Ste. Marie and; the Superior Court, St. Thomas.. The mould problem has since been remediated at all of these courthouses except the Ontario Court at 80 The East Mall in Toronto, where remediation was reported to be “on-going” as of January 17, 2001.

Mould remediation is also completed or on-going at two of the courthouses which identified the problem of mould in their completed questionnaires. The mould problem has been remediated at the Ontario Court, 1000 Finch Ave, Toronto. Remediation is on-going (as of January 17, 2001) at the Superior Court in Newmarket where the problems with mould were described by several individual respondents (Section 7.2.3).

Whereas air quality almost completely dominated health and safety concerns when respondents were simply asked to list “the top three issues relating to this facility,” the more specific open-ended question about health and safety (Q59) prompted comments covering a slightly wider range of concerns. Seven mentions were made of “asbestos.”

Where details were provided, three comments referred to past problems, while just one described the “continuing existence of asbestos in the building which complicates any construction work.” Three other comments referred to problems associated with evacuation and fire escape procedures, and three referred to problems of overcrowding including lack of storage space and overcrowded courtroom seating. Two comments mentioned the absence or inadequacy of a health and safety committee. Finally, two mentioned problems associated with smoking in the building.

**Part 1** of this report discusses the range and severity of air quality and health safety issues in Sections 5.2.3, 6.2.3 and 7.2.3.

### **Disabled Access**

As indicated in Table 10, five percent of the issues that respondents listed among the top three issues at their facility referred to problems associated with public/disabled access. However, when asked elsewhere in the questionnaire about public access problems – following a series of specific public/disabled access questions (Q56) – a somewhat higher 28% reported access problems at their facility.

Both open-ended and close-ended question results suggest that issues of disabled access were generally not “top-of-the-mind” for courthouse survey respondents. However, a somewhat more stringent interpretation of the survey results suggest that problems of disabled access are much more widespread, and perhaps more severe than these results suggest.

Table 14 in this report summarizes respondents’ rating of disabled access to seven specific courthouse facilities. According to respondents “courthouse entry” was rated as “adequate” by 70%, “courtrooms generally” by 61% and “eating facilities” by 56%.

However, if all courthouses which reported “poor” or “non-existent” access to one or more specific facilities tested, then a majority of all the courthouses surveyed (53%) can be considered to have some problems associated with disabled access.

Part 1 of this report discusses issues of disabled access in Sections 5.2.2, 6.2.2, and 7.2.2. Public and disabled access is also discussed in Part 2, Section 9.4.

### **Summary and Conclusion (Part 3)**

The results of the Task Force on Courthouse Facilities questionnaire have revealed a variety of problems with respect to courthouse facilities in Ontario. A small number of counties/districts (Group 1, comprising 4 courthouses) reported few, if any problems. A somewhat larger number of counties/districts (Group 2, comprising 18 courthouses) reported a longer, but manageable, list of problems. In contrast, the balance of Ontario courthouses (Group 3 comprising 52 courthouses and Group 4 comprising 26

courthouses), representing almost *four-fifths* of Ontario's courthouses, reported an extensive list of problems. In the more serious cases - a substantial proportion of the courthouses listed in Group 4 – courthouse facilities were described as generally inadequate. In some instances specific problems - insufficient/inadequate space, security concerns, health and safety/air quality and disabled access – had become generalized to the point of compromising the quality of the facility as a whole.

Insufficient/inadequate space to meet current and anticipated demands affected more than two thirds of courthouse facilities (70%). Inadequate space was most frequently reported to be a problem with respect to lawyer-client meeting facilities and public/witness seating external to the courtrooms. To a somewhat lesser degree courthouses also reported insufficient courtroom space (42%), and judges' chambers (43%) to accommodate anticipated demand. About one-third of jury-equipped courtrooms reported there was no dedicated jury room. Lawyers' lounges were also reported to be absent at a high proportion of courthouses (41%). Where lawyers' lounges and related facilities do exist, a substantial proportion lack the basic amenities – washrooms, lockers and adequate maintenance. A sizeable minority or a majority also reported inadequate Crown Attorneys' facilities and inadequate offices for court administration, court reporters, duty counsel, legal aid and VWAP. A majority of those courthouses with library facilities cited one or more inadequacies with respect to the existing facilities.

In addition to the general and specific problems associated with insufficient space and overcrowding, respondents also expressed concerns over security, and health and safety issues associated with air quality.

Forty five percent of courthouses reported security concerns with respect to holding cell facilities, 32% reported mishandled security related incidents, and one quarter or more of all respondents reported courthouse and courtroom security issues associated with members of the Bar, Crown attorneys, the judiciary, police, court staff and the public. Thirty-two percent of respondents reported health and safety concerns other than those associated with security issues. And finally, 56% of courthouses reported inadequate disabled access to one more parts of the courthouse facility.

Analysis of the questionnaire results demonstrates a close association among all or most of the “indices of inadequacy,” which we have measured (Tables 2,3, and 4). Problems with respect to insufficient space in one area of a courthouse facility tended to be closely linked to insufficient/inadequate space throughout that courthouse facility. Moreover, a higher frequency of inadequate facilities was linked to more frequently reported concerns over security, health and safety and disabled access.

All of this suggests close linkages between the various issues measured and assessed by the courthouse questionnaire. Problems identified in one area typically affect the quality of the facility in a host of other areas or dimensions. Conversely, specific problems are often best understood as a particular expression of more systematic problems within the

courthouse facility. Certainly the closely interconnected nature of a long list of problems seemed to be characteristic of the courthouses included in Groups 3 and 4.

The degree of optimism with respect to meeting current and future requirements appeared to be in inverse proportion to the scale and urgency of the identified needs. Courthouses in Groups 1 and 2, which reported a small list of discrete problems, were optimistic that the solutions could be found in the short and medium-term and that the necessary resources were available, if not ready-to-hand. By contrast, counties/districts in Groups 3 and 4, where the list of immediate problems was long and the proposed solutions were appropriately comprehensive, generally expressed pessimism regarding the prospects of meeting requirement in the foreseeable future. Exceptions were those few facilities that reported comprehensive plans having already reached the implementation stage.

## 1.0 INTRODUCTION

This report presents the findings of the Task Force on Courthouse Facilities survey questionnaire, drafted and distributed by the Law Society of Upper Canada during the Spring-Summer of 2000.

Tabulation, analysis and interpretation of the courthouse survey have been carried out by Strategic Communications. A total of 152 wholly or partially completed survey questionnaires were data-based and tabulated to produce overall, aggregate survey results (Appendix 1). In addition, separate county/district reports were drafted, based on the completed surveys received from one or more courthouse facilities in the designated county/district. Draft reports were returned to the individuals who completed the courthouse survey for modifications, corrections or additions. Final drafts of the 47 county/district reports incorporated these changes and are attached in Appendix 2. These two methods of collecting and analyzing the survey results are discussed in more detail in Section 2.

Part 1 of this report -- Sections 3, 4, 5, 6 and 7 -- is based on the 47 separate county/district reports, which together reported on 100 separate courthouse facilities. Section 3 classifies counties/districts of Ontario in four separate groups (Groups 1, 2, 3, and 4 and listed in Table 1), ranging from the four counties/districts where courthouse facilities are *adequate* and reporting few problems, to those 12 counties/districts where courthouse facilities are *inadequate*. This section provides an overview of some general indicators of inadequate courthouse facilities and key problem areas (Charts 1 and 2). This overview illustrates that a majority of courthouse facilities in Ontario report a relatively long list of specific inadequacies or problems that have compromised one or more aspects of the quality of justice services provided.

In a sizeable proportion of courthouse facilities - the 12 counties/districts and 26 separate courthouses included in Group 4 - a host of problems have rendered the facility as a whole inadequate to meet current requirements and standards for the delivery of justice services.

Sections 4, 5, 6 and 7 of the report analyze courthouse facilities, administrative services, key issues and prospects for meeting current and future requirements for each of the four groups of counties/districts identified in Table 1. Each of these sections follows a similar format, combining quantitative measures with open-ended comments from survey respondents, to illustrate the scope and severity of the problems confronting courthouse facilities. Perhaps not surprisingly, respondents provided more comments and more detail where problems were perceived to be more widespread or more severe. This commentary is reported in some detail in Sections 6 and 7, which review county/district Groups 3 and 4 respectively.

Part 2 of this report is based on the aggregate results of 152 returned surveys. Part 2 provides additional quantitative details, comparing the findings generated by analysis of individual surveys with those reported in Part I based on county/district reports. It notes that the findings generated by the two forms of analysis are consistent for every aspect of courthouse facilities and key issues analyzed in the report as a whole.

Section 8.0 reports mainly quantitative findings (Tables 5, 6, 7, 8 and 9) regarding courthouse facilities and services. This section follows the same format as the analysis of county/district groups in Part 1 of the report (Sections 4, 5, 6 and 7), analyzing the following aspects of courthouse facilities:

- Lawyer-client meeting rooms
- Public/witness accommodation
- Lawyers' facilities
- Courtrooms
- Jury facilities
- Judges chambers
- Crown Attorney Offices
- Other administrative uses

Section 9 reviews survey findings with respect to key issues, beginning with a summary of the results of survey question 27, which asked respondents to, "Describe the top three issues relating to this facility as you perceive them." Table 10 analyzes the distribution of 338 comments related to eight separate issue/areas. The balance of the section briefly reports and discusses additional quantitative results (Tables 11, 12, 13, 14 and 15) for the following issues/areas:

- Space and overcrowding
- Security (holding cells and other security matters)
- Air quality/health and safety
- Public and disabled access
- Maintenance and cleanliness.

Finally, Section 10.0 in Part 2 of this report provides information about heritage/historical courthouse facilities (Table 16). Table 17 provides a brief comparison between heritage and non-heritage courthouse facilities using some of the key indicators of courthouse house facilities and issues that have been identified throughout this report.

Part 3 of this report summarizes the conclusions of Parts 1 and 2.

## 2.0 METHODS

As indicated, this report is based on the results of 152 self-administered questionnaires. Part I of the Task Force questionnaire comprised 154 questions, of which 27 were open-ended in whole or in part. Part II, intended to be completed for each county or district, comprised 11 questions, of which five were open-ended. Design of the questionnaire, distribution to respondents across Ontario, and subsequent collection of completed questionnaires was carried out by the Law Society of Upper Canada.

*The analysis and interpretation of results in this report are based on two separate methods, representing somewhat different datasets.*

Part 2 of this report is based directly on the aggregated results of the 152 wholly or partially completed questionnaires. Although the survey method originally intended that one survey would be completed for each courthouse facility in Ontario, this format was not always followed. In a majority of cases a single questionnaire was completed by one or more individuals for each courthouse. But in a substantial minority of cases, two or more questionnaires were submitted for a single courthouse. As a result, the 152 surveys that were returned to the Law Society reported on just 100 separate facilities.

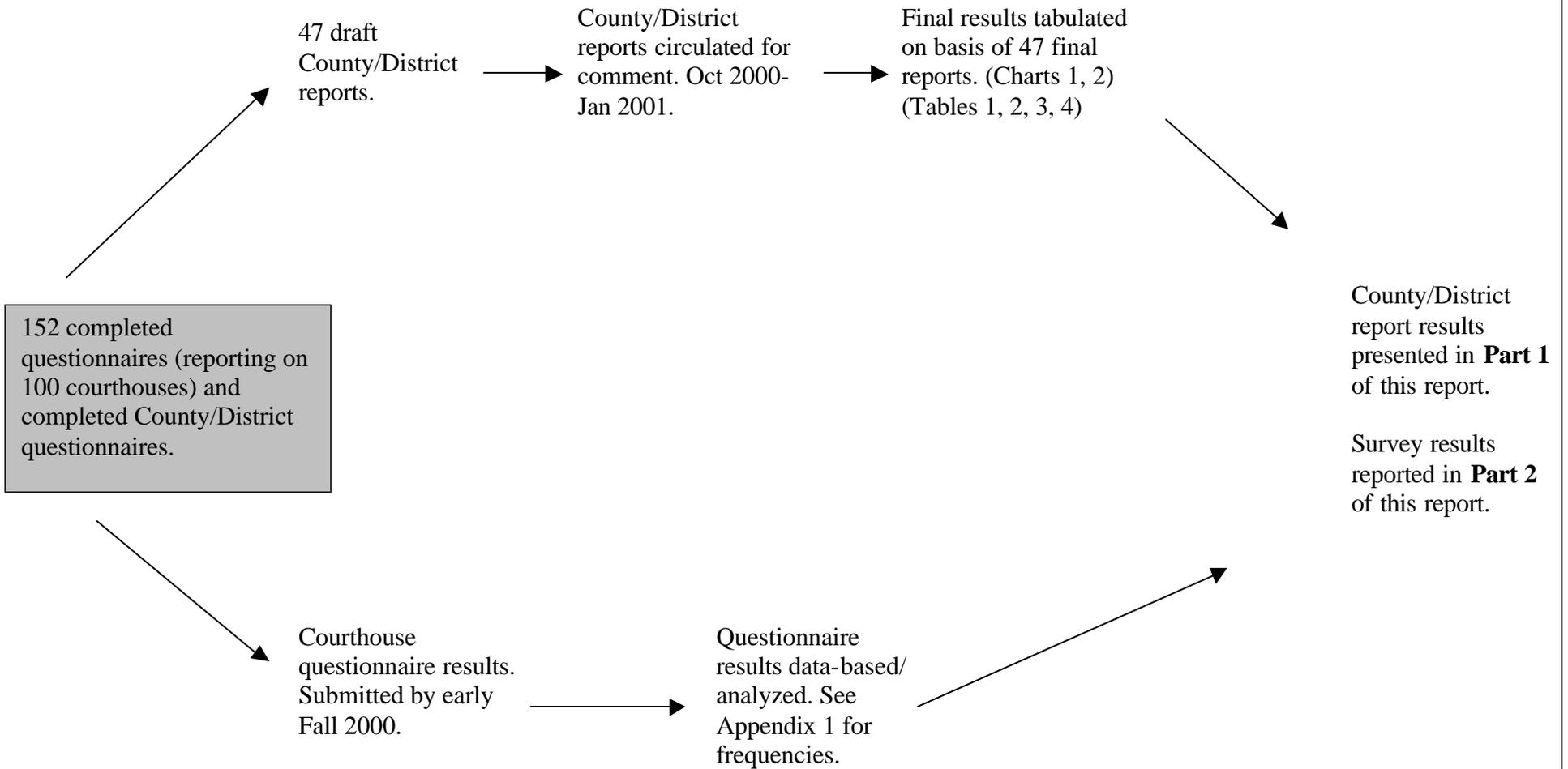
Duplicate or multiple survey responses, received for some but not all courthouse facilities, represent one possible source of error in the survey results. Some courthouses are over-represented in the aggregate results reported in Appendix 1.

Another possible source of error in the survey results is the fact that the survey was self-administered, and therefore not all respondents answered all questions or completed the whole questionnaire with equal thoroughness. A number of questions that applied to all respondents received a relatively high proportion of “no answers” (more than 10%), suggesting that respondents did not understand the question or considered the question not applicable to their circumstances.

For these reasons, the aggregate survey results reported in Appendix 1 should be interpreted cautiously and wherever possible “cross-tabulated” or corroborated by the results of the individual county/district reports.

Part 1 of this report is based on the 47 county/district reports, each of which integrated all of the survey information available, as well as Part II of the questionnaire, which addressed overall county/district issues. In several instances preparation of the county/district reports involved reconciling different and even contradictory information received in separate completed questionnaires. A subsequent step in producing accurate county/district reports was the distribution of the draft reports to the original survey respondents. This *iterative* process of producing the final county/district reports (Appendix 2) meant that in many instances important additions or modifications were made to the factual information originally provided in the completed courthouse questionnaire. The two methods of generating results are illustrated in Figure 1.

**Figure 1: Generating two data sets for this report**



As a result of the process of producing accurate county/district reports, there may be some discrepancies between the aggregate results generated by the original 152 completed courthouse questionnaires and the final results reported in 47 separate county/district reports. Whereas Part 2 of this report provides quantitative results based on the 152 completed questionnaires, Part 1 has generated quantitative results based on 100 separate courthouse reports, which have already integrated duplicate surveys in a single report.

Reflecting the different methods used to calculate responses to various survey questions, the quantitative results cited in Parts 1 and 2 of this report are not always *exactly identical*. Because of the careful process of review and correction involved in generating the county/district reports, *the information in Part 1 should be considered the most accurate provided in this report*<sup>2</sup>. However, the process of re-tabulating results based on the narrative format of each county/report (Appendix 2) has meant that not all of the original 154 survey questions could be tabulated and compared. Hence the original survey results (Appendix 1) reported in Part 2 of this report have furnished extensive additional detailed information.

Part 1 of this report has built a strictly accurate profile of courthouse facilities and issues, based on 47 separate county/district reports. Part 2 has added further detailed quantitative and qualitative findings based on 152 separate surveys returned. Comparison of results generated by these two slightly different methods reveals close correspondence of numbers and percentages on virtually every single question.

Although the methods employed for generating and reporting results of the courthouse survey have involved several detailed steps, and some specific adaptations in the format of this report, we are confident that the results provide an accurate and detailed picture that has captured the range and quality of opinion expressed by survey respondents.

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<sup>1</sup> The completed courthouse questionnaires were returned by early fall 2000. The county/district reports were then drafted, circulated and re-drafted. This allowed for modifications and incorporation of new information until the final draft of this report ( January 30, 2001).

## PART I

### 3.0 COUNTY AND DISTRICT REPORTS

An overview of county and district reports leaves the strong impression that most courthouse facilities in Ontario face a variety of problems. Whereas a few county/district reports described courthouse facilities and services that were fully adequate to meet current requirements and anticipated needs, it was much more common to encounter a list of problems describing inadequacies in one or more of the basic courthouse facilities, including courtrooms, lawyer-client meeting rooms, jury facilities, public and witness accommodation, holding cells, lawyer facilities, judges' chambers, Crown Attorney offices, court administration, and library facilities. Issues that received frequent mention included lack of space and overcrowding, security concerns, poor air quality and other health and safety issues, and problems of access for the disabled.

In some cases, the extent and severity of problems was limited, and did not appreciably undermine the adequacy of the courthouse. But in a majority of cases the problems described were both numerous and relatively severe, compromising one or more important aspects of the justice services provided by the facility and, in some instances, the quality of the courthouse as a whole.

The difficulties associated with existing problems also appear to have been exacerbated by the perceived absence of a solution. Respondents identified inadequate planning processes, lack of political will, failure of the appropriate provincial authorities to respond to repeated appeals, and the absence of the financial resource commitment necessary to solve big problems.

Table 1 has classified the counties/districts on a four-point scale of adequacy/inadequacy. Counties/districts in the first column, under the heading "Group 1", reported courthouse facilities that are *adequate* to meet current needs and facing few, if any, current or foreseeable problems. In contrast, the counties/districts in the fourth column, under the heading "Group 4", reported courthouse facilities that are *inadequate* to meet current needs, face numerous deficiencies or problems, and generally require wholesale reorganization or new courthouse facilities to resolve existing and anticipated problems.

Between these extremes, the counties/districts in the second column, under the heading "Group 2", reported courthouse facilities with a limited number of deficiencies which, respondents reported, could be tackled (if not fully resolved) with available resources and planning capacity. Counties/districts in the third column, under the heading "Group 3", are those with a longer, more serious list of problems, which will require more time and resources to resolve, but which do not necessarily require wholesale reorganization of courthouse facilities.

**Table 1: Evaluating the Adequacy of Ontario’s Courthouses by County/District.\***

<b>Group 1</b> Adequate courthouse facilities. Few and limited problems. <i>(4 courthouses)</i>	<b>Group 2</b> Adequate courthouse facilities. Longer list of specific problems. Solutions are available. <i>(18 courthouses)</i>	<b>Group 3</b> Courthouse facilities are inadequate in important respects. Systematic solutions are required <i>(52 courthouses)</i>	<b>Group 4</b> Facilities are inadequate to meet current needs. Comprehensive solutions are required. <i>(26 courthouses)</i>
<b>Lincoln – St. Catherines</b> <b>Leeds/Grenville – Brockville</b> <b>Nipissing – North Bay</b> <b>Peel – Brampton</b>	<b>Bruce – Walkerton</b> <b>Brant – Brantford</b> <b>Dufferin – Orangeville</b> <b>Hamilton-Wentworth –</b> <i>Hamilton</i> <b>Huron – Goderich</b> <b>Muskoka – Bracebridge</b> <b>Norfolk – Simcoe</b> <b>Prescott-Russell – L’Orignal</b> <b>Temiskaming – Haileybury</b> <b>Victoria-Haliburton – Lindsay</b> <b>Welland – Welland</b>	<b>Algoma – Sault Ste. Marie</b> <b>Carleton – Ottawa</b> <b>Essex – Windsor</b> <b>Frontenac – Kingston</b> <b>Halton – Milton</b> <b>Hastings – Belleville</b> <b>Kent – Chatham</b> <b>Lanark – Perth</b> <b>Lennox-Addington – Napanee</b> <b>Middlesex – London</b> <b>Northumberland – Cobourg</b> <b>Parry Sound – Parry Sound</b> <b>Perth – Stratford</b> <b>Lambton – Sarnia</b> <b>Simcoe – Barrie</b> <b>Sudbury – Sudbury</b> <b>Stormont-Dundas-Glengary –</b> <i>Cornwall</i> <b>Toronto – Toronto</b> <b>Waterloo – Kitchener</b> <b>Wellington – Guelph</b>	<b>Cochrane – Timmins</b> <b>Durham – Oshawa</b> <b>Elgin – St. Thomas</b> <b>Grey – Owen Sound</b> <b>Haldimand – Cayuga</b> <b>Kenora – Kenora</b> <b>Oxford – Woodstock</b> <b>Peterborough –</b> <i>Peterborough</i> <b>Rainy River – Fort</b> <i>Frances</i> <b>Renfrew – Pembroke</b> <b>Thunder Bay – Thunder</b> <i>Bay</i> <b>York – Newmarket</b>

\*Each column records county/district and the main urban centre for the region, as designated by the CDLPA.

The classification of county/district courthouse facilities into these four groups was not based on the application of strict criteria. Given the number of quantitative and qualitative issues explored in the courthouse survey questionnaire, it would not be feasible to develop a comprehensive criteria which would allow for easy comparison of different variables which covered a wide range of quantitative and qualitative measures. Moreover, in some cases, analysis and comparison of counties/districts necessarily involved making generalizations about the overall adequacy/inadequacy of a *group* of courthouse facilities. For these reasons the grouping of county/district courthouse facilities is not intended to represent a strict classification but rather a more loosely conceived spectrum - ranging from “adequate” to “inadequate”- allowing for comparison of quantitative and, wherever possible, qualitative aspects of key courthouse facilities, issues and prospects for meeting requirements.

Classifying counties/districts was generally straightforward, based primarily on the length of the list of problems reported (Tables 2, 3 and 4). Classification of counties/districts in Group 4 was based *both* on the length of the list of specific problems *and* the direct comments of respondents who characterized courthouse facilities as inadequate. However, in a few instances classification was more difficult. In some cases survey results and accompanying open-ended remarks did not necessarily provide a clear picture of the general state of a courthouse. Forming a clear impression was sometimes complicated by contradictory information (from two or more respondents) about the same facility or feature. In other cases a single factor, rather than a list of issues, provided the main reason for a specific classification. For instance, the Carleton County report described the Ottawa courthouse as “a wonderful facility by comparison to others in the Province.” However, the accompanying report of “serious defects in the courthouse – particularly relating to air quality” justified placing Carleton in Group 3 with county/districts described as “inadequate in important respects.” Finally, in some cases, notably Toronto and Simcoe County, the existence of many and varied courthouse facilities, rendered a general classification difficult. Particularly in the case of Toronto, the larger framework of the analysis made it necessary to make a generalization which did not fully reflect the diverse quality of separate facilities within the district.

### **3.1 Indicators of Inadequacy**

Chart 1 provides an overview of some key indicators of the relative *inadequacy* of courthouse facilities in Ontario. It reports overall percentages for the 100 courthouses for which one or more completed surveys were provided, and then breaks out percentages for each of the four county/district groups identified in Table 1. It is based on the following four measures:

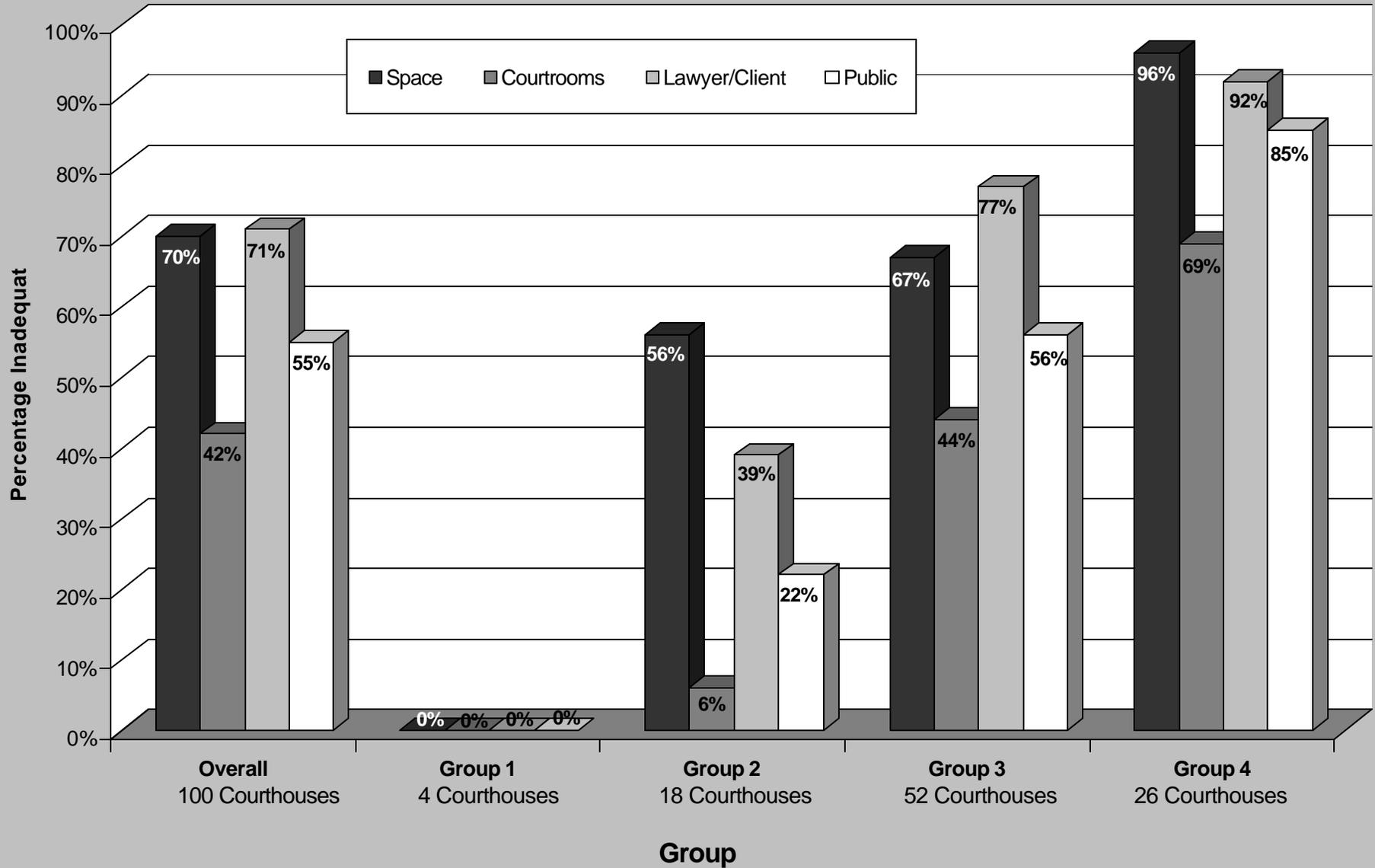
*Space* refers to the number of courthouses where facilities were not sufficient to meet current needs, and the pressure of competition for existing facilities and/or overcrowding were reported to be significant problems.

*Courtrooms* refers to courthouses that reported insufficient courtrooms to accommodate “reasonably foreseeable growth and demand.”

*Lawyer/client* refers to courthouses that reported either an insufficient number of lawyer/client meeting rooms to meet current needs, or none at all where such facilities were required.

Finally, *Public* indicates those courthouses that reported insufficient seating for witnesses and the public, external to the courtroom

# CHART 1 - Indicators of Inadequate Courthouse Facilities. Comparing Four Groups of Counties/Districts



Perhaps not surprisingly, courthouses suffering from space and overcrowding problems are likely to share a number of space-related problems associated with particular facilities and areas within the courthouse. As Chart 1 illustrates, general problems associated with insufficient or inadequate space in courthouses, and more specific problems regarding availability of courtrooms, lawyer/client meeting facilities and public seating, are all common problems at Ontario's courthouses.

Chart 1 highlights the differences between the four groups of counties/districts. Each of these four "indicators of inadequacy" is more common progressing from Group 1 to Group 4. The four courthouses in Group 1 are all adequate with respect to space issues, generally and with respect to the more particular issues of courtrooms, lawyer-client meeting rooms, and public seating. By contrast, a large majority of the 26 courtrooms in Group 4 are inadequate in all of these respects.

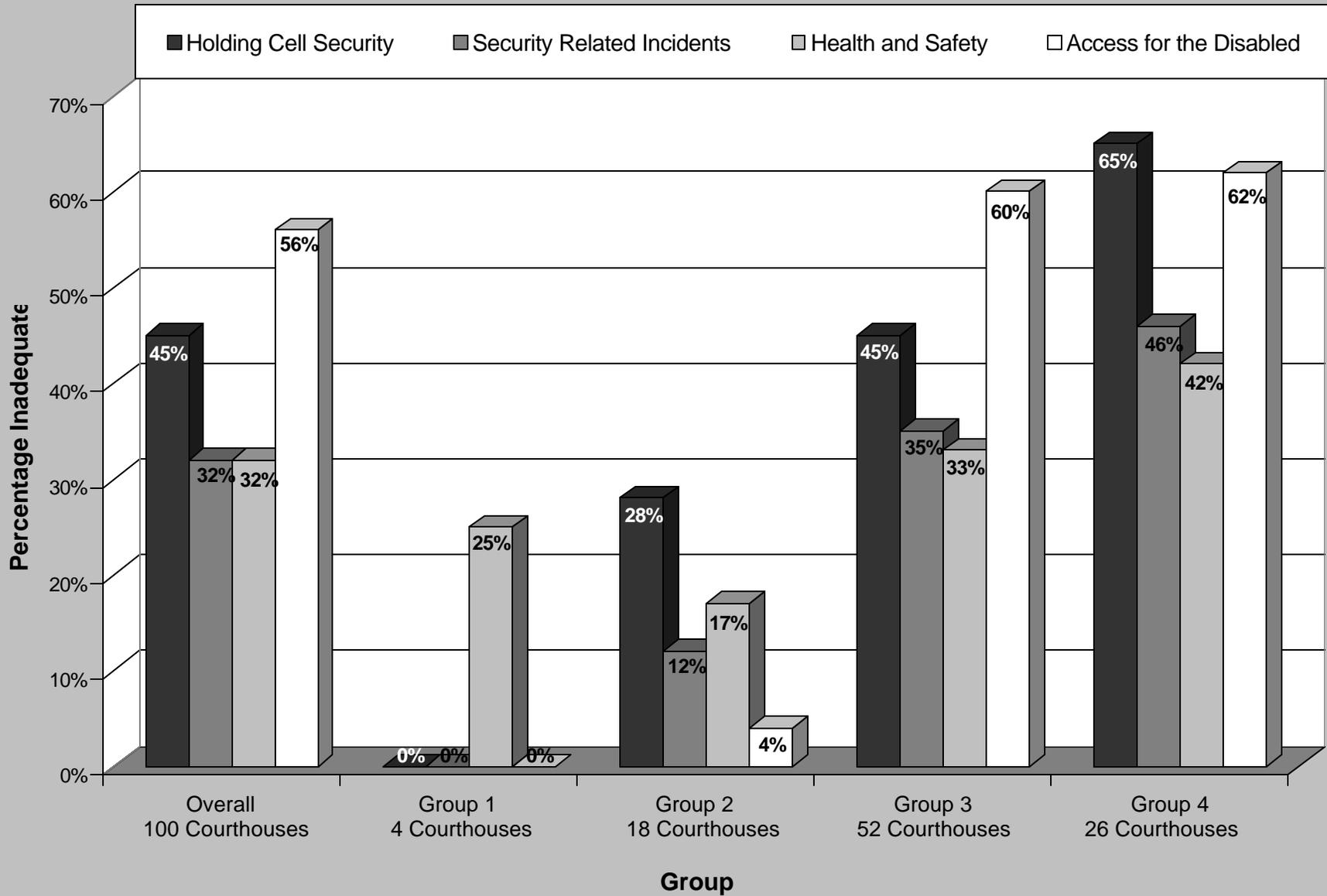
Chart 2 provides similar measures of problems associated with four other issues: security in holding cells, poorly handled security-related incidents, health and safety problems, and problems associated with disabled access. Although not quite as generalized as problems of insufficient space and courthouse facilities, problems related to security, health and safety and disabled access affect one third or more of Ontario's courthouses.

Just as we saw with the issues reported in Chart 1, the issues in Chart 2 also appear to be closely associated. For example, increased frequency of problems with holding cell security is also associated with increased frequency of security-related incidents, health and safety problems and problems of disabled access.

Finally, as we observed with respect to the courthouse facilities profiled in Chart 1, the issues profiled in Chart 2 *all* become more common progressing from Group 1 to Group 4. The four courthouses in Group 1 identified only one specific problem associated with any of these four issues. By contrast problems associated with these four issues among the 26 courthouses in Group 4 ranged from 46% which reported security-related issues, to 62%, which had problems associated with disabled access.

To summarize, the 47 counties/districts and 100 reporting courthouses can be classified in four groups, ranging from counties/districts where courthouse facilities are generally adequate to county/districts where courthouse facilities are generally inadequate. Indicators of inadequate courthouse facilities included: general and particular problems associated with insufficient space and overcrowding, problems of security, health and safety, and disabled access. *All of these "indices of inadequacy" become more frequent moving from Group 1 to Group 4, suggesting that a relatively wide range of problems and issues are quite closely associated.* These and other issues are discussed in detail in the remainder of Part 1 of this report.

**CHART 2 - Issues of Concern at Courthouse Facilities.  
Comparing Four Groups of Counties/Districts.**



## 4.0 GROUP 1: COUNTIES/DISTRICTS WITH ADEQUATE COURTHOUSE FACILITIES

Four counties/districts, listed in Table 1 under the heading “Group 1”, are described as having adequate courthouse facilities with few and limited problems. They are:

Lincoln County-Niagara North  
Leeds-Grenville  
Nipissing District  
Peel

The courthouses in these four counties/districts were described by respondents as adequate with respect to *all or almost all* of the facilities, services and issues explored in the courthouse survey. Deficiencies with respect to specific courthouse facilities or services were of a minor or secondary nature. Further, the problems listed were, with one exception, limited to a particular area or specific facility within the courthouse.

Positive evaluations included Leeds-Grenville County where the comprehensive renovation and restoration of the Brockville Courthouse, scheduled for completion in the Spring of 2002, was expected to produce “the most beautiful centre of justice in the country.” In anticipation of taking possession of this excellent facility, the respondent reported no problems or concerns.

In contrast to the courthouse facilities listed in Groups 2, 3, and 4, the four courthouses in Group 1 all reported adequate space to meet current and future needs. There was no reported “encroachment on the use of the facility for the administration of justice.” All four courthouses in this group reported courtrooms sufficient to accommodate “growth and demand” for 15 years or more.

All of the specific facilities explored in the courthouse questionnaire were described as adequate by these four counties/districts. All reported adequate space and quality of facilities for lawyer-client meetings, public/witness accommodation, lawyers’ and Crown Attorneys’ facilities. Exceptions in this regard were quite limited. Nipissing and Leeds-Grenville reported shortages of public parking, Lincoln County reported inadequate private phone facilities for lawyers, and the Peel report described the mens’ gowning facility as “cramped.”

Jury facilities and judges’ chambers were described as adequate, and, in the case of judges’ chambers, adequate to “accommodate reasonably foreseeable growth.” All four courthouses reported housing court administrative offices, court reporters’ offices, duty counsel facilities, Legal Aid facilities, Victim/Witness Assistance Programs, and library facilities that were described as adequate to meet existing needs.

Holding cells were described as adequate by all four counties/districts and there were no issues associated with holding cell security. Other aspects of courthouse security were reported as “good.” The only issue raised with respect to courthouse security was in the Peel County report, which identified problems related to timely prisoner escorts to the courts and delays upon entering the facility arising from “very tight” security at the courthouse entrance.

All of these facilities reported adequate access for the disabled with respect to all of the seven specific aspects of the facility for which survey questions were asked.

Three of these counties reported no health and safety problems. Nipissing District reported a problem with the drinking water, described as follows: “We have excellent drinking water in the area, but for some reason the water at the courthouse is terrible.” It was unclear from the report how serious this problem was perceived to be, or what scope of remedial measures is required.

Finally, three of the four counties/districts reported no current “requirements.” Nipissing identified a need for upgraded parking facilities and improved drinking water. Reflecting the short term and limited needs of all four courthouses, neither the Nipissing District report nor the other three offered any opinions about the prospect of meeting current requirements within the next five years.

## 5.0 GROUP 2: COUNTIES/DISTRICTS WITH LIMITED PROBLEMS

Eleven counties/districts listed in Table 1 under the heading “Group 2,” are described as having adequate courthouse facilities, but reported a longer list of problems than the counties/districts in Group 1. Group 2 includes the following counties/districts:

Bruce  
Brant  
Dufferin  
Hamilton-Wentworth  
Huron  
Muskoka  
Norfolk  
Prescott-Russell  
Temiskaming  
Victoria-Haliburton  
Welland

Although the scope and/or severity of specific problems was not always made clear by the respondents, this group of counties/districts generally reported a limited number of problems in their respective courthouse facilities. In most cases, solutions were already

being implemented, were forthcoming, or could be achieved through the modest reorganization or expansion of existing facilities. Nine county/district reports - Dufferin, Hamilton-Wentworth, Huron, Muskoka, Norfolk, Prescott-Russell, Temiskaming, Victoria-Haliburton, and Welland, – characterized their courthouse facilities as adequate to meet current needs. One county – Bruce – described facilities as inadequate to meet current needs, due to insufficient “useable space.” In the case of one county – Brant – there was no clear consensus among respondents regarding the general adequacy of the facilities.

Respondents from all eleven counties/districts described the site of courthouse facilities as either “adequate” or “well-suited” to the needs of the local population.

Table 2 below provides an overview of some aspects of courthouse facilities and key issues. Cells marked with an “X” indicate insufficient facilities or concerns with

**TABLE 2 - Inadequate Courthouse Facilities and Issues of Concern. (Group 2, 18 Courthouses)**

	Insufficient Courthouse Facilities					Key Issues			
	Space	Courtrooms (Q. 31)	Lawyer/Client Rooms (Q. 37)	Public Accommodations (Q. 51)	Lawyer's Lounge (Q. 83)	Holding Cell Security (Q. 79)	Security Incidents (Q. 138)	Health and Safety (Q. 58)	Disabled Access (Q. 53)
Brant	x		x	x		x			
	x				x	x			
Bruce	x		x		x	x	x		x
Dufferin		x	x	x	x			x	x
Hamilton-Wentworth								x	x
Huron	x		x	x		x			x
Muskoka	x				x				
Norfolk	x							x	
Prescott/Russell			x						x
	x		x		x				
Temiskaming	x				x				x
					x				
Victoria/Haliburton									x
Welland	x			x			x		
	x				x				
			x		x	x			

respect to the issue in question. With the exception of the *Space* category, which is based on a general assessment of individual courthouse reports, all of the other indicators are based on responses to specific questions in the courthouse questionnaire.

## **5.1 Courthouse Facilities and Administration**

### **5.1.1 Space and Overcrowding**

The shortcomings in courthouse facilities described in the reports of Group 2 were most commonly related to current problems of overcrowding, or to a lack of space needed to meet current or anticipated demand for various justice services. Of the 11 county reports, just three – Dufferin, Hamilton-Wentworth and Victoria-Haliburton – did not report problems associated with a need for space in one or more courthouses.

Of 18 separate courthouses, 10 reported problems associated with space shortages. In at least one case, the shortage of space had become so widespread that it was described as a general feature of the courthouse facility. The respondent from Prescott-Russell County described problems in the Ontario Court at L'Orignal as “ a general lack of square footage. On busy days, the waiting area and building is overpopulated.”

The need for additional space appears, for the most part, linked to the increased demand for justice services rather than encroachment on courthouse facilities by other government or private users. Only one county, Norfolk, reported space problems that were associated directly with this type of encroachment (the planned expansion of municipal administration). In one additional instance, Huron, the recommended solution to existing space needs required a reallocation of space that is currently shared with the municipality.

### **5.1.2 Growth/Demand for Courtrooms**

Just one out of 18 courthouses reported an insufficient number of courtrooms to accommodate foreseeable growth and demand. In this case, (Orangeville courthouse, Dufferin County), the immediate need for an additional courtroom was described as “urgent.”

Seven other courthouses, located in Brant (2), Bruce, Hamilton-Wentworth, Huron, Muskoka and Welland, reported courtrooms sufficient to accommodate demand for up to five years. The balance of courthouses expected to be able to meet demand for courtrooms for 10 years or more.

Specific features of courtroom facilities are discussed in greater detail in Part 2, Section 8.4..

### 5.1.3 Lawyer/Client Meeting Rooms

Seven of 18 separate courthouse facilities, from six counties/districts in Group 2, reported an inadequate number of meeting rooms to satisfy current demand. One county, Brant, reported no lawyer-client facilities at all at the Superior Court in Brantford. In this case, and at Superior Court in Haileybury, Temiskaming District, the shortage of lawyer-client meeting rooms was among the main problems reported. In most other instances, the lack of lawyer-client meeting rooms was one issue on a longer list of space-related problems. In Dufferin County, for example, the inadequate number of lawyer-client meeting rooms in the Orangeville courthouse was associated with competition among too many users for too few courthouse facilities: “Meeting rooms are frequently co-opted for duty counsel/crown/ police use.”

Among this group of counties/districts, problems with lawyer-client meeting rooms were mainly associated with the lack of meeting space rather than shortcomings with respect to the quality of existing space. Of 18 courthouse reports, just three reported that meeting rooms were not “reasonably furnished” and one reported an absence of reasonable privacy in meeting rooms. None of this group identified any problems associated with lack of proximity of meeting rooms to the courts they served.

### 5.1.4 Public/Witness Accommodation

Four out of 18 courthouses, located across all 11 counties/districts in Group 2, reported insufficient seating for the public and witnesses external to the courtroom.

Two courthouses also reported inadequate public washroom facilities. In one case, Prescott-Russell County, problems of inadequate washroom facilities and concern over cleanliness appeared to be related to the general problem of overcrowding: “There is one bathroom that can be used by one hundred or more people at one time.”

Twelve of 18 courthouses reported having no refreshment facilities. Three courthouses that had no refreshment facilities reported a need for them. Four others described the existing facilities as inadequate. In other words, close to two-fifths of courthouses in Group 2 described refreshment facilities as inadequate.

In one case, the Superior and Ontario court in Hamilton-Wentworth recommended improvements entailing “more seating in the cafeteria and having the cafeteria closer to (the) courts.” A respondent, reporting on the courthouse in Orangeville, also cited problems with the cafeteria facilities: “There is no cafeteria in which staff can sit and eat their own lunch. Food must be purchased from the cafeteria. There should be vending machines for after hours requirements.”

Other problems included the inadequate number of vending machines (Superior and Ontario Court, Simcoe, Norfolk ) and the poor selection of “junk food” available from vending machines (Superior and Ontario Court, L’Orignal, Prescott-Russell).

Six facilities reported one or more problems with parking, including insufficient space (2), parking that was too far away (2), and lack of free parking (2). The report from Dufferin County described parking problems at the Orangeville courthouse as “urgent.”

### 5.1.5 Lawyer Facilities

The courthouse questionnaire asked about the presence of a lawyers’ lounge, private phone facilities, gowning facilities for men and women, and the general adequacy of the facilities.

Four of the 18 courthouse facilities in Group 2 reported the presence of a lawyers’ lounge and facilities that were adequate with respect to private phones, as well as separate and adequate gowning facilities for men and women. These four included the only courthouses in Huron and Norfolk counties and Victoria-Haliburton district, as well as the Superior and Ontario Court in Hamilton-Wentworth.

Nine of 18 courthouses in Group 2, from seven of the 11 counties/districts, reported no lawyers’ lounges at all (Table 2). Just one courthouse (Ontario Court, Fort Erie) reported no “private or quasi-private” phone facilities for lawyers.

Thirteen of 18 courthouses in Group 2 reported having gowning facilities, two reported no gowning facilities, and three did not comment on the issue. Of the 13 positive responses, 11 reported separate facilities for men and women. Ten courthouse reports described the men’s facilities as adequate and three described them as inadequate, while six described the women’s facilities as adequate and four described as inadequate.

Problems associated with the lawyers’ lounges were commonly related to the need for additional space. The report from the Ontario Court in L’Orignal described the problem of no lawyers’ lounge in terms of “no secure place to leave coats/boots.” Dufferin County reported that lawyers had been allocated a portion of the library, but “to call it a lounge is a joke.”

Other problems with lawyers’ facilities included gowning facilities that are “too small” (Superior Court, Welland), the absence of washrooms for the exclusive use of lawyers (Superior Court, L’Orignal), “generally inadequate” men’s facilities (Superior Court, 55 Main West, Hamilton) and “generally inadequate women’s facilities, (Superior Court, 55 Main West, Hamilton, and Orangeville courthouse).

### 5.1.6 Jury Facilities

Eleven courthouses in Group 2 reported having courtrooms equipped for jury trials, though just nine of those courthouses reported that there was a jury room for each jury-equipped courtroom. Two courthouses – Superior Court in Welland, and Superior and Ontario Court in Hamilton - reported that there was not necessarily a jury room for each courtroom equipped for jury trials. The Welland report indicated that there were some jury rooms available and Hamilton reported there are three jury rooms on each floor of the courthouse.

Three courthouses, in Brant and Huron Counties and Victoria-Haliburton District, reported some inadequacies with respect to jury needs. The Superior and Ontario Court in Goderich (Huron County) reported that there was no private entrance to the courtroom for jurors. Jurors at the Lindsay courthouse use various public facilities in the building, but this was not perceived to be a problem by the respondents. Three of the respondents from Brant County reported that jurors at the Superior Court in Brantford use courthouse facilities in common with the public, and this was perceived as a problem. They reported that jury contact with witnesses, lawyers and other trial-related parties in entrances, hallways and stairways posed a “security-safety” issue that created the “ potential for threats or assault.”

### 5.1.7 Judges’ Chambers

Sixteen of 18 courthouses in Group 2 provided information about the adequacy of judges’ chambers. Of these, 13 reported the number of judges’ chambers was adequate and three reported it was not adequate to meet current needs. Asked if the number of judges’ chambers was sufficient to accommodate reasonably foreseeable growth, 12 reported “yes” and 4 reported “no.”

Thirteen respondents reported that the judges’ chambers provided for “secure access to and egress from each court,” while three reported that they did not.

### 5.1.8 Crown Attorney Offices

Fourteen of the 18 courthouses in this group reported they have Crown Attorney offices. Within this group of 14, two courthouses, - the Superior Court in Welland and the Superior Court in Brantford - reported that the existing space did not accommodate existing needs. The Superior Court (family division) in Hamilton reported that there were no Crown Attorney offices in the building. No information was provided regarding existing needs.

### 5.1.9 Other Administrative Space/Use

A number of other courthouse facilities among the 11 counties/districts listed in Group 2 were described as inadequate in one or more respects.

Fifteen out of 18 courthouses reported housing court administrative offices. Three of these 15 courthouses described the current facilities as inadequate to meet existing needs. The Superior Court in Brantford, Superior Court in Simcoe and Superior Court in Bracebridge all reported problems associated with insufficient office space.

Nine courthouses reported housing court reporter offices and all described them as adequate to existing needs. *None* of those facilities without court reporters' offices reported a need for them.

Eleven courthouses in Group 2 reported having duty counsel offices. Four of these were reported to be inadequate.

Three courthouses reported having Legal Aid facilities, one of which was described as inadequate. Four courthouses reported having no Legal Aid facilities and indicated a need for them. Therefore, five out of seven of the courthouses reporting a need for Legal Aid facilities find the current arrangement inadequate.

Three of the 18 courthouses reported having Victim/Witness Assistance Program (VWAP) offices and one of these was described as inadequate. Three others reported they needed but did not currently have a VWAP office. Therefore, four out of six of the courthouses that report needing VWAP offices find the existing arrangement inadequate to their needs.

Just one courthouse reported having media facilities, which were described as adequate. One other courthouse reported having no media facilities but indicated a need for them.

Finally, 11 of the 18 courthouses reported having library facilities, just one of which (Bruce) was described as inadequate. Bruce County reported that the library at the Superior and Ontario Court in Walkerton lacks adequate space for lawyers to work and also lacks adequate shelf space. One additional courthouse, the Superior Court (family division) in Hamilton, reported no library in the courthouse, which was described as inadequate to existing needs. Therefore, two out of 12 of the courthouses that reported a need for library facilities find the current arrangement inadequate to their needs.

## 5.2 Key Issues

In addition to the problems associated with space and identified in 11 of the county/district reports, the two most frequently identified issues within Group 2 were

security and access for the disabled. This section also briefly reports on health and safety issues reported in this group

### 5.2.1 Security

Security issues were addressed in several areas of the courthouse questionnaire. These include: public witness accommodation, holding cell facilities, security with respect to courthouse facilities as a whole and in relation to specific staff and users of the courthouse. Closed-ended and some open-ended responses suggest some concern over security at the 18 courthouses in Group 2.

#### 5.2.1.1 Security in public areas

Eight of the 18 courthouses in Group 2 report that “persons in custody are required to pass through a public area in order to access the courtroom.” Although a variety of other security-related concerns were raised by these and other courthouses in this group, none identified the problem of prisoners passing through public areas as a security concern.

#### 5.2.1.2 Holding Facilities

Seventeen of 18 courthouses reported they have holding cell facilities. Of these, 12 reported that they have segregated cells for men and women and three reported they do not. Seven facilities reported that there is no private access for prisoners from the holding cells to the courts.

Five of the 18 courthouses reported security issues raised in the instance of their holding cell facilities. These included both courthouses in Brantford, and the courthouses in Walkerton, Goderich, and Fort Erie.

Lack of direct private, secure, access to and from holding cells received several mentions, though typically the degree of concern expressed was moderate. The respondent from Huron County explained the problem as follows: “Concerns have been raised regarding accused passing through an area used by lawyers, jury and judges. Most users are satisfied that security in this area is adequate.”

A number of security issues were raised with respect to both courthouses in Brant County. In addition to the problem of escorting prisoners through “public hallways,” respondents described the Superior Court holding facilities as lacking in “proper electronic monitoring.”

The Ontario Court holding facilities were described as too far from one of the courtrooms, which “presents security issues and wastes time.” The same holding facilities lack “camera/intercom equipment at the sally port, creating a safety hazard

when persons knock/bang on the door for entry.” This facility was also described as lacking in “locking boxes for escort officers firearms.”

A few other comments highlighted specific, though limited, security problems in other courthouse holding facilities.

### 5.2.1.3 Other Security Matters

A series of questions asked respondents to comment on “other security matters,” including court and general security for the different classes of courthouse users. Based on these responses and the assessment provided in the individual county/district reports, we have produced a general characterization of security at individual courthouse facilities. Courthouse security has been considered “poor” or “very poor” in those cases where respondents rated either general courthouse security or courtroom security as inadequate for three or more classes of courthouse users (courthouse staff, Crown officers, judges, lawyers, persons in custody, general public).

Based on these rough criteria, eight of the counties/districts in Group 2, including 13 of 18 courthouses, rated overall security in their courthouse facilities as “adequate” (eight) or “good” (five), whereas three characterized security as “poor.” Courthouses reporting poor security were the Superior Court and Ontario Court in Bracebridge, Superior and Ontario Court in Simcoe, and the Ontario Court in Fort Erie. Two reports did not provide sufficient information to make a general characterization of overall security.

Two of the 18 courthouses (11%), reported a security-related incident in the past three years that was “not handled effectively.” A limited number of comments identified general security concerns. These included concern over internal theft at one Hamilton-Wentworth courthouse (Superior and Ontario Court, 55 Main St. West), and the need for “additional police officers on duty and a burglar alarm system ASAP” (Superior and Ontario Court, Bracebridge).

### 5.2.2 Disabled Access

Respondents were asked to evaluate seven aspects of disabled access. A majority of facilities were rated adequate, with one or two specific features described as “poor” or occasionally as “non-existent.” Reports mentioned limited disabled access to libraries, washrooms, courthouse entry, eating facilities, and other public access areas.

Seven of the 18 separate courthouses in Group 2 reported some deficiencies with respect to disabled access. A variety of comments pinpointed specific problems of disabled access to courthouse facilities. Among the most serious reported were the absence of a functioning elevator at the Superior Court in Haileybury, and a similar problem at the courthouse in Lindsay. In the latter case, the absence of elevator access to the second

floor was among the most serious problems reported in the Victoria-Haliburton District report.

### 5.2.3 Health and Safety

Overall, 32% of courthouses reported health and safety issues. Within Group 2, 3 of the 18 courthouses (17%) reported health and safety issues. Due to the reporting method it was unclear whether there were health and safety issues associated with Superior Court in Brantford (Brant County).

One of two completed questionnaires which reported on the Superior Court in Orangeville and the report on the Superior Court in Simcoe noted health and safety issues associated with air quality. The report on the Superior and Ontario in Hamilton (45 Main Street East) noted that counsel chairs require rollers: “it is not safe for lawyers to push on chairs on a carpeted floor while in robes.”

A separate investigation, conducted during or since the circulation of the Task Force questionnaire, identified mould problems at the Superior and Ontario Court in Hamilton, located at 45 Main Street East. The mould problem has since been remediated at that courthouse.

## 5.3 Current and Future Requirements

Although most of the courthouse reports from these 11 counties/districts revealed a list of specific problems, the proposed solutions were generally modest in scale and respondents were often optimistic about meeting their requirements.

With the exception of one respondent from Brant, who proposed a new courthouse facility, there were no major initiatives recommended. Among the more ambitious solutions proposed, the report from Bruce (the only county report that described existing facilities as inadequate to meet current needs) recommended “modest renovations and expansion to an adjacent site.” Respondents from Hamilton-Wentworth identified no current needs, but recommended future purchase and expansion to a site adjacent to the existing courthouses at 55 and 45 Main Street West. With respect to the “10-year planning horizon”, the Muskoka District report recommended renovation of the Bracebridge courthouse because “it is centrally located and a historical landmark.”

Five of the other counties/districts – Huron, Dufferin, Muskoka, Norfolk, Welland – all identified specific solutions to the most important problems which they had identified. Dufferin, Norfolk and Welland reported that action to meet existing requirements was already underway. Muskoka reported that there was a “good possibility” that identified security needs would be met within the next five years. Huron reported that current space problems could be resolved in “short order.”

Two reports were less optimistic about solving identified problems. The Temiskaming report offered no opinion regarding how the Superior court in Haileybury would get the elevator and improved maintenance the building requires. In Prescott-Russell, there were no identified plans to meet the requirements for additional meeting rooms and eating facilities needed at the Superior and Ontario Court, or the larger problem of a “general lack of square footage” at the Ontario Court.

With some exceptions, respondents in Group 2 are satisfied that their courthouse facilities meet current requirements. A number of specific measures ranging from administrative decisions to modest renovations are underway to solve identified problems. However, one qualification should be noted here: it was not entirely clear from the information provided in the individual courthouse questionnaires, or the questionnaires related to the overall counties/districts, that all the problems identified are being addressed by current measures.

## 6.0 GROUP 3: COUNTIES/DISTRICTS FACING MORE EXTENSIVE PROBLEMS

The 20 counties/ districts, listed in Table 3 under the heading “Group 3,” are described as having courthouse facilities that are inadequate in important respects. These typically require systematic solutions to meet current and future needs.

Algoma  
Carleton  
Essex  
Frontenac  
Halton  
Hastings  
Kent  
Lanark  
Lennox-Addington  
Middlesex  
Northumberland  
Parry Sound  
Perth  
Sarnia-Lambton  
Simcoe  
Sudbury  
Stormont-Dundas-Glengarry  
Toronto  
Waterloo

## Wellington

These 20 county/district reports described extensive problems in the courthouses for which they were reporting. As with Group 2, the scope or severity of problems reported was not always clear. Whereas the previous groups documented a limited number of problems, courthouse reports from this group typically detailed a much longer and more serious list of difficulties. The problems associated with these facilities were frequently so extensive that they appear to affect the quality of the facility as a whole.

In the previous section, we discussed 11 counties/districts, 10 of which characterized courthouse facilities as generally adequate to current needs. By contrast, in this group of 20 reports, just seven counties/districts – Algoma, Carleton, Lanark, Middlesex, Parry Sound, Perth, Sarnia-Lambton – characterized courthouse facilities as generally adequate to current needs.

The remaining 12 county/district reports – Essex, Frontenac, Hastings, Halton, Kent, Lennox-Addington, Simcoe, Sudbury, Stormont-Dundas-Glengarry, Waterloo, and Wellington – characterized courthouse facilities as generally inadequate to current needs. One county report – Northumberland – did not contain sufficient detail to assess the adequacy of the courthouse facilities. The Toronto region, where there are 10 separate courthouse facilities, several of which are quite large, could also not be easily characterized. Three courthouse facilities were described as generally adequate and three others were generally inadequate. The remaining four could not be classified either way.

Twelve county/district reports described the location of courthouse facilities as either “adequately” (nine) or “very well” (three) suited to the needs of the local population. Four reports described courthouse facilities as “poorly” located for local needs - Halton, Frontenac, Essex and Simcoe counties. Four reports did not provide information, or provided contradictory information.

Table 3 below provides an overview of some aspects of courthouse facilities and key issues. Cells marked with an “X” indicate insufficient facilities or concerns with respect to the designated issue. With the exception of the *Space* category, which is based on a general assessment of individual courthouse reports, all of the other indicators are based on responses to specific questions in the courthouse questionnaire.

As Table 3 illustrates, the inadequacy of courthouse facilities and the scope of specific issue/problems is more extensive among counties/districts in Group 3 than it was in Group 2.

**TABLE 3 - Inadequate Courthouse Facilities and Issues of Concern. (Group 3, 52 Courthouses)**

	Insufficient Courthouse Facilities								Key Issues		
	Space	Courtrooms (Q. 31)	Lawyer/Client Rooms (Q. 37)	Public Accommodations (Q. 51)	Lawyer's Lounge (Q. 83)	Holding Cell Security (Q. 79)	Security Incidents (Q. 138)	Health and Safety (Q. 58)	Disabled Access (Q. 53)		
Algoma		x	x			x	x				
Carleton	x		x					x	x		
Essex	x	x	x			x	x	x	x		
		x									x
Frontenac			x	x		x	x	x	x		x
	x	x	x	x	x		x				x
	x	x	x	x		x	x	x	x		x
Halton	x	x	x	x		x	x	x	x		x
					x						x
	x	x	x		x	x					x
Hastings			x			x					
	x	x	x	x	x	x	x				x
			x		x	x					
	x		x		x	x					
Kent	x		x	x		x		x	x		
Lanark	x	x			x						
	x		x	x	x	x					
Lennox/Addington	x	x	x	x			x				
	x	x		x	x		x				x
Middlesex	x		x	x				x	x		
Northumberland				x	x						
			x	x	x	x					x
Parry Sound	x		x	x	x						
	x		x	x	x	x					x
Perth	x		x	x	x						x
	x	x	x	x	x				x		
					x						
Samia/Lambton	x	x	x					x	x		
Simcoe	x	x	x	x		x					x
	x	x	x	x	x						x
					x						
	x		x	x	x				x		
					x						
	x	x			x						x
		x	x		x						
Stor/Dun/Glen	x	x	x								
				x	x						
Sudbury	x	x	x	x		x	x	x	x		x
		x				x					
Toronto	x										x
			x			x	x	x	x		x
			x				x				x
	x		x	x	x	x			x		x
	x	x	x	x	x				x		
	x		x		x		x				x
	x	x	x	x		x	x				x
			x						x		
	x		x	x		x	x				x
	x		x	x					x		
Waterloo	x	x	x	x		x	x				x
Wellington	x		x	x	x	x	x				x
	x		x	x	x		x	x			x

## 6.1 Courthouse Facilities and Administration

### 6.1.1 Space and Overcrowding

The extensive and varied list of problems documented in these 20 county/district reports frequently cited a lack of space for the administration and delivery of justice services. Although lack of space/overcrowding was not always identified as the most serious and immediate issue, it was certainly the most pervasive problem.

Eighteen of the 20 county/district reports, including 35 of 52 separate courthouse facilities, reported moderate to severe problems arising from or compounded by insufficient, overcrowded, or non-existent space. The exceptions were Algoma District and Northumberland County.

Many of our summaries of county/district reports cite a long list of space-related problems similar to this description of the issues in Lennox -Addington County:

“A general problem facing both courthouses is a lack of facilities to meet current needs. This includes insufficient holding cells, washroom facilities and basic facilities for courthouse staff and the public.”

Respondents frequently described allocations of space for specific functions as “extremely limited” (Sarnia Lambton), “grossly inadequate”(Hastings), or “disgracefully inadequate”(Perth). One respondent from Frontenac County made the case for a new consolidated facility, commenting that the needs of Court had, “outgrown the building and facilities dramatically.” Another, from Stormont-Dundas-Glengarry, where the courthouse is barely two years old, declared that “double the space” was now required, observing that the new courthouse facility was “insufficient for the purpose of the administration of justice.” A third, from Waterloo, focused on the problems of facilities for lawyers, notably “inadequate facilities for the legal profession (lounge, robing room, library space).”

Within Group 3, 10 counties reported that there were issues regarding “encroachment on the use of the facility for the administration of justice by other government or private users.” These were: Carleton, Essex, Hastings, Middlesex, Perth, Sarnia-Lambton, Sudbury, Stormont-Dundas-Glengarry, Toronto, and Wellington. 15 of the 52 courthouses in Group 3 reported issues *associated* with encroachment.

Reported sources of encroachment varied. It was not clear in every case that the encroachment described originated exclusively with “non-justice users” as the survey question (Q.25) implied. But in any case, several respondents cited various forms of encroachment as an important cause of the difficulties they had identified. The Sarnia/Lambton report identified the withdrawal of “PROFAC” and the Ministry of Labour, coupled with a renovation of the facility, as a strategy to meet future needs. The

respondents from Middlesex identified the partial solution to space problems in a recent withdrawal and downsizing of non-justice tenants in the building. They also flagged a possible bid by the Public Trustee and Guardian as a threat to their objective of ensuring that any available courthouse space should be committed, “directly to the administration of justice first and foremost.”

And the respondent for Perth County cited encroachment and the expropriation of space for the “occasional and unnecessary convenience of administrators”, as the key obstacle to a “wise planning” strategy that, combined with renovations, would meet the needs of courthouse users.

### 6.1.2 Growth/Demand for Courtrooms

Twenty-three courthouses in Group 3, from 14 counties/districts, reported that courtrooms were insufficient to accommodate reasonably foreseeable growth and demand.

Seventeen other courthouses reported sufficient courtrooms to accommodate demand for up to five years. The balance of those that provided information, seven courthouses, reported capacity to accommodate demand for 10 years or more.

Description of specific features of courtroom facilities are discussed in greater detail in Part 2 of this report, Section 8.4.

### 6.1.3 Lawyer-Client Meeting Rooms

All 20 counties/districts in this group, including 40 of 52 separate courthouse facilities, reported that one or more courthouses had an inadequate number of meeting rooms to satisfy current demand. Six counties/districts – Carleton, Frontenac Lanark, Perth, Simcoe and Toronto – reported courthouses with no lawyer-client meeting rooms, 11 in total. In the case of Toronto, five courthouses reported no lawyer-client meeting facilities.

Respondents reported a variety of problems associated with inadequate or non-existent lawyer-client meeting facilities. One respondent from Parry Sound linked the inadequate number of rooms at the Ontario Court in Burks Falls to the general problem of competition for scarce courthouse space:

“These [three client meeting rooms] are generally taken by Legal Aid, custody OPP, probation on Criminal YOA days. Lawyers speak to clients in open waiting room, parking lot, entry lobby, cars.”

For some respondents insufficient or non-existent lawyer-client meeting facilities was a major issue. Here is a sample of some of the stronger comments on the problem:

“Of urgent need are lawyer-client meeting rooms, adequate barrister robing rooms and barrister washrooms.” (Superior Court, family division, Kingston)

“This [absence of lawyer-client meeting rooms] is one of the largest problems in an otherwise functioning courthouse.” (Ontario Court, 311 Jarvis St., Toronto)

“[There is a concern that] our facilities are being whittled away. It is vitally important that we lawyers have access to interview rooms so that we can discuss issues with our clients in privacy.” (Superior Court, Cornwall)

“[A]n abhorrent” lack of interview rooms.” (Superior and Ontario Court, Sarnia-Lambton County)

Although the shortage of space was certainly the most serious problem with respect to lawyer-client facilities, some respondents also reported that meeting rooms lacked furnishings (16), provided inadequate privacy (9), or were not reasonably proximate to the courts they served (4). The Superior and Ontario Court in Chatham, the Ontario Court in Stratford, and the Superior Court in Guelph all reported lawyer-client facilities that were inadequate in terms of the number of rooms available and all of these respects as well.

#### 6.1.4 Public/Witness Accommodation

Another reported shortcoming of many courthouse facilities relates to public/witness accommodation. 15 counties/districts in Group 3, including 29 of 52 courthouses, reported insufficient seating for the public and witnesses external to the courtroom.

Descriptions of the overcrowding of waiting facilities included the following:

“[T]hey line the hallways outside courtrooms 2, 3, 4, 5.” (Superior and Ontario Court, Chatham)

“[O]n several occasions each month the public areas overflow.” (Superior and Ontario Court, Barrie)

“[S]eating is in a gym-like atmosphere, which is poorly secured.” (Ontario Court, Midland)

“[Public waiting facilities for Family Court are over-crowded] to the point of representing a safety hazard.” (Ontario Court, Stratford)

“Too small for growing demand on this Family Court.” (Ontario Court, 47 Sheppard Ave., Toronto)

Although they were not apparently as serious or as widespread as the problems of insufficient seating space, counties/districts within Group 3 also reported other inadequacies in the public facilities. 16 of the 52 courthouse reports described either or both of the men’s and women’s washroom facilities as inadequate.

Twenty-five courthouses reported having no refreshment facilities, eight of which specifically identified this shortcoming as inadequate to the public’s needs. Of the 27 courthouses reporting some form of refreshment facilities, 10 were described as inadequate. In other words, more than one third of courthouses (18 of 52 courthouses) reported inadequate refreshment facilities.

Respondents who expressed concerns over inadequate eating facilities pointed out that the public and witnesses were often obliged to spend a long day in the courthouse and were not necessarily mobile enough to be able to obtain food outside the courthouse during lunch breaks (Superior Court – family division, Kingston).

Parking was reported as inadequate in some respects in 12 of the 20 counties/districts, involving 24 of 52 courthouses. Complaints ranged from concerns over inadequate free parking spaces (Superior Court, Parry Sound), metered parking which was “inadequate for lengthy proceedings”(Ontario Court, Kingston), to the high costs of parking “for lawyers, clients and particularly jurors and witnesses” (Superior Court, Sudbury).

As might be expected, respondents reported different expectations with respect to different courthouse facilities. As one respondent commented on the parking problems at the courthouse in Cornwall: “Parking is a sore point. This is not Toronto or Ottawa. Almost all parking is taken by administration.” In the more urban courthouse locations it was pointed out that time-limited paid parking could be a serious inconvenience for individuals and even disrupt the court procedure. One Toronto respondent described the problem at the Ontario Court, on Jarvis Street, this way: “At 3:30 p.m. cars on Jarvis Street are towed, costing over \$100 to recover your car. People (witnesses) run out of the court causing delays to hearing.”

### 6.1.5 Lawyers’ Facilities

The courthouse questionnaire asked about the presence of a lawyers’ lounge, private phone facilities, gowning facilities for men and women, and the general adequacy of the facilities.

Six of the 52 facilities reported the presence of a lawyers' lounge and facilities which were adequate with respect to private phones, and separate and adequate gowning facilities for men and women. These six included the only courthouses in Algoma District, Kent and Middlesex counties, as well one courthouse each in Simcoe and Hastings counties, and the Toronto region.

Twenty-eight courthouses in Group 3, from 14 counties/districts, reported no lawyers' lounge in one or more courthouse facilities. Twenty-one courthouses reported no private or quasi-private phone facilities for lawyers. Of those courthouse reports that responded to a question about gowning facilities, 22 reported having gowning facilities and 12 reported they did not. Of those with gowning facilities 20 out of 22 indicated they possessed separate facilities for men and women. Fourteen described the men's facilities as adequate and 8 described them as inadequate.

Of 20 responses, nine described the women's facilities as adequate and 11 described them as inadequate. Shortcomings in the women's facilities included a "quasi-private bathroom", no phone for women, a "match box" with "no privacy" (Superior and Ontario Court, Sarnia), lack of washroom facilities and lockers (Superior and Ontario Court, Stratford), or simply "grossly inadequate" women's facilities (Superior Court, Kingston).

#### 6.1.6 Jury Facilities

Twenty-one courthouses in Group 3 reported having courtrooms equipped for jury trials, of which 17 indicated there was a jury room for each jury-equipped courtroom. Three counties/districts - Essex, Kent and Sudbury- reported that there was not necessarily a jury room for each courtroom equipped for jury trials. In one other county, Simcoe, the Superior Court in Orillia reported that there were no jury facilities at the courthouse. It was unclear from the report whether jury facilities are required at this courthouse.

Eleven courthouses reported that the juries use public facilities in the courthouse. Two reported the absence of a private jury entrance to the courtroom. Other problems included inadequate furnishings (six), absence of separate washrooms for juries (four), and inadequate size of the of the jury room (four).

In contrast to problems of insufficient space, which appeared to be the key problem with so many other courthouse facilities, problems associated with jury facilities in this group of 20 counties/districts are centered on deficiencies in the quality of the facilities, notably the lack of adequate separation of jurors from other courthouse users.

### 6.1.7 Judges' Chambers

Thirty-seven of 52 courthouse reports provided information about the adequacy of judges' chambers. Of these, 31 reported the number was adequate and six reported it was not adequate to meet current needs. One courthouse, the Toronto Superior Court at 393 University Avenue, reported the courthouse has no judges' chambers, only retiring rooms. Asked if the number of judges' chambers was sufficient to accommodate reasonably foreseeable growth, 15 reported "yes" and 23 reported "no."

Of 40 courthouse reports that provided information, 24 respondents reported that judges' chambers provided for "secure access to and egress from each court," while 16 reported that they did not.

### 6.1.8 Crown Attorney Offices

Forty of the 52 courthouses in this group reported having Crown Attorney offices. Of this group, 20 courthouses, located in 15 counties/districts, reported that existing space did not accommodate existing needs. Two additional courthouses, currently without Crown Attorney facilities, reported that the absence of facilities was inadequate to meet existing needs.

### 6.1.9 Other Administrative Space/Use

A number of other courthouse facilities among the counties/districts listed in Group 3 were described as inadequate in one or more respects.

Thirty-eight of 52 courthouses reported housing court administration offices and officials. 16 of these reported facilities that were not adequate to existing needs. One courthouse with no administration facilities reported a need for them. In other words, 17 out of 38 courthouses that house administrative offices find them inadequate to existing needs.

Twenty-five courthouses reported housing court reporters' offices, 12 of which described them as inadequate to existing needs. Another four do not currently have court reporters' offices, but indicated a need for them. In other words, 16 out of 29 of those that have or need court reporters' offices find the current arrangement inadequate.

Thirty-four courthouses reported that they have duty counsel facilities, 23 of which were described as inadequate to existing needs. Another seven reported they need duty counsel facilities but do not have them. In other words, 30 of 41 courthouses that have or need duty counsel facilities find the current arrangement inadequate.

Six courthouse facilities reported that they have Legal Aid offices, five in Toronto Region and one in Simcoe County. Of these, three were described as inadequate to meet existing needs. In addition, 16 courthouse reports indicated a need for Legal Aid offices. In other words, 19 of 22 courthouses that have or need Legal Aid facilities find the present arrangement inadequate.

Twelve courthouses reported having a Victim/Witness Assistance Program (VWAP) and five described the facility as inadequate to meet their needs. An additional 14 indicated a need for a VWAP program. In other words, almost 17 of 26 of the courthouses that have or need VWAP facilities find the existing arrangement inadequate.

Twenty-eight courthouses reported that they have library facilities, 13 of which described them as inadequate to meet existing needs. Four more courthouses reported a need for library facilities. Therefore, 17 out of 32 of the courthouses that have or need library facilities find the current arrangement inadequate.

Two courthouses reported the presence of a media office, one of which was described as adequate to meeting existing needs. Twelve courthouses indicated a need for media facilities. Thirteen of 14 of the courthouses that have or need media offices report that their requirements are not being met.

## **6.2 Key Issues**

In addition to the general issue of inadequate space and overcrowding of courthouse facilities, three issues figured prominently in the reports from this group of 20 counties/districts: security, disabled access, and health and safety. Two of these issues—security and disabled access—were discussed in the previous section on Group 2, where courthouse facilities were generally characterized as adequate. As might be expected, with this group of 20 counties/districts where courthouse facilities are typically plagued by a much longer list of problems, both issues are raised more frequently and the problems reported are often more severe. This is particularly true of security issues; these may be described as *qualitatively* more serious amongst the 20 counties/districts in Group 3 than they were amongst the 11 counties/districts in Group 2.

### 6.2.1 Security

Security issues were addressed in several areas of the courthouse questionnaire, including public/witness accommodation, holding cell facilities, security with respect to courthouse facilities as a whole, and in relation to specific staff and users of the courthouse facilities. Closed-ended and frequently open-ended responses indicated that these 20 counties/districts face a variety of security-related issues. Both the frequency and the

substance of respondent comments to open-ended questions suggest that security is an issue of concern to many courthouse users.

#### 6.2.1.1 Security in Public Areas

Eighteen of the 20 counties/districts in Group 3, including 38 of the 52 courthouse facilities, report that “persons in custody are required to pass through a public area in order to access the courtroom.” For the courthouses in this group, this practice appears to be quite common. This lack of segregated passage for prisoners to and from holding cells and courtrooms was the most frequently mentioned security concern associated with public areas.

#### 6.2.1.2 Holding Facilities

Forty-three courthouses reported they have holding cell facilities. Of these, 18 reported that they do not have segregated cells for men and women, and 18 reported that there is no private access for persons in custody from the holding cells to the courts.

Fourteen counties/districts in Group 3, including 23 of 52 separate courthouses, reported that there were “security issues raised in the instance of this facility.” As indicated, lack of direct private and secure access to and from holding cells was frequently mentioned. However, there were a variety of other concerns expressed. Below is a sample of respondents’ comments, taken from a much larger list:

“Almost any prisoner who wished could run or attack a witness or counsel.”  
(Superior Court, Sudbury)

“There have been several incidents by prisoners against custodians, interference from third parties and attempts at escape, some successful.” (Ontario Court, Cobourg)

“Two of the holding cells are in the basement. The third is in the judges’ area off Courtroom ‘A’.....There is no security between judges and inmates.” (Superior Court, Kingston)

“A large number of prisoners, male and female, are in the same shared [bullpen] at the same time, with no secured hallways to transport prisoners.” (Superior and Ontario Court, Sault Ste. Marie)

#### 6.2.1.3 Other Security Matters

Respondents were asked to comment on other security matters, including courtroom and general security for the different classes of courthouse users. Based on these responses and the assessment provided in the individual county/district reports, we have produced a

general characterization of security at individual facilities. Courthouse security has been considered “poor” or “very poor” in those cases where respondents rated courthouse security as inadequate for three or more classes of courthouse users (courthouse staff, Crown officers, judges, lawyers, persons in custody, general public).

Applying these rough criteria, 24 of the 52 courthouse facilities rated overall security as “adequate,” whereas 19 courthouses described security as “poor” (17) or “very poor” (two). Eight courthouse reports did not provide sufficient information to make a general characterization of security.

Eighteen courthouses in Group 3 reported a security-related incident in the past three years that was “not handled effectively.” Below are some summary statements from county/district reports and respondents’ comments; these describe the security issues and security-related incidents in some courthouse facilities:

“This 1922 building was not designed with security in mind. Concerns include lack of secure, private access to and from court for judges, lack of 24 hour security service, transporting prisoners through public areas, insufficient holding cells.” (Superior and Ontario Court, Sault Ste. Marie)

One security issue is described as “police, lawyers and accused all have access to same hallways outside courts.” Mishandled security related incidents include “cases of the public gaining access to and using judicial chambers....[t]here has been a diminishment of security systems or resources over the past three years....[the] 24 hour guard was discontinued. After hours use is now available with a card and key.” (Superior Court, Windsor)

“[V]ery poor” security for persons in custody; “[N]o separate access for prisoners”; “poor layout of building.” The number of police officers is described as “very few.” (Superior Court, Chatham)

“There are insufficient court security officers and police on duty.” There was a recent security-related incident in family court that “could probably ha[ve] been avoided if we had another officer at court all the time.” (Superior Court, Napanee)

“Save for police presence, security is non-existent for courthouse staff, Crown officers, judges and lawyers.” (Superior and Ontario Court, Cornwall)

“Every class of user must mix with every other class of user in tight hallways.” (Superior Court, Sudbury)

“There are insufficient court officers on duty. Ineffectively handled security-related incidents have occurred during the past three years....Inappropriate access by the public due to inattentive staff, i.e. the public are where they should not be.

Increase in theft, especially laptop computers.” (Superior Court, 361 University Ave., Toronto)

There appears to be insufficient court security for members of the bar, Crown attorneys, the judiciary, the police, court staff and the public. One respondent reported ineffectively handled incidents and described them as “witness/counsel confrontations and a suicide attempt.” (Superior Court, Kitchener)

Security concerns or descriptions of security related incidents were not limited to this group of county/district reports. Respondents who described the level of overall security as adequate or even good also described serious security incidents. Eighteen of 52 courthouses (35%) reported a security related incident in the past three years that was “not handled effectively”. For example, one respondent reported that: “There was a fight at 8:30 am where the judge actually broke up the fight as the court officer was not there until just before 9:00 A.M.” (Ontario Court, Trenton). Another described an ineffectively handled security incident where a “prisoner walked out.”

## 6.2.2 Disabled Access

Respondents were asked to evaluate seven aspects of disabled access. A majority of these were rated adequate, with one or two specific features described as “poor” or occasionally as “non-existent.” Courthouse reports mentioned limited disabled access to washrooms (20), courtrooms (19), library (15), courthouse entry (14), eating facilities (14), other public access areas (12), and elevators.

Thirty-one separate courthouses located in 16 counties/districts reported some deficiencies with respect to disabled access. Four courthouses reported “poor” or “non-existent” disabled access in all seven specific areas. The courthouses were: Superior Court, Kitchener, Superior Court and Ontario Court, Guelph, and Ontario Court of Appeal at Osgoode Hall, Toronto.

Some respondents described general problems involving limited or non-existent disabled access to most or all courthouse facilities. Below is a summary of statements taken from county/district reports as well as direct comments from respondents about disabled access, in cases where the problems were perceived to be relatively serious:

Washrooms, library, eating facilities and courtrooms may be poor [access].  
Elevator “very slow.” (Superior Court, Windsor, Essex County)

Disabled access is poor, and “one part of the building is totally inaccessible.”  
(Superior Court, Chatham, Kent County)

“Disabled access is non-existent for courthouse entry. It is a multiple level facility with courtrooms on the second floor and the elevator does not always work.” (Ontario Court, Trenton, Hastings County)

“No wheelchair access to washrooms and courtroom.” (Superior Court [family division] and Ontario Court, Napanee)

“No disabled access to client/witness parts of the courtroom.” (Ontario Court, Cobourg)

The building is multi-level and does not have a functioning elevator. “Disabled persons would have to drive around to the other level or attempt the stairs. It is not wheelchair accessible.” (Ontario Court, Guelph)

“At least one more accessible washroom is needed. Courthouse entry is adequate at the front, but there is not ramp at the rear of the building. The courthouse is a multiple level facility with an elevator that is very old, extremely slow and doesn’t always work. It needs to be replaced.” (Superior and Ontario Court, Lambton)

### 6.2.3 Health and Safety

Overall, 32% of courthouses reported health and safety issues. Within Group 3, 17 of the 52 courthouses or 33%, reported health and safety issues. In some other cases respondents who reported no health and safety problems, described problems associated with air conditioning and acoustics in courtrooms.

The most common complaint in this category related to problems associated with “poor air quality” (Superior Court, London) and “insufficient air conditioning and/or heating in parts of the building” (Superior Court, Windsor). In a few cases, the problems described were quite serious. Carleton County reported “serious defects in the courthouse - particularly relating to air quality. There appear to be resulting health issues involved.” The Ontario Court, located at 1000 Finch Avenue, in Toronto reported: “Mould is a problem.” Also in Toronto, the report from the Ontario Court located at 80 The East Mall, noted that, “people complain about air quality.” The report for Sudbury District described health and safety issues at the Superior Court associated with air-conditioning gases, moulds, former asbestos and frayed carpets. The report from the Superior Court at 361 University Ave., Toronto, furnished a list of six health and safety problems and procedural violations associated with the courthouse. These included an outdated emergency evacuation plan, no current fire evacuation plan, a fire alarm system which does not meet the fire code and “frequent complaints about air quality and lighting levels.”

Separate investigations, conducted during or since the circulation of the Task Force questionnaire, have identified (or confirmed) mould problems at several courthouse facilities in Group 3. These include three courthouses in Toronto: the aforementioned Ontario Court at 80 The East Mall in Toronto, the Ontario Court at 311 Jarvis Street and the Ontario Court at 1911 Eglinton Avenue East. Other courthouses where mould problems have been identified include: the Superior Court at 5 Court Street in Kingston, the Ontario Court in Kingston and the Superior and Ontario in Sault Ste. Marie. The mould problem has since been remediated at all of these courthouses except the Ontario Court at 80 The East Mall in Toronto, where remediation was reported to be ongoing as of January 17, 2001.

Beyond air quality, other issues mentioned included asbestos (about which there was typically some uncertainty), improper storage, poor furniture, and in one case (Ontario Court, Cobourg), noise associated with nearby railroad tracks.

### **6.3 Current and Future Requirements**

Many of the reports from this group of 20 county/districts recommended comprehensive measures. Twelve counties/districts – Algoma, Essex, Frontenac, Kent, Halton, Hastings, Middlesex, Lennox-Addington, Stormont-Dundas-Glengarry, Sudbury, Waterloo, and Wellington - recommended new facilities and/or consolidation of one or more courthouses in a single facility. In one case, Middlesex, consolidation would entail expansion within the existing superior court facility. In some other instances it was not clear whether “consolidation” referred to expansion and renovation of an existing courthouse facility or construction of an entirely new facility. But in every case it appeared that a major reorganization and commitment of resources was required.

Frontenac and Kent were optimistic about meeting these requirements within the next 5 years. Frontenac reported that the office of the Attorney General was committed to issuing “Request for Proposals.” One respondent added that Frontenac was reportedly at the top of the provincial priority list. Kent reported that \$13 million in funding was committed and although work on a new courthouse facility had not yet begun, it was scheduled for completion in 2002.

Other counties expressed some optimism that their requirements would be met within the next five years. Hastings described prospects as a “medium probability” while one respondent from Waterloo reported that the province was proceeding with plans for a new facility within three to five years.

The remaining seven counties were either pessimistic about prospects over the next five years or, in two cases (Algoma and Middlesex), offered no comment. The most pessimistic note was struck by one respondent from Sudbury who declared: “It may be

cynical but we are so used to being passed over in Northern Ontario when it comes to courthouse facilities, that there is little belief or faith that things will improve.”

Five other county/district reports recommended renovations, ranging from modest to comprehensive. Carleton County recommended, “minor renovations and improved general maintenance” to the Ottawa courthouse. Parry Sound recommended an addition to deal mainly with the need for holding facilities, and lease or rental of a “new facility” for the existing satellite court in Burks Falls. Sarnia/Lambton proposed relatively extensive renovations combined with the appropriation of space currently used by non-justice services. Perth recommended a comprehensive planning process to overcome existing problems of encroachment, combined with “modest renovations.” Lanark proposed renovation and expansion as the solution to the requirements of both courthouses in that county.

Within this group, Parry Sound was optimistic that the process of funding and expansion was well underway. Sarnia/Lambton reported that blueprints for renovations existed but, “there are no concrete plans.” Carleton reported that there were no existing commitments and expressed hope that the results of the courthouse survey would improve prospects. Perth reported no plans and “no possibility” of meeting requirements within five years. Lanark also reported that prospects were “unlikely.”

The Simcoe County report did not address either the issue of general requirements or the prospects of satisfying them within five years. However, other comments which criticized the Office of the Attorney General for the creation of satellite courts (Midland, Orillia, Bradford) with inadequate facilities, implied the need for a planning process. Four court facilities in Simcoe County recommended some combination of renovations, expansion or relocation to a new facility.

Recommendations from Toronto stressed the need for a long-term plan by the Attorney General regarding the future of Toronto’s courthouse facilities. Three courthouses identified the need for a new or unified facility. One respondent added this comment: “Strip mall locations command little respect for the administration of justice.”

Finally, the Northumberland County report did not provide any information on requirements to meet existing needs or the likelihood that this would occur within the next five years.

## 7.0 GROUP 4: INADEQUATE COUNTY/DISTRICT COURTHOUSE FACILITIES

The 12 counties/districts, listed in Table 1 under the title “Group 4” are described as having inadequate courthouse facilities, requiring comprehensive solutions to meet current and future needs.

Cochrane  
Durham  
Elgin  
Grey  
Haldimand  
Kenora  
Oxford  
Peterborough  
Rainy River District  
Renfrew  
Thunder Bay  
York

These counties/districts report an extensive list of inadequate facilities and a variety of severe problems. In contrast to the other 35 counties/districts, reports from this group described facilities that are almost uniformly inadequate.

The general inadequacy of these facilities in delivering justice services may be further compounded by the severity of specific problems. In one instance, a courthouse in York County was forced to close as a result of a major mould problem. In some other circumstances, rising demand for justice services, chronic shortages of space, pervasive security issues, health and safety, and other problems all may combine to create crisis conditions for the facilities in question.

Evidence of impending crisis may be found in the open-ended comments of respondents. One Renfrew/Pembroke courthouse was described as “dangerous” and a security “time-bomb.” The phrase “time-bomb” was also used in reference to over-crowding in Durham. One Rainy River courthouse was described as sub-standard, while facilities at the Superior Court in Peterborough were called “deplorable and inadequate,” and the Superior Court in Cayuga is described as “in desperate need of an overhaul.”

Although it is inappropriate to generalize from the limited comments recorded in one or even several completed questionnaires, it may be appropriate to note that comments about the facilities in Group 4 are often characterized by the relatively extreme language that respondents use to describe courthouse facilities.

Table 4 below provides an overview of some aspects of courthouse facilities and key issues. Cells marked with an “X” indicate insufficient facilities or concerns with respect to the specified issue. With the exception of the *Space* category, which is based on a general assessment of individual courthouse reports, all of the other indicators are based on responses to specific questions in the courthouse questionnaire. As Table 4 illustrates, most of the courthouses in Group 4 are inadequate with respect to a majority of these indicators.

**TABLE 4 - Inadequate Courthouse Facilities and Issues of Concern. (Group 4, 26 Courthouses)**

	Insufficient Courthouse Facilities					Key Issues			
	Space	Courtrooms (Q. 31)	Lawyer/Client Rooms (Q. 37)	Public Accommodations (Q. 51)	Lawyer's Lounge (Q. 83)	Holding Cell Security (Q. 79)	Security Incidents (Q. 138)	Health and Safety (Q. 58)	Disabled Access (Q. 53)
Cochrane	x	x	x	x				x	x
	x		x	x	x				x
	x	x	x	x	x	x	x		x
Durham	x	x	x	x				x	
Elgin	x	x	x	x	x	x		x	x
	x	x	x		x	x	x		x
Grey	x	x	x			x			x
	x	x	x	x	x	x	x		x
	x	x	x	x	x		x		
Haldimand	x	x	x	x	x	x			x
Kenora	x	x	x	x		x	x	x	x
	x			x	x	x	x		x
	x		x	x	x				
					x				
Oxford	x	x	x	x		x	x	x	x
Peterborough	x	x	x	x	x	x	x	x	x
	x		x	x		x		x	x
Rainy River	x	x	x	x			x	x	
Renfrew	x	x	x	x	x	x			x
	x	x	x	x	x		x	x	x
	x		x	x	x	x			
	x	x	x	x	x	x			
Thunder Bay	x		x	x		x		x	x
	x	x	x	x		x	x		x
York	x	x	x	x		x	x	x	x
	x		x						

## 7.1 Courthouse Facilities and Administration

### 7.1.1 Space and Overcrowding

Shortages of space, overcrowding of facilities, and unmanageable demands for services were reported to be pervasive problems for almost all of the courthouses in this group of 12 counties/districts. Of the 26 separate courthouse facilities, 25 reported insufficient space. One courthouse, the Ontario Court in Sioux Lookout, did not provide sufficient information to evaluate the adequacy of existing space.

Respondents reported space problems with reference to specific facilities: “lack of adequate courtroom space,” (Superior Court, Newmarket), “[i]nsufficient court rooms to handle caseload,” (Ontario Court, St Thomas), “[t]otally inadequate interviewing and consulting space for counsel and clients,” (Ontario Court, Renfrew), and “not enough room for participants and spectators to sit, not enough room at counsel table” (Ontario court, Killaloe).

Summaries of courthouse reports often listed insufficient space in several areas of the facility. This comment, taken from the Haldimand County report, illustrates a general problem of overcrowding and accompanying pressure to juggle specific facilities to meet demand: “Currently interview rooms, gowning rooms, the jury room, and the barristers’ room are shared for multiple purposes.”

Many courthouse and county reports linked the problems of insufficient space directly to the general inadequacy of the whole courthouse facility. Below are some of the comments along these lines:

“Space available for administration of justice has reached maximum capacity at this facility, and appears to serve as a barrier against the provision of offices for duty counsel, Legal Aid, and the Victim/Witness Assistance Program.” (Ontario Court, Dryden)

“[We need a] new building/additional space. We are, with luck, 10 judges servicing almost 700,000 people in a facility which is bursting at the seams.” (Superior Court, Newmarket)

“Despite the fact that the facility is fairly new, it is grossly inadequate to the needs of counsel, court staff and clients.” (Superior and Ontario Court, Oshawa)

“Current users’ space requirements are not being met and the design of the building is inefficient.” (Superior and Ontario court, Kenora)

Problems are described as arising from lack of space in the courthouse. “Interview rooms, meeting rooms, and adequate gowning facilities are needed to meet

existing needs...[a] new facility is required to meet the needs of more space and improved/adequate security.” (Superior Court, Woodstock)

“Limited space.” (Superior Court, Owen Sound, Grey County)

Encroachment on the use of courthouse facilities by other government or private users was reported as a problem by five counties/districts Group 4: York, Elgin, Haldimand, Oxford and Kenora.

Two courthouses reported problems associated with sharing facilities with the police. The Ontario Court in St. Thomas reported conflict over space with the police station which shares the same facility:

“There has been conflict in the past over the use of the very limited interview space available between defense counsel and the police – Police Station is in the same building and police often attempt to use authority over space designated for court use. Telephone line used by police is (the) same one allocated for lawyers (criminal and family) and Duty Counsel serving two courts.”

This courthouse also reported problems associated with the “general perception caused by court being part of (the) police station and (the) judges entrance being through (the) police station part of the building.” A similar problem was reported at the Ontario Court in Red Lake where lawyers’ use of the “police section” of the building was “revoked.”

The Oxford report identified problems with the County of Oxford, which maintains offices in the courthouse building. The Haldimand County report anticipated increased pressure on already limited facilities when “[t]he POA will devolve to the municipality in 2001 and space will be needed.”

Two facilities also reported some encroachment from private interests. The Superior Court in St. Thomas reported the “lower floor rented, in part, to private enterprise (insurance adjustor and realtor).” The Newmarket courthouse reported: “A good portion of the building is used as a registry office.... [and] there had been an attempt to sell/lease parking to a private operator who would charges fees to park.”.

### 7.1.2 Courtrooms

Eleven of the 12 counties/districts that provided information about courtrooms reported that at least one courthouse within their district is insufficient to accommodate reasonably foreseeable growth and demand. This included 18 of 26 courthouse facilities. Of the remaining seven courthouses for which information was available, four reported sufficient courtroom facilities to meet increased demand for up to five years.

Specific features of courtroom facilities are discussed in greater detail in Part 2 of this report, Section 8.4.

### 7.1.3 Lawyer-Client Meeting Rooms

All 12 counties/districts reported an inadequate number of lawyer-client meeting rooms at some or all of the courthouses in their area. Of 26 separate courthouse facilities, just one reported adequate lawyer-client meeting rooms (Ontario Court, Kenora). In 12 courthouses, located across 10 districts, no lawyer-client meeting rooms were available at all. A respondent from Rainy River described the problem this way: “There is absolutely no privacy and meeting with a client in the barristers’ room is not encouraged as it interrupts lawyers who may be in settlement/negotiation discussions.”

As we found in the analysis of other counties/districts, the primary issue associated with lawyer-client meeting rooms was the insufficiency of physical space. However five counties/districts also reported inadequate furnishings, six reported insufficient privacy and four reported meeting rooms that were not proximate to the courts they served. Peterborough reported inadequate furnishings, privacy and proximity to courts at both courthouse facilities. One respondent from Cochrane reported the following conditions at the Ontario Court of Justice in Timmins: “There is one Legal Aid office which is seldom used only by Legal Aid. When two duty counsel are working at the same time, they have to both meet with clients in the same room.”

### 7.1.4 Public/Witness Accommodation

All 12 counties/districts reported insufficient seating in one or more courthouse facility. Only 4 of 26 courthouses reported adequate seating.

Other deficiencies with respect to public facilities included inadequate washrooms, noted in 10 county/reports and reported for 16 separate facilities. Nine counties/districts, covering 13 of 26 courthouses, reported inadequacies with respect to parking.

Ten county districts reported that no refreshments were available at one or more of their courthouse facilities. Seven of these, including 11 courthouses, indicated a need for refreshment facilities or improvements to the existing refreshment facilities.

### 7.1.5 Lawyers’ Facilities

The courthouse questionnaire asked about the presence of a lawyers’ lounge, private phone facilities, gowning facilities for men and women, and the general adequacy of the facilities. Two facilities – Superior Court in Newmarket and Superior Court in Timmins –

reported the presence of a lawyers' lounge and facilities which were adequate in all respects. 15 courthouses across seven counties/districts reported no lawyers' lounges at all.

Five county/districts reported no private or quasi-private phone facilities and five also reported the absence of gowning facilities at one or more courthouses. Of thirteen courthouses which reported gowning facilities, just 6 reported separate facilities for men and women. Six out of 13 men's facilities were described as adequate. One respondent from Elgin who reported inadequate maintenance of the men's facility at the Superior court in St. Thomas, commented: "It hasn't been upgraded or renovated for 30 years. Lockers are broken and the washroom has a 60 year old toilet, sink and mirror with a door with a smoked glass window." Of the six courthouse facilities with women's gowning facilities, four were described as inadequate.

#### 7.1.6 Jury Facilities

Fifteen courthouses in Group 4 reported having courtrooms equipped for jury facilities, 13 of which indicated there was a jury room for each court equipped for a jury trial. Oxford County reported there was not necessarily a jury room available for each court equipped for a jury trial, and no information was available for Durham.

Eleven courthouses reported one or more inadequacies in the jury facilities. Ten indicated that the jury used public facilities in the courthouse. Along the same lines three reported the absence of a private jury entrance to the courtroom. Other problems included inadequate furnishings (four), absence of separate washrooms for juries (three), and inadequate size of the of the jury room (three).

In contrast to the problems of insufficient space that appeared to be the most important issue with respect to so many other courthouse facilities, the problems associated with jury facilities seem centered on deficiencies in the quality of the facilities, notably the lack of adequate separation of jurors from other courthouse users.

#### 7.1.7 Judges' Chambers

Twenty-three of 26 courthouse reports provided information about the adequacy of judges' chambers. Of these, 11 reported the number was adequate and 12 reported it was not adequate to meet current needs. One facility, Ontario Court in Renfrew, reported that the building has no judges' chambers at all. Another, the Ontario Court in Dryden, reported "no separate chambers for Justices of the Peace," which was reported to be inadequate.

Asked if the number of judges' chambers was sufficient to accommodate reasonably foreseeable growth, six reported "yes" and 16 reported "no." Six respondents reported that judges chambers provided for "secure access to and egress from each court," while 17 reported that they did not.

#### 7.1.8 Crown Attorney's Offices

Of the six court facilities that reported that they did not have Crown attorney offices, three reported a need for them. Of the remaining 21 courthouses, 11 reported inadequate space to accommodate existing needs. *More than half* of all courthouses that have or need Crown Attorney offices find the current arrangement unsatisfactory.

#### 7.1.9 Other Administrative Facilities

A number of other courthouse facilities were also described as inadequate in one or more respects.

Nine facilities reported housing court reporters' offices and six described the facilities as adequate to meet existing needs. A further six reported that they require court reporters' offices but do not have them. In other words, one-fifth of those facilities that need court reporters' offices find the current arrangement adequate.

Eleven courthouses reported a duty counsel office, and two described them as adequate to meet existing needs. An additional 10 courthouses indicated a need for duty counsel facilities. In other words, less than one-tenth of the courthouses that need duty facilities find the current arrangement adequate.

*None* of the courthouses in Group 4 have a Legal Aid office, although half expressed a need for one.

Seven courthouses reported having a Victim/Witness Assistance Program (VWAP) and three described the facility as adequate to meet their needs. An additional 10 courthouses require a VWAP program. Therefore, less than one-fifth of the courthouses that identified a need for VWAP facilities find the existing arrangement adequate.

Ten courthouses reported that they had library facilities, but just two described them as adequate to meet existing needs. Six more courthouses reported a need for library facilities. In this case then, just *one in eight* of the courthouses that need library facilities find the current arrangement adequate. The respondent from Rainy River declared the library facilities at the Fort Frances courthouse to be "grossly inadequate and the law association is about to discard part of the holdings as an interim measure."

No courthouses reported the presence of a media office. Just three indicated a need for media facilities.

## **7.2 Key Issues**

As they were with the previous group of 20 counties/districts, the issues of security, disabled access, and health and safety were all prominent in the survey responses and open-ended comments of respondents from Group 4.

### **7.2.1 Security**

Security issues were addressed in several areas of the courthouse questionnaire including public witness accommodation, holding cell facilities, security with respect to courthouse facilities as a whole, and in relation to specific staff and users of the courthouse facilities. Survey responses illustrate that there are a wide range of security issues confronting many courthouses facilities in this group and a high level of concern among many respondents.

#### **7.2.1.1 Security in Public Areas**

Eighteen of 26 courthouses in Group 4 reported that “persons in custody (are) required to pass through a public areas in order to access any courtroom.” For the courthouses in this group of counties/districts, this practice would appear to be quite common. The lack of segregated passage for prisoners to and from holding cells and courtrooms was the most frequently noted security concern associated with public areas.

#### **7.2.1.2 Holding Cells**

Twenty-one courthouses reported they have holding cell facilities. Of the five that do not have holding cells, three indicated a need for them.

Eighteen of the courthouse holding cell facilities, including at least one in each of the 12 counties/districts, were inadequate with respect to segregated cells for men and women, segregated cells for youth, washroom facilities, direct private access from holding facilities to the courts. 12 reported no separate facilities for men and women and 13 reported no direct private access from holding facilities to the courts.

Seventeen courthouses reported security issues with respect to holding facilities, including all three that reported having no holding facilities. Many expressed serious concerns over the current state of holding cell security in their facility. Below are some examples of respondents’ extensive commentary on the subject:

“Judges, staff and counsel have all expressed concern. This is a disaster waiting to happen. When the jail closes next year, even the back up will be lost.”  
(Superior Court, Peterborough).

“ Overcrowding – cells designed for 24 to 30 bodies – some days up to 60 in custody in cells.” (Superior Court, Newmarket)

“If there are youth (male and female) and adults (male and female) coming to Court on the same day, the two adjoining cells are inadequate to accommodate the prisoners. They have sometimes handcuffed prisoners to a bench in the cell. At other times, prisoners are kept at the police station until cells at court are freed up.” (Ontario Court, Timmins, Cochrane County)

“Cells are present for females but are currently used to store court files.”  
(Superior Court, Thunder Bay)

“Prisoners have escaped through the ceiling tiles in the past. There are noise problems and cramped quarters.” (Ontario Court, Owen Sound, Grey County)

“Holding cells are non-existent. Prisoners have escaped several times as the rooms they are kept in have no locks on the doors.” (Superior and Ontario Court Woodstock, Oxford County)

“Overcrowding (four cells for 20-50 prisoners)...[c]an’t segregate special cases, i.e. sex offenders, informants, sick inmates, mentally ill inmates.” Insufficient supervision has led to “frequent occurrences of vandalism and assault.”  
(Superior and Ontario Court, Kenora)

“Accused are held in the barristers’ robing rooms, library, public waiting rooms or hallway, whichever is available. Accused and victims frequently come face to face awaiting a hearing.” (Superior Court, St. Thomas)

### 7.2.1.3 Other Security Matters

Given the level of concern expressed over holding cell facilities, it is not surprising that many also expressed security concerns with respect to other aspects of the courthouse facilities. Most county/district reports noted some deficiencies with respect to other security matters at courthouse facilities or the degree of security provided for specific user groups. 10 counties/districts in Group 4 rated security at one or more courthouse facilities “poor” or “very poor” for several groups of courthouse users. For example one respondent from Grey County described security at the Superior Court in Owen Sound as “very poor” for staff, Crown officers, judges, lawyers, persons in custody and the general public. Respondents from Elgin described overall level of security at the St. Thomas Superior court as “very poor” and declared that court security “does not exist.” Security

at the Pembroke Superior Court was characterized as “extensively inadequate.” Twelve of 26 courthouses (46%) reported a security related incident in the past three years that was “not handled effectively”.

The following list was provided by respondents from York when asked if there were any ineffectively handled security related incidents during the past three years:

“Officer stabbed in public area.”

“Accused in custody who went out of control. Only one Officer present, pepper spray used on accused. I passed out from the pepper spray and was taken by ambulance to the hospital. More Officers in court with accused would have prevented the incident.”

“A knifing in the public corridor and a beating in the parking lot – may be more.”

“Read the newspapers.”

A similarly extensive list of security-related incidents described events at the Kenora courthouse:

“June 21/00: Prisoner escaped from Courtroom #140 due to the insecure room. Other prisoners have escaped for the same reason.”

“Assaults in hallways and holding cells.”

“Drunks staying in building overnight.”

“Intoxicated people trying to enter offices or passing out on benches.”

“Several prisoners have escaped custody, one minor assault on a lawyer and assaults among prisoners in the holding cells.”

Other examples of security-related incidents include the following:

“There have been two escape attempts by prisoners in recent years from the Courthouse, one of which was successful.” (Ontario Court, Timmins)

“Several security related incidents have occurred during the past three years. The most recent incident occurring approximately three weeks ago when a prisoner totally demolished the prisoners’ dock in courtroom one while the court was in session.” (Ontario Court, Thunder Bay)

Some comments linked security issues to the general inadequacy of the courthouse facility:

“The waiting area is far too small to hold the number of litigants, support persons, and counsel required at this location. ...This poses a serious security concern. At one end of the waiting area is a long hallway, leading to four counsel rooms and one of the courtrooms. When the main waiting area [is] at all crowded it would be impossible for police officers to assist anyone in or near the hallway (officers have a desk for their use at the entry to the waiting area). The Bar is very seriously concerned about the security risk when very emotional spouses/parties must be in such confined quarters for an extended period of time. Many have referred to this as a time bomb.” (Superior and Ontario Court, Oshawa)

“This facility has seen drug drops to prisoners, jurors [have been] spat on by [the] accused’s family, [and] accused and jurors smoking together on the outside...unless we get a new facility or someone is badly hurt or killed, [there is a] very slight prospect [for] improvement.” (Superior Court, Pembroke).

### 7.2.2 Disabled Access

Eighteen courthouses within Group 4 reported some deficiencies with respect to disabled access. Asked to evaluate seven aspects of disabled access, many respondents rated a majority adequate, describing one or two specific features as “poor” or occasionally as “non-existent.” Courtroom and library access was rated as inadequate for 15 courthouses, followed by eating facilities (14), washrooms and other public access areas (13), elevators (10) and courthouse entry (9).

Seven courthouses reported inadequate or non-existent disabled access with respect to all seven areas tested by the questionnaire. These were: the Superior and Ontario courts in St. Thomas, the Superior Court in Cayuga, Superior Court in Woodstock, Ontario Court in Thunder Bay, Superior Court and Ontario Court (347 8<sup>th</sup> Ave., E.) in Owen Sound. Among the most serious problems listed was this description from the St. Thomas Superior Court, where disabled access was described as “non-existent”: “Disabled have to be carried in and upstairs where all court facilities and library are located. Disabled persons must locate someone to get them in and out. This is a major ‘access to justice’ issue.”

Below are some additional comments that illustrate the more serious access problems described by respondents:

“The building is poorly laid out and presents numerous obstacles to the disabled in the common areas and elevator, as well as in the courtrooms offices and library.” (Superior Court, Woodstock)

“Wheelchairs (are) almost impossible to enter (or) exit the courtroom.” (Ontario Court, Dryden)

“The location of the elevator at one end of the building – washrooms at the opposite end – is not accessible. Access to the courtrooms is through the hall used by judges and jury only with narrow sharp turns impeding wheelchair.” (Superior Court, Peterborough)

### 7.2.3 Health and Safety Issues

Overall, 32% of courthouses reported health and safety issues. Within Group 4, 42% of courthouse facilities reported health and safety issues. 10 of the 12 counties/districts in this group reported problems at one or more courthouse. These included: Cochrane, Durham, Elgin, Kenora, Oxford, Peterborough, Thunder Bay, Rainy River, Renfrew, and York.

The most serious health and safety problems described were those of the Newmarket courthouse, where respondents reported that as a result of mould problems and an accompanying “high incidence of respiratory problems and headache, fatigue” the building was closed. Other related health and safety issues included problems with respect to heating and air conditioning, air quality in general and cleanliness. Several respondents referred to inadequate cleaning, one of whom declared: “The place is filthy - cleaning services [are] hopelessly inadequate.” Respondents documented quite a lengthy list of additional problems with the courthouse, and the county/district report summary observed that “many of the problems or concerns associated with this facility revolve around health and safety issues.”

As noted in the discussion of other counties/districts, concerns regarding air quality (inadequate air-conditioning, heating and ventilation, and concerns about toxicity) were often the focus of most of the health and safety concerns raised. Comments included the following:

“Air quality is terrible. The property is built on an area formerly associated with toxic waste disposal.” (Ontario Court, Peterborough)

“No air conditioning; trials or hearings in warmer months are unbearable for the public and the bar.” (Superior Court, St. Thomas)

“The air has just been tested for problems. There is also a leak in the back of the office area and some mould has been found in some ceiling tiles.” (Superior and Ontario Court, Oshawa)

Separate investigations, conducted during or since the circulation of the Task Force questionnaire, have identified (or confirmed) mould problems at several courthouse facilities in Group 4. These include the Superior Court in St. Thomas and Ontario Court in Dryden. The mould problem has since been remediated at both of these courthouses. Remediation was reported to be ongoing at the Superior Court in Newmarket, as of January 17, 2001.

Explicitly declared concerns over air quality and its implications for health, overlapped with a wider range of related concerns – heating, air-conditioning, ventilation – which were not directly associated with health concerns. Air quality issues are discussed further in Part II of this report.

Other health and safety concerns included poor access to fire escapes (Superior Court, Peterborough), poor emergency exit for the disabled (Superior Court, St. Thomas, Elgin County) and a “steep and open stairs.”(Superior Court, Woodstock, Oxford County).

## **7.4 Current and Future Requirements**

Eleven of the 12 counties/districts made recommendations with respect to “requirements to meet existing needs.”

Nine counties/districts outlined comprehensive requirements to meet existing needs. These included Cochrane, Elgin, Grey, Oxford, Peterborough, Kenora, Thunder Bay, Rainy River and Renfrew. In every case the preferred option involved measures to deal with the general inadequacy of existing facilities.

Cochrane County recommended extensive improvement and additions for the Superior Court in Cochrane. With respect to the needs of the two existing courthouses in Timmins, “bare minimum” measures were outlined, with the qualification that more comprehensive measures would meet existing requirements more fully. “It would be preferable to combine the Ontario Court and Superior Court facilities in one building but not on the outskirts of the city. If another downtown location could be found, and facilities built, that would be ideal.”

With respect to the needs of Elgin County all parties agreed that the existing facility was completely inadequate although some gave consideration, in passing, to the possibility of a comprehensive renovation. However, general opinion appears to have been best expressed in the following comment: “Elgin County requires a new combined facility. Neither existing building can meet needs in the future.”

Grey County recommended a “new courthouse” to meet anticipated future needs during the next 10 years.

Oxford County reported that the existing facility was “simply insufficient to accommodate the needs of the Superior and Ontario courts as well as the County of Oxford files.” The report recommended, “one facility for the Superior courts and one for the Ontario courts, with at least three courtrooms for each level.”

Kenora District report recommended, “a new building located in an outlying area from downtown” to replace the existing Superior and Ontario Court. Alternatively, or perhaps as part of the same process, it further recommended, “funding to allow a comprehensive review of facilities.” Additional recommendations were for extensive renovations to the Ontario Court in Dryden and more modest renovations to the Ontario Court in Red Lake.

Peterborough reported: “This is a historic courthouse which can be equipped and adapted for modern requirement if adequate investment in long term planning and funding is done.” The report further recommended a new facility for the Ontario Court and, “if possible, to combine all court facilities in one location.”

Thunder Bay reported that the Superior and Ontario Courts were, “inadequate and insufficient in all respects. Renovations to them cannot correct the deficiencies that presently exist.” Thunder Bay recommended that existing requirements could not be met without “a new courthouse with all facilities at one location.”

The Rainy River report described existing problems as arising from the general inadequacy of the facility. With respect to future needs, “the most efficient way to resolve these problems is to remove the Ontario Court to an adjacent facility. From the public’s perspective, there is no other reasonable alternative to ensure private and efficient access to justice in our District.”

The Renfrew County report strongly recommended new Superior and Ontario Court facilities in Pembroke, commenting that “We have been waiting, seemingly forever, for new facilities.” The respondent reporting on the needs of the Ontario Court at Killaloe declared: “No amount of renovation could make this building suitable for use as a courtroom.”

Only one county, Haldimand, limited its recommendations to renovation and expansion of the existing facility. The courthouse was described as inadequate to meet current needs and growing more so in the face of expansion and growth of the local population. The courthouse requires an additional courtroom, dedicated space for interview rooms, gowning rooms, barristers’ room and a jury room. It was recommended this could be accomplished through, “expansion and/or renovation of unused MTO space”, located in an adjacent building.

In York Region, existing needs include a solution to the mould and air quality problems, need for cell block enlargement, “radically improved” maintenance, new courtrooms and a reconfiguration of existing administrative space to meet anticipated increases in public

demand. Respondents generally recommended extensive expansion to meet needs over the next 10 years. One respondent put the problem this way:

“ New building/additional space. We are, with luck, 10 judges servicing almost 700,000 people in a facility which is bursting at the seams. Would the public tolerate 10 doctors, 10 dentists, or even 10 donut shops to service this Region?”

Asked to choose between renovation and a new facility, opinion in York Region was divided. Five recommended renovation and three favoured a new facility.

Respondents were pessimistic about the likelihood of meeting existing requirements in the next five years, with 11 counties/districts offering no opinion.

One exception was Grey County, which reported that construction of a new courthouse facility was already underway. Thunder Bay also reported that “ plans are currently being made to amalgamate the two existing facilities.”

More typically, responses ranged from non-committal to negative. Peterborough reported that new consolidated facilities were, “unlikely unless pressure can be brought to bear on the Ministry to effect these changes. The mantra is ‘there are no funds available’.” Respondents from Kenora reported: “Based on our past experience, the simple housekeeping matters may be attended to, but the more complex needs involving additional space or redesign are unlikely to be addressed.” The Rainy River report expressed a similar view that small measures might be implemented, but “the balance of needs are not expected to be corrected in the near future.”

In other cases, respondents were more unequivocally negative. Elgin described the likelihood of meeting requirement in five years as “nil, given past history of acknowledging needs, but nothing done to address them other than hollow promises.” One respondent from Renfrew was similarly despairing. While acknowledging that “our new facility has been ‘under serious consideration’ for years,” the respondent expressed the general view that despite a genuine security crisis there was only a “very slight prospect of improvement.”

## PART II: SUMMARIZING THE SURVEY RESULTS

The previous section was based on 47 county/district reports that combined multiple questionnaires received for the same courthouse, and that also generalized the results reported from multiple facilities within the same courthouse. This next section will review results of the survey based on 152 completed or partially completed questionnaires.

As we have explained in the discussion in Section 2 (Methods), the results of these two analyses can be *expected* to vary somewhat, since the data analyzed is organized in different ways. The county/district reports frequently drew conclusions from one or more completed questionnaires. In contrast, this Part analyzes the aggregate results of the complete surveys, irrespective of the number of surveys reporting on a single courthouse facility, and without attempting to reconcile differing responses regarding conditions at the same facility.

But more important than the slight differences in the results arising from these two methods of analysis and interpretation, is the opportunity to compare and cross-reference the survey results in two different ways, testing the results generated in the analyses of counties/districts against the aggregated questionnaire results. In most cases, results are quite similar and tend to reinforce the conclusions offered in Part I of this report. In those instances where there are differences, conclusions from one method of analysis tend to add additional information and nuance to our interpretation of the overall results, rather than contradicting our overall findings.

The remainder of this report presents the tabulated results of the survey question in three sections: facilities, issues, and heritage/non-heritage courthouse facilities. Where appropriate, we offer comments and comparisons with the discussion and conclusions generated in Part 1 of this report.

### 8.0 COURTHOUSE FACILITIES

#### **8.1 Lawyer-Client Meeting Rooms**

Table 5 confirms the conclusion drawn in Part 1 that lawyer/client meeting rooms are in short supply throughout the Ontario courthouse system. Two thirds of responses reported that there are meeting rooms in the courthouses facility in question. Almost all of the balance of those who reported no lawyer/client meeting rooms (30%), considered this to be a deficiency of the facility.

**Table 5: Lawyer-Client Meeting Rooms**

	<b>Yes</b>	<b>No</b>	<b>No Answer</b>
<i>Does the facility have lawyer-client meeting rooms? (Q34)</i>	66%	22%	13%
<i>If not, is that a deficiency? ( Q35)</i>	30%	1%	68%
<i>If so, is there an adequate number of such rooms to meet reasonable demand? (Q37)</i>	19%	58%	23%
<i>If so, are the rooms reasonably proximate to the courts they serve? (Q38)</i>	49%	18%	33%
<i>If so, do they provide reasonable privacy?(Q39)</i>	51%	18%	31%
<i>If so are they reasonably furnished? (Q40)</i>	38%	33%	30%

And out of the total, only 19% report an adequate number of lawyer-client meeting rooms (Q19).

The *quantity* of lawyer-client meeting rooms is clearly the most pressing issue. To a lesser extent, the quality of these facilities is also an issue. Table 5 indicates that roughly two-thirds of respondents reporting the presence of lawyer-client facilities judged them to be in sufficient proximity to the courts they serve and to provide reasonable privacy. There was less satisfaction with furnishings, which just over half of those with lawyer-client facilities considered to be adequate.

## **8.2 Public /Witness Accommodation**

Question 51 in the courthouse questionnaire asked “ Is there sufficient seating for the public and witnesses external to the courtroom?” to which 57% answered “no” and 35% answered “yes”. Asked about womens’ washroom facilities, just under two-thirds of those who answered the question described them as adequate. Just over two-thirds who answered the same question about mens’ washrooms facilities reported they were adequate. Of those answering the question, about three-quarters described maintenance and cleanliness as adequate.

Seventy percent of all responses described courthouse facilities as accessible by public transit. Eighty-six percent reported parking “within a reasonable distance,” while 59% reported adequate parking space, and 39% adequate free parking. Asked if parking was a problem, 28% indicated that it was, while half of all respondents did not answer the question.

*Questionnaire results confirm the conclusion that in addition to insufficient lawyer-client meeting space, insufficient public/witness seating is among the most common problems in Ontario’s courthouses.*

Issues of public access and disabled access are discussed in greater detail in Section 8.5 below.

### **8.3 Lawyer Facilities**

Almost half all responses (46%) reported that there was a “lounge or similar space devoted exclusively to lawyers.” Slightly higher proportions reported private or quasi-private phone facilities (53%), and gowning facilities (52%). Asked about separate gowning facilities for men and women, roughly two thirds of respondents answered the question, and about two thirds of those who responded reported that there were separate gowning facilities for women.

**Table 6: Lawyer Facilities**

	<b>Yes</b>	<b>No</b>	<b>No Answer</b>
Does the building have a lounge or similar space devoted exclusively to lawyers? (Q83)	46%	41%	13%
Are there private or quasi-private phone facilities? (Q84)	53%	33%	13%
Does the building have gowning facilities for lawyers? (Q85)	52%	32%	14%
If so, does it have separate facilities for men and women?(Q86)	41%	27%	32%

The questionnaire also asked about various specific facilities. All of the following percentages are reported as a percentage or fraction of the total number who answered the question, since the proportion of “not applicable” and therefore missing responses is quite high.

Just over two-thirds, or 68% of those responding, reported washrooms in the men's facilities and over 80% of those who responded reported lockers. Sixty-five percent described maintenance as adequate, while fewer than half (46%) "generally described the men's facility" as adequate. ("Too few lockers!" was a written comment frequently scrawled beside this question and the same question about the women's facilities).

Just over half (52%) of those responding reported washrooms in the women's facilities, and 75% of those who responded reported lockers. Sixty percent described general maintenance as adequate, and 29% "generally described the women's facility" as adequate.

*These results confirm the results of the county/district reports which indicate that lawyers' lounges and related facilities are widely insufficient in courthouses across the province. Survey results further suggest that where such facilities do exist, a substantial proportion lack the basic amenities – washrooms, lockers and adequate maintenance. These results also suggest that women's facilities, while fewer in number than men's facilities, are also less adequate in all respects measured by this survey.*

## **8.4 Courtrooms**

There was no general survey question that asked if existing courtroom facilities were adequate. Moreover, the long list of specific features of Ontario and Superior courtrooms that respondents were asked to evaluate made it difficult to generalize regarding the overall adequacy of individual courtrooms and the relative proportions of courtrooms which could be described as "adequate" or "poor."

However, respondents were asked if the number of courtrooms in their courthouse facility was "sufficient to accommodate reasonably foreseeable growth and demand"(Q31). Close to half of all respondents, 45%, answered "no", compared to 42% who answered "yes." Of those who replied "yes," just over half (51%) reported sufficient courtroom space to accommodate growth and demand for up to five years, with the balance reporting enough space to manage growth over 10 years or more.

This finding suggests that there is a current shortage of courtrooms in many courthouse facilities across Ontario. However, as the discussion in Part 1 of this report illustrates, shortage of courtroom space is not evenly distributed throughout Ontario's courthouse facilities. Whereas only one courthouse in Groups 1 and 2 reported inadequate courtroom facilities to meet future demands, a majority of the courthouses in Groups 3 and 4 reported this problem. Sixty-nine percent of courthouse facilities in the counties/districts in Group 4 reported insufficient courtrooms to deal with anticipated demand.

#### 8.4.1 Courtroom facilities

A series of detailed questions explored the condition of courtrooms, asking respondents to rate each of 19 (for Ontario Courts) and 20 (for Superior Courts) facility aspects as “adequate”, “poor” or “non-existent.”

A large majority of the Superior court features evaluated were described as “poor” or “non-existent” by one quarter or more of the respondents<sup>3</sup>. These features were:

- video conferencing capabilities (86%)\*
- private exit for accused in custody (60%)
- jury box (47%)
- prisoner box (43%)
- retiring room for judge (42%)
- air-conditioning (41%)
- acoustics (37%)
- electronic security alarm for judge (34%)
- private exit for judge (33%)
- public seating capacity ( 31%)
- access for the disabled (31%)
- phone for clerks (30%)
- witness box ( 27%)
- general appearance and state of repair (26%)

*\*refers to total percentage of “poor” and “non-existent” responses combined*

A large majority of the Ontario Court features evaluated were described as “poor” or “non-existent” by one quarter or more of the respondents. These features were:

- video conferencing capabilities (84%)
- prisoner box (44%)
- private exit for accused in custody (41%)
- electronic security alarm for judge (41%)
- public seating capacity (39%)
- general appearance and state of repair (26%)
- air-conditioning (33%)
- retiring room for judge (32%)
- acoustics (31%)
- access for the disabled (30%)
- witness box ( 26%)

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<sup>3</sup> Percentages reported are based on the number of individuals who answered the questions, since questions about either Superior or Ontario courtroom facilities were not applicable to a high proportion of respondents.

## 8.5 Jury Facilities

Survey responses indicate that only two-thirds of the courtrooms designed for jury trials are equipped with jury rooms (Q41). A subsequent question (not reported in Table 7) asked “is there a jury room available” in those cases where the court was not equipped with a dedicated facility. Of 26 responses, 21 answered in the affirmative. If responses to both questions are combined, then it would appear that about 70% of all courtrooms that require jury facilities, possess them.

**Table 7: Jury Facilities\***

	<b>Yes</b>	<b>No</b>
<i>Is there a jury room available for each court equipped for a jury trial? ( Q41)</i>	67%	33%
<i>If so, is it of adequate size ? ( Q42)</i>	69%	31%
<i>If so, does it have a private entrance?(Q43)</i>	70%	30%
<i>If so, it is adequately furnished ( Q44)</i>	64%	36%
<i>If so, does it have a washroom facility? (Q45)</i>	89%	11%
<i>Are jurors separated from the use of public facilities in the courthouse? (Q46)</i>	66%	34%

*\*Percentages in this table have been calculated on the basis of total number of yes and no responses.*

The remaining questions in Table 7 assess the quality of the jury facilities. Roughly two-thirds reported that jury rooms are of adequate size, possess a private entrance and are adequately furnished. A similar proportion also reported that jurors do not “use public facilities in the courthouse.” A much higher proportion, almost nine-tenths, reported private washroom facilities for jurors.

A similar sequence of questions about “exposure to the public,” size, washrooms, and shared use of courtroom facilities was asked with respect to all cases where courtrooms did not have a dedicated jury room, but where a jury room was available. Among this much smaller sample of responses, the proportion who answered in the affirmative to questions about the size of jury rooms, public exposure, washrooms and separate from

shared use of courthouse facilities, was somewhat lower than the responses reported in Table 7, above. However, if the figures for both sets of similar questions were combined, the overall results would be very close to those reported in Table 7.

*These results suggest that jury facilities are not available as needed for close to one-third of jury-equipped courtrooms. They further suggest that important features of existing jury facilities - notably private entrances, segregation from other courthouse users, adequately sized rooms and adequate furnishings – are also each inadequate in roughly the same proportion. This differs somewhat from the findings with respect to lawyer-client facilities, public/witness accommodation and court administration more generally, where the biggest problems are associated with insufficient space. In the case of jury facilities, problems appear to be equally balanced between the quantity of jury rooms available and the quality of the existing facilities.*

## 8.6 Judges’ Chambers

About two-fifths of all respondents (43%) reported that judges’ chambers in their courthouse facility were not sufficient to accommodate reasonably foreseeable growth (Q98). A similar proportion (38%) reported that existing judges’ chambers did not provide for “secure and private access to and egress from each court” (Q100).

**Table 8: Judges’ Chambers**

	Yes	No	Not applicable/ No Answer
<i>Is the number of judges’ chambers, exclusive of retiring rooms, sufficient to accommodate reasonably foreseeable growth? (Q98)</i>	32%	43%	26%
<i>Do all these chambers provide for secure and private access to and egress from each court? (Q100)</i>	43%	38%	18%
<i>Are these chambers adequately furnished for Superior Court judges? (Q99a)</i>	32%	15%	53%
<i>Are these chambers adequately furnished for Ontario Court judges? (Q99b)</i>	43%	9%	48%
<i>Are these chambers adequately furnished for other judicial officers? (Q99c)</i>	29%	18%	53%

Asked about the adequacy of furnishing in Superior Court judges' chambers, roughly two-thirds of those who answered the question described them as adequate. Among those who answered the same question with respect to the furnishings in Ontario Court judges' chambers, more than four-fifths described them as adequate. Fewer than half all respondents answered this question when it was applied to judicial officers. Of those answering the question, three-fifths reported that chambers were adequately furnished for other judicial officers.

*The survey results reported in Table 8, above, reinforce the conclusions of Part 1 of this report. Reflecting the more generalized pressure of demand for justice services and the corresponding insufficiency of existing courthouse facilities, a majority of those who answered the question reported that there is not a sufficient number of judges' chambers to accommodate reasonably foreseeable growth.*

Apart from the problem of insufficient facilities to meet future demand, it appears that the most serious problem associated with existing judges' chambers is the lack of private, secure access to and from court. Based on both the survey results and our analysis of county /district reports, this would appear to be a deficiency in almost half of the courtrooms in Ontario.

Although inadequate furnishings in Superior and Ontario Courts (as well as other judicial officers' chambers) were identified as a problem with respect to a sizeable minority of judges' chamber facilities, the impending shortage of facilities and/or the lack of secure access and egress appear to be more serious concerns.

## 8.7 Crown Attorney Offices

Seventy-one percent of questionnaire responses reported that the courthouse facility for which they were reporting houses an “office or offices for Crown attorneys.”

**Table 9: Crown Attorney Offices**

	<b>Yes</b>	<b>No</b>	<b>No Answer</b>
<i>Does the building house an office or offices for Crown attorneys? ( Q101)</i>	71%	16%	13%
<i>If so, does the existing space accommodate existing needs?(Q102)</i>	33%	28%	39%
<i>Are there currently plans that that will be implemented in the next three years to accommodate existing needs? (Q104)</i>	11%	42%	47%
<i>Do the existing Crown facilities have a separate office security system? (Q105)</i>	16%	38%	46%
<i>If so, is the system considered adequate by the Crown’s office? (Q108)</i>	7%	7%	86%

However, asked if the existing space “accommodates existing needs” (Q 102), opinion was divided roughly equally between “yes” (33%) and “no” (28%). In other words, almost half of those who offered an opinion judged the existing Crown Attorneys’ offices to be insufficient. This pattern of response corresponds to the results of our analysis by county/district, which indicated that particularly among Groups 3 and 4, a majority of respondents found the existing arrangements with respect to Crown Attorney facilities inadequate. It should be noted that the high proportion of ‘No Answer’ responses might be partly accounted for by respondents reporting from facilities where there are no Crown attorney’s offices currently.

Just 11% of all respondents indicated that there were plans to accommodate existing needs within three years. Just 16% reported the existence of a separate office security system for the Crown attorney facilities. In both cases, almost half of all respondents did not answer the question, suggesting that they did not know the answer or were otherwise confused by the question. In light of the high non-response rate to these questions and the final question in Table 8, these results should not be considered reliable.

## **8.8 Other Administrative Use/Space**

Sixty-nine percent reported that the courthouse facility for which they were reporting housed court administration offices and officials. Fourteen percent reported no court administration offices, and 16% did not answer the question. Asked about the adequacy of these facilities, 32% described them as adequate, 29% described them as inadequate and 38% did not answer the question. *In other words, among those who answered this question almost one half reported that the current arrangement with respect to court administration and officials is inadequate to existing needs.*

Thirty-eight percent reported that the building housed court reporters offices, while 38% also reported the building did not house court reporters' offices, and 24% did not answer the question. Asked about the adequacy of existing facilities, 20% described them as adequate, 16% described them as inadequate and 64% did not answer the question. *In other words, just over two-fifths of those who answered the question, described the existing arrangement with respect to court reporters' offices as inadequate to existing needs.*

Fifty-four percent reported that the building housed a facility for duty counsel, 33% reported no facility and 13% did not answer the question. Asked about the adequacy of the facility, 22% reported duty counsel facilities were adequate, while 36% reported they were not adequate, and 41% did not answer the question. *Of those who answered the question then, three-fifths reported duty counsel facilities were inadequate to existing needs.*

Thirty percent of respondents reported that their courthouse facility requires a Legal Aid facility, but just 10% of all respondents reported having a Legal Aid facility. Asked about the adequacy of existing Legal Aid facilities, six percent described them as adequate, nine percent as inadequate, and 86% of respondents did not answer the question. *Although it is difficult to generalize from these responses, it would appear that for a majority of those requiring Legal Aid facilities, the current arrangement does not meet existing needs.*

Forty-three percent of respondents reported that the courthouse facility for which they were reporting required a Victim/Witness Assistance (VWAP) office, whereas 23% reported having such a facility. Asked about the adequacy of existing VWAP facilities, 16% of respondents reported they were adequate to meet existing needs, while 13% reported they were not, and 72% did not answer the question. *Although it is difficult to generalize from these responses, it would appear that a majority of courthouse facilities requiring VWAP facilities find the current arrangement inadequate to meet existing needs.*

Just five percent of respondents reported that there was a media room in their courthouse, while 82% reported having no media facilities.

Finally, 55% of respondents reported that the courthouse facility for which they were reporting needed library facilities, and 61% reported having a library. Asked about the adequacy of library facilities, 24% described them as adequate to meet existing needs, 26% described them as inadequate, and 50% did not answer the question. *In other words, about one half of those requiring library facilities found the current arrangement adequate to meet existing needs.*

The survey results reported here correspond to the findings in Part 1 of this report. Overall, a sizeable minority and in some instances a majority of courthouses which require court administrative, court reporter, duty counsel, Legal Aid, VWAP and media offices either do not have these facilities or find the existing facilities inadequate to their needs. As we have found with respect to all other courthouse facilities, the likelihood that these and other related administrative facilities are inadequate is much greater among those courthouse facilities that are included in the counties/districts listed in Groups 3 and 4 in Table 1 of this report.

## 9.0 Key Issues

Survey question number 27 asked respondents to list the “top three issues relating to this facility, as you perceive them.” The 152 completed questionnaires contained a total of 338 responses<sup>4</sup> (130 listed as the first issues, 110 listed as the second issue, and 98 listed as the third issue).

Table 10 has grouped these responses under several general headings and ranked them according to the number of mentions, taken as a percentage of the total number of responses.

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<sup>4</sup> In some cases, particularly where questionnaires were completed by several respondents, more than one issue was mentioned in a single line or more than three issues were listed in total. For the purposes of grouping these responses as we have done in Table 10, each issue mentioned has been counted, even where the list of issues exceeds three.

**Table 10: Top three issues relating to this facility, as you perceive them.  
(Survey question 27)**

Issue	Total percentage of mentions
<b>Space:</b> inadequacy of existing space, shortages or overcrowding within the facility, need for addition facilities – courtrooms, judges’ chambers, lawyer/witness consultation areas, meeting rooms, robing facilities, public areas, holding cells, libraries, etc.	49%
<b>Security:</b> for judges, lawyers, courthouse staff, witnesses, prisoners and public; reference to actual, attempted or potential prisoner escapes; theft	17%
<b>Air Quality/Health and Safety:</b> bad air, poor ventilation, climate control, poor/ non-existent air-conditioning	9%
<b>Public and Disabled Access:</b> poor parking facilities, not user friendly, availability of disabled access to the facility or parts thereof.	5%
<b>Maintenance and housekeeping:</b> external and internal, including repairs, upkeep, housekeeping and specific problems (i.e. condition of older courtrooms)	5%
<b>Systemic Problems :</b> inadequate facility, need for consolidation of courthouse facilities, lack of planning on the part of the Attorney General.	5%
<b>Equipment, furnishing and design problems:</b> need for electronic equipment, inadequate facilities for technology, poor or absent furnishings, and/or design problems with one specific aspect of the facilities.	5%
<b>Noise:</b> acoustics in courtrooms and noise exterior to the building	2%

Respondents were also asked for their estimation of the likelihood that the issues they had identified would be resolved within three years. Reflecting the same pessimism noted in the open-ended comments regarding the prospects for meeting current and future needs, just 15%, 13%, and 9% of respondents respectively believed that the first, second and third issues that they had listed would be resolved within that time frame. By contrast, 59%, 55% and 51% of respondents respectively indicated that they did not expect the first, second and third issues they listed would be resolved within three years.

The issues and their ranking in Table 10 correspond to the issues identified and discussed at length in Part 1 of this report. The remainder of Section 9 reviews the quantitative and qualitative survey results with respect to specific issues.

## 9.1 Space (Quantity and Quality)

As Table 10 indicates, close to half of the 338 responses (49%) referred to courthouse issues associated with a lack of space. Since respondents were invited to list up to three issues, it would appear that a substantial majority of respondents are likely to have listed at least one issue associated with the problems of insufficient and/or inadequate space. Although the numbers and proportions are not readily comparable, the dominance of this issue among the priority issues listed in survey question 27 nevertheless tends to reinforce the conclusion (reported in Chart 1) that 70% of all courthouses reported problems with insufficient and/or inadequate space.

Comments associated with space problems ranged from the generic - “space,” “overcrowding,” “lack of space,” “insufficient public areas”- to more specific references to problem areas - “inadequate courtroom space”, “poor accommodations for lawyers of both genders”, “robing facilities insufficient,” “totally inadequate interviewing and consulting space for counsel and clients.”

The overall impression from open-ended comments is of a serious problem with respect to the *quantity* of space. There is just not enough room in many of Ontario’s courthouses - for the public, witnesses, lawyers, judges, security officials and courthouse staff - to conduct their business. And, in many facilities the problem is endemic. Specific courthouse functions spill over into other areas and clients, staff and prisoners jostle over limited resources. One respondent offer this observation about the impact of space shortages: “There is less and less space for lawyers, judges, clients and juries which makes the facility less useable by all.”

But although insufficient quantity of space was the issue uppermost in the minds of most respondents, many comments simultaneously referred to the poor *quality* of the space as well. Courtrooms were described not only as too small but “antiquated” and suffering from bad acoustics. Consultation rooms are too few, and also not sufficiently private. A library was described as too small but also lacking security. Witness rooms were characterized as “disgracefully inadequate.” In each of these and many other instances, *insufficient* space and *inadequate* facilities were often closely linked issues. As noted throughout this report, problems originating in insufficient facilities were frequently cited by survey respondents as the cause or a compounding factor in the decline of the quality of one or more justice services.

## 9.2 Security

Seventeen percent of the 338 responses mentioned security concerns. This confirms the findings of Part 1, which concluded that a sizeable minority of courthouses face a variety of security related problems.

From the total of 59 mentions of security issues, 21 referred to “security” in general terms without providing additional detail, 11 comments referred to problems associated with secure access and egress from judges’ chambers to courtrooms, nine specified security issues associated with courthouse users (judges, lawyers, Crown attorneys, staff, public), five mentioned security problems in holding cells, four referred to problems with moving prisoners through public areas, the same number mentioned problems with courtroom security, and two comments cited a shortage of security officers.

### 9.2.1 Holding Cells

Table 11 summarizes the survey results regarding holding cell facilities. Almost four-fifths (78%) of all respondents reported that there were holding facilities for persons in custody in their courthouse facility (Q 71). However, roughly one third of respondents reported that there were no separate facilities for men and women (34%), no segregated cells (30%), no washroom facilities (34%), no segregated holding facilities for youth (37%), and no direct private access to move prisoners to the courts (28%).

Almost half of all respondents (47%) described the general state of repair in the holding cell facility as “adequate” (not shown in Table 11). Twenty-two percent reported the general state of repair in holding cell facilities was inadequate and 30% did not answer the question. Almost two-fifths, or 39% of survey responses, reported that there were “security issues raised in the instance of these holding cells.” This corresponds roughly to Chart 2, which reports that 45% of the 100 courthouses identified concerns over holding cell security.

**Table 11: Holding Cells**

	<b>Yes</b>	<b>No</b>	<b>No Answer</b>
Does the building have holding facilities for persons in custody? (Q71)	78%	12%	10%
Are there separate facilities for males and females? (Q 73)	42%	34%	24%
Are there segregated cells? (Q74)	43%	30%	30%
If so, do they have washroom facilities? (Q75)	50%	16%	34%
Are there segregated holding facilities for youth in custody? (Q76)	32%	37%	32%
Is there direct private access from the holding facilities to the court(s)? (Q78)	44%	29%	28%
Are there any security issues raised in the instance of these holding cells? (Q79)	39%	33%	28%

### 9.2.2 Other Security Matters

As Table 12 indicates, 10% of survey responses reported the presence of a metal detector for use upon entry to the courthouse. Close to one-third of all respondents felt there were not sufficient court security officers on duty. Between roughly one-quarter and one-third of all respondents reported that there were security issues associated with members of the Bar, Crown Attorneys, the judiciary, police, court staff and the public. The highest level of concern appears to be in relation to the judiciary (43%) and the lowest level with the police (23%) and the public (24%). These figures confirm our earlier conclusion that security concerns with respect to the various classes of courthouse users is an important component of the more general security concerns raised by many respondents.

**Table 12: Other Security Matters\***

	<b>Yes</b>	<b>No</b>	<b>No Answer</b>
<i>Is there a metal detector system available for use upon entry to the building? (Q130)</i>	10%	85%	5%
<i>Are police posted at the building? (Q132)</i>	65%	20%	14%
<i>In your opinion are there sufficient court security officers and police on duty? (Q134)</i>	57%	30%	13%
<i>Is there an issue if court security at this facility amongst ... (Q135)</i>			
<i>The Bar</i>	31%	43%	26%
<i>Crown attorneys</i>	28%	30%	42%
<i>Judiciary</i>	43%	32%	25%
<i>Police</i>	23%	40%	37%
<i>Court staff</i>	34%	34%	33%
<i>Public</i>	24%	37%	39%
<i>In the last three years have there been any security-related incidents of which you were aware and which were not handled effectively by the then existing system and resources? (Q138)</i>	28%	48%	24%

\* Totals may not add up to 100% due to rounding

Twenty-eight percent of all responses reported that during the past three years there were security-related incidents that were not effectively handled. This figure compares to that of 32%, which is reported in Part 1 (Chart 2).

**Table 13: Security for Courthouse Users\***

	<b>Good</b>	<b>Adequate</b>	<b>Poor</b>	<b>Very Poor</b>	<b>No Answer</b>
<i>How would you rate the level of security for staff working at this courthouse at present? (Q 145)</i>	14%	32%	26%	7%	20%
<i>How would you rate the level of security for Crown officers working at this courthouse at present?(Q146)</i>	14%	24%	29%	8%	25%
<i>How would you rate the level of security for judges at this courthouse at present? (Q 147)</i>	16%	30%	25%	9%	20%
<i>How would you rate the level of security for lawyers working at this courthouse at present? (Q148)</i>	13%	32%	27%	10%	18%
<i>How would you rate the level of security for persons in custody at this courthouse? (Q149)</i>	24%	35%	15%	7%	18%
<i>How would you rate the level of security for the general public attending this courthouse? (Q150)</i>	14%	36%	26%	7%	16%

\*Totals may not add up to 100% due to rounding.

Respondents were also asked to rate the “level of security... at this courthouse at present,” for six classes of courthouse users. Table 13, below, suggests that the level of concern regarding *courthouse* house security followed a pattern similar to security concerns over *courtroom* security. At the low end of concern, 22% of responses rated security for persons in custody as either “poor” or “very poor.” At the high end, 37% rated security for lawyers and Crown officers as “poor” or “very poor.”

The courthouse questionnaire tested a variety of security issues, including: holding cell security, court and courthouse security for various classes of courthouse user, adequacy of numbers of police and security officers, and frequency of ineffectively handled security-related incidents. *Analysis of the aggregate survey results, as well as the county/district reports suggest that by most of these measures, between one quarter and two-fifths of respondents considered specific security arrangements to be inadequate at the courthouse facility for which they were reporting.* As indicated in Part 1 of this report both the range of issues and the overall level of concern was higher among the counties/districts listed in Groups 3 and 4.

### **9.3 Air Quality/ Health and Safety Issues**

As reported in Table 10, air quality and other health and safety issues received the third highest proportion of mentions (9%) when respondents were asked to list the three most important issues related to their courthouse facility.

Asked elsewhere in the survey (Q58) if there were health and safety issues, as distinct from security issues, associated with their courthouse facility, 34% answered “yes” and 48% answered “no.” A relatively high proportion of respondents (18%) did not answer, suggesting that they did not understand the question or perhaps lacked the information necessary to provide an informed response. Respondents who indicated there were health and safety issues at their facility were also asked to provide details.

Open-ended comments in the “Issues” section of the questionnaire (Q27) and the more specifically focused health and safety question (Q59) were both dominated by references to air quality issues. These ranged from mentions of poor “climate control,” poor ventilation, absent or inadequate air conditioning in courtrooms and other parts of the courthouse facility, to more serious concerns over poor air quality and associated health problems for courthouse users.

Forty-nine questionnaires offered comments when they were asked to provide details regarding health and safety issues at the courthouse for which they were reporting. Of these 29 mentioned issues associated with air quality. Among these comments there were four mentions of problems associated with mould and one reference to “black matter” seeping from the ceiling on one floor of a courthouse. Three comments also referred to

specific health problems for courthouse users. These included “breathing problems”, “respiratory problems and headache, fatigue etc.” and illness.

Although concerns over air quality and associated health issues were quite extensively reported, questionnaire responses probably underestimated specific problems associated with *mould* in courthouse facilities. As the discussion in Part 1 (sections 5.2.3, 6.2.3. and 7.2.3) has reported, separate investigations, conducted during or since the circulation of the Task Force on Courthouse Facilities questionnaire, have identified mould problems at a number of courthouses.

Eight courthouses, for which the completed questionnaires made no specific references to mould, have been identified as having mould problems. These were: the Superior and Ontario Court at 45 Main St. East in Hamilton; Ontario Courts at 80 The East Mall, 311 Jarvis Street and 1911 Eglinton Avenue East in Toronto; the Superior Court at 5 Court Street in Kingston; the Ontario Court in Kingston ; the Superior and Ontario in Sault Ste. Marie and; the Superior Court, St. Thomas. The mould problem has since been remediated at all of these courthouses except the Ontario Court at 80 The East Mall in Toronto, where remediation was reported to be “on-going” as of January 17, 2001.

Mould remediation is also completed or on-going at two of the courthouses which identified the problem mould in their completed questionnaires The mould problem has been remediated at the Ontario Court at 1000 Finch Avenue, in Toronto. Remediation is on-going (as of January 17, 2001) at the Superior Court in Newmarket where the problems with mould were described by several individual respondents (section 7.2.3)

Whereas air quality almost completely dominated health and safety concerns when respondents were simply asked to list “the top three issues relating to this facility,” the more specific question about health and safety (Q59) prompted comments covering a slightly wider range of concerns. Seven mentions were made of “asbestos.” Where details were provided, three comments referred to past problems, while just one described the “continuing existence of asbestos in the building which complicates any construction work.” Three comments referred to problems associated with evacuation and fire escape procedures, and three referred to problems of overcrowding including lack of storage space and overcrowded courtroom seating. Two comments mentioned the absence or inadequacy of a health and safety committee. Finally, two mentioned problems associated with smoking in the building,

## 9.4 Public and Disabled Access

### 9.4.1 Public Access

As indicated in Table 10, five percent of the issues that respondents listed for Question 27 mentioned problems associated with public and/disabled access. Of 17 mentions, seven comments referred specifically to problems of disabled access, five mentioned the isolated location of courthouse facilities and/or lack of user-friendly facilities, three referred to parking, and two simply cited “access.”

Unprompted, it would appear that access issues were not generally “top of mind” for courthouse survey respondents. However, when they were asked elsewhere in the questionnaire about public access problems - following a series of specific public/disabled access questions – a somewhat higher 28% reported access problems at their facility. Sixty percent reported no access problems, and 13% did not answer the question.

Those who indicated there were access problems at their facility were asked to provide details. In 40 separate comments, half referred directly to issues of disabled access. The balance of comments covered a variety of issues, including courthouse facilities that are hard to locate, slow elevators, limited security entrances, slow security processing at courthouse entry, limited after-hours use, and problems associated with parking.

Six responses described parking as a problem of public access. Several questions explored the issue of public transit and parking in more detail. Seventy percent of responses reported that the courthouse facility was accessible by public transit. Eighty-six percent reported parking available within a reasonable distance, 59% reported adequate parking spaces, and 39% reported that parking was free.

Asked “does this present any problems?” - referring to parking issues - 28% answered “yes” and a total of 51 completed questionnaires provided further details (Q65). Thirteen responses referred (with some variations) to problems associated with courthouse users having to rely on time-limited or metered parking, forcing individuals to “run in and out of court to pay for parking.” Ten comments mentioned the costs of lengthy paid parking for regular courthouse staff and users including jurors and witnesses, and particularly those of limited means. As one respondent put it: “Parking for the courts of law should not be at a cost to the quality of access to justice.”

*Although parking was not necessarily a top of mind issue or comparable to some of the more serious facility deficiencies that we have discussed in this report, it was nevertheless perceived as an access issue of some concern to many respondents.*

## 9.4.2 Disabled Access

As indicated, only a handful of respondents cited problems of disabled access among the top three issues at their courthouse facility. And of the 28% who reported access issues at their facilities, only half made specific reference to access problems associated with disabled persons. However, a series of specific answers regarding disabled access (Question 53, parts ‘a’ to ‘g’), suggests that disabled access at courthouses is somewhat more limited, and hence a more pervasive problem than these open-ended responses suggest.

Table 14, below, reports on respondents’ rating of disabled access at seven specific courthouse facilities. These figures should be interpreted with care as in some cases the facility in question such as (library or eating facilities) may not exist within the courthouse. However, bearing this in mind, these responses appear to suggest that disabled access is limited at many courthouse facilities. According to respondents, “adequate” access ranges from 70% for courthouse entry downward to 23% for access to libraries and 15% for access to eating facilities. It should be noted that access to public washrooms is described as adequate by only 56% of respondents and access to courtrooms by 61%.

**Table 14: How would you rate accessibility for disabled persons to this courthouse?**

	<b>Adequate</b>	<b>Poor</b>	<b>Non-existent</b>	<b>No answer</b>
Courthouse entry	70%	16%	4%	10%
Public washrooms	56%	28%	5%	10%
Courtrooms generally	61%	28%	3%	9%
Library	23%	19%	37%	22%
Eating facilities	15%	3%	60%	21%
Other public areas	53%	18%	9%	20%
Elevators	55%	13%	17%	15%

In Part 1 of this report we indicated that a majority of the 100 reporting courthouse facilities reported “poor” or “non-existent” disabled access for one or more of the courthouse facilities listed in Table 14. On that basis, we concluded that a majority (56%) of courthouse facilities in Ontario have some problems associated with disabled access. Although not immediately comparable, the aggregate survey results reported in Table 14 tend to reinforce the conclusion that a majority of courthouses have some limitations with respect to access for the disabled.

*To summarize, a reasonably stringent interpretation of survey data that defines problems of disabled access in terms of a “poor” or “non-existent” rating in any part of the courthouse facility, leads to the conclusion that problems of disabled access are much*

*more widespread, and perhaps more severe than respondents' open-ended remarks would indicate.*

## **9.5 Maintenance and Cleanliness**

Among the issues of concern reported in Table 10, maintenance and housekeeping was mentioned by 5% of respondents. The 18 specific comments were divided about equally between general mentions of “building maintenance” and “housekeeping,” references to specific maintenance problems or cleaning issues. Comments with respect to specific maintenance problems included:

“repairs take considerable time for completion”

“building is rundown and dirty”

“refusal by administration to paint and recarpet an extremely shabby conference room which is in a state of disrepair and is often used for court proceedings because of a lack of adequate courtroom space.”

“Upkeep/maintenance – insufficient funding to maintain the facilities even at [the] status quo.”

“Repair to roof.”

“Lack of improvement to Interview Rooms adjacent to Criminal Courts. Chairs and tables are in disrepair.”

Specific complaints with respect to housekeeping and cleanliness included the following:

“Cleaning is not being done. No vacuuming or bathrooms being done.”

“Building is not kept very clean.”

“The place is filthy –cleaning services hopelessly inadequate.”

Survey questions 4, 6, and 7 asked about the external and internal state of repair, and housekeeping in the courthouse facility. Table 15 summarizes responses to these questions.

**Table 15: External/ Internal State of Repair**

	<b>Excellent</b>	<b>Good</b>	<b>Declining</b>	<b>Poor</b>	<b>No Answer</b>
How would you rate the external repair of the building? (Q4)	22%	53%	16%	3%	6%
		<b>Adequate</b>	<b>Poor</b>	<b>Unacceptable</b>	<b>No Answer</b>
What is the general state of repair of internal aspects of the building (excepting courtrooms and washrooms) (Q6)		72%	15%	6%	7%
What is the present state of housekeeping? (Q7)		68%	23%	4%	5%

Two additional closed-ended questions asked about past and planned renovations. Asked if the building had been renovated in any substantial way in the last 10 years, 38% answered "yes" (Q16), 43% answered "no", and 19% did not answer the question. Asked about renovations that were "underway or to be definitely implemented in the next two years" (Q18), 21% answered "yes" and 47% answered "no."

Overall, 75% of responses described the external repair of the building as either "excellent" or "good" (22% and 53% respectively). By contrast only three percent rated external repair as "poor," although an additional 16% described their courthouse facility as in a "declining" state of repair. Roughly similar proportions judged the internal repair of their facility as "adequate" (72%), "poor" (15%) or "unacceptable" (6%). Just over two thirds of respondents rated housekeeping as "adequate" (68%). In contrast to many of the other survey questions, a comparatively high proportion of respondents answered these questions about external and internal repair.

*Although these responses suggest some real problems associated with maintenance and housekeeping, this group of issues do not appear to be as serious as the problems associated with shortages of space, overcrowding, inadequate and poorly designed facilities. Moreover as our analysis and many of the direct comments of respondents suggest, many of the issues of inadequate maintenance and courthouse cleanliness may originate in the pressure of excessive demand, overuse and overcrowding of specific facilities within courthouses.*

## 10.0 Historical/Heritage Buildings

A number of questions (Qs 3, 5, 8, and 9) asked about the historical/ heritage status of the courthouse building and the extent to which it had been maintained externally and internally.

**Table 16: Historical/Heritage buildings**

	<b>Yes</b>	<b>No</b>	<b>No answer</b>	
Is the building classified as a historical/ heritage building? (Q 3)	31%	61%	9%	
Has the original historical/heritage structure been respected? (Q5a)	27%	5%	68%	
Has the external structure been modified or built over? (Q5b)	17%	13%	70%	
Have the heritage aspects been maintained internally? (Q8)	21%	11%	69%	
	<b>Well done</b>	<b>Adequate Quality</b>	<b>Inferior Quality</b>	<b>No answer</b>
To what degree have heritage aspects been maintained internally?(Q9)	7%	13%	3%	77%

Based on the aggregate survey results of 152 returned questionnaires, it would appear that just under one-third of the courthouse facilities in Ontario (31%) are classified as historical/heritage buildings. Of this group, 41 out of 48 facilities (85%) report that the original heritage structure has been respected.

Table 17 offers some comparisons between heritage and non-heritage facilities based on the 47 survey responses that described the courthouse in question as a historical/heritage building, and the 92 that reported it was not.

**Table 17: Comparing Heritage and Non-Heritage buildings**

	Historical/Heritage Buildings (N=47)		Not Historical/Heritage Buildings (N=92)	
	Yes	No	Yes	No
Are there any health and safety issues, as distinct from security issues, associated with this facility? (Q58)	37%	52%	31%	49%
Is the number of courtrooms sufficient to accommodate reasonably foreseeable growth and demand? (Q31)	43%	54%	46%	41%
Does the facility have lawyer-client meeting rooms? (Q34)	59%	30%	72%	18%
Is there sufficient seating for the public and witnesses external to the courtroom? (Q51)	22%	74%	42%	53%
Are there any public access problems associated with this facility? (Q56)	43%	50%	20%	66%
Does the building have holding facilities for persons in custody? Q71	78%	20%	80%	10%
Are there any security issues raised in the instance of these holding facilities? (Q79)	41%	26%	40%	37%

For reasons already discussed, the aggregated results of the 152 questionnaires should be interpreted cautiously, since many courthouse facilities are represented by multiple surveys. However, keeping in mind this qualification, our survey results suggest that some of the key features of courthouse facilities in Ontario vary somewhat between those facilities that are heritage facilities and those that are not. For example, Table 17 suggests that lawyer-client meeting rooms are somewhat less likely to be present in heritage facilities than in non-heritage facilities (59% compared to 72%). Similarly, only 22% of heritage facilities report possessing adequate public/witness seating external to the courtroom, compared to 42%, almost twice the proportion, at non-heritage facilities.

Finally, more than two-fifths (43%) of heritage buildings report public access problems compared to one-fifth (20%) of non-heritage buildings. The presence of holding facilities and the perception of security issues associated with holding facilities, however, appear to be quite similar between heritage and non-heritage buildings.

## PART III

### 11.0 Summary and Conclusion

The results of the Task Force on Courthouse Facilities questionnaire have revealed a variety of problems with respect to courthouse facilities in Ontario. A small number of counties/districts (Group 1, comprising 4 courthouses) reported few, if any problems. A somewhat larger number of counties/districts (Group 2, comprising 18 courthouses) reported a longer, but manageable, list of problems. In contrast, the balance of Ontario courthouses (Group 3 comprising 52 courthouses and Group 4 comprising 26 courthouses), representing almost *four-fifths* of Ontario's courthouses, reported an extensive list of problems. In the more serious cases - a substantial proportion of the courthouses listed in Group 4 - courthouse facilities were described as generally inadequate. In some instances specific problems - insufficient/inadequate space, security concerns, health and safety/air quality and disabled access - had become generalized to the point of compromising the quality of the facility as a whole.

Insufficient/inadequate space to meet current and anticipated demands affected more than two thirds of courthouse facilities (70%). Inadequate space was most frequently reported to be a problem with respect to lawyer-client meeting facilities and public/witness seating external to the courtrooms. To a somewhat lesser degree courthouses also reported insufficient courtroom space (42%), and judges' chambers (43%) to accommodate anticipated demand. About one-third of jury-equipped courtrooms reported there was no dedicated jury room. Lawyers' lounges were also reported to be absent at a high proportion of courthouses (41%). Where lawyers' lounges and related facilities do exist, a substantial proportion lack the basic amenities - washrooms, lockers and adequate maintenance. A sizeable minority or a majority also reported inadequate Crown Attorneys' facilities and inadequate offices for court administration, court reporters, duty counsel, legal aid and VWAP. A majority of those courthouses with library facilities cited one or more inadequacies with respect to the existing facilities.

In addition to the general and specific problems associated with insufficient space and overcrowding, respondents also expressed concerns over security, and health and safety issues associated with air quality.

Forty five percent of courthouses reported security concerns with respect to holding cell facilities, 32% reported mishandled security related incidents, and one quarter or more of all respondents reported courthouse and courtroom security issues associated with members of the Bar, Crown attorneys, the judiciary, police, court staff and the public. Thirty-two percent of respondents reported health and safety concerns other than those associated with security issues. And finally, 56% of courthouses reported inadequate disabled access to one more parts of the courthouse facility.

Analysis of the questionnaire results demonstrates a close association among all or most of the “indices of inadequacy,” which we have measured (Tables 2,3, and 4). Problems with respect to insufficient space in one area of a courthouse facility tended to be closely linked to insufficient/inadequate space throughout that courthouse facility. Moreover, a higher frequency of inadequate facilities was linked to more frequently reported concerns over security, health and safety and disabled access.

All of this suggests close linkages between the various issues measured and assessed by the courthouse questionnaire. Problems identified in one area typically affect the quality of the facility in a host of other areas or dimensions. Conversely, specific problems are often best understood as a particular expression of more systematic problems within the courthouse facility. Certainly the closely interconnected nature of a long list of problems seemed to be characteristic of the courthouses included in Groups 3 and 4.

The degree of optimism with respect to meeting current and future requirements appeared to be in inverse proportion to the scale and urgency of the identified needs. Courthouses in Groups 1 and 2, which reported a small list of discrete problems, were optimistic that the solutions could be found in the short and medium-term and that the necessary resources were available, if not ready-to-hand. By contrast, counties/districts in Groups 3 and 4, where the list of immediate problems was long and the proposed solutions were appropriately comprehensive, generally expressed pessimism regarding the prospects of meeting requirement in the foreseeable future. Exceptions were those few facilities that reported comprehensive plans having already reached the implementation stage.