



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 16261

Proposed No. 2022-0440.1

Sponsors McDermott

1 A MOTION acknowledging receipt of the third of three
2 reports on progress addressing the civil and criminal case
3 backlog that resulted from the COVID-19 pandemic and
4 progress on addressing new eviction cases after the state
5 moratorium is lifted, in response to the 2021-2022 Biennial
6 Budget Ordinance, Ordinance 19210, Section 18, as
7 amended by Ordinance 19318, Section 2, Proviso P4.

8 WHEREAS, the 2021-2022 Biennial Budget Ordinance, Ordinance 19210,
9 Section 18, as amended by Ordinance 19318, Section 2, Proviso P4 states that \$600,000
10 shall not be expended or encumbered until the office of performance strategy and budget
11 transmits three reports on progress toward addressing the civil and criminal case backlog
12 that resulted from the COVID-19 pandemic and progress on addressing new eviction
13 cases after the state eviction moratorium is lifted, and

14 WHEREAS, the 2021-2022 Biennial Budget Ordinance, Ordinance 19210,
15 Section 18, as amended by Ordinance 19318, Section 2, Proviso P4, requires that the
16 third report cover April 1, 2022, to September 30, 2022, and include a list of positions
17 supported by the ordinance, the amount of appropriation expended, the number of
18 backlog cases and number of backlog cases resolved for superior court cases, the number
19 of backlog cases and number of backlog cases processed and removed from the system

Motion 16261

20 for district court cases and the identification and discussion of barriers or system
21 challenges to addressing the backlog or addressing new evictions, and

22 WHEREAS, the King County executive hereby transmits to the council the
23 COVID-19 Legal System Backlog Report 3;

24 NOW, THEREFORE, BE IT MOVED by the Council of King County:

25 The council hereby acknowledges receipt of the COVID-19 Legal System
26 Backlog: Report 3 proviso response, Attachment A to this motion, as required by the

Motion 16261

- 27 2021-2022 Biennial Budget Ordinance, Ordinance 19210, Section 18, as amended by
28 Ordinance 19318, Section 2, Proviso P4.

Motion 16261 was introduced on 11/22/2022 and passed by the Metropolitan King County Council on 12/13/2022, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry,
McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

Claudia Balducci

F8830816F1C4427...

Claudia Balducci, Chair

ATTEST:

DocuSigned by:

Angel Foss

C267B914088E4A0...

Melani Pedroza, Clerk of the Council

Attachments: A. COVID-19 Legal System Backlog - Report 3 November 2022

COVID-19 Legal System Backlog: Report 3

November 2022



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Proviso Text

P4 PROVIDED FURTHER THAT:

Of this appropriation, \$600,000 shall not be expended or encumbered until the office of performance strategy and budget transmits three reports on progress toward addressing the civil and criminal case backlog that resulted from the COVID-19 pandemic and progress on addressing new eviction cases after the state eviction moratorium is lifted. Each report shall be transmitted with a motion that should acknowledge receipt of the report. Each motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The first report shall include a baseline definition of how the backlog of criminal and civil cases being addressed with resources supported in this ordinance (Ordinance 19318) is defined in terms of the age of cases, when cases were filed and case types, or other relevant criteria, and how many cases meet the definition by case type for monitoring purposes. The first report shall also identify a start date for tracking eviction cases.

The executive should electronically file the first report and the motion required by this proviso no later than November 30, 2021, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the budget and fiscal management committee, or its successor.

The second and third report shall cover the periods from July 27, 2021, through March 31, 2022, and from April 1, 2022, through September 30, 2022, respectively, and include, but not be limited to, the following information from district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court:

- A. A list of positions supported by this ordinance (Ordinance 19318) for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court, by job type, the number of those positions that are vacant and the hire dates for all filled positions in the period covered by the report and the total since the July 27, 2021,
- B. How much of the appropriation for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court this ordinance (Ordinance 19318) has been expended as of the final day of the reporting period and the total since the July 27, 2021,
- C. For superior court cases, the number of backlog cases as defined in the first report, and the number of backlog cases resolved, by charge and type of resolution,
- D. For district court cases, the number of backlog cases as defined in the first report, and the number of backlog cases processed and removed from the system, and
- E. The identification and discussion of barriers or system challenges to addressing the backlog or addressing new evictions. The barriers and system challenges could be general or specific to a certain case type.

Moneys shall be unencumbered in \$200,000 increments upon adoption of the motion acknowledging receipt of each quarterly report is passed by the council.

The executive should electronically file the second report and motion required by this proviso no later than May 16, 2022, and the third report and motion required by this proviso no later than November 14, 2022, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the budget and fiscal management committee, or its successor.

Ordinance 19318¹, Section 2, Office of Performance, Strategy and Budget, P4

¹ Ordinance 19318 [\[LINK\]](#)

Executive Summary

In accordance with Proviso P4 of the Office of Performance, Strategy and Budget in Ordinance 19318, this is the third of three reports on legal system progress toward addressing the legal system case backlog related to the COVID-19 pandemic. Note that much of the content of this report was included in the first and second reports submitted to Council on November 30, 2021 and May 16, 2022. All information has been updated and is current as of September 30, 2022.

Background

During the pandemic, King County's Prosecuting Attorney's Office (PAO), the Department of Public Defense (DPD), Superior Court, the Department of Judicial Administration (DJA), and District Court have made substantial modifications to their respective operations to maintain services to the extent possible given court closures, social distancing requirements, and other public health measures. Federal resources allocated by the King County Council in 2020 and 2021 funded video equipment and installation in both Superior and District Courts, costs to operate civil trials at Meydenbauer Convention Center, resources to backfill staff out on COVID leave, and laptop computers and facilities changes to allow remote and socially distanced work.

Despite these efforts, court closures and a variety of other factors directly and indirectly related to the pandemic resulted in backlogs in several case types in both Superior and District Courts. Backlog is defined as excess pending cases above pre-pandemic levels affecting PAO, DPD, DJA, Superior Court, and District Court operations.

To address the backlog of cases, PAO, DPD, Superior Court, DJA, and District Court requested funding in Ordinance 19318. The King County Council appropriated \$42,460,000 total in one-time funding backed by federal pandemic relief funds to these agencies in July 2021. Funds appropriated in Ordinance 19318 will expire at the end of 2022. The 2023-2024 Executive Proposed Budget reappropriated \$22.4 million in funding based on anticipated available CLFR underspend.

Agencies have added staff and capacity with resources from Ordinance 19318 and have made substantial progress on reducing backlogs. District Court anticipates backlogs will be fully resolved by mid-2023. As of September 30, 2022, felony backlogs in Superior Court remain, particularly for the most serious felonies, which require the most resources to resolve. Resources allocated in Ordinance 19318 are not intended to address ongoing needs in the legal system agencies and are only intended to address backlogs developed during the pandemic.

Agencies are using resources to increase capacity to address cases through additional trial capacity in Superior Court, additional calendars in District Court, and increased staff in PAO and DPD to prosecute and defend cases. Funds are also used to continue temporary staff funded in earlier appropriations and to provide training and support for new operational processes required by pandemic conditions.

At the time of the adoption of Ordinance 19318 in July 2021, COVID vaccines were readily available to the adult population and COVID cases in King County were low. Restrictions and public health recommendations were loosened, and some public services were returning to pre-pandemic operations.

In August, the Delta variant caused a new surge in cases² and restrictions were reimplemented or never relaxed. While cases receded in the fall of 2021, the Omicron surge in late 2021 and early 2022 led to suspension of in-person Superior Court trials from December 28 to February 11 and District Court jury trials from December 29 to February 7. As of early spring, 2022, most state and local restrictions were lifted. As of September 30, 2022, case rates in King County are low.³ Future COVID rates and any accompanying restrictions are highly uncertain.

Report methodology

The Office of Performance, Strategy and Budget (PSB) coordinated with PAO, DPD, Superior Court, DJA, and District Court to gather data on backlog cases, staff hired, and resources expended through September 30, 2022, and to report on status and challenges addressing the backlog, as of September 30. Much of the content in the current report is the same as Report 1 and Report 2. All quantitative data has been updated and other substantial revisions and updates are noted.

Report requirements

Positions supported by Ordinance 19318

Ordinance 19318 supports 173 filled positions as of September 30, 2022. An additional 33 positions were vacant. Some positions have been filled intermittently, as agencies have experienced challenges with retention and employees hired in temporary positions have moved on to permanent positions. Agencies are also hiring for regular vacant positions open through normal attrition. Despite the hiring and retention challenges described in section E, PAO and DPD have considerably more filled positions than at the end of Q1 2022.

Table 1: Positions supported by Ordinance 19318

Agency	Total filled positions	Total vacant positions
District Court	9	4
DJA ⁴	21	8
DPD	36	13
Superior Court	38	8
PAO	69	0
Total	173	33

Appropriation expended as of March 31, 2022

Agencies spent a total of \$15.2 million as of September 30, 2022, or 36 percent of the total amount appropriated in Ordinance 19318. Agencies have employed slightly different strategies in filling vacancies and experience variable challenges with recruitment and retention, leading to different rates of spending. Most funds are going towards temporary staff and agencies have generally increased

² King County COVID-19 Data Dashboards [[LINK](#)].

³ King County Public Health Current COVID-19 Metrics [[LINK](#)].

⁴ Includes 9 filled positions currently funded by Ordinance 19289. Some recently vacated positions expected to be filled quickly are reported as filled.

spending in recent months as more staff are hired. Some agencies are also still using funds appropriated in Ordinance 19289.

Table 2: Appropriation expended as of March 31, 2022

Agency	Expended through 9/30/22	Percent of appropriated amount
District Court	\$850,733	19%
DJA	\$1,125,337	31%
PAO	\$3,984,069	31%
DPD	\$3,798,030	36%
Superior Court	\$5,480,322	50%
Total	\$15,238,491	36%

Cases filed or to be filed in Superior Court

Pending felony criminal cases continue to exceed pre-pandemic levels for both filed and unfiled cases and quarterly criminal resolutions remain below 2019 levels. Pending eviction cases also exceed pre-pandemic levels. Most other case-types filed in Superior Court do not have backlogs that exceed pre-pandemic levels. This report includes quarterly measures of criminal and all other case types to assess progress on backlogs and to monitor whether the other case types remain at or below historical backlog levels. As of September 30, 2022, overall criminal pandemic-related backlogs have decreased substantially. The most serious cases (homicides, sex crimes, robbery 1, assault 1 and 2) are the most resource intensive and statistics are reported separately for these cases at the request of Council.⁵ The backlog in these cases has declined only modestly in the last year. Criminal backlogs affect PAO, DPD, Superior Court, and DJA. Eviction cases affect Superior Court and DJA. The PAO prioritizes violent and repeat offenses and felony-level property crime.

Reporting includes quarterly data and 2019 average measures to compare the number of current backlog cases to pre-pandemic backlog volume. Individual pending cases are not classified as pandemic-related backlog versus typical backlog and cases filed at any time are counted in backlog totals. Filed eviction cases (formally known as unlawful detainer cases) are reported by month, with historical data going back to January 2019. Unfiled case backlog is reported by PAO, and all other Superior Court measures are reported by DJA.

⁵ At the 2/23/22 Budget and Fiscal Management Committee, Council requested separate reporting on Class A felonies. DJA does not have the ability to track the category of Class A felonies but does report regularly on the most serious felonies (homicides, sex crimes, robbery 1, assault 1, and assault 2). These are the cases that require the most resources to adjudicate and statistics can be compared to overall Superior Court criminal cases. This report includes separate measures on these most serious felonies. See Appendix C for specific homicide and sex crime offenses.

Table 3: Key Superior Court backlog measures

	2019 Average	Q3/21	Q4/21	Q1/22	Q2/22	Q3/22	Q1/22 Difference from 2019 ⁶
Total active pending caseload ⁷	22,869	21,128	19,567	19,610	19,276	19,684	-3,185
Criminal active pending caseload ⁸	3,435	5,510	4,849	4,808	4,248	4,222	787
Most serious felony pending caseload ⁹	948	1,532	1,478	1,501	1,407	1,405	457
Total resolutions ¹⁰	12,945	11,619	10,755	10,300	10,916	10,756	-2,189
Criminal ¹¹ total resolutions	1,447	1,298	1,441	1,103	1,236	1,225	-222
<i>Resolved by Jury Trial</i>	3.0%	2.50%	2.15%	1.09%	1.9%	2.3%	-0.7%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.60%	0.97%	0.18%	0.3%	0.1%	-0.3%
<i>Resolved by Guilty Plea</i>	77.1%	57.60%	47.12%	67.54%	68.3%	68.7%	-8.4%
<i>Dismissal</i>	19.1%	37.40%	49.27%	29.74%	29.0%	28.8%	9.7%
<i>Others</i>	0.5%	1.90%	0.49%	1.45%	0.4%	0.2%	-0.3%
PAO unfiled pending cases ¹²	1,800	2,700	2,720	2,630	2,434	2,185	385
Pending evictions (unlawful detainer)	461	505	496	571	699	836	375

Cases filed or to be filed in District Court

Due to data limitations and case complexity,¹³ District Court reports it cannot provide complete data on all of its backlogged cases and backlog measures cannot be quantitatively compared to pre-pandemic volume. Infraction and small claims cases that are on hold that were filed from March 20, 2020, to March 1, 2022, when District Court began additional backlog calendars are considered pandemic-related backlogged cases, as well as the number of civil trials awaiting scheduling. PAO provided quarterly numbers of unfiled District Court criminal cases. Unfiled cases can be compared to pre-pandemic (average 2019) levels.

District Court has made substantial progress on backlogs and anticipates backlogs will be resolved by mid-2023. PAO unfiled cases have grown, as the PAO continues to prioritize serious felony cases. The unfiled case backlog includes cases that will be declined due to statute of limitations restrictions.

Misdemeanor criminal backlogs affect PAO, DPD, and District Court. Infractions requiring a hearing affect PAO and District Court. Other case types affect only District Court.

⁶ Resolution type differences are percentage point changes.

⁷ Includes RALJ (appeals cases).

⁸ Excludes RALJ (appeals cases).

⁹ Homicides, sex crimes, robbery 1, assault 1 and 2. See Appendix C for list of homicide and sex offenses. Also included in criminal.

¹⁰ Excludes matters Filed with Clerk.

¹¹ Excludes RALJ (appeals) cases.

¹² Estimate as of the end of quarter. Data limitations prevent precise reporting.

¹³ Challenges to reporting total backlog numbers include case management system constraints, as well as operational practices that differ from judge to judge.

Table 4: Key District Court backlog measures

	Q3 2021	Q1 2022	Q3 2022	Pandemic-related Backlog
Small claims backlog	2,043	2,519	257	257
Infractions backlog	4,021	6,924	0	0
Civil trials awaiting scheduling	55	40	16	16
Suspended Failure to Appear (FTA) warrants	3,823	77	0	0

	2019 Average	Q3 2021	Q4 2021	Q1 2022	Q2 2022	Q1 2023	Pandemic-related backlog
Unfiled District Court PAO Backlog	830	3,000	3,700	4,000	4,100	4,500 ¹⁴	3,670

Barriers or system challenges to addressing the backlog and new evictions

The key barriers and system challenges to addressing the backlog and new evictions identified by all agencies are:

- Challenges recruiting, hiring, and retaining qualified staff
- Continued effects of the pandemic
- Challenges specific to addressing criminal cases, including high levels of violent crime

Next actions

As of September 30, 2022, DJA, DPD, PAO, Superior Court and District Court have increased capacity to address backlogged cases with resources appropriated in Ordinance 19318. Substantial progress has been made on addressing the overall backlog and District Court anticipates their backlog will be addressed by mid-2023. However, continuing pandemic-related public health concerns and restrictions; challenges with recruitment, hiring, and retention; and high violent crime rates continue. In particular, the backlog for the most serious felonies remains high. These serious cases require disproportionate resources to resolve and a timeline to return to pre-pandemic volume is unclear under current conditions.

As the work to reduce the backlog continues, COVID-19 safety protocols remain in place in both courts. These include mask requirements, social distancing (though somewhat more relaxed than in March 2022), remote jury selection in Superior Court, enhanced ventilation in all court locations, and proper communication with jurors about their health and the court's protocols.

Resources appropriated in Ordinance 19318 are available through the end of 2022. Agencies requested \$51 million in resources related to the backlog in the 2023-2024 budget, including \$9.4 million in ongoing permanent resources. The Executive Proposed budget allocates \$22.4 million in resources, based on projected underspend of CLFR funds appropriated in 2021-2022.

In fall 2022, the Executive's Office will lead an effort, in collaboration with Superior Court, DJA, PAO, and DPD, to identify ways to further reduce the backlog of Superior Court criminal cases.

¹⁴ Includes an estimated 410 cases that will be declined due to statute of limitations.

District Court anticipated backlogs will be fully addressed by the additional resources in 2023, though ongoing needs to support remote court were not fully funded. Resources to address Superior Court backlogs will fund additional capacity for approximately one year. The Superior Court backlog is not expected to be addressed within this period under current conditions.

The COVID-19 pandemic resulted in unprecedented operational challenges and backlogs in the legal system. Temporary resources allocated in Ordinance 19318 are being used to reduce the number of pending cases in the legal system, reduce pandemic-related delays, and provide access to justice to King County residents, even as the legal system continues to grapple with operational challenges caused directly and indirectly by the pandemic. Since many parts of the legal system disproportionately affect BIPOC residents, reducing the backlog is consistent with the County's equity and social justice efforts.

Alleviating delays in the legal system during and after the COVID-19 pandemic with temporary federal resources is consistent with the Executive Branch's True North and Values and aligns with the County's priorities for allocation of federal and state COVID-19 funds, as adopted by the King County Council in Motion 15816¹⁵.

Background

The pandemic-related backlog of cases in the King County legal system directly affects operations in PAO, DPD, Superior Court, DJA, and District Court.¹⁶ Resources to address the backlog were appropriated to these five agencies in Ordinance 19318. While agencies have made some progress in addressing the backlog of cases, substantial challenges and barriers to resolving cases remain.

Department Overview

The Office of Performance, Strategy and Budget Overview

The King County Office of Performance, Strategy and Budget (PSB) provides comprehensive planning, management, budgeting, and performance assessment for King County government. PSB's work is guided by best practices in financial stewardship and performance management, which includes enhancing accountability, transparency, and integrating strategic planning, business planning, resource allocation, and continuous improvement into a systematic approach throughout the County.

PSB staff coordinated with legal system agencies to determine appropriate backlog measures, drafted report content, and will coordinate responses for submittal of two subsequent reports.

Prosecuting Attorney's Office Overview

The King County Prosecuting Attorney's Office (PAO) employs over 500 people, including more than 260 attorneys. The PAO is led by the King County Prosecutor, who is a separately elected official.

¹⁵ MOTION 15816 [\[LINK\]](#)

¹⁶ Other King County legal system agencies (the Department of Adult and Juvenile Detention, King County Sheriff's Office) and social service agencies (Department of Community and Human Services and King County Public Health) are indirectly affected by case backlog but are out of scope for this and subsequent reports.

The Criminal Division represents the state and the county in criminal matters in the King County District and Superior Courts, the state and federal courts of appeal, and the Washington and U.S. Supreme Courts. The Criminal Division is responsible for prosecuting all felonies in King County and all misdemeanors in unincorporated areas of King County.

The PAO also includes the Civil Division, which is the County's law firm; the Family Support Division, which is an integral part of the federal and state child support system; and the Juvenile Division, which handles juvenile cases.

[Department of Public Defense Overview](#)

The Department of Public Defense (DPD) provides legal representation to adults and juveniles who have been charged with a crime and cannot afford an attorney, as well as people facing civil commitment, parents who could lose their children in a dependency action, and people seeking to vacate a past felony or misdemeanor conviction. DPD works to address racial disproportionality in the criminal legal system, the collateral consequences of system involvement, and other structural and systemic issues that undermine the rights of clients.

DPD is a part of the Executive branch and operates as an independent voice that promotes justice and equity for its clients and advocates for their objectives and interests.

[King County Superior Court Overview](#)

King County Superior Court is King County's general jurisdiction trial court. Under the Washington Constitution and state statutes, Superior Court has responsibility for:

- Felony criminal cases
- Civil matters involving more than \$300, unlawful detainers, and injunctions
- Family law, including dissolutions, child support, adoptions, parentage, and domestic-violence protection matters
- Probate and guardianship matters
- Juvenile offender cases
- Juvenile dependencies, including abused and neglected children, children in need of services, at-risk youth, and truancies
- Mental illness and involuntary commitment matters

Superior Court operates locations at the King County Courthouse, Maleng Regional Justice Center, the Involuntary Treatment Act Court, and the Judge Patricia H. Clark Children and Family Justice Center.

Superior Court is part of the judicial branch of government. Superior Court judges are elected, and the Court is led by the Superior Court Presiding Judge.

[Department of Judicial Administration Overview](#)

The Department of Judicial Administration (DJA) is commonly known to the public and the bar as the Superior Court Clerk's Office or the County Clerk's Office. The department serves as the customer service office of the King County Superior Court and is responsible for:

- Maintaining the official case files, records and indexes necessary to enable the efficient administration of the court, indefinitely;

- Facilitating the public’s right to record inspection;
- Managing funds deposited in the registry of the court; handling all fees, fines and other monies and performing the accounting functions related to all funds related to superior court cases.

DJA is a unique and purposefully placed department within the County’s organizational structure (King County Charter 350.20.20). The department is administered by the Superior Court Clerk, a Superior Court appointed judicial branch employee, but the department is an executive branch department, and all DJA personnel are executive branch employees.

[King County District Court Overview](#)

King County District Court is the County’s court of limited jurisdiction. The Court’s legislatively-mandated jurisdiction includes:

- Misdemeanor and gross misdemeanor criminal cases
- Domestic violence, stalking, and anti-harassment protection orders
- First appearance felony bookings
- Civil cases (up to \$100,000 per claimant)
- Small claims cases (up to \$10,000)
- Name changes
- Impound hearings
- Traffic and other civil infractions
- Parking cases
- Search warrant authorizations.

King County District Court considers the above civil cases for all King County and addresses infractions and criminal misdemeanors for unincorporated King County. District Court is also contracted by 12 cities to provide infraction and misdemeanor services: Auburn, Beaux Arts, Bellevue, Burien, Carnation, Covington, Duvall, Kenmore, Redmond, Sammamish, Shoreline, and Skykomish. District Court operates courthouses in 10 facilities throughout King County: Auburn, Bellevue, Burien, Issaquah, King County Courthouse (Seattle), King County Jail (Seattle jail calendars only), Redmond, Maleng Regional Justice Center (Kent), Shoreline, and Vashon Island (one day per month).

District Court is part of the judicial branch of government. District Court judges are elected, and the Court is led by the District Court Presiding Judge.

[Context](#)

[Factors contributing to the legal system backlog during the COVID-19 pandemic:](#)

Beginning in late February 2020, the COVID-19 pandemic has had substantial impacts (both direct and indirect) on the legal system nationally¹⁷ and in King County. This report does not attempt to attribute causation to specific contributing factors for any particular delayed legal case or to determine the extent each individual factor contributes to backlogs or reductions in pending caseloads.

¹⁷ Thomas Reuters Institute. The Impacts of the COVID-19 Pandemic on State & Local Courts Study 2021. [\[LINK\]](#); Baldwin, J.M., Eassey, J.M. & Brooke, E.J. Court Operations during the COVID-19 Pandemic. Am J Crim Just 45, 743–758 (2020) [\[LINK\]](#).

Some of the factors that have directly and indirectly affected backlog volume include:

- Public health recommendations and orders directly and indirectly affecting court operations.¹⁸
- State and local judicial orders directly closing or modifying court operations.¹⁹
- Increases in serious crime (homicide, assaults with firearms/deadly weapons, sexual assaults, and domestic violence).²⁰
- Work from home policies, social distancing, and mask requirements.²¹
- Employee leave and staff turnover related to pandemic health concerns, childcare responsibilities, or other pandemic-related considerations.²²
- Societal and individual behavior changes occurring during the pandemic (workplace closures, social isolation, school closures, economic disruption, etc.) that may have influenced civil filings, family law filings, and criminal referrals and filings.²³
- Changes in patterns of law enforcement activity and referrals and prosecutor filing decisions directly or indirectly related to the pandemic, including prioritization of some case types given limited capacity, reduced law enforcement capacity, and new police accountability bills that went into effect in July 2021.²⁴
- Policy and operational changes in legal system agencies (both direct adjustments to adapt to social distancing requirements, such as increased use of video court, and changes that may have occurred regardless of the pandemic). These changes increased access to the legal system in some circumstances and decreased it in others.
- Legal changes including, but not limited to, the Blake decision,²⁵ which found the state law that made it a felony to possess illegal drugs unconstitutional.²⁶

¹⁸ Recommendations and orders issued by Public Health Seattle & King County, the Washington State Department of Public Health, and the Centers for Disease Control.

¹⁹ The State Supreme Court Order Regarding Court Operations provides guidance for all courts on prioritization, use of video and other remote hearings, and where courts can exercise discretion. As of October 30, 2021, the most recent order was the fourth revised and extended order issued October 13, 2020. [\[LINK\]](#). The Supreme Court State of Emergency allows individual courts to set safety guidelines and protocols and encourages consistency with State and local public health guidance. King County Superior Court has issued numerous emergency court orders describing operations during the pandemic, available on the Court's website [\[LINK\]](#). King County District Court's emergency orders are available on its website. [\[LINK\]](#).

²⁰ The number of pending more serious offenses (homicide, rape, domestic violence, robbery, shootings) increased from 1,700 such cases pre-COVID to an estimated 2,700 in June 2021. [\[LINK\]](#). Additionally, PAO reports the total number of shots fired incidents in 2021 (1,405) was up 70% compared to the previous four-year average (2021 Year End King County Firearm Violence Report).

²¹ Executive Branch staff was mandatory work from home from March 3, 2020 to July 5, 2021.

²² Expanded Paid Administrative Leave was available to King County employees from April 2020 to June 2021. *King County Coalition of Unions COVID MOA January 6, 2021*.

²³ For a review of patterns of criminal incidents and arrests early in the pandemic see COVID and crime: An Early Empirical Look [\[LINK\]](#).

²⁴ H.B. 1310 [\[LINK\]](#) and H.B. 1054 [\[LINK\]](#)

²⁵ State of Washington v. Shannon B. Blake [\[LINK\]](#).

²⁶ The Blake decision resulted in dismissal of cases in early 2021, reducing overall criminal backlog. Resources to address the additional workload of vacations, resentencing, and Legal Financial Obligation refunds were appropriated in PAO, DPD, Superior Court, DJA, and District Court budgets in Ordinance 19319.

- National, State, and local eviction moratoriums and implementation of programs to support landlords and renters.²⁷
- Labor market conditions resulting in challenges recruiting and retaining qualified staff.

This pandemic-related backlog is not unique to King County. Other jurisdictions have seen similar issues.²⁸

[Pandemic operations: challenges and adaptations](#)

During the pandemic, agencies have implemented new policies and operational procedures to keep employees and legal system participants safe and to continue operations to the extent possible.

The King County legal agencies carry out numerous legal responsibilities for the residents of King County. There are many civil and criminal case types, each with their own set of processes, which may vary based on individual characteristics of the case and the parties involved. Case types that have or previously had significant pandemic-related backlogs are: Superior Court felony cases; District Court misdemeanor and expedited felony cases, infractions, small claims, and civil cases. Additionally, unlawful detainer cases (evictions), which are filed in Superior Court, were largely suspended in 2020 and 2021.

The state eviction moratorium expired June 30, 2021, though some protections remained in place until October 31, 2021 and city-level moratoriums remained in place longer.²⁹ There are more pending eviction cases as of September 30, 2022 than pre-pandemic, though average monthly filings remain below pre-pandemic levels.

King County's Eviction Prevention and Rental Assistance Program (EPRAP) provides financial assistance to King County residents behind in rent and utility payment. EPRAP stopped taking new applications for assistance on February 28, 2022. EPRAP's first iteration provided rent assistance to 11,631 households from August 2020 to June 2021 and EPRAP 2.0 provided rent assistance to 22,647 households as of March 21, 2022.

Backlog measures of case types that do not have current pandemic-related backlogs are also reported to monitor whether backlogs are addressed without increasing backlogs in other case types.

The section below provides an overview of some of the operational challenges and adaptations in each agency.

[Superior Court](#)

Superior Court follows State Supreme Court Emergency Orders and has consulted with University of Washington epidemiologists in determining operational processes and policies during the pandemic. Public health considerations resulted in complete trial shutdown of the Superior Court criminal

²⁷ See Washington Law Help for a summary of current Washington State rental protections. Note: as of March 31, 2022 this website had not been updated since November 2, 2021. [\[LINK\]](#).

²⁸ Examples from [Texas](#), [Arizona](#), [Alabama](#), [Idaho](#), and [Florida](#). Washington State Institute of Public Policy report on state-wide effects of the pandemic on the criminal legal system [\[LINK\]](#).

²⁹ Seattle's moratorium expired February 28, 2022, though some protections remain. Other cities also offered protections, with varying expiration dates.

department twice, for a combined period of over nine months. With the exception of emergency functions, many Court operations suspended in March 2020. Starting in at the onset of the pandemic, the Court implemented radical changes in business practices, partly made possible through federal resources allocated to the Court's budget.³⁰ Implementation of new processes and installation of video equipment allowed the court to hold dependency, family law and civil trials remotely. The Court has received national recognition for holding civil trials during the pandemic, including civil jury trials,³¹ which were held at the Meydenbauer Convention Center to allow for socially distanced operations from August 2020 to July 2021. As a result of adaptations to operations and filing trend changes due to pandemic conditions, most Superior Court civil case types do not have a backlog relative to pre-pandemic volumes of pending cases. As of September 30, 2022, approximately 90% of civil jury trials continue to be held fully remote and others are partially remote.

Superior Court again suspended in-person trials from December 28, 2021 to February 11, 2022. (Emergency Orders 34 and 35) due to the Omicron surge. Pre-trial criminal hearings such as arraignments and omnibus hearings, and other criminal matters such as plea hearings and sentencings were not interrupted by the trial suspension. Civil, family law and juvenile matters, including trials and hearings, continued to occur remotely, and also were not interrupted. Judicial resources were temporarily reassigned to these matters since criminal trials were suspended. The court's hours were not changed and there were no staffing impacts as a result of this criminal trial suspension. The Omicron surge severely affected operations at the jail, which made it difficult to attorneys to meet with clients, delaying hearings.

While operational changes and investments in new technology allowed many court functions to resume operating remotely, criminal hearings and trials mostly remained in-person. All parties must agree to video court for criminal proceedings. With the exception of two trials in 2020 when the jurors were entirely remote, all criminal trials have been conducted in person with jury selection conducted over Zoom. Depending on circumstance, witnesses, victims, experts, and court reporters have appeared remotely.

The result of closures and limited capacity under new business practices is a large backlog of thousands of criminal trials with serious charges such as homicide, sexual assault, and assaults with a weapon. Without additional resources, Superior Court could only address the criminal backlog by diverting resources from the Court's Civil and Family Law Departments to try only criminal cases, thereby limiting access for those who seek justice for things like discrimination, personal injury, dissolution, or child custody.

The Court successfully added seven judicial officers (6.4 TLTs) with funding from Ordinance 19318 and has increased the number of criminal trials in progress in a given week from roughly 12 per week pre-pandemic to 15-18 per week as of September 2022. This is up from about 15 per week in March 2022 when the second report was submitted. While the number of trials occurring weekly has increased, the number of resolutions by trial is lower than pre-pandemic (29 in Q3 2022 versus a quarterly average of

³⁰ Superior Court is working on a State Justice Institute-funded grant-funded study with a nationally recognized consultant to document and assess pandemic-related operational changes in order to determine which practices should be maintained post-pandemic.

³¹ Law 360 Demystifying the Virtual Civil Jury Trial Experience [[LINK](#)].

48 in 2019). More serious cases are currently prioritized for trial. These trials are often longer in length, which may contribute to more trials occurring in each week.

Overview of Superior Court case types with pandemic-related case impacts

Felony criminal cases

In a criminal case, the PAO receives a referral from law enforcement, reviews evidence, and makes a filing decision. If PAO determines felony criminal charges are warranted, they file a case in Superior Court. Once cases are filed, Superior Court and DJA have judicial and administrative responsibility for the cases. For indigent criminal defendants, DPD provides legal representation starting at first appearance for in-custody defendants and at filing for out-of-custody defendants.

Most felony cases require several Superior Court appearances to reach resolution: an arraignment/bond hearing, a case scheduling hearing, a plea hearing or trial, and a sentencing. Additional hearings (e.g., criminal motions hearings, or omnibus hearings for cases headed to trial) are scheduled as needed. If defendants do not appear at scheduled hearings, the Court may issue a warrant. During the pandemic, issuance of warrants was largely suspended by the Washington State Supreme Court.

PAO and DPD attorneys and support staff prepare cases for hearing and trials and negotiate plea deals. The PAO has significant prosecutorial discretion on which criminal cases to file and whether to direct cases to pre- or post-filing diversion programs, including therapeutic courts.¹

Unlawful Detainers (Evictions)

The legal action brought to obtain an eviction in Superior Court is called an unlawful detainer. Eviction case volume has been low throughout the pandemic due to national, state, and local eviction moratoriums and other efforts to minimize pandemic impacts on housing. The state eviction moratorium was lifted on June 30, 2021, but some state protections remain in place until October 31, 2021. Some cities, including Seattle, had local protections that lasted longer. In addition to moratoriums, programs to prevent evictions include the Eviction Resolution Program (ERP) which provides trained Eviction Resolution Specialists to mediate rental disputes prior to an eviction lawsuit, and King County's Eviction Prevention & Rental Assistance Program (EPRAP), which financially assists tenants and landlords impacted by the pandemic using a variety of federal, state, and local resources.

For a detailed description of Superior Court's operational changes and adaptations related to the pandemic, particularly the use of remote court, see their June 2022 report sponsored by the State Justice Institute.³²

DJA

DJA's employees have followed a combination of executive branch policies and Superior Court mandates during the pandemic. DJA staff were ordered to work remotely wherever possible, but the offices remained open and in-person customers were helped at all times during the pandemic. DJA also provided clerks for all court hearings, in a mix of remote and in-person proceedings, at all regular locations plus Meydenbauer.

Funding allocated in Ordinance 19318 for DJA funds additional staff to support the temporary judges and commissioners hired by Superior Court to handle the increased caseloads, to support expanded services, and to purchase necessary hardware and software.

³² The Response of the King County Superior Court to the COVID-19 Pandemic: Lessons Learned and Recommendations [[LINK](#)].

PAO

The PAO has implemented policies and operational changes that follow health experts' advice, guidelines, and recommendations to address the COVID-19 pandemic. While work was continued remotely, the PAO's reduced in-court staff and other operational changes to mitigate COVID-19 health risks, coupled with reduced court proceedings due to the COVID-19 public health emergency, have had very serious and negative impacts on the daily operations of the PAO, especially in the Criminal Division.

Ordinance 19318 funds additional staffing, equipment, services, and software licenses to increase capacity in PAO to address backlog cases including both currently filed cases and cases that have been referred to the PAO by law enforcement but not yet reviewed to determine whether the filing of charges is appropriate.

DPD

DPD is assigned clients when PAO files criminal cases against indigent defendants. Court closures and restrictions in activities delay case resolution and, in some cases, result in DPD clients remaining in custody awaiting trial or other resolution. DPD follows executive branch policies regarding pandemic operations.

DPD operates using a staffing model that incorporates caseload standards that dictate the number of cases an attorney may be assigned within a rolling year and/or have open at any given time; through application of those formulas, biennial predictions of case filings determine DPD's attorney staffing level, and non-attorney staffing levels are determined by attorney:staff ratios developed in reference to Washington State Court Rules, Washington State Bar Association guidelines, labor agreements, and DPD practice standards. The PAO's intention to file and prosecute new and existing "backlogged" cases and Superior Court's temporary increase in trial capacity mean that DPD will also need to increase its resources and staffing to adjust to the increased workload. Funding in Ordinance 19318 allows DPD to hire staff to appropriately meet the increased workload as PAO and Superior Court move a greater volume of cases forward.

Additional system funding could result in more cases being filed, which disproportionately affects Black, Indigenous, and People of Color (BIPOC) communities. As of September 30, 2022, overall criminal filings are below historical averages.³³

As of September 30, 2022, DPD reports significant challenges recruiting and hiring skilled and experienced staff, which are necessary given the serious nature of the cases they will be staffing.

District Court

All aspects of District Court's operations have been affected by the pandemic. Criminal misdemeanor and expedited felony cases, infractions, and small claims cases have substantial pandemic-related backlogs.

Like Superior Court, District Court implemented new operational procedures to conduct as much business as possible given social distancing requirements and other restrictions on normal operations.

³³ PAO filing dashboard [[LINK](#)].

All District Court courtrooms have equipment to conduct remote or partially remote hearings via video. Remote hearings take more time than in-person hearings, limiting the number of cases that can be heard on any scheduled calendars.³⁴ The Court has prioritized addressing criminal cases³⁵ and handling caseload for its 13 contract cities. Given limited capacity, the PAO has not prioritized filing District Court cases during the pandemic and there is a sizable backlog of unfiled District Court cases. Misdemeanor cases cannot be filed later than one year after the incident and gross misdemeanor cases cannot be filed more than two years after the incident. This statute of limitations limits the size of the District Court criminal backlog.

Infractions, small claims, and civil cases were most affected by pandemic-related capacity challenges. Infraction cases may be dismissed due to lack of PAO discovery as more serious cases have been prioritized by the PAO and the court's inability to set hearings due to social distancing and other pandemic-related constraints. Criminal filings may increase sharply if the PAO changes filing practices.

³⁴ A National Center for State Courts study found remote hearings take 34% longer than in-person hearings [\[LINK\]](#).

³⁵ The PAO has prioritized filing District Court cases that involve DUIs, Domestic Violence, and non-property crimes against persons.

District Court has also increased workload for the jury summons process. District Court is summoning 86,400 jurors per year, as of September 30, compared to 14,000 per year pre-pandemic and up from

Overview of District Court case types with pandemic backlogs

Misdemeanor and expedited felony criminal cases

The PAO directs misdemeanor and expedited felony cases to the PAO District Court unit or municipal prosecutors, who then make filing decisions for criminal charges in District Court (cases in unincorporated King County and District Court contract city prosecutors) or municipal courts (other city cases). District Court criminal cases may have a shorter time to resolution and involve fewer hearings than felony cases. However, District Court also retains jurisdiction for cases after resolution, including managing probation.

In addition to misdemeanors and expedited felonies, District Court judges also hear first appearance calendars for in-custody defendants, where bail and conditions of release are set.

PAO attorneys prosecute expedited felony cases and misdemeanor offenses occurring in unincorporated King County. DPD represents indigent defendants in those cases. Prosecution and defense for District Court's contract cities are not handled by King County attorneys.

Infractions

Infractions are violations of traffic statutes, laws, or ordinances that are not punishable by a jail sentence and are direct filed into District Court by law enforcement. PAO represents the state for contested cases in unincorporated King County at hearings. Uncontested infractions are handled without a court hearing, and DPD does not provide representation for infractions as representation is not a right for these cases.

Small Claims

Small claims cases are heard in District Court and involve disputes of \$10,000 and under. Petitioners are encouraged to settle cases in mediation before trial. District Court coordinates with a non-profit, the Dispute Resolution Center of King County (DRC), to offer mediation. Cases that do not settle include a pre-trial hearing and a trial hearing.

Civil Cases

Most civil cases involve two private parties, who may be represented by private attorneys. District Court handles most civil disputes involving under \$100,000.

72,000 per year in March 2022. This is due partly to the Superior Court no longer handling some summons and partly to the reduced yield of summons due to the pandemic.

District Court funding in Ordinance 19318 is used to expand the Court's capacity. While evening calendars were initially planned, logistical and staffing difficulties led the court to implement additional calendars within normal business hours at two courthouses. Two commissioners were hired and began hearing cases on March 1, 2022. As of September 30, additional calendars are expected to continue until mid-2023.

The Dispute Resolution Center's (DRC's) contract was suspended between January 1 and August 23, 2021 due to funding constraints and had to be re-negotiated to add in federal contract language. This process slowed the court's ability to begin having DRC mediate cases until the contract was completed. DRC is now mediating cases. DRC has its own barriers to hiring qualified individuals to mediate cases and are unable to expand its resources currently slowing the courts ability to move cases. This significantly

affected the court tackling the small claims backlog, but as of September 30, 2022, the Court anticipates resolving these backlogged cases by mid-2023.

District Court paused jury trials from December 29 to February 7, 2022, during the Omicron surge.³⁶

Ongoing effects of the pandemic

At the time of the adoption of Ordinance 19318 in July 2021, COVID vaccines were readily available for adults and COVID cases in King County were low. Restrictions and public health recommendations were loosened, and some public services were returning to pre-pandemic operations. In August 2021, the Delta variant caused a new surge in cases³⁷ and restrictions were reimplemented or never relaxed. While cases receded in the fall of 2021, the Omicron surge in late 2021 and early 2022 interrupted the resumption of normal operations. Both Superior and District Court continue to enforce mask mandates inside courtrooms.³⁸ As of September 30, COVID-19 cases are low in King County,³⁹ though some projections show increasing COVID cases in the fall and winter.⁴⁰ Governor Inslee's state of emergency and emergency powers will end by October 31, 2022,⁴¹ and the Washington Supreme Court is evaluating court emergency rules and changes may occur.

Federal resources

King County received federal funds to respond to the COVID-19 pandemic from the 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act, which funded the Coronavirus Relief Fund (CRF), and the 2021 American Rescue Plan Act (ARPA)⁴², which funded the Coronavirus Local Fiscal Recovery Fund (CLFR).

CARES was signed into law on March 27, 2020. Section 5001 of CARES created the Coronavirus Relief Fund (CRF) providing relief to state and local governments. The Consolidated Appropriations Act was signed into law on December 27, 2020, continuing and expanding programming.⁴³ King County was allocated \$530 million of CRF to navigate the impact of the COVID-19 outbreak.⁴⁴

ARPA was signed into law on March 11, 2021. Section 9901 of ARPA amended Title VI of the Social Security Act (the Act) to add section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (CLFR). King County was provided a CLFR distribution directly by the U.S. Treasury and is empowered to utilize this funding for costs associated with responding to the COVID-19 public health emergency and its negative economic impacts.⁴⁵

CLFR resources may be used through the end of 2024.

³⁶ District Court Emergency Administrative Order No. 15-2021.

³⁷ King County COVID-19 Data Dashboards [\[LINK\]](#).

³⁸ District Court Emergency Administrative Order No. 16-2022. Superior Court Emergency Order 19, Emergency Orders 32, and Emergency Order 36 [\[LINK\]](#).

³⁹ King County COVID-19 Community Level Dashboard [\[LINK\]](#).

⁴⁰ IHME [\[LINK\]](#).

⁴¹ Governor Inslee Press Release, September 8, 2022 [\[LINK\]](#).

⁴² H.R. 1319 – 117th Congress [\[LINK\]](#).

⁴³ U.S. Department of the Treasury About the CARES Act and the Consolidated Appropriations Act [\[LINK\]](#).

⁴⁴ King County Performance, Strategy & Budget COVID-19 Response and Recovery Budget Webpage [\[LINK\]](#).

⁴⁵ U.S. Department of the Treasury. Coronavirus State and Local Fiscal Recovery Funds Webpage [\[LINK\]](#).

Previous Federal resources for legal system

Prior to backlog resources allocated in Ordinance 19318, the Council appropriated funds to these agencies primarily to enable continuation of work to the extent possible throughout the pandemic while complying with public health requirements and recommendations.

\$1,336,992 was appropriated in Ordinance 19289 to the PAO specifically to address growing backlog through increased resources in the areas such as the Early Plea Unit, Decline Screens, and a project to address failure to appear (FTA) warrants.

Other resources previously appropriated include funding for video equipment and installation in both Superior and District Court, costs to operate civil trials at Meydenbauer Convention Center, resources to backfill staff out on COVID leave, and laptop computers and facilities changes to allow remote and socially distanced work.

Total federal relief amounts appropriated prior to Ordinance 19318, by agency:⁴⁶

⁴⁶ Amounts are the appropriated amounts, not necessarily the expended totals. Expenditures are generally backed by federal revenue from ARPA and CARES, but actual funding sources vary slightly depending on eligibility and timing. These figures do not include grants received by Superior Court, DJA, and District Court from the Administrative Office of the Courts. Superior Court includes costs for Meydenbauer budgeted in the Facilities Management Division. See Ordinance 19120 [\[LINK\]](#), Ordinance [\[LINK\]](#), Ordinance 19191 [\[LINK\]](#), Ordinance 19265 [\[LINK\]](#), and Ordinance 19289 [\[LINK\]](#).

Table 5: Federal pandemic funding prior to Ordinance 19318

Agency	2020	2021	Total
District Court	\$1,627,810	\$2,644,269	\$4,272,079
DJA	\$437,676	\$1,008,025	\$1,445,701
PAO	\$200,000	\$1,336,992	\$1,536,992
Public Defense	\$0	\$145,021	\$145,021
Superior Court	\$6,198,425	\$5,786,839	\$11,985,264
Total	\$8,463,911	\$10,921,146	\$19,385,057

Ordinance 19318 resources

On July 27, 2021, the King County Council passed Ordinance 19318 amending the original biennial budget, and authorizing reasonable and necessary expenditures necessary to prevent, prepare for, mitigate against, and respond to COVID-19 and incurred due to the COVID-19 public health emergency funding. The ordinance included a total of \$42,460,000 for PAO, DPD, Superior Court, DJA, and District Court.

Some of the resources funded in Ordinance 19318 are a continuation of funding allocated in Ordinance 19289.

The Council appropriated resources as follows:

Table 6: Summary of Ordinance 19318 legal system funding

Agency	Description	Amount
SUPERIOR COURT	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic. Support a total of 4 judicial officers for trials, 2 judicial officers for plea courts, 1 judicial officer for the impending rush of evictions post moratorium, the positions to support the new judicial officers, more jurors, and more interpreters for a larger number of courts, positions to support technology, technology training and usage standardization for new officers, space in Kent for Family Law judges, and important website modifications to provide better communication to the public. This would also add support for family law and pro se litigants including 1 family law commissioner, 1 family law coordinator, and positions to provide additional services in family law facilitators, family court services, contracted dependency CASA attorneys and early resolution case management, and 0.40 TLT equivalent evictions officer in Kent. It would also provide funding to redesign intranet and SharePoint sites for training needs.	\$10,896,000
JUDICIAL ADMINISTRATION	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic. Support additional judicial officers, IT positions to assist with new technology, a position to train new and existing staff on new technology and standardize practice, and customer triage and assistance in navigating new and changed processes to court litigants and domestic violence victims. This would also support	\$3,643,000

Agency	Description	Amount
	the positions needed to support 6 judicial officers for trials and plea court, 1 judicial officer for Ex Parte, and continued family law support. This would also support positions to support the new technology, funding for software for exhibit handling, funding for increasing network capacity/speed on the sixth floor, a trainer to assist with training new and existing staff on new technology and new procedures and processes implemented and customer service staff to assist customers in using new services/methods, including domestic violence victims and a virtual protection order office.	
DISTRICT COURT	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic. Support night courts in Bellevue, Shoreline, and Burien three night per week, hire 6 judicial officers and the support staff, hire TLT jury management staff, process small claims cases, fund the Dispute Resolution Center, offer protection orders in night court, and fund overtime as required by collective bargaining agreements. It would also provide funds to support additional facilities and security costs.	\$4,398,000
PROSECUTING ATTORNEY	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic.	\$12,862,000
PUBLIC DEFENSE	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic.	\$10,661,000

Resources in Ordinance 19318 are available through the end of 2022. Specific uses of funds have changed as agencies developed operational plans to best address the backlog while adhering to ongoing public health restrictions and recommendations.

Resources allocated in Ordinance 19318 are not intended to address ongoing needs in the legal system agencies and are only intended to address backlogs developed during the pandemic.

2023-2024 Executive Proposed Budget

Note: Information on the 2023-2024 budget was not included in previous reports.

Agencies requested \$51 million in resources related to the backlog in the 2023-2024 budget, including \$9.4 million in ongoing permanent resources. Requests included continuation of additional capacity to address backlog cases and support for operational changes, including technology to support remote court, that would be implemented on an ongoing basis.

No new federal funding is available in 2023-2024 and due to the General Fund financial constraints, the Executive Proposed budget does not allocate ongoing General Fund funding for these requests. Only existing CLFR funds were available for requested spending. PSB worked with agencies to estimate underspend of appropriated CLFR funding in 2021-2022 and determined the total available for 2023-2024 was \$22.4 million. PSB allocated these funds based on current agency spending,⁴⁷ as described in the table below. The appropriation will support current activities for roughly one year.

⁴⁷ There are limited exceptions for new programs: for example, the Executive Proposed budget includes funding for a new PAO attorney position to be located on-site at the King County Jail during peak booking hours. As of September 30, 2022, the position had not been filled.

Table 7: 2023-2024 Executive Proposed CLFR Budget

	CLFR Allocated	Requested
DPD	6,264,883	14,568,373 ⁴⁸
PAO	6,846,800	16,170,443
Superior Court	5,496,268	13,238,597
DJA	2,370,801	5,046,526
District Court	1,379,903 ⁴⁹	2,175,982

As of September 30, 2022, the Executive Proposed budget has been transmitted to Council, but Council has not yet adopted a 2023-2024 budget.

Report methodology

The Office of Performance, Strategy and Budget (PSB) coordinated with PAO, DPD, Superior Court, DJA, and District Court to gather data on backlog cases and resources expended through September 30, 2022, and to report on status and challenges addressing the backlog.

This report provides a progress update on the legal system backlog, defined in the first report as: Excess pending cases above pre-pandemic levels affecting PAO, DPD, Superior Court, DJA, and District Court operations. The backlog measures:

1. Assess progress in working through the pandemic-related backlog of cases
2. Monitor potential increases in case-types that currently did not have backlogs as of October 30, 2021
3. Assess progress on new eviction cases filed after the end of eviction moratoriums

Information on positions hired, appropriation expended, and challenges and barriers to addressing the backlog provides context for future decisions on resources to address the backlog.

DJA, District Court, Superior Court and PAO provided case measures, staffing and appropriation expended data, and narrative descriptions of barriers and challenges. PSB compiled and synthesized information. All the above agencies provided feedback and review of the report contents. The Department of Adult and Juvenile Detention (DAJD) reviewed and provided feedback on information related to DAJD staffing.

Much of the content in the current report is the same as Report 1 and Report 2. All quantitative data has been updated as of September 30, 2022, and other sections have been updated to reflect current conditions as of September 30, 2022. Substantial revisions and updates are noted.

⁴⁸ Requested amount includes full biennium for base budget FTEs funded by CLFR in the 2021-2022 budget. Those FTEs will be supported by the General Fund when CLFR funding ends.

⁴⁹ Allocated amount includes the full amount requested to support extra calendars (6 months).

Report Requirements

A. Positions supported by Ordinance 19318

A. A list of positions supported by this ordinance (Ordinance 19318) for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court, by job type, the number of those positions that are vacant and the hire dates for all filled positions in the period covered by the report and the total since the July 27, 2021,

As of September 30, agencies have a total of 173 filled positions and 33 vacancies that are currently funded by Ordinance 19318 or will be funded by Ordinance 19318 when other federal revenue-backed appropriation is used up. Despite the hiring and retention challenges described in section E, PAO has 20 more filled positions and DPD has 21 more filled positions than at the end of Q1 2022. Some of this increase is a change in how funds are allocated.

Table 8: Summary of COVID 8 Positions

Agency	March 31, 2022		September 30, 2022	
	Total filled positions	Total vacant positions	Total filled positions	Total vacant positions
District Court	10	3	9	4
DJA ⁵⁰	25	3	21	8
DPD	15	30	36	13
Superior Court	36	10	38	8
PAO	49	21	69	0
Total	135	67	173	33

Agencies employ differing strategies in type and funding structure for these staff. Most positions are Term Limited Temporary (TLT) positions. In DPD, Ordinance 19318 funding reversed a planned FTE reduction, so many of the positions are FTEs. Many of the PAO positions are also FTEs. Sixteen of the 30 PAO FTE positions are on special duty and are expected to return to their regular positions, while 15 are expected to move into vacant FTE positions funded in the regular budget when the federally funded appropriation expires. In DJA, positions that were initially funded in Ordinance 19289 have continued to be billed to that appropriation but will be supported by Ordinance 19318 when previous funding runs out.

Some positions have been filled intermittently, as agencies have experienced challenges with retention and employees hired in temporary positions have moved on to permanent positions. Agencies are also hiring for regular vacant positions open through normal attrition and those currently employed in CLFR TLT positions are typically competitive for those FTE openings.

⁵⁰ Includes 9 filled positions currently funded by Ordinance 19289. Some recently vacated positions expected to be filled quickly are reported as filled.

B. Appropriation expended as of September 30, 2022

B. How much of the appropriation for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court this ordinance (Ordinance 19318) has been expended as of the final day of the reporting period and the total since the July 27, 2021,

Agencies spent a total of \$15,238,491 as of September 30, 2022, or 36 percent of the total amount appropriated in Ordinance 19318. Agencies have employed slightly different strategies in filling vacancies and variable challenges with recruitment and retention, leading to different rates of spending. Most funds are going towards temporary staff and agencies have generally increased spending in recent months as more staff are hired. Some agencies are also still using funds appropriated in Ordinance 19289.

Table 9: Appropriation expended as of September 30, 2022

Agency	Expended through 9/30/22	Percent of appropriated amount
District Court	\$850,733	19%
DJA	\$1,125,337	31%
PAO	\$3,984,069	31%
DPD	\$3,798,030	36%
Superior Court	\$5,480,322	50%
Total	\$15,238,491	36%

Backlog cases as of September 30, 2022

Pandemic-related legal system backlog is defined as:⁵¹

Excess pending cases above pre-pandemic levels affecting PAO, DPD, DJA, Superior Court, and District Court operations

Each agency's workload is driven by different case types and cases at different stages in the legal system. For the purposes of tracking progress towards resolving current pending cases and avoiding delays in resolving new cases, this report provides measures of pending case volume (both filed cases and unfiled criminal cases referred to the PAO) and volume of resolutions. The backlog measures assess the rate at which current legal system operations are resolving cases and whether there are changes in total backlog volume. Superior Court backlog is compared to a reference period of pre-pandemic volume. District Court has more limited data retention and reporting policies and capabilities. Backlog tracking and reporting for those cases does not include a baseline comparison, except for unfiled criminal cases, as reported by PAO.

⁵¹ This definition is used for the purposes of this and subsequent reports, specifically in the context of the COVID-19 pandemic. Legal agencies use the term "backlog" in different ways. DJA and Superior Court only use "backlog" in the context of criminal cases.

As described in the background section, many factors contribute to case backlogs. This report does not attempt to identify the specific causes for delays in processing individual cases nor to determine the extent that each factor contributes to backlogs. Similarly, resources allocated in Ordinance 19318 are intended to result in increased resolutions and reductions in pending backlog and to prevent new backlogs in other case types, but other factors unrelated to new resources also influence the number of resolutions and pending cases. These include policy and operational changes, trends in civil filings and law enforcement referrals, and continued public health-related recommendations and restrictions.

Significant progress has been made on several backlog measures since September 2021. However, continued pandemic-related challenges and other barriers have prevented progress in other areas. In particular, the backlog in the most serious felony cases remains high.

C. Superior Court case pandemic-related backlog measures⁵²

C. For superior court cases, the number of backlog cases as defined in the first report, and the number of backlog cases resolved, by charge and type of resolution,

Superior Court's pandemic-related case backlog is the number of pending cases filed in Superior Court exceeding pre-pandemic volume. All active cases,⁵³ regardless of filing date, are counted from the time of filing to the time of reporting. The pre-pandemic reference period is 2019 (average of four quarters).⁵⁴

In addition to filed cases, the total criminal felony backlog also includes unfiled felony referrals from law enforcement awaiting PAO filing decision. Unfiled criminal backlog is reported separately from filed backlog. While there may be delays in civil filings related to the pandemic, unfiled civil cases are generally not handled by King County legal system agencies. Unfiled civil backlog is not reported.

At the request of Council, this report also provides serious felonies backlog measures separately.⁵⁵ These are homicides, sex crimes, robbery 1, and assault 1 and 2. The PAO prioritized these most serious cases for filing, so unfiled backlog is not reported.

Filed criminal felony cases reflect workload for PAO, DPD, DJA, and Superior Court. Cases are added to the pending total when the PAO files charges or when a case on warrant status becomes active. Unfiled cases reflect workload for the PAO and are counted when a case is referred to the PAO by law enforcement. While most defendants are represented by DPD attorneys, the PAO estimates ten to 35

⁵² Includes adult felony referrals and adult criminal and civil filed in Superior Court. Does not include expedited felonies addressed in District Court.

⁵³ Cases are active if they do not have a disposition and they are not in an inactive status (for example on warrant).

⁵⁴ The pre-pandemic reference period is not intended to represent an ideal number of pending cases.

⁵⁵ At the 2/23/22 Budget and Fiscal Management Committee, Council requested separate reporting on Class A felonies. DJA does not have the ability to track the category of Class A felonies, but does report regularly on the most serious felonies (homicides, sex crimes, robbery 1, assault 1, and assault 2). These are the cases that require the most resources to adjudicate and statistics can be compared to overall Superior Court criminal cases. This report includes separate measures on these most serious felonies. See Appendix C for specific homicide and sex crime offenses.

percent of cases are represented by private attorneys.⁵⁶ Criminal backlog numbers do not disaggregate private counsel cases. Most civil cases reflect workload in Superior Court and DJA only.⁵⁷ PAO reports statistics for specific criminal case types on its publicly available data dashboard with a comparison to pre-pandemic averages using slightly different calculations than Superior Court statistics.⁵⁸

The below tables include quarterly values from Q2 2021 through Q3 2021 (September 30, 2022).

Monthly evictions (unlawful detainer) case filings are reported beginning January 2020. Trends in these cases are assessed relative to the end of state and local eviction moratoriums and other restrictions.⁵⁹ Unlawful detainer filings are higher in 2022 than in 2020 and 2021 but remain lower than pre-pandemic volume. Pending unlawful detainer cases exceed pre-pandemic levels due to challenges described in section E.

Superior Court cases backlog measures:

1. **Active pending caseload,**⁶⁰ by case type, reported by quarter, compared to pre-pandemic volume

As shown in Table 10, most civil cases are at or below pre-pandemic levels and do not have a backlog. These cases have generally proceeded remotely, even when pandemic conditions slowed criminal resolutions. Some civil case types have increased since the last report to Council, such as Guardianship. Juvenile cases do not have a pandemic-related backlog.

While substantial progress has been made on the criminal backlog since funding was appropriated and since the last report to Council, there was little change in the number of pending cases between the end of Q2 and the end of Q3.

While the number of resolutions and new filings did not change substantially between Q1 and Q3 2022, an additional factor in the total active pending caseload is cases coming off and going on warrant status. Cases are not counted as part of the pending backlog if they are on warrant status. CrR 3.4 and the temporary suspension of warrant issuance changed patterns of warrant issuance. Pre-pandemic about 75% of cases on warrant status were returned to active status

⁵⁶ Parity between the Prosecuting Attorney's Office and the Department of Public Defense Proviso Response, 2019 [\[LINK\]](#).

⁵⁷ Parentage and Involuntary Treatment Act cases are civil cases and DPD and PAO attorneys staff those case types.

⁵⁸ PAO Data Dashboard [\[LINK\]](#).

⁵⁹ While the statewide eviction moratorium ended on June 30, 2021, on September 21, Jay Inslee extended the state eviction moratorium "bridge" through October 31, 2021 (Emergency Proclamation by the Governor Amending Proclamations 20-05 and 21-09: 21-09.01 Tenancy Preservation – A Bridge to E2SSb5160 [\[LINK\]](#)) and Mayor Jenny Durkan extended the City of Seattle's moratorium on residential, small business, and non-profit commercial tenants through January 15, 2022 (Executive Order 2021-07:COVID Civil Extension of City Closures and Relief Measures [\[LINK\]](#)). Mayor Bruce Harrell extended the Seattle moratorium through February 28 [\[LINK\]](#).

⁶⁰ Filed cases. Data as reported in Table 4 of the King County Superior Court Quarterly Statistical Reports. Full statistics available on the DJA website [\[LINK\]](#). Note that PAO also reports open pending cases on its data dashboard [\[LINK\]](#). Those numbers differ slightly from DJA numbers due to slightly different criteria used to define open cases.

within about 15 weeks.⁶¹ While current return rates may be different, a substantial number of cases that are currently on warrant status will return to active status.

Progress on the most serious felonies is particularly slow. These cases require the most system resources to resolve.

Table 10: Superior Court active pending caseload

Reporting Category	2019 Average	Q3 2021	Q4 2021	Q1 2022	Q2 2022	Q3 2022	Q3 2022 Difference in Pending from 2019
Total ⁶²	22,869	21,128	19,567	19,610	19,276	19,684	-3,185
Criminal ⁶³	3,435	5,510	4,849	4,808	4,248	4,222	787
Most Serious Felonies ⁶⁴	948	1,532	1,478	1,501	1,407	1,405	457
Civil	8,674	6,974	6,234	6,164	6,270	6,563	-2,111
Domestic	4,477	4,526	4,317	4,270	4,294	4,359	-118
Probate	1,237	1,285	1,339	1,355	1,216	1,302	65
Guardianship	388	491	505	348	474	492	104
Adoption	196	269	260	272	234	265	69
Parentage	248	258	255	231	190	210	-38
Involuntary Treatment Act ⁶⁵	235	428	535	633	337	405	170
Juvenile Dependency	563	249	241	279	260	283	-280
Juvenile Termination	257	278	248	224	232	241	-16
Other Juvenile ⁶⁶	109	109	120	102	125	127	18
Juvenile Truancy	2,306	361	307	625	1,077	900	-1,406
Juvenile Offender	570	319	286	233	256	256	-314
Unlawful detainer (evictions) ⁶⁷	461	505	496	571	699	836	375

⁶¹ 6/21/21 memo prepared by Claus Portner, Seattle University, for PAO.

⁶² Includes RALJ (appeals cases).

⁶³ Includes RALJ (appeals cases).

⁶⁴ Homicides, sex crimes, robbery 1, assault 2 and 2. Also included in criminal. See appendix C for a full list of homicide and sex offenses.

⁶⁵ Civil commitment.

⁶⁶ Juvenile At Risk Youth, Child in Need of Services, others.

⁶⁷ Also included in Civil.

2. **Number of cases resolved and resolution category,**⁶⁸ by case type, reported by quarter, compared to pre-pandemic volume

While criminal resolutions approached pre-pandemic volume in fourth quarter 2021, resolutions were lower in the first quarter of 2022, reflecting delays associated with the Omicron surge, and rebounded only somewhat in Q2 and Q3. Resolutions for the most serious felonies have remained substantially below pre-pandemic levels. Resolution volume for the most serious felonies was about 30 percent lower in the third quarter of 2022 than in 2019. Resolution data for all case types is available on the DJA website.⁶⁹

A lower proportion of cases was resolved through guilty pleas in recent quarters, compared to 2019 resolutions. Many of the challenges and barriers described in section E contribute to the lower proportion of guilty pleas. More cases were dismissed in 2021 and 2022 than in 2019, primarily due to dismissal of active pending possession drug cases as a result of the Blake decision. Dismissals also include Blake cases removed from warrant status. Those dismissals do not reduce pending caseload volume.

Table 11: Superior Court criminal cases resolved and resolution category

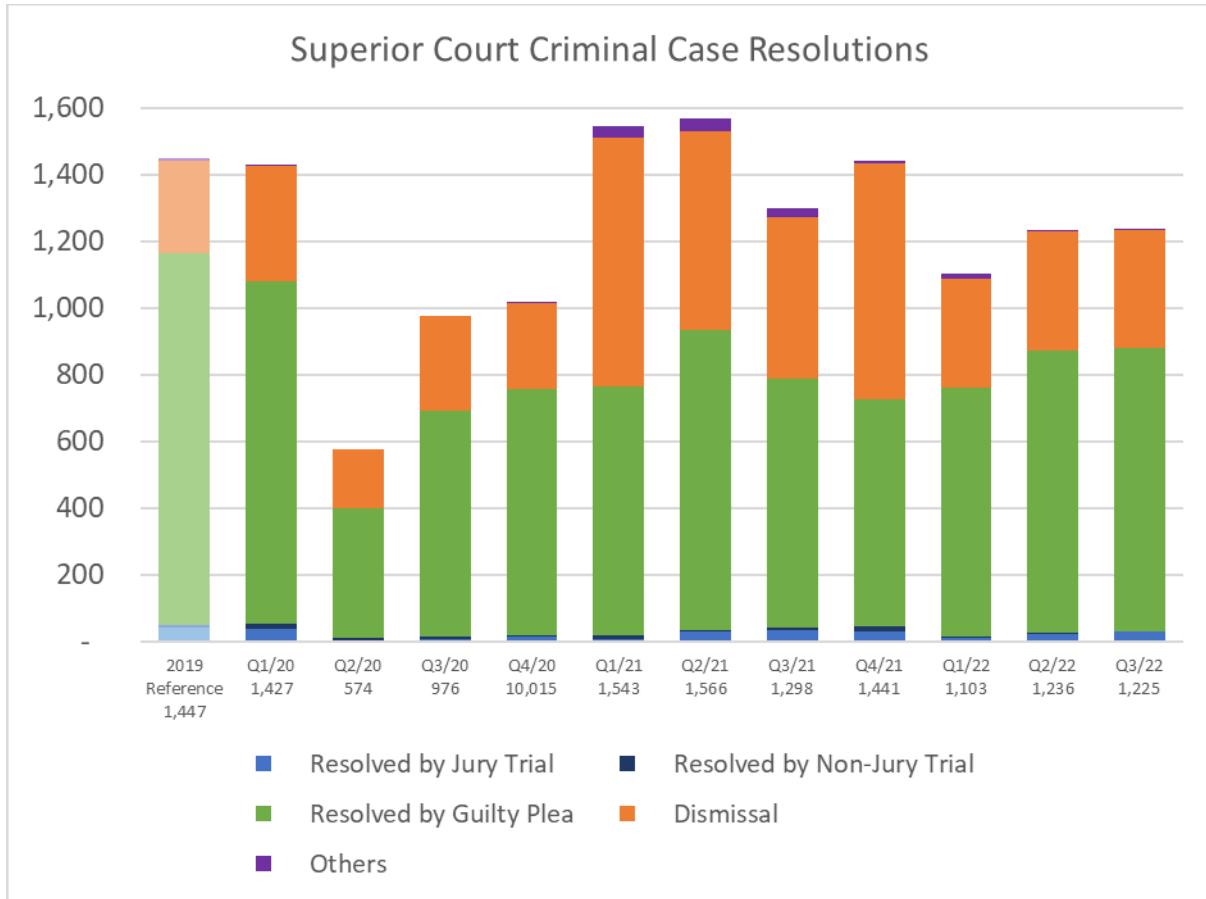
Reporting Category	2019 Average	Q3	Q4	Q1	Q2	Q3
		2021	2021	2022	2022	2022
Total Resolutions	12,945	11,619	10,755	10,300	10,916	10,756
Criminal Total Resolved	1,447	1,298	1,441	1,103	1,236	1,225
<i>Resolved by Jury Trial</i>	3.0%	2.5%	2.2%	1.1%	1.9%	2.3%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.6%	1.0%	0.2%	0.3%	0.1%
<i>Resolved by Guilty Plea</i>	77.1%	57.6%	47.1%	67.5%	68.3%	68.7%
<i>Dismissal</i>	19.1%	37.4%	49.3%	29.7%	29.0%	28.8%
<i>Others</i>	0.5%	1.9%	0.5%	1.5%	0.4%	0.2%
Most Serious Felonies ⁷⁰	365	207	232	290	246	250
<i>Resolved by Jury Trial</i>	6.4%	7.7%	3.0%	6.9%	6.5%	7.6%
<i>Resolved by Non-Jury Trial</i>	0.1%	1.0%	0.0%	0.0%	0.4%	0.0%
<i>Resolved by Guilty Plea</i>	78.9%	71.5%	81.5%	79.0%	77.6%	75.6%
<i>Dismissal</i>	14.0%	19.3%	13.8%	12.8%	15.0%	16.8%
<i>Others</i>	0.6%	0.5%	1.7%	1.4%	0.4%	0.0%

⁶⁸ Data as reported in Table 2 of the King County Superior Court Quarterly Statistical Reports. Full statistics available on the DJA website [\[LINK\]](#).

⁶⁹ [\[LINK\]](#)

⁷⁰ Homicides, Sex crimes, Robbery 1, Assault 1 and 2, also included in Criminal, above.

Figure 1: Superior Court criminal case resolutions



3. Unlawful detainer cases filed

Evictions are formally known as Unlawful Detainer matters in the court system. These matters were restricted from being filed by federal, state, and local moratoriums during the pandemic. The below table shows the monthly number of new unlawful detainer cases filed compared to pre-pandemic monthly filing averages. Residential eviction cases increased sharply in early 2022 as moratoriums and other protections expire and appear to have stabilized in recent months are roughly 60% of pre-pandemic volume. Commercial evictions are similar to pre-pandemic levels.

Table 12: Unlawful detainer cases filed⁷¹

Monthly filings	2019 Average	2021				2022								
		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Total	385	80	63	62	76	111	109	139	140	169	245	263	252	217
Commercial	15	8	14	3	8	7	7	18	17	11	19	12	21	10
Residential	370	72	49	59	68	104	102	121	123	158	226	251	231	207

See appendix A for historical monthly unlawful detainer filings.

⁷¹ Source: DJA.

4. **Total number of pending unfiled felony cases referred to PAO,**⁷² reported by quarter, compared to pre-pandemic volume.

This measure captures cases referred by law enforcement to the PAO, prior to filing or filing decision. Until a case is filed, there is no workload for DPD, DJA, or Superior Court.

Table 13: Unfiled felony cases

	2019 Average	Q3 2021	Q4 2021	Q1 2022	Q2 2022	Q3 2022	Difference in Pending from 2019
Pending Unfiled Criminal Cases	1,800	2,700	2,720	2,630	2,434	2,185 ⁷³	385

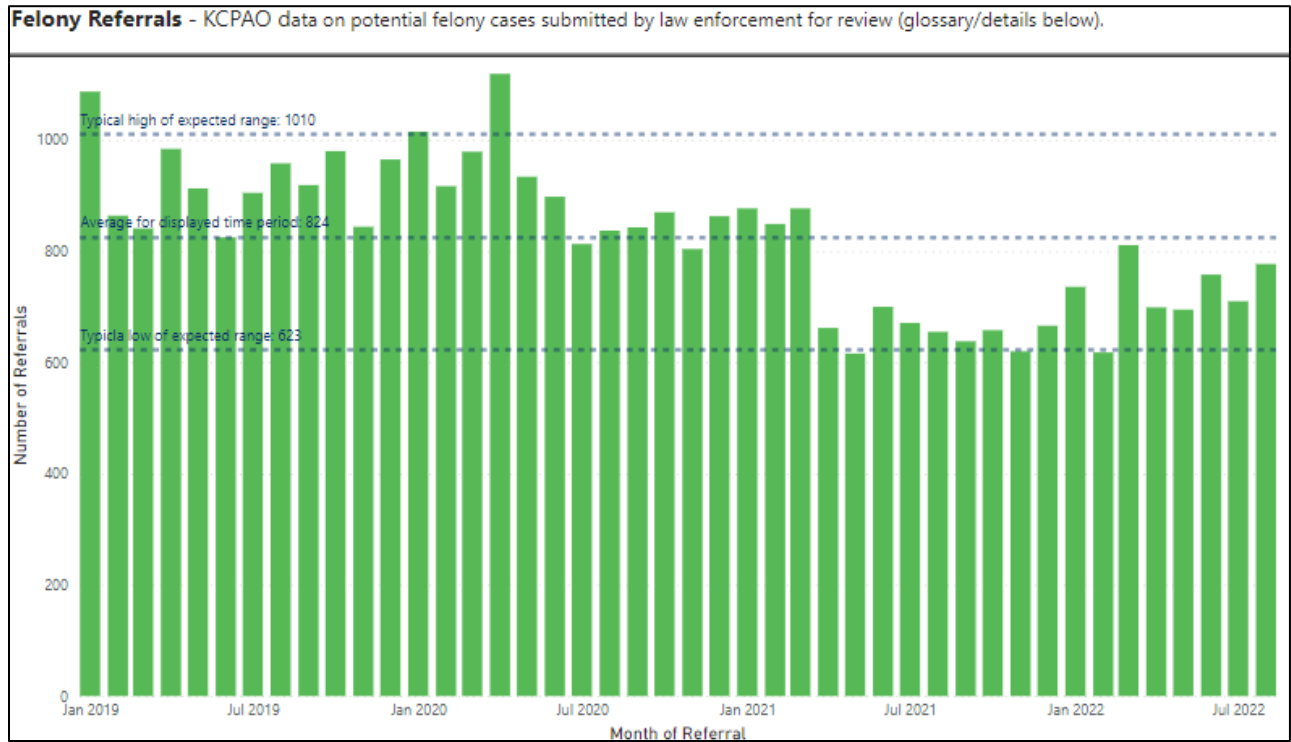
While total filed and unfiled felony backlog cases declined between the end of Q3 2021 (2,975 cases exceeding pre-pandemic levels) and the end of Q4 2021 (2,203 cases exceeding pre-pandemic levels), effects of the Omicron variant surge and other challenges described below in section E prevented substantial progress in early 2022 (see Figure 3). Since the previous report was submitted to Council, reductions in the number of unfiled felonies have accelerated. As of September 30, 2022, the unfiled backlog was 385. However, in addition to the 2,185 unfiled pending cases, there are another 200 felony cases that are ready to file that are awaiting space on the arraignment calendar.

The number of new referrals from law enforcement contribute to the unfiled backlog. Referrals from law enforcement for all felony cases dropped in April 2021. The PAO has been tracking this drop and attributes about 50 percent of the decrease in referrals to the Blake decision by the Washington Supreme Court. The other 50 percent of the decrease is mostly attributable to a drop in economic and property crime referrals. The PAO suspects that this may be due to law enforcement staffing issues and the prioritization of violent offenses. However, March 2022 referrals approached historical averages and monthly referral volume has been slightly higher April-August 2022 than in the preceding months (see Figure 2).

⁷² Source: PAO. PAO reports that unfiled felonies were high in 2019 due to other factors.

⁷³ Does not include 200 cases that are ready to file and are awaiting space on the arraignment calendar.

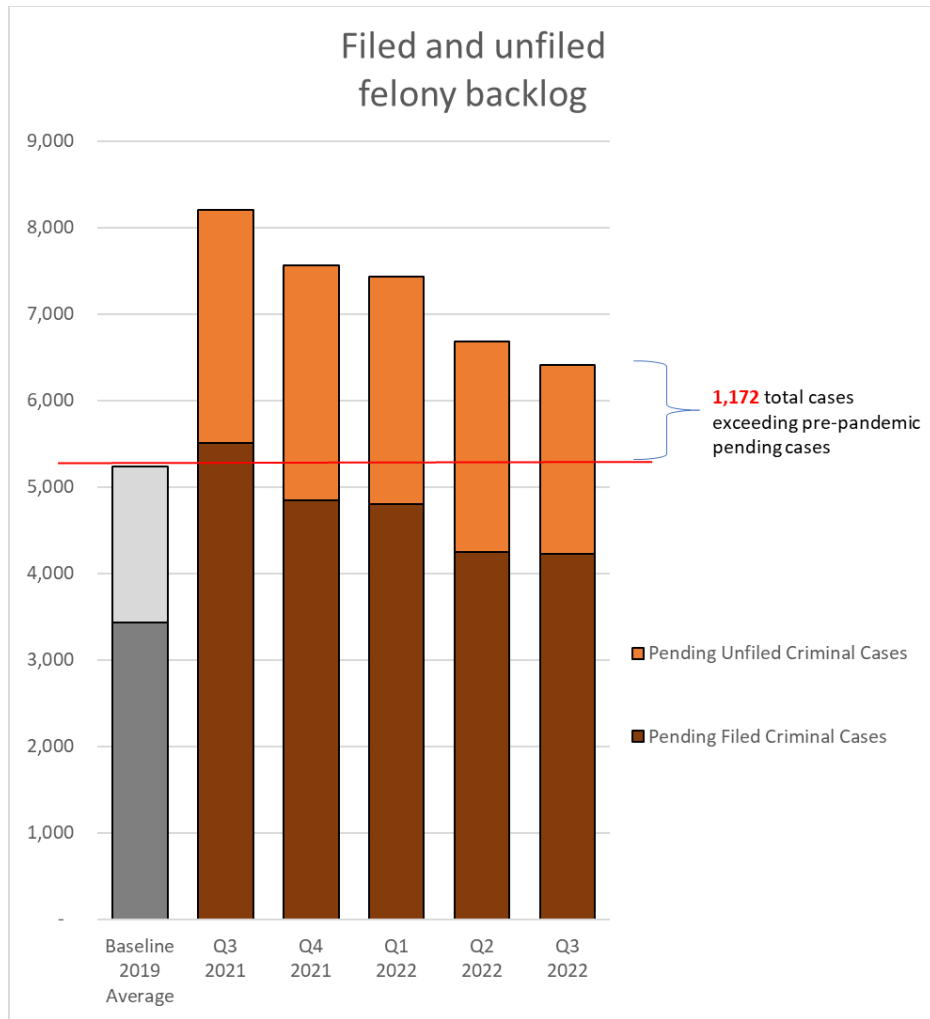
Figure 2: Felony referrals from law enforcement⁷⁴



Summary of total felony backlog: Total pending felony cases including filed and unfiled cases have declined to 6,682 or 1,172 above the 2019 average (see Figure 3). Most of the decline in Q3 was in unfiled cases.

⁷⁴ Source: PAO Data Dashboard. [\[LINK\]](#).

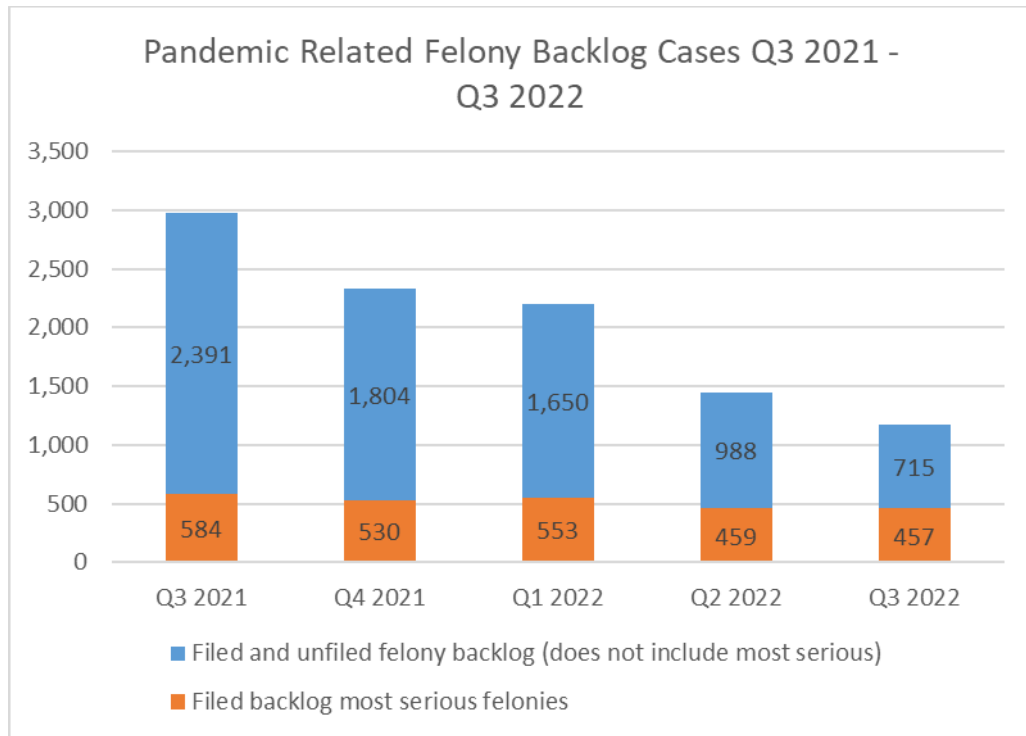
Figure 3: Superior Court filed and unfiled felony backlog⁷⁵



If the total pandemic-related backlog was resolved at the average rate in the last year, it would take less than a year to return to pre-pandemic levels of pending cases. However, some of the progress is due to changes in warrant status patterns, and progress on the most serious felonies backlog has been much slower (see Figure 4.) If the most serious cases were removed from the backlog at the average rate from the last year, returning to 2019 levels of pending most serious cases would take over 3.5 years. However, the pandemic related backlog of the most serious cases only decreased by two in Q3. If that more recent pace continues, there is no clear timeline for fully addressing the most serious felony backlog. As shown in Figure 4, the most serious cases make up an increasing share of the remaining felony backlog.

⁷⁵ Source: Filed cases – DJA. Unfiled cases – PAO.

Figure 4: Pandemic Related Felony Backlog Cases⁷⁶



D. District Court case pandemic-related backlog measures⁷⁷

D. For district court cases, the number of backlog cases as defined in the first report, and the number of backlog cases processed and removed from the system, and

Due to data limitations and case complexity,⁷⁸ District Court reports it cannot provide complete data on all backlogged cases and most backlog measures cannot be quantitatively compared to pre-pandemic volume. Infraction and small claims cases filed during the pandemic that are on hold are considered pandemic-related backlogged cases, as are the number of civil trials awaiting scheduling. PAO provides numbers of unfiled District Court criminal cases and comparison to pre-pandemic unfiled cases is also provided.

District Court cases are typically addressed within a few months, so considering only cases filed during the pandemic provides insight into the Court’s progress resolving delayed cases even without pre-pandemic volume comparisons. While case resolution typically occurs within a short period of time, District Court manages probation and retains jurisdiction for cases after resolution and end dates are not clearly defined.

⁷⁶ Source: PAO

⁷⁷ District Court cases also include expedited felonies.

⁷⁸ Challenges to reporting total backlog numbers include case management system constraints, as well as operational practices that differ from judge to judge.

Substantial progress was made between March 31 and September 30, 2022 in resolving District Court backlogs. District Court anticipates backlogs will be fully addressed by mid-2023.

PAO unfiled misdemeanor cases have grown, as the PAO continues to prioritize serious felony cases. The statute of limitations for misdemeanor cases is one year and for gross misdemeanors, two years. This limits the size of the District Court criminal backlog. Cases affected by the statute of limitations are included in PAO's counts of unfiled cases, as they still require processing and review by a PAO attorney.

District Court provided the below data as of September 30, 2022. Q4 2021 and Q2 2022 data are not available, except for PAO estimates of unfiled cases.

District Court cases backlog measures:

1. **Small claims and infractions cases filed between 3/20/2020 and 3/1/2022** (the start date of additional⁷⁹ calendars that were on hold). No small claims cases were heard prior to the start of additional calendars on March 1, 2022.⁸⁰

The infractions backlog is fully resolved and only a small number of small claims cases were on hold as of September 30.

Table 14: District Court small claims and infractions pandemic-related backlog

	Q3 2021	Q1 2022	Q3 2022
Small Claims	2,043	2,519	257
Infractions	4,021	6,924	0

2. **Civil trials awaiting scheduling.** No civil trials were held between 3/20/2020 and 3/1/2022. District Court is addressing these backlogged cases through additional calendars and only 16 are awaiting scheduling as of September 30.

Table 15: District Court civil trials awaiting scheduling

	Pre-pandemic	Q3 2021	Q1 2022	Q3 2022
Civil trials awaiting scheduling	Unavailable	55	40	16

3. **Report of Suspended Failure to Appear (FTA)/ Bench Warrants.** These are criminal cases that were in a suspended status due to restrictions on issuing warrants.⁸¹ As of September 30, 2022, District Court had moved all of these cases out of suspended status.

⁷⁹ The first report to Council referred to "special" calendars. Since these calendars are held during normal court hours, rather than evening hours, this report refers to them as "additional" calendars.

⁸⁰ Cases may have multiple hearings.

⁸¹ The Emergency Orders of the Washington Supreme Court placed restrictions on issuing warrants for defendants that did not appear for hearings. As of October 30, 2021, some limitations on warrants remain. These cases must all be reset.

Table 16: Suspended failure to appear warrants

	Pre-pandemic	Q3 2021	Q1 2022	Q3 2022
FTA Report	Unavailable	3,823	77	0

4. **PAO unfiled backlog.** Cases under PAO review that have not been filed. Data from the PAO. Unfiled cases continue to grow. As of September 30, 2022 there were over 3,600 pandemic backlog cases, as PAO has continued to prioritize felonies for filing. As noted above, these include cases that will be declined due to exceeding the statute of limitations for filing. The PAO estimates about 410 of the current pending cases will need to be declined due to statute of limitations.

Table 17: Unfiled misdemeanors

	2019 Average	Q3 2021	Q4 2021	Q1 2022	Q2 2022	Q3 2022	Difference from pre- pandemic
Unfiled District Court PAO Backlog ⁸²	830	3,000	3,700	4,000	4,100	4,500	3,670

E. Barriers and system challenges to addressing the backlog or addressing new convictions

E. The identification and discussion of barriers or system challenges to addressing the backlog or addressing new evictions. The barriers and system challenges could be general or specific to a certain case type.

Challenges and barriers to address the backlog are interrelated, key categories are:

- staffing and scheduling challenges,
- continued direct and indirect impacts of the pandemic,
- the difficulties posed by the need to address backlogged criminal cases, including higher levels of serious violent crime compared to pre-pandemic,⁸³
- challenges to addressing eviction cases,
- and particular barriers and challenges in District Court.

This section has been updated from the May report, in collaboration with all agencies involved. Most of the challenges and barriers described in the May report remain. Additional issues and updated explanation are included below.

Staffing and scheduling challenges

All agencies report challenges with recruiting and retaining qualified applicants, particularly for temporary positions. Agencies cite overall labor market conditions, along with employee concerns related to in-person work in the Seattle downtown core, employee burnout due to working during the

⁸² PAO estimates. Data limitations prevent precise reporting.

⁸³ There is no comprehensive tracking of all crime in King County. The PAO's Shots Fired reports [\[LINK\]](#) and the Seattle Police Department's Dashboard [\[LINK\]](#) provide indicators of increased serious crime.

pandemic, and short time-frame of positions. Limited staff in any agency can lead to challenges with scheduling court activity, slowing down case resolution.

- Labor market constraints:** All agencies are experiencing challenges recruiting and retaining staff due to overall low unemployment rates⁸⁴ and high competition for qualified applicants. For example, DJA notes that increased trials required in-person work and some employees are leaving for jobs where they can work remotely. DPD cites a challenging labor market for public defenders nation-wide.⁸⁵ District Court notes fewer qualified applicants and fewer people accepting jobs. Agencies are also hiring for regular vacancies and despite increased recruitment efforts, hiring has been slow.⁸⁶
- Challenges specific to hiring temporary positions:** Increasingly shorter time frames for TLT positions may exacerbate hiring challenges. As of September 30, funding is only appropriated through December 31, so some agencies are not currently hiring vacant TLTs (District Court) or are posting positions as ending December 31 (Superior Court).⁸⁷ When the 2023-2024 budget is adopted, it will likely extend the timelines for these TLTs, but duration remains limited and will shrink as time goes on. CLFR TLTs are competitive applicants for FTE openings, which are high due to labor market constraints, so turnover among TLT positions is high.

As an example: until around mid-summer, all Superior Court TLT bailiff positions had been filled and most had received complete training. However, as of September 30, 2022, Superior Court reports recent significant turnover in these positions, due, in part, to opportunities for permanent positions at the Court and elsewhere. Some have been hired by judges to take permanent bailiff positions and others have left to take permanent positions outside of the court. There is a substantial investment of time to recruit and hire TLT bailiffs, but the greater investment is in the time needed to fully train them in all bailiff duties and numerous specialty assignments. As of September 30, Superior Court was interviewing to fill two vacant TLT bailiff positions, however, training time will be dependent on their level of experience and the Court's ability to free other staff to perform training.
- Employee Impacts:** Agencies report stress and anxiety of staff, as well as morale issues as a contributor to recruitment and retention issues. Employees have cited the unsafe conditions in downtown Seattle near and around the Courthouse and the elimination of free parking. New staff have quit or transferred to locations outside downtown Seattle or another job where telecommuting is more available. PAO and DPD note employees are experiencing secondary trauma and an increase in burnout.
- Training requirements:** When employees are hired, they often require training and experience to reach full capacity. As noted by District Court, recruitment, hiring, and training also requires existing staff time.

⁸⁴ King County unemployment rate was 3.0% in August 2022. Employment Security Department Monthly Employment Report [[LINK](#)].

⁸⁵ Law360 Report, January, 2022 [[LINK](#)].

⁸⁶ For example, PAO reports that open positions were advertised on LinkedIn and other social media, through Minority Bar Associations, the Washington Association of Prosecuting Attorneys, 10 local law schools, and other areas.

⁸⁷ In early October, PSB provided guidance that it would be reasonable for agencies to assume 2023 funding for hiring purposes.

- Qualified and experienced attorneys for serious felony cases:** A primary constraint to address the serious criminal cases is a shortage of experienced attorneys, particularly experienced trial attorneys. To work on Class A, some Class B, and some sex offense cases, state court rules require public defense attorneys to have specific experience and expertise.⁸⁸ The recent, pandemic related pauses in trials (both locally and nationally) results in a labor pool with relatively limited trial experience. While there are not specific policies or legal requirements on qualifications, PAO also assigns more experienced attorneys to serious and complex cases.

Hiring additional judicial officers or other staff will not alleviate bottlenecks in case processing if there are not enough qualified attorneys. Superior Court reports that the problem is particularly acute for cases at the MRJC in Kent, where two public defense attorneys are often assigned to work on cases. DPD assigns two attorneys on serious or very complex cases to help ensure continuity of representation if one of the attorneys departs or goes on leave, as these serious cases can take years to resolve. DPD may also assign a second attorney to gain the trial experience that will enable them to handle Class A cases per the Standards for Indigent Defense. Despite these efforts, Superior Court reports here are a number of defendants who have had three or four different defense attorneys on their Class A felonies due to departures. Staffing changes can cause delays in the case and result in defendants remaining in custody longer.

Retention of experienced attorney is a challenge. Large numbers of experienced attorneys have recently left PAO, complicating staffing of serious cases. DPD notes that attorneys are carrying many open cases and the workload is contributing to low morale. There is little downtime between trials for PAO, DPD, and court staff working on Superior Court criminal and civil trials, which contributes to burnout.

Lack of experienced attorneys may also be a barrier to successful plea negotiations.

- Department of Adult and Juvenile Detention Vacancies:** High numbers of staff vacancies in DAJD also affects court operations and plea deals. Lack of staff for court detail limits the number of in-custody defendants that can be scheduled for trials. Attorney visitation is unavailable at times due to DAJD staffing constraints, which likely reduces pleas and slows preparation for trials. DAJD is experiencing staff shortages across operations and cannot ensure court detail and visitation functions are fully staffed.⁸⁹ As of September 30, 2022, DAJD was losing staff faster than new hiring occurred, so the staffing challenges continue to worsen.
- Facilities Management Division and Sheriff's Office Vacancies:** District Court initially intended to operate night court hours, but staffing limitations at FMD and the Sheriff's Office, among other barriers, prevented expansion of hours.
- Interpreter availability:** Interpreters who provide services for Superior Court criminal cases are hourly contractors. The increase in trials, a competitive market for interpreters, interpreter reluctance to come to the courthouse due to health and safety reasons, and lack of compliance with vaccine mandates has made scheduling trials requiring interpreters more challenging. DPD also indicates that attorneys have had difficulty locating interpreters to accompany them to the jail to review discovery or explain plea paperwork. Zoom interpretation has not been effective in working with incarcerated clients and has slowed down hearings and hearing preparation. The 2023-2024 Executive proposed budget includes funding to increase contract interpreter pay rates.

⁸⁸ Washington State Standards for Indigent Defense CrR 3.1 [[LINK](#)].

⁸⁹ Information from the Department of Adult and Juvenile Detention (DAJD).

- **Higher volume of trials causing resource constraints in non-trial activities:** As of September 30, 2022, Superior Court is running more than pre-COVID trials per week on average – now typically eight to 10 criminal trials in session in Seattle and seven to eight at the MRJC compared to six to seven per week at the downtown Seattle courthouse and five to six per week at the MRJC. This causes resource issues in other areas because of the increased volume.

Continued effect of the pandemic on operations

Public health concerns related to the pandemic have continued to cause operational challenges since Ordinance 19318 was adopted. As of September 30, 2022, the direct effects of the pandemic have lessened, but operational effects of possible future fall or winter COVID surges continue to be a risk.

- **Omicron trial suspension:** Superior Court criminal trials were suspended from December 28, 2021, to February 11, 2022, due to the Omicron surge in COVID cases, while District Court paused jury trials from December 29 to February 7, 2022.
- **Social distancing measures:** Challenges related to social distancing have abated somewhat since March 2022. Superior Court has relaxed social distancing requirements in jury trials. However, each judicial officer retains the ability to require precautionary measures. In some cases, this creates operational challenges. Some civil judges have permitted in person trials but require distancing and masking. Most often civil attorneys decide to stay remote as a result. DJA no longer limits the number of people waiting in the lobby and most DJA employees are working onsite the majority of the time.
- **Absences for illness and isolation:** Employees absent due to COVID infection or isolation requirements have disrupted operations, including temporary closures in District Court.

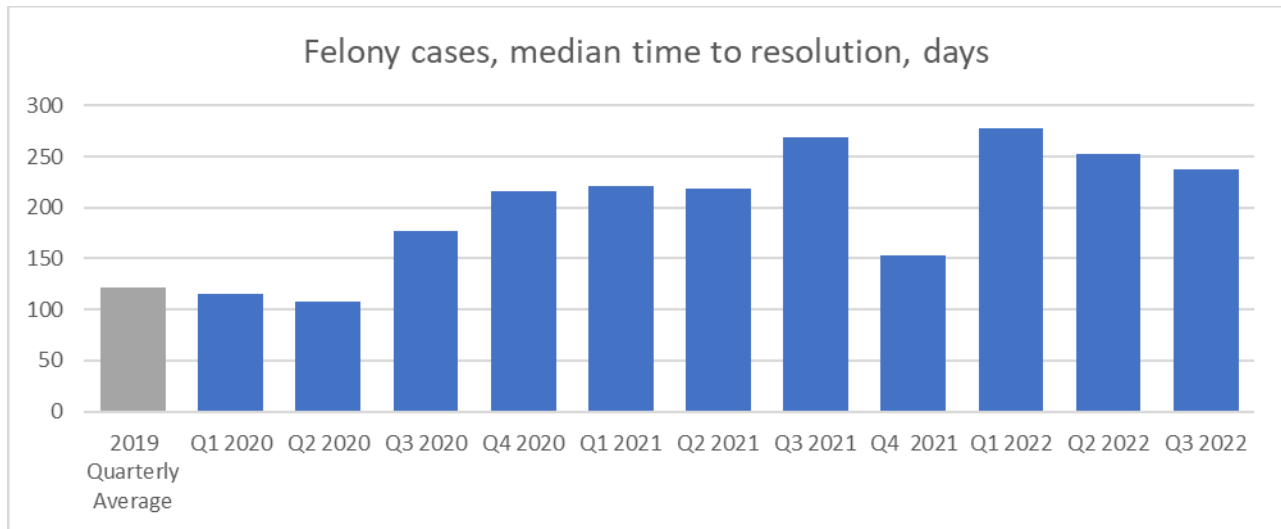
Challenges of addressing backlogged criminal cases in Superior Court

As of September 30, 2022, felony pandemic-related backlogs remained high, particularly for the most serious cases. The most serious cases are more likely to go to trial and take significantly more resources to resolve. Despite additional trial resources, fewer cases are going to trial and fewer trial resolutions are occurring than in 2019.

Median time to resolution for felony cases remains longer than 2019, though time to resolution has decreased over the last year as shown in Figure 5.⁹⁰

⁹⁰ Average time to resolution was affected by dismissals of Blake cases in 2021.

Figure 5: Felony cases median time to resolution, days



The factors described below contribute to longer criminal resolution times and continued felony backlogs.

- **Qualified attorneys for most serious felony cases:** As explained above, the number and experience level of attorneys who work on the most serious cases is a key challenge to resolving the felony backlog.
- **Changes in appearance requirements:** Criminal Rule 3.4⁹¹ changed the requirements for appearing in person for court hearings and the consequences for failure to appear. DPD highlights that this rule change allows people accused of crimes who are out of custody to travel to court less often, reduces the risk of job loss because frequent absences from work to attend court, reduces the risk of failures to appear because of unavailability of time off, childcare, etc., and reduces crowding in the courthouse.

From PAO's perspective, one disadvantage of CrR 3.4 is that PAO attorneys unknowingly continue to work on cases where a defendant is no longer a participating party. Prior to CrR 3.4, an absent defendant would have resulted in a bench warrant and off the court's active caseload early on in the process. It is now common for PAO to expend resources on a case and only determine near the trial date that the defendant has absconded. PAO staff also believe the rule change contributes to lower guilty plea rates. DPD does not consider CrR 3.4 a contributor to lower guilty plea rates.

- **Warrant suspension:** Failure to appear warrants were suspended from March 20, 2020, to February 19, 2021.⁹² Courts can now issue warrants, "exercis(ing) discretion in deciding whether a bench warrant should issue for failure to appear for criminal or juvenile offender court hearings or pretrial supervision meetings, or violations of conditions of release."⁹³ Cases where defendants did not appear must be reset at a later date. Note that the suspension of warrants

⁹¹ Washington State Court Rules [[LINK](#)].

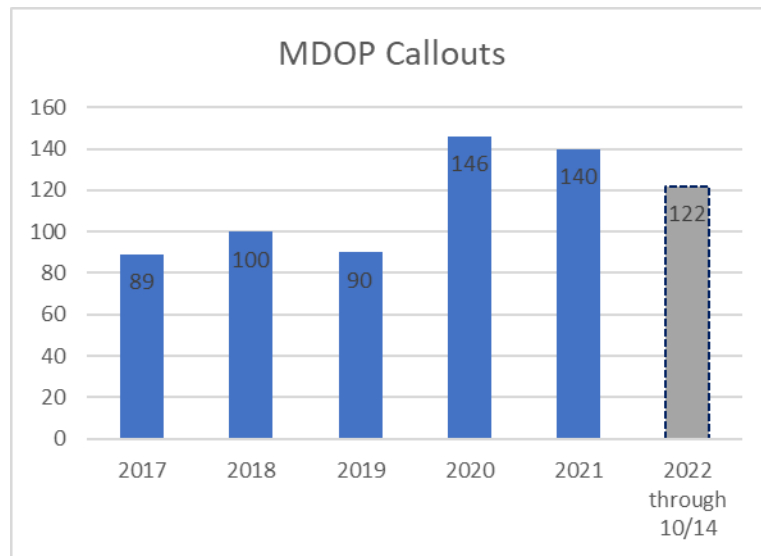
⁹² Washington State Supreme Court Order No. 25700-B607 [[LINK](#)] and Washington State Supreme Court Order No. 25700-B658 [[LINK](#)].

⁹³ Washington State Supreme Court Order No. 25700-B658 [[LINK](#)].

caused cases to remain active and pending that would otherwise have gone into warrant status. Some of the reduction in backlog cases after February 19, 2021 is due to cases going into warrant status, rather than being resolved. Historically, most cases in warrant status return to active status within months.

- **Prioritization of trials leads to limited capacity for newer cases:** DPD reports the need to staff cases going to trial reduces resources available to address new cases, potentially slowing resolution.
- **Remote jury selection is more time intensive:** While there are numerous advantages of remote jury selection, it takes longer than in person selection and slows the pace of trials (two to three days versus one to two days for in person selection) (see Appendix B for detail).
- **Pre-trial resolution constraints:** For Superior Court criminal cases, staffing challenges across the legal system delay pre-trial resolution. Resolutions were reached by plea agreement 77.1% of the time in 2019. In Q3 2022, only 68.7% of resolutions were achieved by pleas. Plea agreements are slower due to the other challenges and barriers described in this section, particularly: fewer defendant court appearances due to Cr3.4, fewer experienced attorneys, and DAJD staffing issues preventing defense attorneys from visiting clients in detention.
- **Workload related to serious violent crime:** While felony filings are lower than pre-pandemic volume, indicators suggest serious violent crime is higher. Violent crime, even when it does not result in arrest or criminal filing, creates additional workload for Senior Deputies in the PAO. The PAO’s Most Dangerous Offender Project (MDOP) team is comprised of Senior Deputies who are available seven days a week, 24 hours a day, to respond to every homicide scene in King County. The responding deputy works as part of an investigation team, which includes the detectives, the medical examiner, and forensic scientists. The deputy responding to the homicide scene assumes immediate responsibility for the prosecution -- preparing search warrants, coordinating the efforts of law enforcement and forensic scientists, and offering legal advice to investigators. This deputy's responsibility includes the charging decision and extends to all subsequent legal proceedings from arraignment through trial to sentencing. MDOP callouts increased sharply in 2020 and have remained much higher than pre-pandemic volume (see Figure 6 below).

Figure 6: Most Dangerous Offender Project Call Outs



The number of warrants requested and issued has also increased, which represents additional workload for PAO, DJA, and the Courts. There were 234 search warrants in PAO's Special Operations Unit processed in 2017 and 638 processed in 2021.⁹⁴ Note that this challenge was not described in the May report.

- **Increased workload due to changes in evidence:** While not related to the pandemic, the review of technology-related evidence (hours of body-worn camera, security, ring cam and cell phone video) has increased in recent years and creates additional workload. Investigative Court Orders such as GPS and cellphone orders have more than doubled since 2017.⁹⁵ Note that this challenge was not included in the May report.
- **DPD assignments exceeding PAO filings due to "covid resets":** For the prior report, DPD described a substantial delta between the number of cases filed by PAO and the number of cases assigned to DPD attorneys, a result of the PAO seeking and the court issuing bench warrants for a substantial number of individuals who had failed to appear during the period of the pandemic when courts were not able to issue bench warrants. While these cases did not appear as "new filings," the cases constituted new assignments to DPD attorneys. This delta has been shrinking over the intervening months, reaching spans as low as 10.

Challenges and barriers to addressing eviction cases

As eviction moratoriums have lifted, increasing numbers of unlawful detainer (eviction) cases have been filed in Superior Court, though monthly filings remain far below pre-pandemic volume. Total pending cases have increased and exceed pre-pandemic levels as of September 30, 2022. Superior Court and DJA report the following challenges in addressing eviction cases, which are largely unchanged from the report submitted to Council in May.

- **Commissioners for unlawful detainers:** Per the state constitution⁹⁶, the Court is only permitted three Commissioners who can hear Unlawful Detainer matters (evictions). While judges may hear unlawful detainer cases, the number of judges assigned to criminal matters has increased in response to the criminal backlog, leaving the remaining judges needed to hear family law matters, child welfare matters, involuntary treatment act matters, and other civil matters, so as not to negatively impact pending caseloads in those areas
- **Additional procedural steps required by SB 5160:** SB 5160⁹⁷ established a right to counsel and corresponding duty of the court to appoint counsel to indigent litigants in eviction proceedings. In such cases courts will be expected to (i) advise the tenant of their right to appointed counsel if they are indigent, and (ii) inquire whether the tenant wishes to be screened for indigency and have counsel appointed. HB 1236 established just-cause eviction requirements such that housing providers must provide a reason to terminate a tenancy under specific time frames. The additional procedural steps inherently extend the time necessarily to fairly administer proceedings.
- **Language and other barriers for litigants:** Most plaintiffs are represented by experienced attorneys, while most respondents are, at least initially, unrepresented. Although they are given notice of available resources in the Summons for Unlawful Detainer, many litigants fail to access

⁹⁴ Data from PAO.

⁹⁵ Data on investigative court orders from PAO Special Operations Unit. 245 orders in 2017 and 529 in 2021.

⁹⁶ Section 33 of Washington State Constitution [\[LINK\]](#).

⁹⁷ Engrossed Second Substitute Senate Bill 5160 [\[LINK\]](#).

services until their hearing. The Court does not have adequate staff resources to provide plain language procedural and substantive legal information for all parties at various stages of their cases (in a variety of languages). Most materials are in English and may not be accessible to litigants with disabilities. Moreover, remote (Zoom) hearings create an inherent barrier to access for litigants who are not “technology literate”, thereby exacerbating delay and potentially creating the need for additional court events.

- **Insufficient staffing on unlawful detainer cases:** Best practices recommend courts utilize case management to prescreen each case file for issues such as: whether there has been adequate service, an answer on file, whether a continuance has been requested, whether there has been an action between the parties filed in a different county. The court is unable to conduct this type of intensive review without staff support to research and prepare necessary materials. Many times, judicial officers must review materials during the hearing, which results in delay and limits the number of cases that can be heard on each docket. In addition, there are staffing issues related to insufficient support for the additional tasks associated with conducting remote hearings and staffing needs will only increase with the return of in-person matters coupled with continuation of virtual proceedings.
- **Space constraints:** The court is currently experiencing higher numbers calendared at the MRJC than the Seattle Courthouse due to Seattle's lengthier moratorium on evictions. Physical space limits expansion at the MRJC facility.
- **DJA staff constraints:** DJA has many touchpoints with unlawful detainers, including docketing, receipting, calendaring, and Ex Parte via the Clerk (EPVC) submissions. Increased cases have strained capacity.

District Court challenges and barriers

While District Court anticipates backlogs will be addressed by mid-2023, specific challenges for resolving District Court cases include:

- **Dispute Resolution’s Center (DRC) contract re-negotiation:** The DRC’s contract had to be re-negotiated with Procurement to incorporate federal contract language. This process slowed the court’s ability to begin having DRC mediate cases until the contract was completed. DRC is now mediating cases and has its own barriers to hiring qualified individuals to mediate cases and are unable to expand its resources currently slowing the courts ability to move cases. DRC is also working through challenges of conducting operations remotely. This has significantly impacted the court addressing the small claims backlog.
- **Small claims service⁹⁸ issues on older cases:** The judge must work through issues relating to serving notice in small claims cases due to the age of the case with the party that is present. Service issues lead to continuing the case and setting the case on a future calendar for the party to address service. As of September 30, 2022, most of the small claims backlog have been addressed.
- **Civil procedures:** The court had delays setting up internal civil procedures related to jury suspension with the Omicron surge and parties indicating they were not comfortable reporting in person for trials. Additionally, the court needed to re-work the orders and processes for handling civil jury trials. This delayed the start of processing civil jury backlog. The court has worked through those delays and scheduling began July 2022.

⁹⁸ Service is the process of ensuring the defendant received notification regarding the small claims case.

- **PAO criminal filings delays:** The PAO is prioritizing serious felony crimes and the unfiled criminal backlog continues to grow. These cases are not yet being filed in District Court. Some of these cases will be declined due to statute of limitations.
- **District Court remote hearing time requirements:** District Court reports remote hearings take more time and limit the number of cases that can be heard on any scheduled calendar.⁹⁹ Staff need to work with participants on technical issues and interpreters cannot use simultaneous interpretation, slowing down proceedings that require interpretation.
- **State Crime Lab backlogs:** PAO reports that many District Court cases rely on evidence from the State Patrol Crime Lab, such as DUI cases. There is a months-long wait to get those results from the state lab, leading to delays outside of the control of King County agencies.

Next Actions

As of September 30, 2022, DJA, DPD, PAO, Superior Court and District Court have increased capacity to address backlogged cases with resources appropriated in Ordinance 19318. Substantial progress has been made on addressing the overall backlog and District Court anticipates their backlog will be addressed by mid-2023. However, continuing pandemic-related public health concerns and restrictions; challenges with recruitment, hiring, and retention; and high violent crime rates have resulted in continued felony backlogs and slower resolutions. In particular, the backlog for the most serious felonies remains high. These serious cases more frequently go to trial and require disproportionate resources to resolve. A timeline to return to pre-pandemic volume of pending most serious cases is unclear under current conditions.

The 2023-2024 Executive Proposed budget includes \$22.4 million in reappropriations of CLFR funding to address the backlog and to increase access to justice. This appropriation funds roughly one year of services and about half of the resources requested by agencies. Resolving the backlog depends on a number of factors, some of which are outside the control of the legal system agencies.

In fall 2022, the Executive's Office will lead an effort, in collaboration with Superior Court, DJA, PAO, and DPD, to identify ways to further reduce the backlog of Superior Court criminal cases.

The COVID-19 pandemic resulted in unprecedented operational challenges and backlogs in the legal system. When funding was appropriated in Ordinance 19318, it was expected that agencies would soon transition to post-pandemic operations to address backlogs. Subsequent COVID-19 surges prevented rapid return to pre-pandemic operations. As of September 30, 2022, COVID-19 cases are low, however, the pandemic continues, along with numerous other challenges and barriers to addressing cases. Agencies are using temporary resources allocated in Ordinance 19318 to reduce the number of pending cases in the legal system, reduce pandemic-related delays, and provide access to justice to King County residents.

Alleviating delays in the legal system during and after the COVID-19 pandemic with temporary federal resources is consistent with the County's Strategic Plan goal of efficient, accountable regional and local government. It aligns with King County's priorities for allocation of federal and state COVID-19 funds, as adopted by the King County Council in Motion 15816:

⁹⁹ A National Center for State Courts study found remote hearings take 34% longer than in-person hearings [[LINK](#)].

The judicial system. In-person access to the judicial system has been limited due to social distancing requiring an increase in conducting businesses virtually. Such practices restrict the courts' ability to effectively administer cases and have exacerbated inequities in accessing the judicial system, particularly for residents with limited digital access and proficiency, disabilities and limited English proficiency. Providing support for equitable access to the judicial system and ensuring the justice system can operate fairly and equitably should be prioritized.¹⁰⁰

¹⁰⁰ MOTION 15816 [[LINK](#)].

Appendices

Appendix A: Monthly unlawful detainer cases

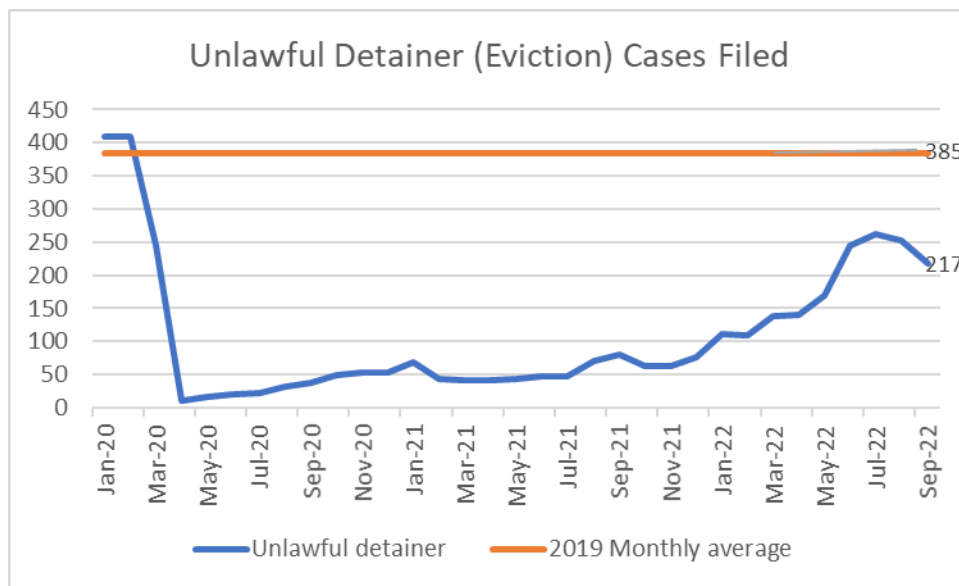
The below charts provide additional context for backlogs of Superior Court unlawful detainers (evictions).

Table 18: Unlawful detainer cases filed

Unlawful detainer filings Month	Year			
	2019	2020	2021	2022
Jan	508	409	69	111
Feb	386	409	44	109
Mar	397	244	41	139
Apr	358	10	41	140
May	427	16	43	169
Jun	384	21	47	245
Jul	413	22	48	263
Aug	312	31	70	252
Sep	278	38	80	217
Oct	432	49	63	
Nov	355	54	62	
Dec	375	53	76	

As shown in the chart below, unlawful detainer cases dropped dramatically in late winter/spring 2020, after eviction moratoriums were issued. New filed cases increased after moratoriums lifted, but remain below pre-pandemic volume.

Figure 7: Unlawful detainer (evictions) cases filed January 2020 through September 2022



Appendix B: Remote jury selection

The initial process instituted for virtual jury selection includes a robust questionnaire for each participant that includes necessary COVID-related information prior to jurors reporting in-person to hear the criminal case. The questionnaire is electronically sent to jurors. They need time to complete the questionnaire, the attorneys and court need time to review the questionnaire, and hardship and other excusals are addressed before starting jury selection.

Virtual jury selection allows a larger group of jurors to be called for a particular trial because no physical space constraints exist. The increase in jury pool size increases the amount of time it takes to review the questionnaire responses. The group that will participate in virtual jury selection are broken up into groups for questioning rather than questioning the entire group at once. This ensures individuals with limited internet connectivity or internet access can still participate remotely because the bandwidth needed for 25 participants is much lower than the 50 participants (plus the in-court additional participants such as the judge, counsels, the defendant, court clerk, and bailiff) that would normally be sent to jury selection in person. This results in several rounds of jury selection where parties question prospective jurors.

This overall process generally takes two to three days in a criminal trial; however, certain subject matter trials take longer to select a jury regardless of if selection is virtual such as sexual assault cases, domestic violence cases, and any longer case. Generally, in-person jury selection could take one to two days, but parties would not have the benefit of the extensive background information provided in the questionnaire so often rounds of questioning were longer than what is needed for virtual jury selection.

In addition, sometimes courts must get supplemental panels, which delays things further because it essentially means re-starting the process described above. Further, when we had four murder trials going in SEA during February and March, there was a really big difference in the amount of time it took to select a jury. Part of the difference was due to the bailiff's or coverage bailiff's comfort level and familiarity with the process. Thus, there still is a need for training in some instances.

[Appendix C: Most serious crimes detail](#)

The report includes measures on the most serious crimes tracked by DJA. These include homicides, sex crimes, robbery 1, assault 1, and assault 2). Specific homicide and sex offenses are listed below.

RCW Text in Homicides

AGGRAVATED MURDER-1
CONTROLLED SUBSTANCE-HOMICIDE
HOMICIDE BY ABUSE
HOMICIDE BY WATERCRAFT
MANSLAUGHTER
MANSLAUGHTER 1ST DEGREE
MANSLAUGHTER 2ND DEGREE
MURDER 1ST DEGREE
MURDER 2ND DEGREE
MURDER-1 EXTREME INDIF HUMAN LIFE
MURDER-1 IN COURSE OF OTHER CRIME
MURDER-1 PREMEDITATED
MURDER-2 FELONY/ASSAULT
MURDER-2 NO PREMED/DEATH OF ANTHR
MURDER-FIRST DEGREE
MURDER-SECOND DEGREE-1971 STATUTE
VEH HOMICIDE-INFLUENCE ALCOHOL/DR
VEHICULAR HOMICIDE
VEHICULAR HOMICIDE-DISREGARD SAFE
VEHICULAR HOMICIDE-RECKLESS

RCW Text in Sex Crimes

CARNAL KNOWLEDGE
CHILD MOLESTATION 1ST DEGREE
CHILD MOLESTATION-2
CHILD MOLESTATION-3
COMM W/MINOR-IMMORAL PREV CONV
COMM W/MINOR-IMMORAL PURPOSES
COMM WITH MINOR FOR IMMORAL PURPO
COMM WITH MINOR-IMMORAL PURPOSE
COMM WITH MINOR-IMMORAL PURPOSES
COMMERCIAL SEX ABUSE MINOR PROMOT
COMMERCIAL SEX ABUSE OF A MINOR
CUSTODIAL SEXUAL MISCONDUCT 1
CUSTODIAL SEXUAL MISCONDUCT 1STDE
DEAL DEPICT MINOR SEX CNDCT 1ST D
DEAL DEPICT MINOR-SEX CNDCT-1
DEAL DEPICT MINOR-SEX CNDCT-2
DEALING DEPICT MINOR-SEX CONDUCT
INCEST
INCEST--1ST DEGREE
INCEST--2ND DEGREE
INCEST-1
INCEST-2
INDECENT EXPOSURE
INDECENT EXPOSURE PREV CONV PEN

INDECENT EXPOSURE TO PERS<14 PEN
INDECENT LIBERTIES
INDECENT LIBERTIES DEV DISABLED
INDECENT LIBERTIES EXPOSURE ETC.
INDECENT LIBERTIES-FORCE
INDECENT LIBERTIES-INCAPABLE CONS
Minor Deal Depictions of 12yo or
PATRONIZING JUVENILE PROSTITUTE
PERMIT MINOR ENGAGE SEX/COMMUSE
POSSESS DEPICT MINOR-SEX CNDCT-1
POSSESS DEPICT MINOR-SEX CNDCT-2
POSSESS DEPICT MINOR-SEX CONDUCT
POSSESSION OF CHILD PORNOGRAPHY
RAP 2-CLIENT OR PATIENT
RAPE
RAPE 2-DEVELOPMENTAL DISABILITY
RAPE OF A CHILD 1ST DEGREE
RAPE OF A CHILD-2
RAPE OF A CHILD-3
RAPE--FIRST DEGREE
RAPE--SECOND DEGREE
RAPE--THIRD DEGREE
RAPE-1 DEADLY WEAPON USE/APPEAR U
RAPE-1 FELONIOUS ENTER BUILDING/V
RAPE-1 KIDNAPS VICTIM
RAPE-1 SERIOUS PHYSICAL INJURY
RAPE-2 BY FORCIBLE COMPULSION
RAPE-2 INCAPABLE OF CONSENT
RAPE-3RD DEG THREAT OF HARM
RAPE-FIRST DEGREE
RAPE-SECOND DEGREE
RAPE-THIRD DEGREE
RAPE-THIRD DEGREE NO CONSENT
SEND DEPICT MINOR-SEX CNDCT-1
SEND DEPICT MINOR-SEX CNDCT-2
SEX CRIMES
SEX OFFEND/FELON-FAIL TO REGISTER
SEX OFFEND/FELON-KIDNAP FAIL REG
SEX OFFEND/FELON/KIDNAP-FAIL REG
SEX OFFEND/FLN FAIL TO REG 2 PRIO
SEX OFFEND/NON FELON-FAIL REG
SEX OFFEND/NON FELON-NO REG PEN
SEX OFFEND/NON-FELON NO REG PEN
SEXUAL EXPLOIT MINOR THREAT/FORCE
SEXUAL EXPLOITATION MINOR AID ENG
SEXUAL EXPLOITATION OF A MINOR
SEXUAL MISCONDUCT W/MINOR 1ST
SEXUALLY VIOLATING HUMAN REMAINS
SOLICIT MINOR FOR IMMORAL PURPOSE
STATUTORY RAPE--3RD DEGREE
STATUTORY RAPE--FIRST DEGREE

STATUTORY RAPE--SECOND DEGREE
STATUTORY RAPE--THIRD DEGREE
Sex Offender Felon Fail To Regist
VIEW DEPICT MINOR-SEX CNDCT-1
VIEW DEPICT MINOR-SEX CNDCT-2
VOYEURISM
VOYEURISM 1ST DEGREE
VOYEURISM 2ND DEGREE

Motion 16261

Appendix D: Positions supported by Ordinance 19318

Agency	Job Type	Position #	Hire date	Vacant?	Notes
Superior Court	Commissioner - Trials	01044361	3/2/2021		TLT
Superior Court	Desktop Support Tech	01048545	5/1/2021		TLT
Superior Court	Desktop Support Tech	01048546	5/1/2021		TLT
Superior Court	Jury/Interpreter Tech	01052683	7/6/2021		TLT
Superior Court	Ex parte Admin Tech	01049669	7/26/2021		TLT
Superior Court	Commissioner - Ex parte	01050299	8/2/2021		TLT
Superior Court	Family Law Facilitator	01050292	8/9/2021	Yes	TLTs - Employee moved to the same job type, but as a FTE in the CX budget in June 2022
Superior Court	Family Law Facilitator	01050293	8/16/2021	Yes	TLTs - Employee moved to the same job type, but as a FTE in the CX budget in June 2022
Superior Court	Bailiff	01050427	8/23/2021		TLT
Superior Court	Bailiff	01050426	9/13/2021		TLT
Superior Court	Bailiff	01050472	9/13/2021		TLT
Superior Court	Bailiff	01050991	9/13/2021		TLT
Superior Court	Bailiff	01050473	9/20/2021		TLT
Superior Court	Family Law Navigator	01050907	9/24/2021		TLT
Superior Court	Bailiff	01050910	9/27/2021		TLT
Superior Court	Ex parte Admin Tech	01050909	9/27/2021		TLT
Superior Court	Bailiff	01050990	10/4/2021		TLT
Superior Court	Bailiff	01050992	10/4/2021		TLT
Superior Court	CASA Specialist	01050993	10/4/2021		.40 TLT
Superior Court	Commissioner - Plea Court	01051311	10/11/2021		.80 TLT
Superior Court	Commissioner - Trials	01050911	10/11/2021		TLT
Superior Court	Commissioner - Trials	01050912	10/18/2021		.80 TLT
Superior Court	Jury Technician	01051059	10/18/2021		TLT
Superior Court	Commissioner - Plea Court	01052685	10/25/2021		.80 TLT
Superior Court	ERCM Assistant	01050908	10/25/2021		TLT

Agency	Job Type	Position #	Hire date	Vacant?	Notes
Superior Court	Family Law Navigator	01051312	11/15/2021		TLT
Superior Court	Sr. Desktop Support Tech	01051409	11/22/2021		TLT
Superior Court	Bailiff	01050470	12/13/2021		TLT
Superior Court	Family Law Coordinator	01032148	12/20/2021		TLT
Superior Court	Ex parte Coordinator	01051944	1/13/2022		TLT
Superior Court	Ex parte Coordinator	01051943	1/18/2022		TLT
Superior Court	Courtroom IT Trainer	01052421	2/7/2022		TLT
Superior Court	Courtroom IT Trainer	01052420	2/7/2022	Yes	TLT - Employee moved to permanent position at PAO in September 2022
Superior Court	Commissioner - Family Law	01052297	2/14/2022		TLT
Superior Court	Family Law Social Worker	01052739	3/14/2022		TLT
Superior Court	Human Resources Tech	01052807	3/21/2022		TLT
Superior Court	Communication Specialist			Yes	Pending award of a contract to work on the Intranet/Website.
Superior Court	Communication Specialist			Yes	Pending award of a contract to work on the Intranet/Website.
Superior Court	Communication Specialist			Yes	Pending award of a contract to work on the Intranet/Website.
Superior Court	Interpreter Scheduler	01053484	5/27/2022		TLT - Filled as a court operations technician
Superior Court	IT Business Analyst			Yes	Pending award of a contract to work on the Intranet/Website.
Superior Court	IT Systems Specialist	01053495	5/28/2022		TLT
Superior Court	Plea Court Coordinator	01052979	4/18/2022		TLT
Superior Court	Plea Court Coordinator	01053315	5/31/2022		TLT - Repurposed to a Spanish interpreter
Superior Court	Sr. Desktop Support Tech	01053097	4/25/2022		TLT
Superior Court	Sr. Systems Engineer			Yes	TLT
District Court	Office Technician II		10/2/2021		TLT
District Court	PC Technician		8/29/2022		TLT
District Court	Clerk		12/13/2021		TLT

Agency	Job Type	Position #	Hire date	Vacant?	Notes
District Court	Clerk			yes	Vacant as of 9-16-2022
District Court	Clerk		12/13/2021		TLT
District Court	Commissioner		1/4/2022		TLT
District Court	Commissioner		1/4/2022		TLT
District Court	Clerk			yes	Vacant as of 9-16-2022
District Court	Clerk		4/4/2022		TLT
District Court	Clerk		12/13/2022		TLT
District Court	Communications clerk			yes	TLT
District Court	Communications clerk			yes	TLT
District Court	Training Content Coordinator		5/5/2022		TLT
DJA	Application Developer - Senior	01050914	1/10/2022		
DJA	Court Clerk II	01051209		Yes	
DJA	Court Clerk II	01051210	11/1/2021		
DJA	Court Clerk II	01048828	9/4/2021		TLTs funded in Covid 7 & 8 are still being funded in COVID 7
DJA	Court Clerk II	01050879	9/20/2021		
DJA	Court Clerk II	01050881	11/1/2021		
DJA	Court Clerk II	01048826	4/19/2021		TLTs funded in Covid 7 & 8 are still being funded in COVID 7
DJA	Court Clerk II	01048827	4/19/2021		
DJA	Court Clerk II	01048822	3/22/2021		TLTs funded in Covid 7 & 8 are still being funded in COVID 7
DJA	Court Clerk II	01051204	11/1/2021	Yes	
DJA	Court Clerk II	01048829	9/7/2021		TLTs funded in Covid 7 & 8 are still being funded in COVID 7
DJA	Customer Service Specialist III	01050885	9/20/2021	Yes	
DJA	Customer Service Specialist III	01050880	11/29/2021		
DJA	Customer Service Specialist III	01050889	9/20/2021		TLTs funded in Covid 7 & 8 are still being funded in COVID 7

Agency	Job Type	Position #	Hire date	Vacant?	Notes
DJA	Customer Service Specialist III	01050882	9/20/2021		
DJA	Customer Service Specialist III	01049039	3/22/2021	Yes	
DJA	Customer Service Specialist III	01051557	12/13/2021		
DJA	Customer Service Specialist III	01051015	10/4/2021	Yes	
DJA	Customer Service Specialist III	01051354	11/15/2021		
DJA	Customer Service Specialist III	01051208	11/1/2021		TLTs funded in Covid 7 & 8 are still being funded in COVID 7
DJA	I T Systems specialist - Jry	01050913	10/18/2021		
DJA	Occupational Educ & Training Coord	01051096	10/18/2021		
DJA	Customer Service Specialist III	01049528	6/1/2021		TLTs funded in Covid 7 & 8 are still being funded in COVID 7
DJA	Customer Service Specialist III	01049532	11/1/2021		TLTs funded in Covid 7 & 8 are still being funded in COVID 7
DJA	Customer Service Specialist III	01049529	6/14/2021		TLTs funded in Covid 7 & 8 are still being funded in COVID 7
DJA	Customer Service Specialist III	01050886	9/20/2021	Yes	
DJA	Customer Service Specialist III	01051016	10/4/2021	Yes	
DJA	Customer Service Specialist III	01051207	11/1/2021	Yes	
Public Defense	Public Defense Attorney I	01051801	1/10/2022		TLT
Public Defense	Public Defense Mitigtn Spc II	01053631	7/11/2022		TLT
Public Defense	Public Defense Mitigtn Spc II	01053717	7/25/2022		TLT
Public Defense	Legal Assistant	01053711	6/30/2022		TLT
Public Defense	Human Resource Associate	01052275	2/10/2022		TLT
Public Defense	Public Defense Mitigtn Spc II	01054528	9/30/2022		TLT
Public Defense	Public Defense Investigator	01054280	10/3/2022		TLT
Public Defense	Public Defense Attorney I	01051874	1/11/2022		TLT
Public Defense	Public Defense Attorney I	01054475	10/3/2022		TLT
Public Defense	Public Defense Attorney I	01052845	4/11/2022		TLT
Public Defense	Public Defense Attorney I	01053387	6/27/2022		TLT

Agency	Job Type	Position #	Hire date	Vacant?	Notes
Public Defense	Public Defense Mitigtgn Spc II	01053703	8/1/2022		TLT
Public Defense	Public Defense Investigator	01048606	12/6/2021		FTE
Public Defense	Public Defense Investigator	01048607	1/3/2022		FTE
Public Defense	Public Defense Attorney I	01048579	10/25/2021		FTE
Public Defense	Public Defense Paralegal	01048580	10/4/2021		FTE
Public Defense	Public Defense Attorney I	01048620	10/11/2022		FTE
Public Defense	Public Defense Attorney I	01048621	10/11/2022		FTE
Public Defense	Public Defense Attorney I	01048622	10/11/2022		FTE
Public Defense	Public Defense Attorney I	01048623	10/11/2022		FTE
Public Defense	Legal Administrative Spec II	01048640		yes	FTE - vacant since 1/1/2021
Public Defense	Legal Administrative Spec II	01048641		yes	FTE - vacant since 1/1/2021
Public Defense	Legal Administrative Spec II	01048642		yes	FTE - vacant since 1/1/2021
Public Defense	Public Defense Attorney I	01048611	10/3/2022		FTE
Public Defense	Public Defense Attorney I	01048612	10/4/2022		FTE
Public Defense	Public Defense Attorney I	01048613	10/3/2022		FTE
Public Defense	Public Defense Attorney I	01048614	10/11/2022		FTE
Public Defense	Public Defense Attorney I	01048615	10/11/2022		FTE
Public Defense	Public Defense Attorney I	01048616	10/11/2022		FTE
Public Defense	Public Defense Attorney I	01048617	10/11/2022		FTE
Public Defense	Public Defense Attorney I	01048618	10/11/2022		FTE
Public Defense	Public Defense Attorney I	01048619	10/11/2022		FTE
Public Defense	Public Defense Investigator	01048605	12/28/2021		FTE
Public Defense	Public Defense Mitigtgn Spc II	01048581	10/4/2021		FTE
Public Defense	Legal Administrative Spec II	01048583	11/8/2021		FTE
Public Defense	Public Defense Paralegal	01048609		yes	FTE - was filled employee resigned effective 7/22
Public Defense	Public Defense Paralegal	01048608	5/1/2021		FTE
Public Defense	Public Defense Paralegal	01048610	10/17/2022		FTE

Agency	Job Type	Position #	Hire date	Vacant?	Notes
Public Defense	Public Defender Attorney -Supv			Yes	TLT
Public Defense	Public Defender Attorney -Supv			Yes	TLT
Public Defense	Public Defense Paralegal			Yes	TLT
Public Defense	Legal Assistant			Yes	TLT
Public Defense	Public Defense Attorney I	01054679	10/12/2022		TLT
Public Defense	Public Defense Attorney I	01054847	11/28/2022		TLT
Public Defense	Public Defense Attorney I			yes	TLT
Public Defense	Public Defense Attorney I			yes	TLT
Public Defense	Public Defense Attorney I			yes	TLT
Public Defense	Public Defense Paralegal			yes	TLT - Director's Office support - we will not be filling this TLT
Public Defense	Public Defense Coordinator			yes	TLT - Director's Office support - we will not be filling this TLT
PAO	Deputy Prosecuting Attorney	01052956	3/19/2022		FTE/vapor ¹⁰¹
PAO	Ruth Woo Fellow	01054165	8/22/2022		TLT
PAO	Paralegal II	01051216	10/16/2021		FTE/Special Duty
PAO	Victim Advocate	01049507	9/18/2021		TLT
PAO	Deputy Prosecuting Attorney	01051041	9/18/2021		TLT
PAO	Deputy Prosecuting Attorney	01052954	3/19/2022		FTE/vapor
PAO	Paralegal I	01054513	8/27/2022		TLT
PAO	Victim Advocate	01051526	12/13/2021		TLT
PAO	Paralegal II	01051217	10/16/2021		FTE/Special Duty
PAO	Senior Intern -PAO ¹⁰²	01054201	8/22/2022		FTE/vapor
PAO	Victim Advocate	01053993	8/8/2022		TLT
PAO	Project/Program Manager II-PAO	01051122	10/11/2021		FTE/Special Duty
PAO	Victim Advocate	01052494	2/28/2022		TLT

¹⁰¹ Vapors are ongoing FTEs with no dedicated budget.

¹⁰² Senior interns are new attorney hires, pending admittance to the bar.

Agency	Job Type	Position #	Hire date	Vacant?	Notes
PAO	Legal Administrative Prof II	01054510	9/3/2022		TLT
PAO	Paralegal II	01050404	8/16/2021		FTE/Special Duty
PAO	Deputy Prosecuting Attorney	01054055	8/22/2022		TLT
PAO	Legal Administrative Prof II	01051295	10/30/2021		TLT
PAO	Paralegal II	01053726	6/11/2022		FTE/Special Duty
PAO	Deputy Prosecuting Attorney	01052960	3/19/2022		FTE/vapor
PAO	Senior Intern -PAO	01054202	8/22/2022		FTE/vapor
PAO	Deputy Prosecuting Attorney	01052959	3/19/2022		FTE/vapor
PAO	Deputy Prosecuting Attorney	01054031	8/8/2022		TLT
PAO	Victim Advocate	01051880	12/11/2021		FTE/Special Duty
PAO	Victim Advocate	01051115	10/4/2021		FTE/Special Duty
PAO	Paralegal II	01054351	9/17/2022		TLT
PAO	Deputy Prosecuting Attorney	01050969	1/10/2022		TLT
PAO	Legal Administrative Prof III	01051125	10/25/2021		TLT
PAO	Victim Advocate	01052273	2/14/2022		TLT
PAO	Senior Intern -PAO	01054062	8/8/2022		FTE/vapor
PAO	Paralegal II	01050405	8/16/2021		FTE/Special Duty
PAO	Paralegal II	01051590	11/27/2021		FTE/Special Duty
PAO	Senior Intern -PAO	01054203	8/22/2022		TLT
PAO	Senior Intern -PAO	01054205	9/19/2022		TLT
PAO	Paralegal II	01054515	9/30/2022		TLT
PAO	Deputy Prosecuting Attorney	01053994	8/1/2022		TLT
PAO	Deputy Prosecuting Attorney	01053366	4/30/2022		TLT
PAO	Legal Administrative Prof II	01054301	9/19/2022		TLT
PAO	Deputy Prosecuting Attorney	01050984	10/13/2021		FTE/vapor
PAO	Senior Intern -PAO	01054004	8/22/2022		TLT
PAO	NIBIN Analyst - PAO	01054504	10/3/2022		TLT
PAO	Senior Intern -PAO	01054061	8/8/2022		TLT

Agency	Job Type	Position #	Hire date	Vacant?	Notes
PAO	Paralegal II	01052857	3/5/2022		FTE/Special Duty
PAO	Desktop Support Spec - PAO	01051879	12/25/2021		FTE/Special Duty
PAO	Senior Intern -PAO	01054199	8/22/2022		TLT
PAO	Senior Intern -PAO	01054060	8/8/2022		TLT
PAO	Deputy Prosecuting Attorney	01052952	3/19/2022		FTE/vapor
PAO	Legal Administrative Prof I	01054352	9/19/2022		TLT
PAO	Deputy Prosecuting Attorney	01052958	3/19/2022		FTE/vapor
PAO	Senior Intern -PAO	01054204	8/22/2022		TLT
PAO	Victim Advocate	01053989	7/25/2022		TLT
PAO	Legal Services Supv III - PAO	01052411	2/5/2022		FTE/Special Duty
PAO	Legal Administrative Prof III	01053471	6/13/2022		TLT
PAO	Deputy Prosecuting Attorney	01052955	3/19/2022		FTE/vapor
PAO	Senior Intern -PAO	01054200	8/22/2022		TLT
PAO	Senior Intern -PAO	01054146	8/22/2022		TLT
PAO	Legal Services Supv II -PAO	01051052	9/18/2021		FTE/Special Duty
PAO	Deputy Prosecuting Attorney	01053367	5/14/2022		TLT
PAO	Victim Advocate	01051292	4/18/2022		TLT
PAO	Paralegal II	01054023	7/9/2022		FTE/Special Duty
PAO	Public Records Spec - PAO	01052722	2/19/2022		FTE/Special Duty
PAO	Deputy Prosecuting Attorney	01050986	9/27/2021		FTE/vapor
PAO	Deputy Prosecuting Attorney	01051157	11/8/2021		TLT
PAO	Deputy Prosecuting Attorney	01052953	3/19/2022		FTE/vapor
PAO	Deputy Prosecuting Attorney	01052951	3/19/2022		FTE/vapor
PAO	Deputy Prosecuting Attorney	01050973	1/10/2022		TLT
PAO	Deputy Prosecuting Attorney	01050987	10/18/2021		TLT
PAO	Legal Administrative Prof III	01051125	2/7/2022		TLT
PAO	Deputy Prosecuting Attorney	01052957	3/19/2022		FTE/vapor
PAO	Paralegal I	01051269	10/16/2021		FTE/Special Duty

Certificate Of Completion

Envelope Id: E00E70666981464C8C6776729AFA57FA	Status: Completed
Subject: Complete with DocuSign: Motion 16261.docx, Motion 16261 Attachment A.docx	
Source Envelope:	
Document Pages: 3	Signatures: 2
Supplemental Document Pages: 60	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
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Time Zone: (UTC-08:00) Pacific Time (US & Canada)	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

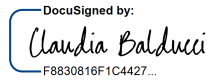
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Status: Original	Holder: Cherie Camp	Location: DocuSign
12/15/2022 12:56:46 PM	Cherie.Camp@kingcounty.gov	
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Claudia Balducci
 claudia.balducci@kingcounty.gov
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 Signed: 12/16/2022 10:59:10 AM

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Accepted: 12/16/2022 10:58:43 AM
 ID: 4fb10d19-2f5a-4912-a82b-38975fda00b8

Angel Foss
 Angel.Foss@kingcounty.gov
 Deputy Clerk of the Council
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 ID: 020c9a0a-c529-4443-8490-bad8ecc7fb95

Supplemental Documents: Motion 16261 Attachment A.docx

Viewed: 12/16/2022 11:11:38 AM
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In Person Signer Events

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Editor Delivery Events

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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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