



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda

Metropolitan King County Council

*Councilmembers: Girmay Zahilay, Chair;
Sarah Perry, Vice Chair of Policy Development and Review;
Reagan Dunn, Vice Chair of Regional Coordination;
Claudia Balducci, Jorge L. Barón, Rod Dembowski, Teresa
Mosqueda, De'Sean Quinn, Pete von Reichbauer*

1:30 PM

Tuesday, February 4, 2025



Hybrid Meeting

Hybrid Meetings: Attend King County Council meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and/or provide comment remotely are listed below.

HOW TO PROVIDE PUBLIC TESTIMONY: The Council values community input and looks forward to hearing from you. Testimony must be limited to items listed on the agenda for council action, unless it's the fourth Tuesday of the month, when the Council will hear general comment on matters relating to county government. You are not required to sign up in advance.

There are three ways to provide public testimony:

1. **In person:** You may attend the meeting in person in Council Chambers.
2. **By email:** You may testify by submitting a COMMENT email. If your testimony is submitted before 10:00 a.m. on the day of the Council meeting, your email testimony will be distributed to the Councilmembers and appropriate staff prior to the meeting. Please submit your testimony by emailing clerk@kingcounty.gov.
3. **Remote attendance on the Zoom Webinar:** You may provide oral public testimony at the meeting by connecting to the meeting via phone or computer using the ZOOM application at <https://zoom.us/>, and entering the Webinar ID below.

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711.</p> <p>Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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CONNECTING TO THE WEBINAR

Webinar ID: 890 5838 1493



If you do not have access to the ZOOM application, you can connect to the meeting by calling 1 253 215 8782 and using the Webinar ID. Connecting in this manner, however, may impact your ability to be unmuted to speak.

You have the right to language access services at no cost to you. To request these services, please contact our Equity and Social Justice Coordinator, Tera Chea at (206) 477 9259 or Tera.Chea2@kingcounty.gov, three (3) days prior to the meeting.

If you do not wish to be called upon for public comment during the meeting, please help us manage the callers and use one of the options below (Live Streaming or King County TV Channel 22).

HOW TO LISTEN TO THE MEETING: There are several ways to listen to the meeting if you don't wish to provide public testimony:

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1. **Call to Order**

To show a PDF of the written materials for an agenda item, click on the agenda item below.

2. **Roll Call**

3. **Flag Salute and Pledge of Allegiance**

Councilmember Dembowski

4. **Approval of Minutes of January 28, 2025**

Pg. 12

Vice Chair Perry

5. **Additions to the Council Agenda**



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Hearing and Second Reading of Ordinances from Standing Committees and Regional Committees, and of Ordinances related to Collective Bargaining

There will be one public hearing on Items 6-13

Law and Justice

Councilmember Barón

- 6. [Proposed Ordinance No. 2025-0016](#) Pg. 27

AN ORDINANCE related to the repeal of RCW 10.70.140; and amending Ordinance 17706, Section 2, as amended, and K.C.C. 2.15.020.

Sponsors: Barón

On 1/14/2025, the Metropolitan King County Council Introduced and Referred to Law and Justice Committee.

On 1/22/2025, the Law and Justice Committee Recommended Do Pass.

Public Hearing Required

Motions, from Standing Committees and Regional Committees and Motions related to Collective Bargaining, for Council Action

Consent Items 7-10

Vice Chair Perry

- 7. [Proposed Substitute Motion No. 2024-0293.2](#) Pg. 37



A MOTION acknowledging receipt of the second of two reports on progress toward addressing the legal system backlog that resulted from the COVID-19 pandemic, in response to the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P4.

Sponsors: Barón

On 11/5/2024, the Metropolitan King County Council Introduced and Referred to Law and Justice Committee.

On 1/7/2025, the Metropolitan King County Council Reintroduced.

On 1/22/2025, the Law and Justice Committee Recommended Do Pass Substitute Consent.

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8. [Proposed Motion No. 2024-0284](#) Pg. 102

A MOTION acknowledging receipt of the proviso report on a crisis response program plan required by the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 21, as amended by Ordinance 19633, Section 17, Proviso P1.

Sponsors: Barón

On 11/5/2024, the Metropolitan King County Council Introduced and Referred to Law and Justice Committee.

On 1/7/2025, the Metropolitan King County Council Reintroduced.

On 1/22/2025, the Law and Justice Committee Recommended Do Pass Consent.

9. [Proposed Motion No. 2024-0291](#) Pg. 144

A MOTION relating to mature forests in King County, acknowledging receipt of the first of two reports on mature forests in King County as required by Motion 16437 requesting the executive to identify and analyze mature forests in King County and to transmit two reports.

Sponsors: Upthegrove

On 9/24/2024, the Metropolitan King County Council Introduced and Referred to Transportation, Economy, and Environment Committee.

On 1/7/2025, the Metropolitan King County Council Reintroduced.

On 1/21/2025, the Transportation, Economy, and Environment Committee Recommended Do Pass Consent.

10. [Proposed Motion No. 2025-0001](#) Pg. 184

A MOTION relating to mature forests in King County, acknowledging receipt of the second of two reports on mature forests in King County as required by Motion 16437 requesting the executive to identify and analyze mature forests in King County and to transmit two reports.

Sponsors: Dembowski

On 1/14/2025, the Metropolitan King County Council Introduced and Referred to Transportation, Economy, and Environment Committee.

On 1/21/2025, the Transportation, Economy, and Environment Committee Recommended Do Pass Consent.



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First Reading of and Action on Motions Without Referral to Committee

- 11. [Proposed Motion No. 2025-0047](#) Pg. 220

A MOTION requesting the executive develop a risk assessment related to volatility in federal funding.

Sponsors: Balducci

SUBJECT TO A MOTION TO SUSPEND THE RULES TO TAKE ACTION WITHOUT REFERRAL TO COMMITTEE PURSUANT TO K.C.C. 1.24.085

Reappointment Consent Agenda Items 12-14

Vice Chair Perry

- 12. [Proposed Motion No. 2024-0390](#) Pg. 223

A MOTION confirming the executive's reappointment of Bruce Davis, who resides in council district eight, to the King County board of ethics.

Sponsors: Mosqueda

- 13. [Proposed Motion No. 2025-0025](#) Pg. 225

A MOTION confirming the executive's reappointment of Srin Raghavan, who resides in council district three, to the King County Library System board of trustees.



Sponsors: Perry

- 14. [Proposed Motion No. 2025-0027](#) Pg. 227

A MOTION confirming the executive's reappointment of Jack Edgerton, who resides in council district four, to the King County children and youth advisory board.

Sponsors: Barón

First Reading and Referral of Ordinances



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15. [Proposed Ordinance No. 2024-0409](#)

AN ORDINANCE authorizing the executive to enter into a renewal of cable television franchise 5602 with WAVEDIVISION I, LLC, for a period ending July 31, 3033.

Sponsors: von Reichbauer

First Reading and Referral to the Government Accountability and Oversight Committee

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16. [Proposed Ordinance No. 2025-0048](#)

AN ORDINANCE adopting the revision of voting precincts of King County for the year 2025.

Sponsors: von Reichbauer

First Reading and Referral to the Government Accountability and Oversight Committee

First Reading and Referral of Motions

17. [Proposed Motion No. 2024-0401](#)

A MOTION accepting the Records Collection and Retention Proviso Response Report, as required by the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 121, as amended by Ordinance 19791, Section 60, Proviso P1.

Sponsors: von Reichbauer

First Reading and Referral to the Government Accountability and Oversight Committee

18. [Proposed Motion No. 2024-0416](#)

A MOTION confirming the executive's appointment of Sercan Hepsener, who resides in council district seven, to the King County immigrant and refugee commission.

Sponsors: von Reichbauer



First Reading and Referral to the Committee of the Whole

19. [Proposed Motion No. 2024-0417](#)

A MOTION confirming the executive's appointment of Wahid Bihroz, who resides in council district seven, to the King County immigrant and refugee commission.

Sponsors: von Reichbauer

First Reading and Referral to the Committee of the Whole

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20. [Proposed Motion No. 2025-0002](#)

A MOTION confirming the executive's appointment of David Ellison, who resides in council district seven, to the King County Lake Management District No. 2 advisory committee, as the Lake Geneva Property Owners Association representative.

Sponsors: von Reichbauer

First Reading and Referral to the Transportation, Economy, and Environment Committee

21. [Proposed Motion No. 2025-0003](#)

A MOTION confirming the executive's appointment of Colleen Short, who resides in council district seven, to the King County Lake Management District No. 2 advisory committee, as a representative of Lake Geneva property owners.

Sponsors: von Reichbauer

First Reading and Referral to the Transportation, Economy, and Environment Committee

22. [Proposed Motion No. 2025-0015](#)

A MOTION confirming the executive's appointment of Nandita Sharma, who resides in council district three, to the King County women's advisory board, as an executive at-large representative.

Sponsors: Perry



First Reading and Referral to the Health, Housing, and Human Services Committee

23. [Proposed Motion No. 2025-0042](#)

A MOTION confirming the executive's appointment of Nicole Cain, who resides in council district six, to the King County Museum of Flight Authority board of directors.

Sponsors: Balducci

First Reading and Referral to the Government Accountability and Oversight Committee

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24. [Proposed Motion No. 2025-0051](#)

A MOTION appointing committees to write the voters' pamphlet statements for the April 22, 2025, special election regarding Ordinance 19884 providing for the submission to the qualified electors of King County, at a special election on April 22, 2025, a proposition to reauthorize an expired regular property tax levy in excess of the levy limitation contained in chapter 84.55 RCW, for a consecutive seven year period beginning in 2026 at the rate of not more than \$0.0275 per one thousand dollars of assessed valuation, with the 2026 levy amount being the base for computing maximum allowable levy amounts under chapter 84.55 RCW for years two through seven (2027-2032), for the purpose of funding the continued operation of the regional automated fingerprint identification system, also known as AFIS, which maintains expanded crime scene and arrest identification technology and services for all local criminal justice agencies in King County.

Sponsors: Zahilay

First Reading and Referral to the Metropolitan King County Council

25. [Proposed Motion No. 2025-0052](#)

A MOTION extending the waiver of requirements for competitive bidding and solicitation requirements for contracts relating to the King County department of adult and juvenile detention distributed antenna system evaluation and corrections.

Sponsors: Barón

First Reading and Referral to the Government Accountability and Oversight Committee

Reintroductions of Motions

26. [Proposed Substitute Motion No. 2024-0228.2](#)



A MOTION acknowledging receipt of the second annual report on the second Best Starts for Kids initiative, in accordance with Ordinance 19354.

Sponsors: von Reichbauer and Mosqueda

First Reading and Referral to the Health, Housing, and Human Services Committee

On 8/20/2024, the Metropolitan King County Council Introduced and Referred to Regional Policy Committee.

On 9/3/2024, the Regional Policy Committee Recommended Do Pass Substitute.

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27. [Proposed Motion No. 2024-0382](#)

A MOTION confirming the executive's appointment of Velma Veloria, who resides in council district two, to the King County International Airport roundtable, as the Beacon Hill community representative.

Sponsors: Zahilay

First Reading and Referral to the Government Accountability and Oversight Committee

On 12/3/2024, the Metropolitan King County Council Introduced and Referred to Government Accountability and Oversight Committee.

On 1/14/2025, the Government Accountability and Oversight Committee Deferred.

28. Reports on Special and Outside Committees

Other Business

Adjournment



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Meeting Minutes

Metropolitan King County Council

*Councilmembers: Girmay Zahilay, Chair;
Sarah Perry, Vice Chair of Policy Development and Review;
Reagan Dunn, Vice Chair of Regional Coordination;
Claudia Balducci, Jorge L. Barón, Rod Dembowski,
Teresa Mosqueda, Pete von Reichbauer*

1:30 PM

Tuesday, January 28, 2025

Hybrid Meeting

REVISED AGENDA - ADDED ITEMS 30-32 DRAFT MINUTES

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1. Call to Order

The meeting was called to order at 1:35 p.m.

The Chair recessed the meeting at 2:55 p.m.

The Chair reconvened the meeting at 2:59 p.m.

The Chair recessed the meeting at 3:17 p.m.

The Chair reconvened the meeting at 3:18 p.m.

2. Roll Call

Present: 7 - Balducci, Barón, Dembowski, Dunn, Perry, von Reichbauer and Zahilay

Excused: 1 - Mosqueda

3. Flag Salute and Pledge of Allegiance

Councilmember von Reichbauer led the flag salute and Pledge of Allegiance.

4. Approval of Minutes of January 14, 2025, and January 21, 2025

Vice Chair Perry moved to approve the minutes of the January 14, 2025, and January 21, 2025, meetings as presented. Seeing no objection, the Chair so ordered.

5. Additions to the Council Agenda

Items 30-32 were added to the agenda.

6. Public Comment

The following people spoke:

- Mathew Renner*
- Kathy Hougardy*
- Mayor Thomas McLeod*
- Maha Roy*
- Billy Hetherington*
- Beth Bazley*
- Alex Tsimerman*
- Jeremy Une*
- Jackie Boshok*
- Joe Kunzler*
- Rosario Lopez*
- Sam Hatsen*
- Britt Nave*
- Donny Donovan*
- Kelly and Kevin*
- Lee Swedin*
- AJ*
- Rob Senate*
- Ursula*
- Gabriela Quintana*
- Ometeotl*

Hearing and Second Reading of Ordinances from Standing Committees and Regional Committees, and of Ordinances related to Collective Bargaining

There will be one public hearing on Items 7-16

The Public Hearing on Items 7-16 were held under Public Comment

Consent Items 7-10

7. Proposed Substitute Ordinance No. 2024-0281.2

AN ORDINANCE authorizing the executive to execute a new, longer term service agreement with Puget Sound Energy for the purchase of renewable energy, replacing the existing service agreement approved under Ordinance 18472.

Sponsors: Dembowski

The enacted number is 19886.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

8. Proposed Substitute Ordinance No. 2024-0324.2

AN ORDINANCE relating to the 2024 levy of property taxes in King County for collection in the year 2025.

Sponsors: Zahilay

The enacted number is 19887.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

9. Proposed Substitute Ordinance No. 2024-0383.2

AN ORDINANCE authorizing the King County executive to execute an amended and restated affordable housing ground lease with the tenant for the housing elements only of the existing mixed-use affordable housing project on county-owned land located at the Northgate Park and Pool lot, in council district one.

Sponsors: Zahilay

The enacted number is 19888.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

10. Proposed Substitute Ordinance No. 2024-0384.2

AN ORDINANCE authorizing the King County executive to execute an amended and restated commercial ground lease agreement with one of the original lease signatories for the child care, comfort station, and retail space elements of the existing mixed-use affordable housing project on county-owned land located at the Northgate Park and Pool lot, in council district one.

Sponsors: Zahilay

The enacted number is 19889.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

Passed On The Consent Agenda

A motion was made by Vice Chair Perry that the Consent Agenda be passed. The motion carried by the following vote:

Yes: 7 - Balducci, Barón, Dembowski, Dunn, Perry, von Reichbauer, and Zahilay

Excused: 1 - Mosqueda

Metropolitan King County Council**11. Proposed Ordinance No. 2025-0017**

AN ORDINANCE approving and adopting the Collective Bargaining Agreement negotiated by and between King County and the King County Sheriff's Office Marshals' Guild, representing employees in the Marshals job classification in the King County sheriff's office, the Arbitrator's award, and the Police Officers Bill of Rights; and establishing the effective date of said agreement and award.

Sponsors: Upthegrove

The enacted number 19890.

Jeff Muhm, Chief Policy Officer, briefed the Council and answered questions.

Sasha Alessi, Labor Relations Negotiator, Office of Labor Relations, briefed the Council and answered questions.

A Public Hearing was held and closed. A motion was made by Vice Chair Perry that this Ordinance be Passed. The motion carried by the following vote:

Yes: 7 - Balducci, Barón, Dembowski, Dunn, Perry, von Reichbauer, and Zahilay

Excused: 1 - Mosqueda

Motions, from Standing Committees and Regional Committees and Motions related to Collective Bargaining, for Council Action**Consent Items 12-13****12. Proposed Motion No. 2024-0358**

A MOTION confirming the executive's appointment of Daniel Kim, who resides in council district seven, to the King County conservation futures advisory committee, as a council at-large representative.

Sponsors: von Reichbauer

The enacted number is 16731.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

13. Proposed Motion No. 2024-0399

A MOTION confirming the executive's appointment of Harium Martin-Morris, who resides in council district one, to the King County Museum of Flight Authority board of directors, filling an executive at-large position.

Sponsors: Dembowski

The enacted number is 16732.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

Passed On The Consent Agenda

A motion was made by Vice Chair Perry that the Consent Agenda be passed. The motion carried by the following vote:

Yes: 7 - Balducci, Barón, Dembowski, Dunn, Perry, von Reichbauer, and Zahilay

Excused: 1 - Mosqueda

Transportation, Economy and Environment**14. Proposed Motion No. 2024-0367**

A MOTION relating to the King County Metro Transit Strategic Plan for Public Transportation 2021-2031 and King County Metro Transit Service Guidelines and accepting the King County Metro Transit 2024 System Evaluation.

Sponsors: Mosqueda

The enacted number is 16733.

Bary Bourguignon, Council Staff, briefed the Council and answered questions.

A Public Hearing was held and closed. A motion was made by Councilmember Dembowski that this Motion be Passed. The motion carried by the following vote:

Yes: 7 - Balducci, Barón, Dembowski, Dunn, Perry, von Reichbauer, and Zahilay

Excused: 1 - Mosqueda

Reappointment Consent Agenda Items 15-16

15. Proposed Motion No. 2025-0028

A MOTION confirming the executive's reappointment of Jackie Jainga Hyllseth, who resides in council district two, to the King County children and youth advisory board.

Sponsors: Zahilay

The enacted number is 16734.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

16. Proposed Motion No. 2025-0031

A MOTION confirming the executive's reappointment of Dwane Chappelle, who resides in council district two, to the King County children and youth advisory board, as the city of Seattle designee.

Sponsors: Zahilay

The enacted number is 16735.

A Public Hearing was held and closed. This matter passed on the Consent Agenda.

Passed On The Consent Agenda

A motion was made by Vice Chair Perry that the Consent Agenda be passed. The motion carried by the following vote:

Yes: 7 - Balducci, Barón, Dembowski, Dunn, Perry, von Reichbauer, and Zahilay

Excused: 1 - Mosqueda

First Reading and Referral of Ordinances

17. Proposed Ordinance No. 2025-0032

AN ORDINANCE approving an application for current use assessment for public benefit rating system, submitted by Daniel Klein for property located north and abutting 24427 135th Avenue SW, Vashon, WA 98070, designated department of natural resources and parks, water and land resources division file no. E24CT006.

Sponsors: Zahilay

This matter had its first reading and was referred to the Hearing Examiner.

18. Proposed Ordinance No. 2025-0033

AN ORDINANCE approving an application for current use assessment for public benefit rating system, submitted by Kerri Grace for property located east and abutting 13710 SW Reddings Beach Road, WA 98070, designated department of natural resources and parks, water and land resources division file no. E24CT014.

Sponsors: Zahilay

This matter had its first reading and was referred to the Hearing Examiner.

19. Proposed Ordinance No. 2025-0034

AN ORDINANCE approving an application for current use assessment for public benefit rating system, submitted by Derek and Lorae Schin for property located at 12633 SW 276th Street, Vashon, WA 98070, designated department of natural resources and parks, water and land resources division file no. E24CT022.

Sponsors: Zahilay

This matter had its first reading and was referred to the Hearing Examiner.

20. Proposed Ordinance No. 2025-0035

AN ORDINANCE approving an application for current use assessment for public benefit rating system, submitted by Timothy and Teri Farno for property located south and abutting 28403 NE 112th Way, Duvall, WA 98019, designated department of natural resources and parks, water and land resources division file no. E24CT010.

Sponsors: Zahilay

This matter had its first reading and was referred to the Hearing Examiner.

21. Proposed Ordinance No. 2025-0036

AN ORDINANCE approving an application for current use assessment for public benefit rating system, submitted by Fred and Henriet Schapelhouman for property located at 22312 NE 114th Street Redmond, WA 98053, designated department of natural resources and parks, water and land resources division file no. E24CT013.

Sponsors: Zahilay

This matter had its first reading and was referred to the Hearing Examiner.

22. Proposed Ordinance No. 2025-0038

AN ORDINANCE relating to the annexation of approximately 1.1 acres of land into the Northeast Sammamish sewer and water district, known as the Parklane Annexation, for the purpose of sewer service.

Sponsors: Perry

This matter had its first reading and was referred to the Local Services and Land Use Committee.

23. Proposed Ordinance No. 2025-0039

AN ORDINANCE relating to the sale of the surplus property located at 33431 13th Place S., Federal Way, Washington, in council district seven.

Sponsors: Zahilay and von Reichbauer

This matter had its first reading and was referred to the Budget and Fiscal Management Committee.

24. Proposed Ordinance No. 2025-0040

AN ORDINANCE approving an application for current use assessment for public benefit rating system, submitted by Lynn McManus for property located at 9923 West Snoqualmie Valley Road NE, Carnation, WA 98014, designated department of natural resources and parks, water and land resources division file no. E24CT019.

Sponsors: Zahilay

This matter had its first reading and was referred to the Hearing Examiner.

25. Proposed Ordinance No. 2025-0041

AN ORDINANCE approving an application for current use assessment for public benefit rating system, submitted by Anna Mitros and Seth LaForge for property located at 12003 184th Avenue SE, Redmond, WA 98052, designated department of natural resources and parks, water and land resources division file no. E24CT011.

Sponsors: Zahilay

This matter had its first reading and was referred to the Hearing Examiner.

Reintroductions of Ordinances

26. Proposed Ordinance No. 2024-0263

AN ORDINANCE authorizing the King County executive to execute an interlocal agreement with the city of Kent for the inspection and maintenance of the Rock Creek Bridge.

Sponsors: Dunn

This matter was Reintroduced

Reintroductions of Motions

27. Proposed Motion No. 2024-0149

A MOTION confirming the executive's appointment of Tim Gately, who resides in council district nine, to the King County emergency management advisory committee, as an alternate for the King County Police Chiefs Association representative.

Sponsors: Dunn

This matter was Reintroduced

28. Proposed Motion No. 2024-0368

A MOTION confirming the executive's appointment of Michelle Maley, who resides in council district seven, to the King County women's advisory board, as the district seven representative.

Sponsors: von Reichbauer

This matter was Reintroduced

29. Reports on Special and Outside Committees

No reports were given.

Other Business

Added Items 30-32

First Reading of and Action on Emergency Ordinances Without Referral to Committee

30. Proposed Ordinance No. 2025-0044

AN ORDINANCE relating to council rules and order of business; amending Ordinance 11683, Section 4, as amended, and K.C.C. 1.24.035; and declaring an emergency.

Sponsors: Zahilay

The enacted number is 19891.

Vice Chair Perry made a motion to suspend the rules to hold a public hearing less than seven days after first reading pursuant to K.C.C. 1.24.095 and a motion to suspend the rules to take action without referral to committee pursuant to K.C.C. 1.24.085. The motion carried.

Jeff Muhm, Chief Policy Officer, briefed the Council and answered questions.

A Public Hearing was held and closed. A motion was made by Vice Chair Perry that this Ordinance be Passed. The motion carried by the following vote:

Yes: 7 - Balducci, Barón, Dembowski, Dunn, Perry, von Reichbauer, and Zahilay

Excused: 1 - Mosqueda

First Reading of and Action on Motions Without Referral to Committee

31. Proposed Motion No. 2025-0046

A MOTION relating to the organization of the council; and amending Motion 11122, Section D, as amended, and OR 2-020, Motion 11122, Section G, as amended, and OR 2-040, and Motion 11122, Section H, as amended, and OR 2-050.

Sponsors: Zahilay

The enacted number is 16736.

Vice Chair Perry made a motion to suspend the rules to take action without referral to committee pursuant to K.C.C. 1.24.085. The motion carried.

Jeff Muhm, Chief Policy Officer, briefed the Council and answered questions.

A Public Hearing was held and closed. A motion was made by Councilmember Perry that this Motion be Passed. The motion carried by the following vote:

Yes: 7 - Balducci, Barón, Dembowski, Dunn, Perry, von Reichbauer, and Zahilay

Excused: 1 - Mosqueda

32. Proposed Motion No. 2025-0045

A MOTION appointing a candidate to fill the vacant position of County councilmember representing council district five, in accordance with Section 680.10 of the King County Charter and RCW 36.16.110(3).

Sponsors: Zahilay

The enacted number is 16737.

Vice Chair Perry made a motion to suspend the rules to take action without referral to committee pursuant to K.C.C. 1.24.085. The motion carried.

Jeff Muhm, Chief Policy Officer, briefed the Council and answered questions.

Karen Keiser made remarks and thanked the Council.

Julia Patterson made remarks and thanked the Council.

De'Sean Quinn made remarks and thanked the Council.

At 3:38 p.m., the Chair announced the meeting would go into Executive Session as allowed by RCW 42.30.110(1)(h), to evaluate the qualifications for appointment to elective office, for approximately 15 minutes, until 3:55 p.m.

The Chair extended the Executive Session for approximately 5 minutes, until 4:00 p.m.

The Chair extended the Executive Session for approximately 3 minutes to 4:03 p.m.

The Chair extended the Executive Session for approximately 5 minutes to 4:08 p.m.

The Chair extended the Executive Session for approximately 10 minutes to 4:18 p.m.

The Chair reconvened the meeting at 4:18 p.m.

Councilmember von Reichbauer made and oral amendment to insert "De'Sean Quinn" on Line 20. The motion carried.

A Public Hearing was held and closed. A motion was made by Councilmember Perry that this Motion be Passed as Amended. The motion carried by the following vote:

Yes: 7 - Balducci, Barón, Dembowski, Dunn, Perry, von Reichbauer, and Zahilay

Excused: 1 - Mosqueda

Adjournment

The meeting was adjourned at 4:36 p.m.

Approved this _____ day of _____

Clerk's Signature



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance

Proposed No. 2025-0016.1

Sponsors Barón

1 AN ORDINANCE related to the repeal of RCW 10.70.140;
2 and amending Ordinance 17706, Section 2, as amended,
3 and K.C.C. 2.15.020.

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. Before May 2019, RCW 10.70.140 required local jail officials to
7 collect and report nationality information to federal immigration authorities.
8 Ordinance 18665, enacted in March 2018, made it the policy of King County to
9 obtain the minimum information then required under RCW 10.70.140 and to
10 provide it to immigration officials only after the person had been convicted and
11 sentenced.

12 B. The Washington state Legislature repealed RCW 10.70.140, effective
13 May 21, 2019, by Section 10, Chapter 440, Laws of Washington 2019.

14 C. To align the county's code with current state law and to provide clarity
15 that there is no county obligation to collect and report to federal immigration
16 officials on the nationality of persons committed to county detention facilities, it
17 is in the public interest to eliminate K.C.C. 2.15.020.C. from the county's code.

18 **SECTION 2.** Ordinance 17706, Section 2, as amended, and K.C.C. 2.15.020 are
19 hereby amended to read as follows:

20 A. An agent of King County or county employee shall not expend any time,
21 moneys, or other resources on facilitating the civil enforcement of federal immigration
22 law or participating in civil immigration enforcement operations, except where state or
23 federal law, regulation, or court order or rule shall so require. However, a county agency,
24 employee, or agent (~~not~~) is not prohibited from sending to, or receiving from, federal
25 immigration authorities, the citizenship or immigration status of a person. Also, nothing
26 in this section prohibits any county agency from sending to, receiving from, requesting
27 from, or exchanging with any federal, state, or local government agency information
28 regarding the immigration status of a person or from maintaining such information.

29 B. King County and its agents and departments and county employees shall not:

30 1. Enter into any contract, agreement, or arrangement, whether written or oral,
31 that would grant federal civil immigration enforcement authority or powers to King
32 County or its agents or law enforcement officers, including but not limited to agreements
33 created under 8 U.S.C. Sec. 1357(g) or Intergovernmental Service Agreements;

34 2. Honor immigration detainer requests or administrative warrants issued by
35 ICE, CBP, or USCIS, or hold any person upon the basis of an ICE, CBP, or USCIS
36 detainer request or administrative warrant unless such request or warrant is accompanied
37 by a criminal warrant issued by a United States District Court judge or magistrate. The
38 sheriff's office or the department of adult and juvenile detention personnel shall not carry
39 out a civil arrest, detain a person after the release date set by a court, or refuse to accept a
40 bond based on an administrative warrant separately or in combination with an ICE
41 detainer request;

42 3. For purposes of execution of federal civil immigration enforcement, permit
43 ICE, CBP₂ or USCIS officers, agents₂ or representatives access to nonpublic areas of
44 King County's facilities, property, equipment or nonpublic databases, or nonpublic
45 portions of otherwise public databases, or people in King County's custody, absent a
46 judicial criminal warrant specifying the information or persons sought unless otherwise
47 required by state or federal law. Any warrantless attempts or requests for access to those
48 facilities, property, equipment₂ or nonpublic databases shall be immediately sent to the
49 department or agency director or their designee responsible for the operation of the
50 facility, property, database₂ or equipment. Permission to access any such a facility,
51 property, equipment₂ or nonpublic database without a judicial criminal warrant may only
52 be provided with the express, written approval of the appropriate person. Any detention
53 facilities, including secure detention facilities, prisons₂ and halfway houses, that King
54 County contracts with or leases land to for the purposes of criminal or civil detention
55 must include the requirement in this subsection B.3. in any contract with King County;
56 and

57 4. Provide personal information to federal immigration authorities for purpose
58 of civil immigration enforcement, except as required by state or federal law, about any
59 person, including place of birth or household members, the services received by the
60 person or the person's next court date or release date, absent a warrant signed by a judge
61 or a law requiring disclosure.

62 C. ~~((It is the policy of King County to obtain the minimum information required~~
63 ~~under RCW 10.70.140 and to provide it to immigration officials after the person has been~~
64 ~~convicted and sentenced. In complying with RCW 10.70.140, the department of adult~~

65 ~~and juvenile detention personnel shall only inquire as to the nationality of persons who~~
66 ~~have been committed to secure detention after an adjudication of guilt and imposition of~~
67 ~~sentence. The preceding sentence only applies to the department of adult and juvenile~~
68 ~~detention's direct inquiries of persons committed to secure detention, and not to~~
69 ~~interactions with other governmental entities. Only persons who self identify as being~~
70 ~~nationals of a country other than the United States shall be subject to the notification~~
71 ~~requirements of RCW 10.70.140.~~

72 D-))1. If permission to access a King County detention facility without a judicial
73 criminal warrant is granted to ICE, CBP₂ or USCIS in accordance with subsection B.3. of
74 this section for the purpose of conducting an interview ((which)) that does not relate to
75 civil immigration enforcement between either ICE or CBP, or both, and a person who is
76 in the custody of the department of adult and juvenile detention, the department of adult
77 and juvenile detention shall provide the person with an oral explanation and a written
78 consent form that explains the purpose of the interview, that the interview is voluntary₂
79 and that the person may decline to be interviewed or may choose to be interviewed only
80 with the person's attorney present. The form shall state explicitly that the person will not
81 be punished or suffer retaliation for declining to be interviewed. The form shall be
82 available in English, Spanish₂ and any other language identified by the county's language
83 assistance plan as established in K.C.C. 2.15.030.B. and explained orally to a person who
84 is unable to read the form. Either ICE or CBP officials, or both, shall only be permitted
85 to interview persons who have consented in writing to be interviewed, absent a judicial
86 criminal warrant.

87 2. Upon receiving any ICE hold, notification, or transfer request, department of
88 adult and juvenile detention personnel shall provide a copy of the request to the person
89 and inform the person whether the department intends to comply with the request.

90 3. Consistent with Article 36 of the Vienna Convention on Consular Relations,
91 any person in custody or detention shall be informed through the person's attorney of the
92 right to communicate with the consular post of a country of which the person is a
93 national, if other than the United States, and informed that the person's consular officers
94 have the right to visit, converse, or correspond with the person, if the person wishes the
95 communication. If a person chooses to disclose that the person is a foreign national and
96 requests consular notification, the custodian shall contact the appropriate consulate. The
97 informed consent requirements of the Vienna Convention on Consular Relations shall
98 apply to all such inquiries. The same requirements shall apply to inquiries into
99 nationality status for the purpose of complying with mandatory consular notification
100 under any bilateral consular convention. In all cases, identification as a foreign national
101 shall be voluntary and based on informed consent by the person.

102 4. King County shall consider all records relating to ICE, CBP, or USCIS access
103 to facilities and information, including all communications with ICE, CBP, or USCIS to
104 be public records for purposes of chapter 42.56 RCW, the state Public Records Act, and

105 King County shall handle all such requests in accordance with the usual procedures for
106 receipt of public records requests.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: None



King County

**Metropolitan King County Council
Law and Justice Committee**

STAFF REPORT

Agenda Item:	7	Name:	Melissa Bailey
Proposed No.:	2025-0016	Date:	January 22, 2025

SUBJECT

The proposed ordinance would amend King County Code 2.15.020 to reflect the repeal of RCW 10.70.140, which required local jails to collect and report nationality information to federal immigration authorities.

SUMMARY

Before May 2019, state law (RCW 10.70.140) required local jail officials to collect and report nationality information to federal immigration authorities. Ordinance 18665, enacted in March 2018, made it the policy of King County to obtain the minimum information required under RCW 10.70.140 and report it to immigration officials only after a person had been convicted and sentenced. The Washington State Legislature repealed RCW 10.70.140, effective May 21, 2019, by Section 10, Chapter 440, Laws of Washington 2019 (also known as the Keep Washington Working Act).

The proposed ordinance would align the King County Code with current state law by removing reference to the repealed state statute. It would make other technical changes as well such as fixing typographical and drafting errors in the code.

BACKGROUND

In the United States, the federal government sets and enforces immigration laws. As part of enforcement operations, federal agents have historically used booking and other information provided by local law enforcement agencies to identify noncitizens in local custody and then request an immigration hold (detainer) on certain individuals.¹ The hold essentially facilitates an in-custody transfer so, upon release from local custody,

¹ Executive staff have confirmed that the U.S. Department of Homeland Security (DHS), which includes Immigration and Customs Enforcement (ICE), does not have direct access to obtain information from the King County Automated Fingerprint Identification System (KC AFIS). DAJD notes that the Washington State Patrol collects criminal booking information (including fingerprint data) from local jails and shares it with the Federal Bureau of Investigation (FBI). The FBI has automated the sharing of that fingerprint data with DHS, which can be used to identify individuals incarcerated in local facilities to be investigated for immigration proceedings.

the individual would be transferred directly into federal custody for the initiation of removal proceedings (deportation).²

In addition to federal enforcement operations, Washington state law (RCW 10.70.140) required local jail officials to collect the nationality of people committed to their facilities and to report noncitizens to federal immigration officials.³

In 2013, King County established a policy in code for how it would honor civil immigration hold (detainer) requests from the federal government for individuals in the custody of the Department of Adult and Juvenile Detention (DAJD).⁴ This section of the code has been amended with the most recent changes occurring in 2018.⁵ At that time, King County made it policy to obtain the minimum information required under RCW 10.70.140 and to provide that information to immigration officials after the person has been convicted and sentenced.⁶ It also added that only persons who self-identify as being nationals of a country other than the United States shall be subject to the notification requirements of RCW 10.70.140.⁷

In 2019, the Washington State Legislature passed the Keep Washington Working Act.⁸ The legislation made several changes to state law to ensure the "state of Washington remains a place where the rights and dignity of all residents are maintained and protected in order to keep Washington working."⁹ One of the changes made was the repeal of RCW 10.70.140, ending the state requirement that county jails obtain and report nationality information to federal immigration officials.

ANALYSIS

Proposed Code Changes. Proposed Ordinance 2025-0016 would remove language in K.C.C. 2.15.020.C., which currently references the repealed state statute RCW 10.70.140. The following language is what would be removed from the King County Code:

It is the policy of King County to obtain the minimum information required under RCW 10.70.140 and to provide it to immigration officials after the person has been convicted and sentenced. In complying with RCW 10.70.140, the department of adult and juvenile detention personnel shall only inquire as to the nationality of persons who have been committed to secure detention after an adjudication of guilt and imposition of sentence. The preceding sentence only applies to the department of adult and

² Legislative Record: Staff Report for Ordinance 18665 [\[LINK\]](#).

³ Section 1, Chapter 169, Laws of Washington, Extraordinary Session, 1925. [\[LINK\]](#)

⁴ Ordinance 17706 and K.C.C. 2.15.020.

⁵ Ordinance 17886 (2014), Ordinance, 18635 (2017), and Ordinance 18665 (2018).

⁶ Ordinance 18665 and K.C.C. 2.15.020.C.

⁷ Ordinance 18665 and K.C.C. 2.15.020.C.

⁸ E2SB 5497; Section 10, Chapter 440, Laws of Washington 2019. [\[LINK\]](#)

⁹ E2SB 5497, Section 1. [\[LINK\]](#)

juvenile detention's direct inquiries of persons committed to secure detention, and not to interactions with other governmental entities. Only persons who self-identify as being nationals of a country other than the United States shall be subject to the notification requirements of RCW 10.70.140.

Additionally, the proposed ordinance would make other technical corrections such as fixing a typographical error in the original ordinance and now code (see Line 24 of the proposed ordinance), switching a "which" to a "that" (see Line 74), and fixing reference to another RCW so it reads correctly (see Line 104). It would also add several serial commas to align with updated drafting guidelines.

DAJD Feedback and Current Practice. According to DAJD, the agency has no concerns with the proposed ordinance, and there would be no operational impacts as a result of these changes. DAJD confirms that it "does not collect or report the immigration status, citizenship status, and/or nationality of DAJD residents."

On June 4, 2019, shortly after the Keep Washington Working Act went into effect, DAJD stopped requesting or recording information about citizenship, immigration status, or place of birth of persons being booked into its facilities. DAJD notes that the place of birth and citizenship fields were removed from the booking system so that there is no longer a place to record this information. According to DAJD, it only records when an immigration detainer is received, that the resident is notified, and consular notifications.^{10,11}

DAJD also reports that it continues to direct its staff not to assist U.S. Immigration and Customs Enforcement unless DAJD receives a warrant signed by a federal judge. This is consistent with requirements in King County Code.¹²

INVITED

- Steve Larsen, Deputy Director, Department of Adult and Juvenile Detention

¹⁰ According to DAJD, "[i]f a resident requests consular notification or DAJD becomes aware, without making an inquiry, that a resident is a Foreign National, staff follow the guidelines in DAJD policy 5.02.003, Booking of Foreign Nationals."

¹¹ Also of note, in July 2019, the King County Auditor's Office completed an audit on U.S. Immigration and Customs Enforcement's access to county data and the protection of residents' personal information. DAJD states that it complied with all audit recommendations by August of 2019. [\[LINK\]](#)

¹² Ordinance 17886 and K.C.C. 2.15.020. From the staff report for Ordinance 17886: The U.S. Court of Appeals for the Third Circuit issued a decision in *Galarza v. Szalczyk* holding that a federal detainer alone does not shield local municipalities from liability when detaining individuals. In its decision, the court held that when a municipality holds an inmate on a federal detainer but there was no probable cause to support the detainer, the municipality can be liable for damages. As a result of this and other rulings, and following the advice of the Prosecuting Attorney's Office, the Council adopted Ordinance 17886, which established that the County would only honor ICE detainers accompanied by a federal judicial warrant.

ATTACHMENTS

1. Proposed Ordinance 2025-0016



Signature Report

Motion

Proposed No. 2024-0293.2

Sponsors Barón

1 A MOTION acknowledging receipt of the second of two
2 reports on progress toward addressing the legal system
3 backlog that resulted from the COVID-19 pandemic, in
4 response to the 2023-2024 Biennial Budget Ordinance,
5 Ordinance 19546, Section 17, Proviso P4.

6 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
7 Section 17, Proviso P4, states that \$200,000 shall not be expended or encumbered until
8 the executive transmits two reports on progress toward addressing the legal system
9 backlog that resulted from the COVID-19 pandemic, and

10 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
11 Section 17, Proviso P4, requires that the second report cover April 1, 2023, to June 30,
12 2024, and include positions supported by Coronavirus State and Local Fiscal Recovery
13 ("CLFR") revenues, the amount of CLFR appropriation that has been expended as of
14 June 30, 2024, the anticipated date by which the backlog of cases will be addressed
15 assuming various funding scenarios for 2025 through 2026, the identification and
16 discussion of barriers or system challenges to addressing the case backlog, data on
17 superior court felony backlog and pending unlawful detainer cases, and the status of the
18 district court backlog, and

19 WHEREAS, the King County executive hereby transmits to the council the
20 COVID-19 Legal System Backlog: 2023-2024 Report 2;

21 NOW, THEREFORE, BE IT MOVED by the Council of King County:
22 The council hereby acknowledges receipt of the COVID-19 Legal System
23 Backlog: 2023-2024 Report 2 proviso response, Attachment A to this motion, as required
24 by the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P4.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

Attachments: A. COVID-19 Legal System Backlog 2023-2024 Report 2, September 2024

COVID-19 Legal System Backlog: 2023-2024 Report 2

September 2024



King County

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Proviso Text

Ordinance 19546, Section 17, P4¹

P4 PROVIDED FURTHER THAT:

Of this appropriation, \$200,000 shall not be expended or encumbered until the executive transmits two reports on progress toward addressing the legal system backlog that resulted from the COVID-19 pandemic and a motion with each report that should acknowledge its receipt and both motions are passed by the council. 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. Both reports shall include information from the department of judicial administration, the prosecuting attorney's office, the department of public defense, district court and superior court.

The first report shall cover the period from October 1, 2022, through March 31, 2023, and report on the following:

- A. A list of positions supported by Coronavirus State and Local Fiscal Recovery ("CLFR") revenues, identified by job type and the number of vacant positions, for the department of judicial administration, the prosecuting attorney's office, the department of public defense, superior court and district court;
- B. The amount of 2023-2024 biennial CLFR appropriation for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense, superior court and district court that has been expended as of March 31, 2023, as well as the total CLFR appropriations and expenditures to date;
- C. The anticipated date by which the backlog of cases will be addressed assuming various funding scenarios for 2024;
- D. The identification and discussion of barriers or system challenges to addressing the backlog;
- E. A plan, developed in consultation with the department of judicial administration, superior court, the prosecuting attorney's office and the department of public defense for how to address the felony criminal backlog in cases given the appropriation amount provided in this ordinance;
- F. Funding options to address the backlog in felony criminal cases;
- G. For superior court cases, the report should also include the following data for the reporting period, by quarter, with prepandemic data from 2019 as comparison:
 1. The pending caseload for all criminal cases;
 2. The pending caseload for the most serious felonies, defined as homicides, sex crimes, robbery in the first degree and assault in the first degree and in the second degree;
 3. The number of total resolutions for all criminal cases by jury trial, by nonjury trial, resolved by plea and dismissed;
 4. A summary of resolutions for the most serious felony cases, by jury trial, by non-jury trial, resolved by plea and dismissed; and
 5. The number of filings and total pending cases for unlawful detainer cases; and

¹ [Link to Ordinance 19546](#)

- H. For district court cases, the report should also include the status of backlog cases, including the number of unfiled criminal cases.

The executive should electronically file the first report and motion required by this proviso no later than May 15, 2023, 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 law, justice, health and human services committee or its successor.

The second report shall cover the period from April 1, 2023, through June 30, 2024, and include, but not be limited to, the following information from the 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 CLFR revenues for the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court district court, identified by job type and the number of vacant positions;
- B. The amount of 2023-2024 biennial CLFR appropriation for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court district court has been expended as of June 30, 2024, as well as the total CLFR appropriations and expenditures to date;
- C. The anticipated date by which the backlog of cases will be addressed assuming various funding scenarios for 2025-2026;
- D. Identification and discussion of barriers or system challenges to addressing the backlog;
- E. For superior court cases, the report should also report the following data for the reporting period, by quarter, with prepandemic data from 2019 as comparison:
 - 1. The pending caseload for all criminal cases;
 - 2. The pending caseload for the most serious felonies, defined as homicides, sex crimes, robbery in the first degree and assault in the first degree and in the second degree;
 - 3. Total resolutions for all criminal cases by jury trial, by nonjury trial, resolved by plea and dismissed;
 - 4. Resolutions for the most serious felony cases, by jury trial, by nonjury trial, resolved by plea and dismissed; and
 - 5. Filings and total pending cases for unlawful detainer cases; and
- F. For district court cases, the report should also include the status of backlog cases, including the number of pending unfiled criminal cases.

The executive should electronically file the second report and motion required by this proviso no later than September 16, 2024, 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 law, justice, health and human services committee or its successor.

Executive Summary

This is the second of two reports prepared by the Office of Performance, Strategy and Budget on progress toward addressing King County’s legal system case backlog related to the COVID-19 pandemic, as called for by Ordinance 19546, Section 17, Proviso P4.² All information in this report is current as of June 30, 2024, or as otherwise specified. Note that three additional reports on the backlog were submitted to the King County Council in 2021 and 2022 as required by Ordinance 19318, Section 2, Proviso P4.³

Background: The COVID-19 pandemic-related backlog of King County legal system cases directly affects operations of the County’s Prosecuting Attorney’s Office (PAO), the Department of Public Defense (DPD), Superior Court, the Department of Judicial Administration (DJA; also known as the County Clerk’s Office), and District Court.⁴ The Council appropriated federal Coronavirus Local Fiscal Recovery (CLFR) Fund resources to address the backlog to these five agencies in 2020-2024 budgets. Legal system backlog is defined as an excess of pending legal cases above pre-pandemic levels affecting PAO, DPD, DJA, Superior Court, and District Court operations. Most pending cases as of June 30, 2024 were filed after the most acute operational impacts of the pandemic.

The COVID-19 pandemic resulted in unprecedented operational challenges and backlogs in the legal system. King County legal system agencies have utilized temporary federal resources to reduce the number of pending cases in the legal system, reduce pandemic-related delays, and provide access to justice for King County residents, even as the legal system continues to grapple with operational challenges. As of June 2024, operations are less directly affected by pandemic conditions, but substantial challenges related to staffing, limited resources, and legal changes continue to delay case resolution and impact all legal system agencies. All legal system CLFR resources will be spent by the end of 2024 and most agencies’ General Fund budgets are affected by financial constraints in the General Fund caused by state law that prevents property tax from keeping up with inflation. General Fund budgets were reduced in 2024 and further reductions in the 2025 budget were pending as of June 30, 2024.

Court backlogs result in increased time to case resolution. This has implications for criminal defendants, particularly those awaiting case resolution in custody, and for victims of crime who must wait longer to receive case outcomes. Since many parts of the legal system disproportionately affect Black, Indigenous, and other People of Color (BIPOC) residents, reducing the backlog is consistent with the County’s equity and social justice efforts.

² First 23-24 report: PSB - COVID-19 Legal System Backlog: 2023-2024 Report - Ordinance 19546 [\[LINK\]](#)

³ First 21-22 Report COVID-19 Legal System Backlog Report [\[LINK\]](#); Second 21-22 Report COVID -19 Legal System Backlog Report [\[LINK\]](#); Third 21-22 Report: COVID-19 Legal System Backlog Report [\[LINK\]](#).

⁴ Other King County legal system agencies (the Department of Adult and Juvenile Detention, King County Sherriff’s Office) and social service agencies (Department of Community and Human Services and King County Public Health) are indirectly affected by the case backlog but are out of scope for this and previous reports.

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 June 30, 2024, and to report on the status of and challenges of addressing the backlog.⁵

Report Requirements

Positions supported by CLFR revenues: The 2023-2024 budget allocates CLFR funds supporting 73 positions as of June 30, 2024, 61 of these positions are filled with 12 vacancies. These positions have not been consistently filled over the course of the biennium. Agencies employ different strategies for spending CLFR funds and the number of direct positions funded by CLFR is not a reliable indicator of resources dedicated to resolving cases.

Agency	June 30, 2024	
	Total filled positions	Total vacant positions
District Court	2	0
DJA	13	10
DPD	30	2
Superior Court	16	0
PAO	N/A	N/A
Total	61	12

Appropriation expended as of June 30, 2024: Agencies spent a total of \$20,645,000 CLFR funding through June 30, 2024. Agencies anticipate spending all appropriated CLFR funding by the end of 2024 and no additional federal funding is expected in 2025.

	2023-2024 Revised Biennial Appropriation	2023-2024 Appropriation Expended as of June 30, 2024	Total CLFR allocated*	Total CLFR Expended as of June 30, 2024
District Court	820,000	823,000	3,657,000	3,660,000
DJA	2,571,000	2,044,000	4,852,000	4,325,000
PAO	6,847,000	7,043,000	14,644,000	14,840,000
DPD	6,265,000	5,460,000	16,632,000	15,827,000
Superior Court	7,296,000	5,276,000	15,765,000	13,744,000
Total	23,179,000	20,645,000	54,929,000	52,395,000

Anticipated date backlog will be addressed: The District Court filed backlog was fully addressed as of March 31, 2023. If the volume of filed pending cases continues to decline at the rate since Q1 2023, the filed felony pending caseload would reach 2019 levels in Q2 2026. This projection is highly uncertain and unlikely to be achieved, as resources to address cases will likely decrease in 2025 and other factors affecting filings and resolutions are difficult to predict.

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:

- Staffing and scheduling challenges
- Challenges specific to felony criminal case processing, including longer time to resolution and high serious crime rates
- Challenges specific to eviction case processing after the expiration of eviction moratoriums
- Anticipated resource reductions caused by the expiration of federal CLFR resources and continued financial challenges in the General Fund

Direct effects of the pandemic on operations have mostly resolved or resulted in operational changes that are expected to be permanent, such as remote court appearances.

Superior Court backlog: Superior Court’s pandemic-related case backlog⁶ is the number of pending cases exceeding pre-pandemic volume. All active cases,⁷ regardless of filing date, are counted from the time of filing to the time of resolution. As of June 2024, most backlog cases are not directly related to pandemic closures and moratoriums, but this report uses the same definition of pandemic backlog as previous reports. The number of unfiled pending cases is similar to pre-pandemic volume as of June 30, 2024.

1. Pending caseload for all criminal cases

	2019 Average	Q2 2024	Difference from 2019
Criminal Filed Pending Cases ⁸	3,435	4,131	696
Pending Unfiled Criminal Cases	1,800	1,756	-44
Total Pending Cases	5,235	5,887	652

2. The pending caseload for the most serious felonies, defined as homicides, sex crimes, robbery in the first degree, and assault in the first degree and in the second degree;

	2019 Average	Q2 2024	Difference from 2019
Most Serious Felonies Pending Cases ⁹	948	1,057	109

⁶ This definition is used for the purposes of this report, specifically in the context of the COVID-19 pandemic. Legal agencies use the term “backlog” in different ways.

⁷ Cases are active if they do not have a disposition and they are not in an inactive status (for example, on warrant).

⁸ Includes RALJ (appeals from limited jurisdiction courts).

⁹ Homicides, sex crimes, Robbery 1, Assault 1 and 2. Also included in criminal. See Appendix A for a full list of homicide and sex offenses.

3. The number of total resolutions for all criminal cases by jury trial, by nonjury trial, resolved by plea and dismissed;¹⁰

	2019 Average	Q2 2024	Difference from 2019
Criminal Total Resolved (includes Most Serious)	1,447	1,296	-151
<i>Resolved by Jury Trial</i>	3.0%	1.6%	-1.4%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.7%	0.3%
<i>Resolved by Guilty Plea</i>	77.1%	68.4%	-8.7%
<i>Dismissal</i>	19.1%	29.0%	9.9%
<i>Others</i>	0.5%	0.3%	-0.2%

4. A summary of resolutions for the most serious felony cases, by jury trial, by non-jury trial, resolved by plea, and dismissed;¹¹

	2019 Average	Q2 2024	Difference from 2019
Most Serious Felonies Resolved ¹²	365	341	-24
<i>Resolved by Jury Trial</i>	6.4%	3.5%	-2.9%
<i>Resolved by Non-Jury Trial</i>	0.1%	0.9%	0.7%
<i>Resolved by Guilty Plea</i>	78.9%	73.9%	-5.0%
<i>Dismissal</i>	14.0%	21.4%	7.4%
<i>Others</i>	0.6%	0.3%	-0.3%

5. The number of filings and total pending cases for unlawful detainer cases;

	2019 Average	Q2 2024	Difference from 2019
Pending Unlawful detainer (evictions) ¹³	461	2423	1,962
Quarterly filings	1,156	1,981	825

¹⁰ Percentages are percent of total resolutions.

¹¹ Percentages are percent of most serious cases resolutions.

¹² Homicides, sex crimes, Robbery 1, Assault 1 and 2, also included in Criminal, above.

¹³ Also included in Civil.

District Court filed backlog: District Court’s filed backlog was fully resolved in Q1 2023.

PAO District Court unfiled backlog:

	2019 Average	Q2 2024	Difference from 2019
Unfiled District Court PAO Backlog ¹⁴	830	3,850	3,020

Next Actions: As reported in the May 2023 report, District Court has resolved all pandemic-related filed backlogs. Backlogs in felony criminal cases and in unlawful detainer cases remain. Reducing the remaining pending cases to 2019 levels is dependent on a variety of factors, including available financial resources. CLFR funds for the legal system backlog will end by the end of 2024 and deficits in the General Fund make allocating additional resources to the legal system challenging. As of June 30, 2024, the Executive Office was developing the 2025 Proposed Budget. The 2025 budget will be adopted by Council in November 2024.

¹⁴ PAO estimates. Data limitations prevent precise reporting.

Background

The pandemic-related backlog of cases in the King County legal system directly affects operations in the Prosecuting Attorney's Office (PAO), the Department of Public Defense (DPD), Superior Court, the Department of Judicial Administration (DJA; also known as the County Clerk's Office), and District Court.¹⁵ The King County Council appropriated federal Coronavirus Local Fiscal Recovery (CLFR) Fund resources to address the backlog to these five agencies in 2021-2024 budget appropriations. Legal system backlog is defined as excess pending cases above pre-pandemic levels affecting PAO, DPD, DJA, Superior Court, and District Court operations.

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 and 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 draft report content.

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

The PAO 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 Economic Crime and Wage Theft Division and the Gender Based Violence and Prevention Division are also integral to addressing criminal cases.

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 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.

¹⁵ 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.

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, and
- 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 King County Bar Association 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, and

- Search warrant authorizations.

King County District Court considers the above civil cases for all of 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: The COVID-19 pandemic resulted in unprecedented operational challenges and backlogs in the legal system. King County legal system agencies have utilized temporary federal resources 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.

Court backlogs result in increased time to case resolution. This has implications for criminal defendants, particularly those awaiting case resolution in custody, and for victims of crime who must wait longer to receive case outcomes. Since many parts of the legal system disproportionately affect Black, Indigenous, and other People of Color (BIPOC) residents, reducing the backlog is consistent with King County's equity and social justice efforts.

Some changes, such as the 2021 Washington State Supreme Court Decision that ruled the state's drug possession law was unconstitutional (*State vs. Blake*) coincided with pandemic related changes and led to significant changes in case volume but were not directly related to COVID-19 or the public health response.

Previous reports submitted to the Council in 2021 and 2022 in response to P4 in Ordinance 19318, and in 2023 in response to this proviso, explained the factors contributing the legal system backlog, challenges and adaptations in each agency as a response to pandemic conditions, background on federal funding, and detailed background information on backlogs by case type, including evictions.¹⁶

Agencies have made progress on mitigating and reducing backlogs including under very challenging conditions during the health emergency. Operational adaptations included:

- Superior Court civil trials at Meydenbauer Convention Center;
- Proceedings and trials over video;
- Superior Court jury selection over Zoom;
- Implementing facilities changes and new processes with new video equipment, hardware, and software to support remote and socially distanced work and judicial proceedings;
- Hiring and training additional judicial officers, attorneys, and staff;
- Staff working on overlapping cases with little downtime;

¹⁶ COVID-19 Legal System Backlog - Report 3 November 2022 [\[LINK\]](#)

- Collaboration with public health experts to implement safety procedures.

As of June 30, 2023, most state and local pandemic restrictions have been lifted and King County COVID case rates have little direct effect on court operations. Most operational changes implemented during the pandemic that remain in place, such as remote jury selection, are expected to continue indefinitely.

The Executive oversees crucial criminal justice facilities like the County jail; the Executive's Office coordinated with all relevant agencies to develop recommendations and plans to address the backlog. However, the State Constitution, the County Charter, and applicable ordinances grant the Executive no authority over criminal legal operations of the courts, the PAO, or DPD.

Report Methodology: PSB coordinated with PAO, DPD, Superior Court, DJA, and District Court to compile data on backlog cases and resources expended through June 30, 2024, and to report on status and challenges addressing the backlog. DJA and PAO provided case data and all agencies provided staffing and financial information.

Each of the above agencies provided feedback and reviewed report contents. DAJD provided feedback on information related to DAJD staffing. In addition to the first report required by Ordinance 19546, Section 17, P4 transmitted to Council in May 2023, several required elements of this report were also reported to the Council in 2021 and 2022 over three reports required by P4 in Ordinance 19318.

Report Requirements

A. A list of positions supported by Coronavirus State and Local Fiscal Recovery ("CLFR") revenues, identified by job type and the number of vacant positions, for the department of judicial administration, the prosecuting attorney's office, the department of public defense, superior court and district court;

As of June 30, 2024, DJA, PAO, DPD, District Court, and Superior Court have a total of 61 filled positions and 12 vacancies that are currently funded by Ordinance 19546. The full list of positions can be found in Appendix B. Work to resolve pending cases is handled by both CLFR-funded and General Fund funded positions and the number of positions whose compensation is supported by CLFR is not a direct reflection of resources expended on resolving the backlog.

Table 1: Summary of CLFR funded Positions

Agency	March 31, 2023		June 30, 2024	
	Total filled positions	Total vacant positions	Total filled positions	Total vacant positions
District Court	5	0	2	0
DJA	12	11	13	10
DPD	27	0.5	30	2
Superior Court	27	3	16	0
PAO	56	0	N/A	N/A
Total	127	14.5	61	12

Some positions have been vacant for various periods of time. The vacant positions do not necessarily reflect challenges with hiring and recruiting, as some agencies fund base budget positions with CLFR funds, in some cases in special duty roles, rather than designating specific term limited temporary (TLT) positions.

Agencies employ differing strategies in type and funding structure for these staff. Positions include TLT positions, full time equivalent (FTE) positions, and FTE positions on special duty. As CLFR funding ends, some CLFR FTE positions continue to be funded by the General Fund, while some current temporary positions funded by the General Fund end.

Some positions have been filled intermittently, as agencies have experienced challenges with retention and employees hired in temporary positions have transitioned 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 FTE openings.

PAO had spent all CLFR funding as of June 30, 2024 and there were no positions billed to CLFR at that time.

DPD, in hopes of attracting more and better qualified candidates and ensuring a more stable workforce, has largely ceased hiring attorneys into TLT positions, filling vacant career service positions instead. DPD

continues to face significant recruiting difficulties, resulting in severe staffing challenges, particularly in the area of experienced attorneys able to handle complex felony caseloads.

DPD CLFR-funded FTEs are in the base budget and will revert to General Fund when CLFR funds end.

B. The amount of 2023-2024 biennial CLFR appropriation for district court, the department of judicial administration, the prosecuting attorney’s office, the department of public defense, superior court and district court that has been expended as of June 30, 2023, as well as the total CLFR appropriations and expenditures to date;

King County criminal legal agencies spent a total of \$20.6 million in CLFR funds through June 30, 2024, of the \$23.2 million appropriated in the 2023-2024 budget. Total legal system CLFR funds spent through June 30, 2023, is \$ 52.4 million. All \$54.8 million of CLFR funding is expected to be spent by the end of 2024 and additional CLFR funds are not expected to be allocated in 2025.

Table 2: CLFR appropriation expended as of June 30, 2024¹⁷

	2023-2024 Revised Biennial Appropriation¹⁸	2023-2024 Appropriation Expended as of June 30, 2024	Total CLFR allocated¹⁹	Total CLFR Expended as of June 30, 2024
District Court ²⁰	820,000	823,000	3,657,000	3,660,000
DJA	2,571,000	2,044,000	4,852,000	4,325,000
PAO	6,847,000	7,043,000	14,644,000	14,840,000
DPD	6,265,000	5,460,000	16,632,000	15,827,000
Superior Court	7,296,000	5,276,000	15,765,000	13,744,000
Total	23,179,000	20,645,000	54,929,000	52,395,000

C. The anticipated date by which the backlog of cases will be addressed assuming various funding scenarios for 2025-2026;

Note: King County Council will adopt an annual budget for 2025, rather than a biennial budget. The below section assumes various funding scenarios for the 2025 budget only.

Pandemic-related legal system backlog is defined as excess pending cases above pre-pandemic levels affecting PAO, DPD, DJA, Superior Court, and District Court operations.²¹

¹⁷ Expended amounts in the table are based on monthly totals as of June 30, 2024 and reflect adjustments since the previous report was submitted to council.

¹⁸ Includes supplemental changes.

¹⁹ Unspent 2021-2022 CLFR funds were reappropriated in 2023-2024, so adding total appropriated amount from multiple budgets overstates the total amount of CLFR funding allocated.

²⁰ Amounts reflect Q3 actuals and will be adjusted to appropriated amount.

²¹ 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.

Each agency's workload is driven by responsibilities for different case types and 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 2019 reference period of pre-pandemic volume.

District Court Backlog: The District Court filed backlog is fully resolved as of Q1 2023.

Superior Court Backlog: Pandemic-related felony backlog is defined as pending caseloads above 2019 volume. Individual cases are not designated backlog or non-backlog based on the age of the case. Even under pre-pandemic conditions, the time to resolution was highly variable. Backlog is influenced by various factors, including new incoming cases.

Substantial progress was made in reducing the backlog between Q1 2023, when the previous report²² was submitted to Council, and Q2 2024. The PAO reports unfiled pending felony case volume is similar to pre-pandemic levels in Q2 2024. Much of the filed backlog reduction has been in the most serious case types, even though these cases take substantially longer to resolve than other case types. Agencies have prioritized allocating resources to these case types.

While the rate and direction of change in the volume of pending felony cases is related to funding and resource allocation, it is also influenced by operational changes, policy decisions, and factors outside the control of County agencies. This includes prioritization decisions by individual agencies on how limited resources are allocated within their organizations, changes in filing decisions, law enforcement staffing, and underlying crime rates.

The discussion and graph below provide projections of filed felony backlogs assuming all factors influencing the rate of decline, including funding, stay constant. Resources allocated to case processing will likely be smaller in 2025 and beyond, as federal CLFR funding will end and General Fund base budgets will likely decrease due to General Fund financial challenges.

Projections if resources and other factors stay constant:

If the rate of decline in pending cases remains similar to the past year, pending cases could return to pre-pandemic levels in about two years (see blue line in the chart below).

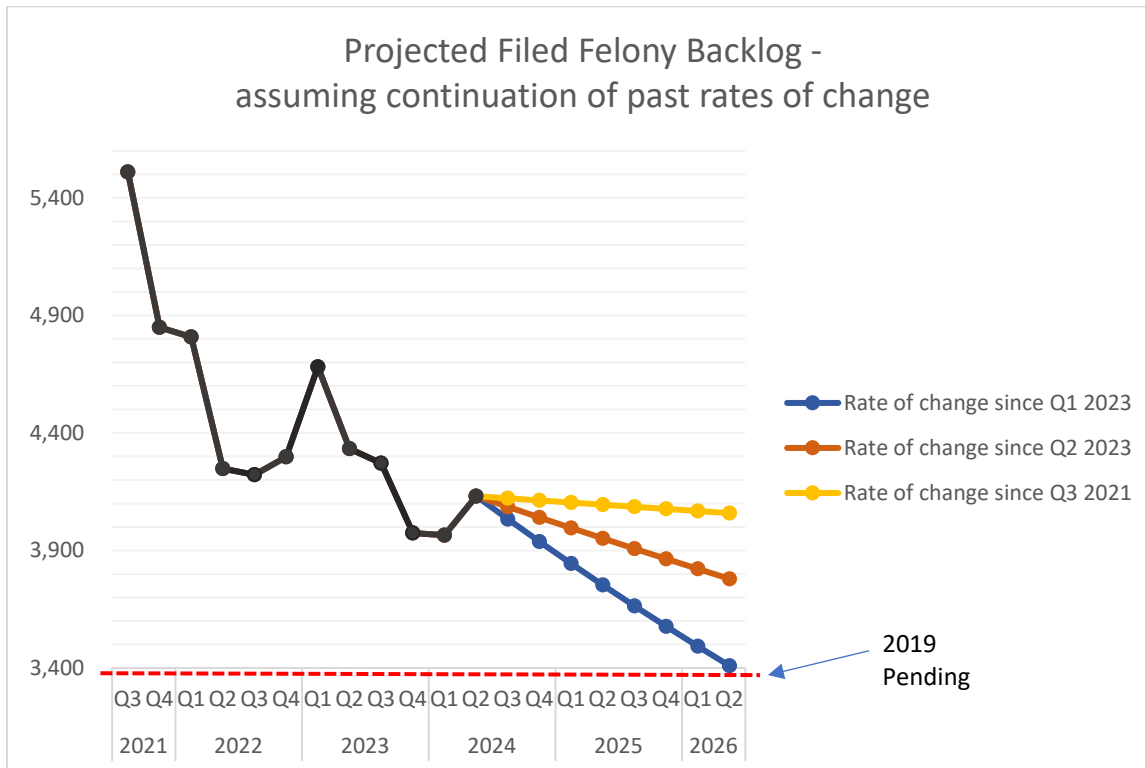
Using different assumptions regarding the past rate of change (yellow and orange lines below), the projected time to eliminate the filed felony backlog is longer.

Those projections assume no major changes in the number of cases referred by law enforcement (either due to underlying changes in criminal activity or in law enforcement staffing or practices) or major policy or operational changes. It also assumes resources remain constant. Even ahead of the expiration of CLFR resources at the end of 2024, some agencies have ramped down CLFR funded positions in anticipation of

²² 2023-RPT0051, PSB - COVID-19 Legal System Backlog: 2023-2024 Report - Ordinance 19546 [[LINK](#)]

the end of funding. For example, PAO is no longer filling CLFR TLT positions. Most agencies reduced base budgets in the 23-24 budget in response the General Fund constraints.

Figure 1: Projected filed felony backlog assuming continuation of past rates of change



Source: DJA and PSB Analysis

Discussion of possible funding changes:

All agencies report they will spend all CLRF funding in 2024 and the Executive does not plan to propose additional CLFR funds for legal system agencies in the 2025 proposed budget.

Most costs in the King County legal system are paid by the General Fund, so maintaining the current level of resources allocated to case processing would require additional General Fund spending.

The General Fund faces a shortfall caused by state law that prevents property tax from keeping up with inflation. Revenue constraints in the General Fund required budget reductions in most legal system agencies in 2024 and additional reductions are likely in the 2025 proposed budget. The Executive requested agencies submit reductions totaling \$10 million from District Court, DJA, Superior Court, and PAO.²³ These agencies’ General Fund budgets were reduced by \$5.2 million (annualized) in Ordinance 19791 in 2024. Agencies submitted 2025 agency proposed budgets to the Executive on June 28, 2024. As of June 30, 2024, the 2025 Executive Proposed budget was in development. In addition to reduction

²³ Reductions were not made in the DPD General Fund budget as their costs are largely driven by staffing costs determined by legally required caseload standards.

proposals and proposals for new resources, agencies made requests for ongoing General Fund funding of some resources funded by CLFR in the 2023-2024 budget.

The Executive will make decisions on the 2025 proposed budget given up-to-date financial picture in summer 2024 and transmit the 2025 budget to Council on September 23, 2024. The Executive's goal is to minimize General Fund budget cuts. Full target reductions may not be necessary. However continuing CLFR funded resources with General Fund money will be extremely constrained by the General Fund financial situation.

If there are no changes in General Fund resources allocated to case processing in 2025, pending felony cases may increase as staff are reduced, though patterns depend on various factors, including agency resource prioritization. Pending cases might also continue to decline, but at a slower rate.

D. The identification and discussion of barriers or system challenges to addressing the backlog;

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

- staffing and scheduling challenges;
- continued direct and indirect impacts of the pandemic;
- the difficulties posed by the need to address backlogged felony cases, including higher levels of serious violent crime compared to pre-pandemic;²⁴
- challenges to addressing eviction cases, and
- factors that facilitated pending felony case reductions in 2021.

Much of the below information was included in previous reports to the Council in response to Ordinance 19318 Proviso P4 and in the first installment of this proviso report, which included information through Q1 2023. Additional issues and updated explanations are included.

Staffing and scheduling challenges

All agencies report continued challenges with recruiting and retaining qualified applicants, particularly for temporary positions, though these challenges have lessened somewhat since the last report was submitted to Council in spring 2023. 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 pandemic, and short timeframe of temporary positions. Limited staff in any agency can lead to challenges with scheduling court activity, ultimately slowing down case resolution.

- **Labor market constraints:** Agencies report recruiting and retention constraints for support staff and clerical positions has eased somewhat compared to early 2023. DPD reports hiring and retaining attorneys remains challenging as they are competing with private sector positions that offer higher pay and more remote work options. This is consistent with labor market conditions for public defenders state-wide, which remain challenging. PAO reports relatively little external recruitment, as individuals in CLFR funded TLT positions have moved into vacant FTEs. DJA and

²⁴ 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.

Superior Court report larger applicant pools but continued requests for transfers from the downtown courthouse location to the Maleng Regional Justice Center (MRJC) in Kent.

- **Challenges specific to hiring temporary positions:** Increasingly shorter time frames for TLT positions exacerbate hiring challenges. CLFR TLTs are competitive applicants for FTE openings, so turnover among TLT positions is high. Some agencies are generally not filling vacated TLT positions, given the short time frame of remaining funding. PAO has expended all CLFR funds and no longer has CLFR-funded positions.
- **Employee Impacts:** Agencies report stress and anxiety of staff, as well as morale issues as a contributor to recruitment and retention issues. For example, as of June 2024, DJA employees continue to request transfers to the MRJC from the downtown courthouse. DJA reports that employees have cited their perception of unsafe conditions in downtown Seattle near and around the Courthouse and the elimination of free parking. A PAO employee survey in 2021 found roughly 90 percent of 220 employees surveyed felt unsafe in and around the Seattle Courthouse, which may have contributed to hiring and retention challenges. While the survey has not been repeated more recently, PAO reports human resources staff continue to hear reports of safety concerns. Recent events reported by PAO include suspicious mail received at the downtown courthouse and increased online attacks of PAO attorneys. 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 increased burnout.
- **Training requirements:** When employees are hired, they often require training and experience to reach full capacity. Recruitment, hiring, and training also requires existing staff time. PAO notes it is challenging to balance the needs of court coverage with training needs, especially training for newer attorneys so they are sufficiently prepared to handle felony cases.
- **Qualified and experienced attorneys for serious felony cases:** A primary constraint to addressing serious criminal cases is a shortage of experienced attorneys, particularly experienced trial attorneys. Prior to June 2024, state court rules dictated specific experience requirements for public defense attorneys working on Class A, some Class B, and some sex offense cases.²⁵ The recent pandemic-related pauses in trials (both locally and nationally) resulted in a labor pool with relatively limited trial experience. As of June 2024, DPD has adopted updated qualification guidelines as required by the Washington State Bar Association and by order of the State Supreme Court.²⁶ These guidelines are more nuanced than the previous qualification requirements and allow more flexibility in case assignments for some case types. While DPD expects the new standards to alleviate some of the constraints related to the shortage of qualified attorneys, it does not change current case assignments and initial effects of implementing the change will be minimal.

While there are not specific policies or legal requirements regarding qualifications for prosecutors, the PAO assigns more experienced attorneys to serious and complex cases. PAO

²⁵ Washington State Standards for Indigent Defense CrR 3.1 [\[LINK\]](#).

²⁶ The State Supreme Court issued order No. 25700-A-1579 on June 7, 2024 suspending Standard 14 of CrR 3.1 and CrRLJ 3.1 for one year. [\[LINK\]](#)

reports that more than half of senior level criminal attorneys have left the agency since January 2020. Homicide and other serious cases are more likely to go to trial, require substantially more resources, and have made up a larger share of trials than other case types. Other efforts to speed up time to resolution of cases may increase workload and stress for attorneys, leading to attrition.

Hiring additional judicial officers or other staff will not alleviate bottlenecks in case processing if there are not enough qualified attorneys. In addition, staffing changes on a case can cause case delays as new attorneys review the file and determine strategy. This can result in defendants remaining in custody longer. Lack of experienced attorneys may also be a barrier to successful plea negotiations.

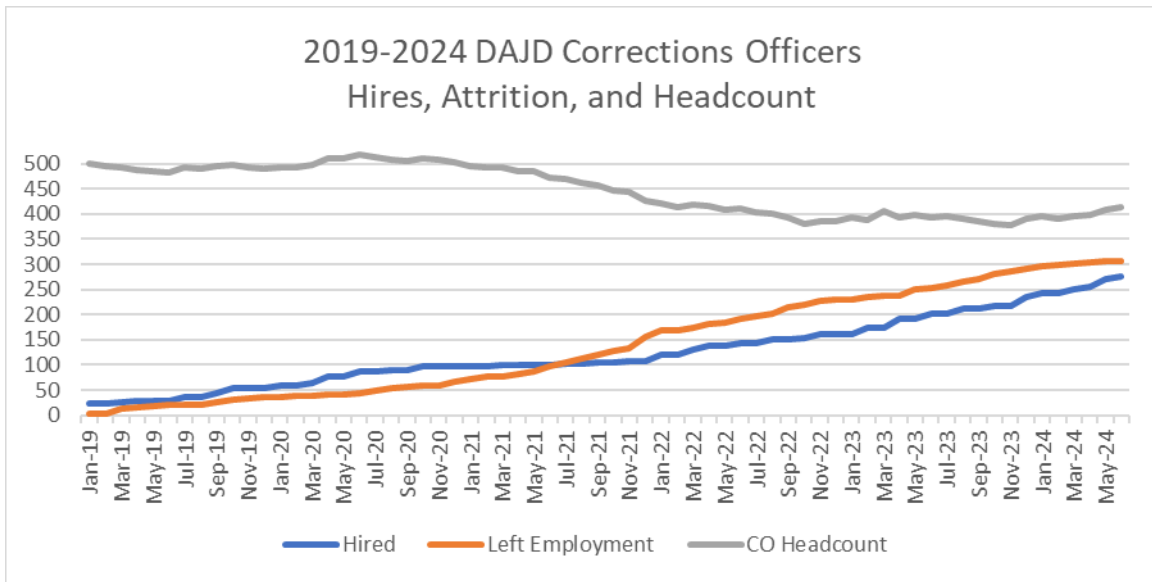
Retaining experienced attorneys continues to be a challenge. Many experienced attorneys left PAO during the pandemic, complicating staffing of serious cases. DPD notes that attorneys are carrying many open cases, and the workload is contributing to low morale. There is little downtime between trials for PAO, DPD, and court staff working on Superior Court criminal and civil trials, which contributes to burnout. While the PAO reports relatively little external recruitment due to reduction in positions based on expiring CLFR funds, the experience level of staff remains substantially lower than pre-pandemic.

- **Department of Adult and Juvenile Detention Vacancies:** DAJD has experienced high numbers of vacancies, and staffing challenges in the detention facilities have the potential to affect court operations and to slow case resolution. DAJD personnel are needed to transport defendants to court and to facilitate attorney visitation. DAJD is experiencing staff shortages across operations and must make daily decisions about how best to staff all posts, including court detail and visitation.²⁷ The chart below shows DAJD Corrections Officer hiring, attrition, and headcount. Despite the national shortage of corrections officers,²⁸ DAJD has maintained staffing levels since Q4 2022.

²⁷ Information from the Department of Adult and Juvenile Detention (DAJD).

²⁸ National corrections officer shortages in federal and state prisons, as well as local jails are widely documented. For example: [\[LINK\]](#), [\[LINK\]](#), [\[LINK\]](#).

Figure 2: DAJD Corrections Officer Staffing



Source: DAJD

DAJD notes that cities have requested changes to the booking restrictions implemented during the pandemic, which if implemented, could result in increased bookings for misdemeanor cases and warrant violations. Increased bookings and population at the jails would exacerbate existing staffing challenges.

- Interpreter availability:** Most interpreters who provide services for Superior Court criminal cases are hourly contractors. The increased number of trials, a competitive market for interpreters, and interpreter reluctance to come to the courthouse due to health and safety concerns have 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 Biennial Budget includes funding to increase contract interpreter pay rates. DPD used 2023-2024 CLFR funding to fund dedicated interpreters. DPD has identified this as an ongoing need and converted an existing permanent position to a career service Spanish interpreter, in addition to the CLFR-funded TLT. Interpreters contracted through Superior Court have had fewer client meetings (from an average of 32 meetings a month in 2021 to an average of 12 a month in 2023), likely due to the availability of DPD’s interpreters. Superior Court contracted interpreters continue to handle all interpretation in court.

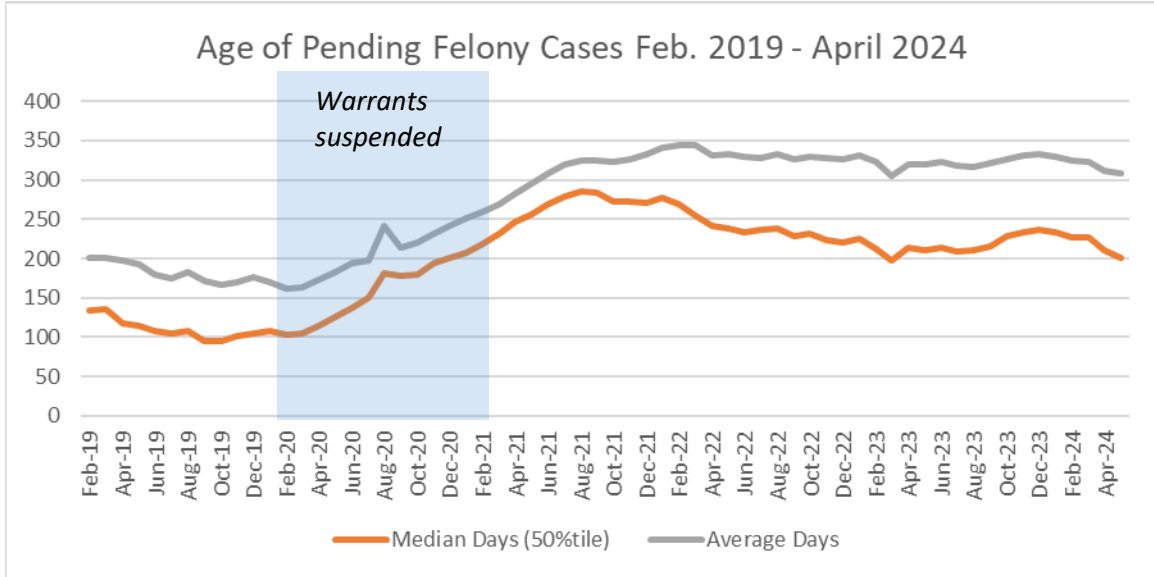
Challenges to felony case processing

The median age of pending felony cases remains longer than in 2019 though median age of caseload has decreased in the last year.²⁹ DJA reports of pending case age does not include time on failure to appear (FTA) warrant status, which complicates historical comparison due to pandemic restrictions on warrants

²⁹ Average time to resolution was affected by dismissals of Blake cases in 2021.

from March 20, 2020 to February 19, 2021.³⁰ PAO does include this time in their reports of age to disposition. DJA age of pending cases also excludes competency cases, which are time consuming for both DPD and Superior Court. Graphs of both DJA and PAO data are included below.

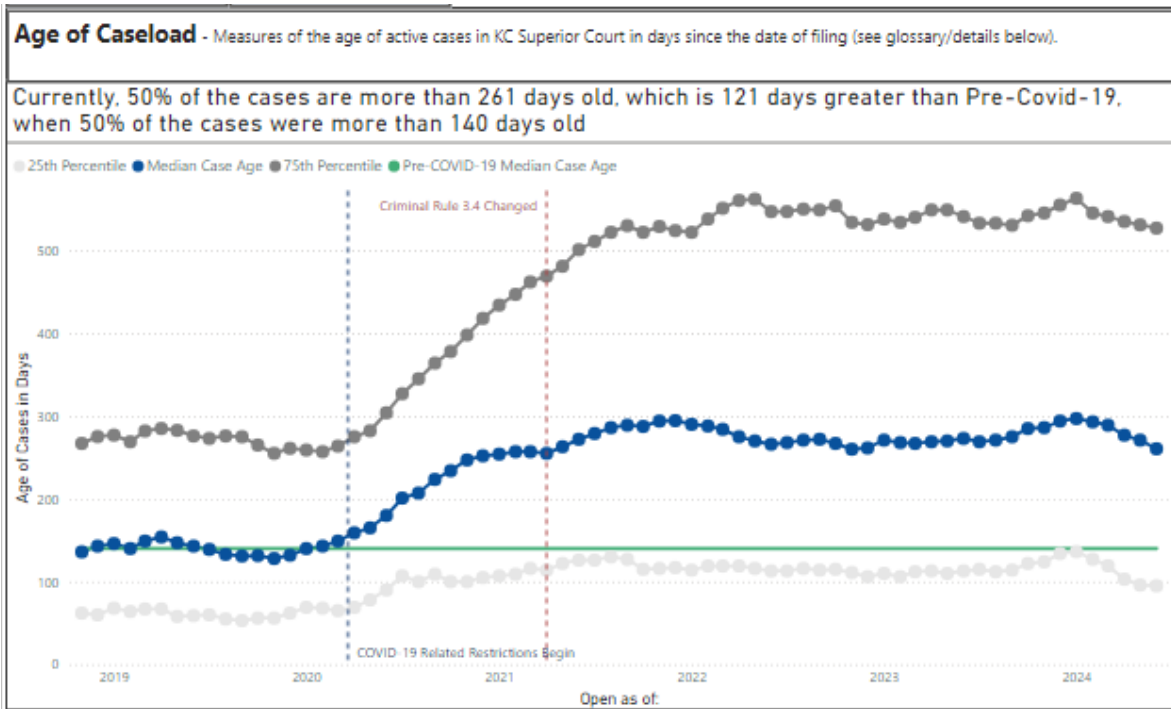
Figure 3: Age of pending felony cases, days (DJA)



Source: DJA

³⁰ Washington State Supreme Court Order No. 25700-B607 [LINK] and Washington State Supreme Court Order No. 25700-B658 [LINK].

Figure 4: Age of pending felony cases, days (PAO)



Source: PAO

Note that while the backlog and increased time to resolution presents operational challenges to all legal system agencies, DPD does not consider longer time to resolution detrimental to the goals of serving their clients. DPD notes the higher rate of dismissals compared to 2019 (see [Figure 10: Felony case resolutions](#)) could indicate that system is working as it should: there are fewer negative consequences for out of custody defendants to wait the time needed to investigate their cases, resulting in dismissals in cases without sufficient evidence for a guilty verdict in a trial.

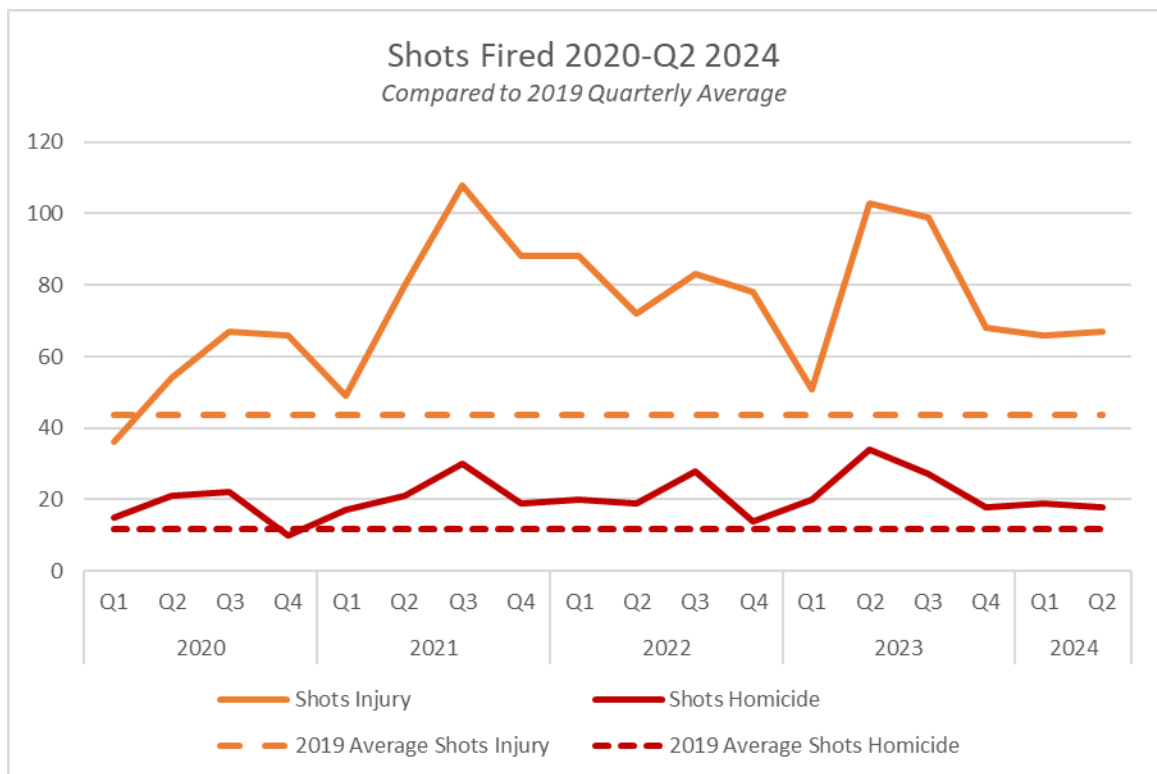
The factors described below are cited by one or more agency as challenges and barriers to addressing the felony criminal backlog.

- **Challenges addressing the 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. Other factors that slow time to resolution of the most serious cases compared to other felonies include:
 - Cases are more likely to go to trial, or resolve at a later stage
 - Cases are likely to have extensive forensic evidence and require lengthy preparation
 - Cases may be assigned to attorneys who carry heavy trial calendars and are already in trial, which complicates and delays scheduling
- **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).³¹
- **Workload related to serious violent crime:** While total felony filings are lower than pre-pandemic volume, largely due to changes in drug laws and in law enforcement staffing and practices, indicators suggest serious violent crime and workload related to violent crime is higher than pre-pandemic as of Q2 2024.

The PAO’s Crime Strategies Unit reports on gunshots throughout the County. Gun homicides were up in 2023 compared to 2022 and the number of gun injuries remained flat. Data through Q2 2024 suggests a decline in gunshot homicides and injuries in 2024, though levels remain higher than 2019.

Figure 5: Gun-related injuries and homicides



Source: PAO Crime Strategies Unit³²

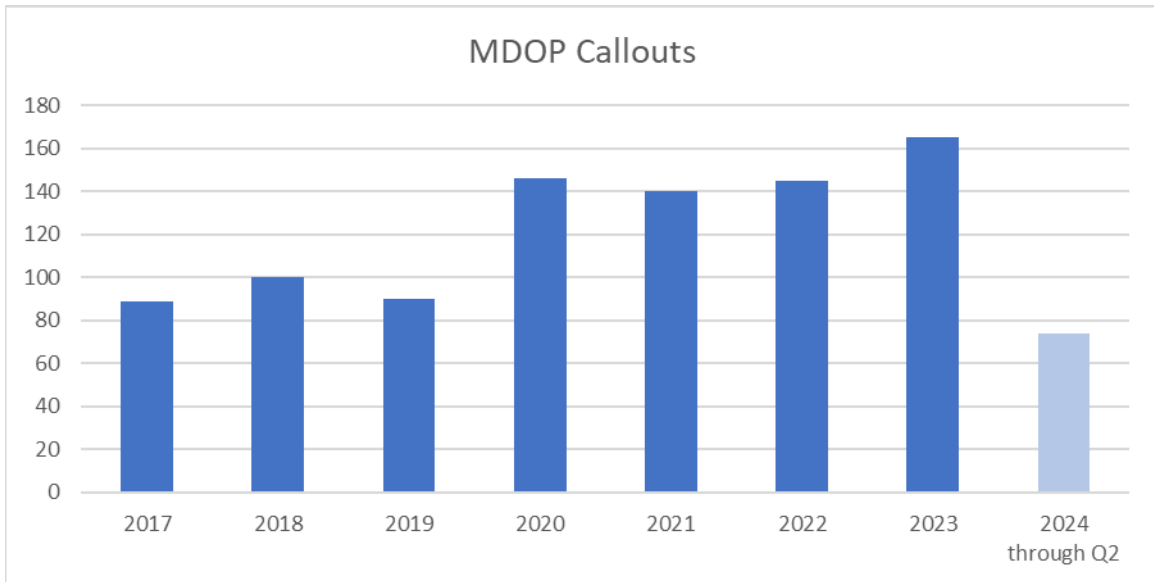
Violent crime, even when it does not result in arrest or criminal filing, creates additional workload for Senior Deputies in the PAO. The PAO’s Most Dangerous Offender Project (MDOP) team is comprised of Senior Deputies who are available seven days a week, 24 hours a day, to respond to every homicide scene in King County. The responding deputy works as part of an investigation team, which includes the detectives, the medical examiner, and forensic scientists.

³¹ This process was described in detail in a previous proviso response Appendix A: COVID-19 Legal System Backlog - Report 3 November 2022 [\[LINK\]](#)

³² PAO Gun Violence Data Reports [\[LINK\]](#)

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.³³ 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



Source: PAO

The number of search warrants requested and issued has also increased, which represents additional workload for PAO, DJA, and the Courts. The PAO's Special Operations Unit processed 234 search warrants in 2017 and 816 warrants in 2023. The increase occurred despite measures implemented by the Special Operations Unit to limit the number of warrants reviewed due to capacity constraints. Other aspects of Special Operations work, such as Investigative Court Orders, have increased as well (166 in 2016 and 561 in 2023).³⁴

- **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 2017.³⁵ Implementation of body worn cameras in the King County Sheriff's Office beginning in 2023 contributes to this increased workload.
- **Factors that increased resolutions in 2021 no longer present:** Progress on felony backlog reduction was faster in 2021 due to substantial number of case dismissals related to the Blake

³³ DPD is required to employ this resource intensive "vertical" model of representation in all cases.

³⁴ Data from PAO.

³⁵ Data on investigative court orders from PAO Special Operations Unit. 245 orders in 2017 and 529 in 2021.

decision, cases going on FTA warrant status after pandemic warrant restrictions were lifted, and pandemic-related practices to dismiss cases. New drug possession cases are no longer filed into Superior Court, which reduces incoming cases.

- **Competency evaluation delays:** Delays in competency evaluation and availability of restoration beds also contribute to backlogs. These delays increase the number of people in the jail and contribute to increased resources needed to staff the jails. Additionally, competency may be raised at arraignment and competency returns are heard on this calendar, which can slow down arraignment calendars and further reduce the number of cases heard. A competency return calendar has recently been created to help mitigate arraignment calendar congestion.
- **Longer trials:** According to PAO data, average days per trial in 2019 was 8.8 days. In 2022, it was 12 days and in 2023 it was 11.9 days. Agencies attribute this increased time primarily due to trials of most serious cases making up a larger percentage of total trials. These trials take longer to resolve.³⁶
- **Increases in Civil Cases:** Both Superior and District Court civil case workload has increased substantially compared to 2019. This includes challenges described below related to eviction cases, as well as changes to the Protection Order Process and increases in other civil case types. Involuntary Treatment Act Court continues to be a particular challenge. Civil case workload may influence criminal backlogs, particularly when CLFR resources expire.
- **Possible future increased law enforcement resources:** PAO expects the recent increase in training slots for Washington’s Police Academy could lead to increased referrals from law enforcement in the future.³⁷ PAO reports that referral patterns from law enforcement does not match crime reports for some crime categories, including car thefts, where reports, but not referrals, spiked in 2021. While statewide and in King County car theft reports have declined in 2024, they remain above historical averages.³⁸
- **Mitigation: PAO policy and process changes:** PAO has implemented process and policy changes to reduce court backlog and mitigate challenges related to staffing serious cases. To resolve more cases and provide trial experience for newer attorneys, the office has prioritized trying all cases that are ready for trial, not just the most serious cases requiring the most seasoned attorneys. This provides trial experience for newer attorneys, offers some respite periods for those in back-to-back serious cases, and encourages resolutions on those cases languishing in pre-trial status. In situations where a defendant has multiple pending cases, PAO is encouraging

³⁶ PAO data shows length of trials for specific case types increased only slightly. For example, sexual assault and child abuse cases took an average of 11.8 days in court in 2019 and 12.3 days in 2022. Forty-eight percent of resolved trials in 2022 were of the most serious case types, while 56 percent were most serious case types in Q1 2023 and even higher proportions in 2022.

³⁷ As reported by the Washington State Police Academy to PAO at the King County Police Chief Meetings. The Washington State Criminal Justice Training Commission (WSCJTC) reports opening two regional Academies in 2023 and 2024. Currently more recruits are trained annually than prior to the pandemic, though WSCJTC estimates 700 state wide vacancies as of August 2024. (Correspondence with WSCJTC).

³⁸Puget Sound Auto Theft Task Force [\[LINK\]](#); PAO Dashboard [\[LINK\]](#).

attorneys to move forward on whichever case is ready, which is a departure from past practice of prioritizing the more serious cases and should move some cases to resolution more quickly.

- **Anticipated change: DPD Caseload standards changes:** In March of 2024 the Washington State Bar Association adopted new standards for Indigent Defense Services that will replace the current DPD caseload standards in a phased in process starting in mid-2025. The new standards have significant implications for staffing and case processing that may affect the number of pending felony cases. The Prosecuting Attorney has communicated significant concern regarding the effect of the new caseload standards given current budget considerations, challenges with staffing, and the lack of similar standards for PAO attorneys. However, the new standards are not expected to have an immediate impact on the pandemic-related backlog and discussion of broader effects on the court system is beyond the scope of this report.
- **Resolved: Physical infrastructure limitations in arraignment courtroom:** Previous reports noted the delays caused by space configuration at the arraignment courtroom. As of June 30, 2024, these challenges have been resolved and cases awaiting arraignment have declined steeply.
- **Resolved: Jail transport to court:** Challenges with transporting in-custody defendants to court have largely been resolved through process changes.
- **Changes in appearance requirements:** Changes in Criminal Rule (CrR) 3.4³⁹ implemented in February 2021 changed the requirements for appearing in person for court hearings and the consequences for failure to appear. King County Superior Court implements this rule in a way that generally does not require a defendant to appear in person between arraignment and trial. 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 due to frequent work absences to attend court, reduces the risk of failures to appear because of unavailability of time off, childcare, etc., and reduces crowding in the courthouse.

While all parties agree that the change provides benefits by preventing repeated court appearances that are disruptive to defendants' lives, there is no consensus among agencies on the effects of this rule change as it relates to case resolution times and other impacts that may affect the volume of pending cases. The rule change means Failure to Appear (FTA) warrant patterns have likely changed, as defendants are no longer required to appear in Court in person between arraignment and trial. Detailed data analysis to establish connections between CrR 3.4 and changes in guilty plea rates, warrants, case resolution times, workloads, and dismissal rates has not been completed. It is beyond the scope of this report to provide quantitative analysis or comprehensive research to determine the extent of CrR 3.4's effect on these variables.

³⁹ Washington State Court Rules [[LINK](#)].

Challenges and barriers to addressing eviction cases

As eviction moratoriums have lifted, a significant increase in numbers of unlawful detainer (eviction) cases have been filed in Superior Court. The total number of filings has exceeded pre-pandemic levels as of June 30, 2024. Superior Court and DJA report the following challenges in addressing eviction cases:

- **Commissioners for unlawful detainers:** Per the State Constitution,⁴⁰ the Court is only permitted three Constitutional Commissioners who can hear unlawful detainer matters. 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. Legislative changes in protection order and UGA cases have resulted in the need for additional court time. In addition, filings of protection orders have increased. The three Constitutional Commissioners must also hear the increased number of other types of filings and incorporate changes in legislation regarding those kinds of cases.
- **Additional procedural steps required by SB 5160:** SB 5160⁴¹ established a right to counsel and corresponding duty of the Court to appoint counsel to indigent litigants in eviction proceedings. In such cases, courts are expected to advise the tenant of their right to appointed counsel if they are indigent, and 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 timeframes. The additional procedural steps inherently extend the time necessarily to fairly administer proceedings.
- **Court of Appeals Division II Case Princeton Property Management vs. Allen, Case 58183-3-II:** Recent Court of Appeals Case that affects settlement agreements in Unlawful Detainer cases. It is anticipated this will result in more filings.
- **Sunset of Washington State Eviction Resolution Pilot Program (RCW 59.18.660):** On July 1, 2023, the Washington State Eviction Resolution Pilot program ended. The program established a pre-requisite for ADR to be completed before filing eviction proceedings. With ADR no longer a requirement, unlawful detainer filings have increased.
- **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 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 limited English proficiency. Moreover, remote hearings create an inherent barrier to access for litigants who are not “technology literate,” thereby exacerbating delay and

⁴⁰ Section 33 of Washington State Constitution [\[LINK\]](#).

⁴¹ Engrossed Second Substitute Senate Bill 5160 [\[LINK\]](#).

potentially creating the need for additional court events. However, remote hearings can also make hearings more accessible for whom traveling to Seattle or Kent would be a burden.

- **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 or an answer on file, whether a continuance has been requested, or 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 have only increased with the return of in-person matters coupled with continuation of virtual proceedings.
- **Space constraints:** The Court is currently experiencing higher numbers of hearings calendared at the MRJC than the Seattle Courthouse due to Seattle's lengthier moratorium on evictions. Physical space limitations at the MRJC facility create operational challenges to addressing this higher volume of hearings.
- **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.

Current and anticipated funding constraints

As noted above in section C, CLFR funds will be fully spent at the end of 2024. As of June 30, 2024, some agencies have already completely spent these federal resources. Agencies are generally managing the use of General Fund and CLFR to avoid a sharp drop off in the number of overall positions working on case processing, but between CLFR ending and General Fund budget constraints, the overall resources available for case processing will likely decline in 2025.

As of June 30, 2024, the 2025 budget is in development. Projecting the specific extent of reduced resources depends both on Executive and County Council budget decisions and on the allocation of resources within agencies once overall 2025 budgets are determined. It is beyond the scope of this report to speculate on specific impacts given the timing of reporting and the numerous variables that affect the volume of pending cases. Overall, fewer financial resources are expected to result in slower case processing, which will negatively affect progress to return to 2019 pending case levels.

Continued effect of the pandemic on operations

As of June 30, 2024, the remaining direct impacts of the pandemic are either resolved or are expected to remain a permanent part of court operations. Both Superior and District Court expect to continue utilizing hybrid remote and in-person services. Operational changes have increased access to the courts and enabled operational innovation in allocating resources, including remote jury selection. While there is not comprehensive pre-pandemic data to compare, Superior Court notes that juries appear to be more demographically diverse compared to pre-pandemic juries. Providing hybrid services allows for better services for King County residents but can also require more resources for County agencies to maintain both in-person and remote access.

If resources constraints reduce capabilities to operate hybrid or video operations, case processing would be negatively affected.

E. For superior court cases the report should also include the following data for the reporting period, by quarter, with pre-pandemic data from 2019 as comparison:

- The pending caseload for all criminal cases;
- The pending caseload for the most serious felonies, defined as homicides, sex crimes, robbery in the first degree and assault in the first degree and in the second degree;
- The number of total resolutions for all criminal cases by jury trial, by nonjury trial, resolved by plea and dismissed;
- A summary of resolutions for the most serious felony cases, by jury trial, by non-jury trial, resolved by plea and dismissed, and
- The number of filings and total pending cases for unlawful detainer cases;

Superior Court’s pandemic-related case backlog⁴² is the number of pending cases exceeding pre-pandemic volume. All active cases,⁴³ regardless of filing date, are counted from the time of filing to the time of resolution. The PAO unfiled backlog is also measured compared to pre-pandemic volume. The pre-pandemic reference period is the average of 2019’s four quarters.⁴⁴ The below section reports on active pending cases filed in Superior Court and unfiled cases under review by the PAO, and includes information from and affecting Superior Court, DJA, PAO, and DPD.

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, CLFR resources allocated to address the backlogs are intended to result in increased resolutions and reductions in pending backlogs, and to prevent new backlogs in other case types. However, 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 public health-related recommendations and restrictions.

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 resolved as of Q2 2024.

Serious felonies backlog measures are reported separately.⁴⁵ These are homicides, sex crimes, Robbery 1, and Assault 1 and 2. The PAO prioritizes these most serious cases for filing, so there is no unfiled backlog. These are the cases that require the most resources to adjudicate.

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 10 percent

⁴² This definition is used for the purposes of this report, specifically in the context of the COVID-19 pandemic. Legal agencies use the term “backlog” in different ways.

⁴³ Cases are active if they do not have a disposition and they are not in an inactive status (for example on warrant).

⁴⁴ The pre-pandemic reference period is not intended to represent an ideal number of pending cases.

⁴⁵ See Appendix A for specific homicide and sex crime offenses.

to 35 percent of cases are represented by private attorneys.⁴⁶ DPD estimates that 10 percent of individuals facing felony charges retain private counsel. Criminal backlog numbers do not disaggregate private counsel cases. 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 reported by DJA.⁴⁷ Notably, PAO data includes cases on competency status, which require workload for attorneys, but those cases are not included in DJA statistics on pending caseload.

The below tables include data as of June 30, 2024.

As of Q2 2024, the PAO reports the total unfiled backlog is similar to 2019 volume. The filed pending backlog is around 700 cases above 2019 volume.

1. Pending caseload for all criminal cases

Table 3: Felony pending caseload

	2019 Average	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019
Criminal Filed Pending Cases ⁴⁸	3,435	4,333	4,271	3,974	3,965	4,131	696
Pending Unfiled Criminal Cases	1,800	2,151	1,889	1,964	1,921	1,756	-44
Total pending cases	5,235	6,484	6,160	5,938	5,886	5,887	652

2. The pending caseload for the most serious felonies, defined as homicides, sex crimes, robbery in the first degree and assault in the first degree and in the second degree;

Progress on the most serious felonies is slower, but progress has been made since the last report to Council. These cases require the most system resources to resolve. As of Q2 2024 there were 109 more pending cases than the 2019 average.

Table 4: Most serious pending caseload

	2019 Average	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019
Most Serious Felonies Pending Cases ⁴⁹	948	1,113	1,046	980	1,062	1,057	109

3. The number of total resolutions for all criminal cases by jury trial, by nonjury trial, resolved by plea and dismissed;

⁴⁶ Parity between the PAO and DPD Proviso Response, 2019 [\[LINK\]](#).

⁴⁷ PAO Data Dashboard [\[LINK\]](#).

⁴⁸ Includes RALJ (appeals from limited jurisdiction courts).

⁴⁹ Homicides, sex crimes, Robbery 1, Assault 1 and 2. Also included in criminal. See Appendix A for a full list of homicide and sex offenses.

Table 5: Felony case resolutions

	2019 Average	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019*
Criminal Total Resolved (includes Most Serious)	1,447	1,312	1,348	1,215	1,291	1,296	-151
<i>Resolved by Jury Trial</i>	3.0%	2.0%	1.5%	2.3%	2.2%	1.6%	-1.4%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.4%	0.9%	0.2%	0.1%	0.7%	0.3%
<i>Resolved by Guilty Plea</i>	77.1%	70.7%	67.5%	65.8%	64.4%	68.4%	-8.7%
<i>Dismissal</i>	19.1%	26.5%	30.0%	31.0%	32.9%	29.0%	9.9%
<i>Others</i>	0.5%	0.4%	0.1%	0.7%	0.3%	0.3%	-0.2%

Cases that resolve through trial require substantially more resources, though they make up a small fraction of overall resolutions. Despite additional CLFR resources, 10 percent fewer cases resolved overall in Q2 2024 compared to average quarterly resolutions in 2019, and 39 percent fewer cases resolved through trial.⁵⁰

A lower proportion of cases were resolved through guilty pleas in Q2 2024, compared to 2019 resolutions. Case dismissals continue to be higher than in 2019.

4. A summary of resolutions for the most serious felony cases, by jury trial, by non-jury trial, resolved by plea and dismissed;

The number of most serious felony resolutions increased in 2023 and 2024, relative to 2021 and 2022, but mostly remained below 2019 averages, despite the prioritization of resources on these case types.

Table 6: Most serious case resolutions

	2019 Average	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019*
Most Serious Felonies Resolved ⁵¹	365	372	325	323	336	341	-24
<i>Resolved by Jury Trial</i>	6.4%	5.4%	4.0%	6.2%	4.5%	3.5%	-2.9%
<i>Resolved by Non-Jury Trial</i>	0.1%	0.0%	0.6%	0.0%	0.0%	0.9%	0.7%
<i>Resolved by Guilty Plea</i>	78.9%	74.5%	75.7%	76.8%	75.9%	73.9%	-5.0%
<i>Dismissal</i>	14.0%	19.6%	19.4%	16.7%	19.0%	21.4%	7.4%
<i>Others</i>	0.6%	0.5%	0.3%	0.3%	0.6%	0.3%	-0.3%

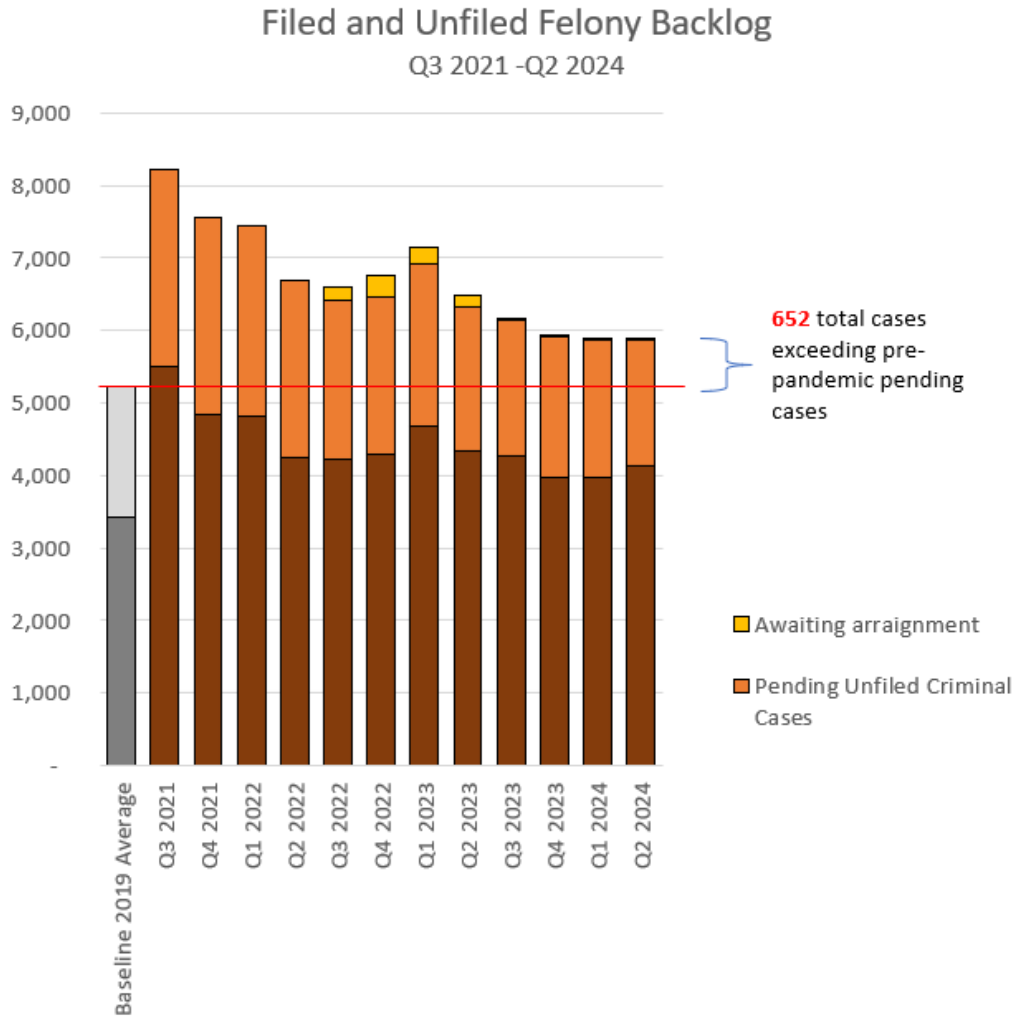
⁵⁰ Based on 2019 average of 49 trial resolutions per quarter and Q1 2023 trial resolutions of 31.

⁵¹ Homicides, sex crimes, Robbery 1, Assault 1 and 2, also included in Criminal, above.

Discussion of felony backlog:

As of June 30, 2024, total pending felony cases including filed and unfiled cases are 5,887, or 652 above the 2019 average.

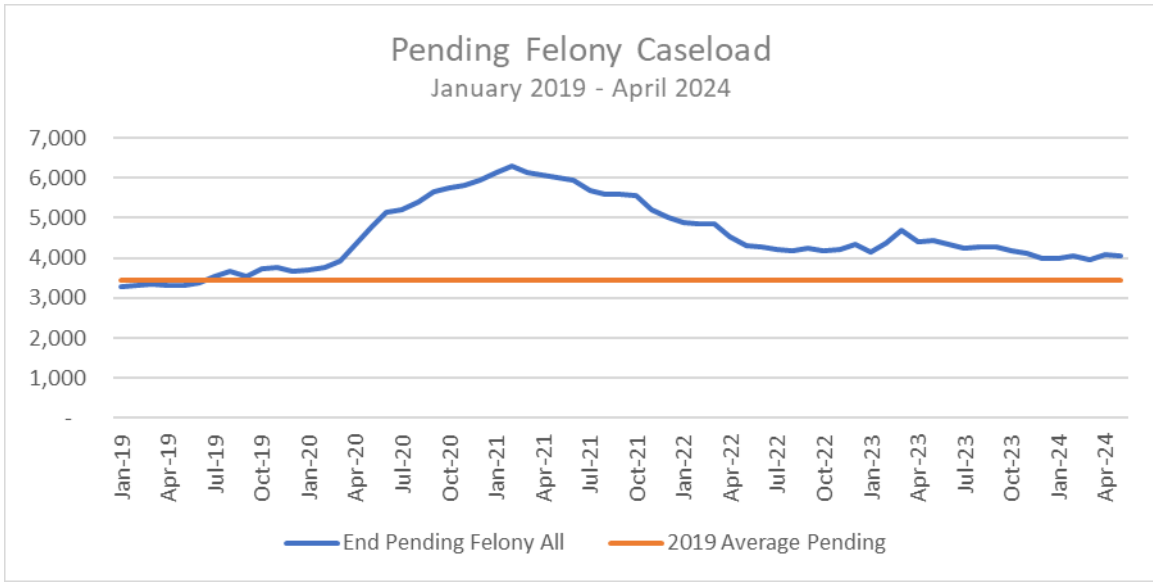
Figure 7: Filed and unfiled felony backlog



Sources: DJA and PAO

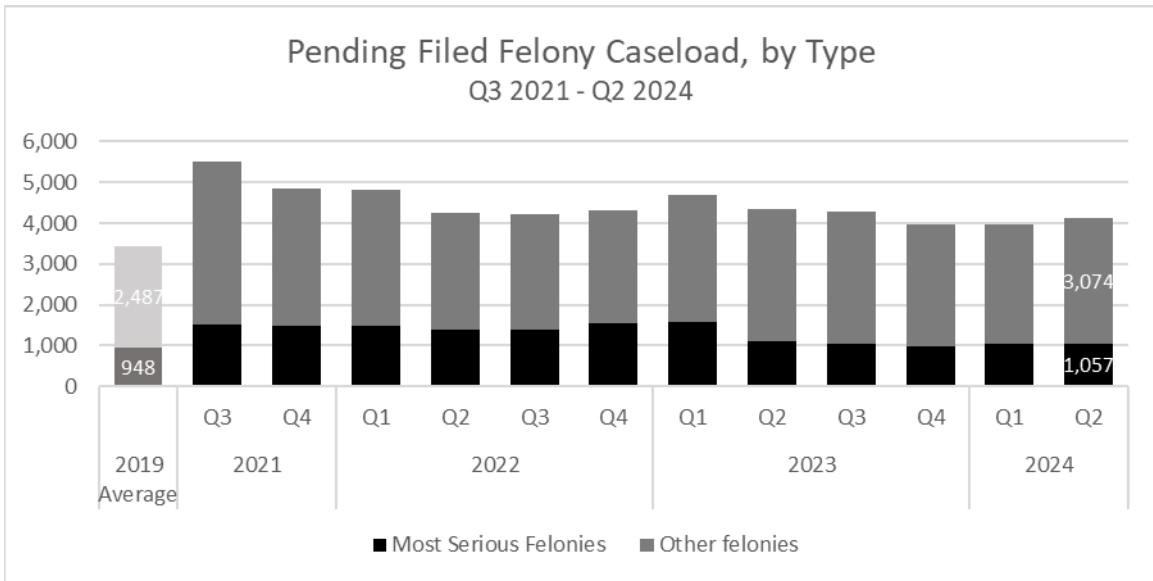
While considerable progress was made on reducing the backlog in 2021 and early 2022, some of the progress was due to changes in warrant status patterns and Blake decision dismissals. The volume of pending cases increased in Q4 2022 for the most serious cases and increased for both most serious and other felony cases in Q1 2023. Starting in Q2 2023, the backlog decreased again, particularly the most serious cases. Figure 8 below shows the pending filed monthly caseload from January 2019 and April 2024.

Figure 8: Pending filed caseload



Source: DJA

Figure 9: Pending cases, by type

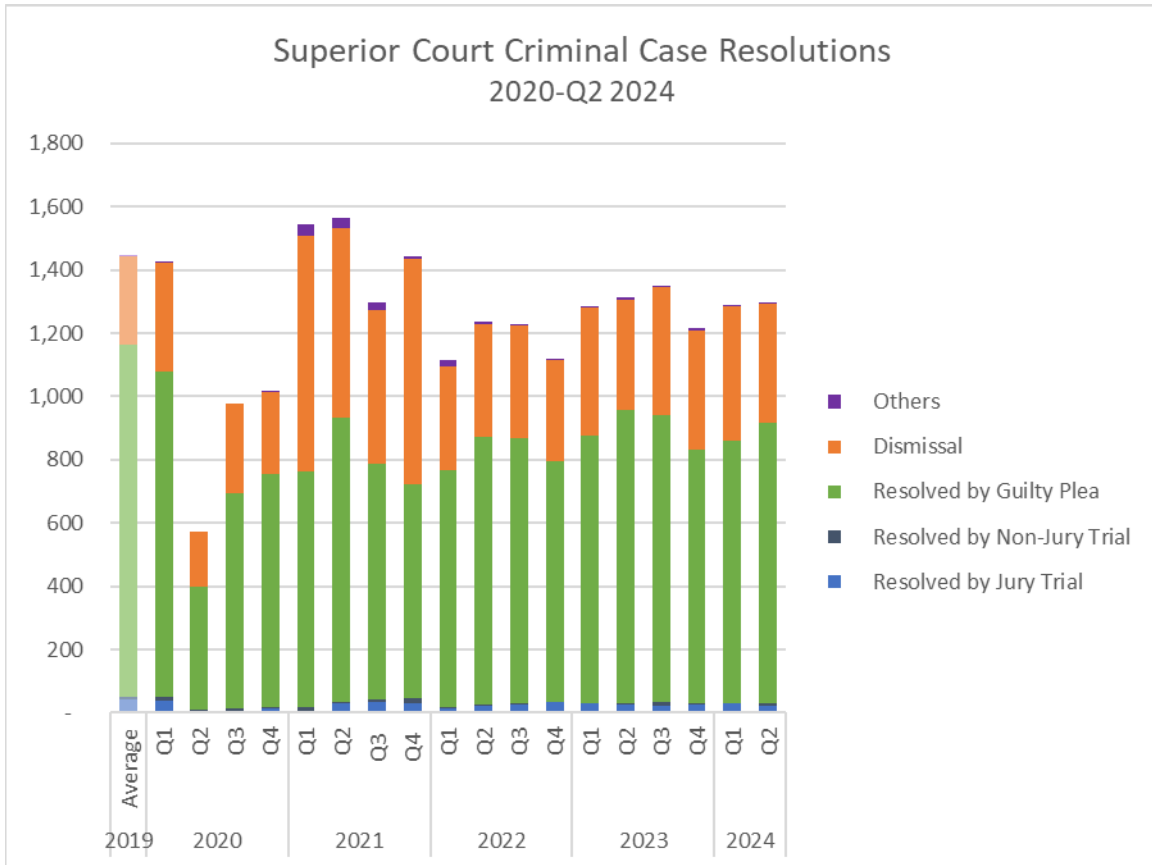


Source: DJA

Even with increased resources, fewer felony cases are being resolved than the pre-pandemic average, as shown in Figure 10. This is partly due to prioritization of resources on the most serious case types, which take longer to resolve, on average. The elimination of drug possession cases in 2021 with the Blake

decision, also contributes to the average case being more complex and serious.⁵² As shown below, a higher proportion of cases are resolved through dismissal than in 2019.

Figure 10: Felony case resolutions

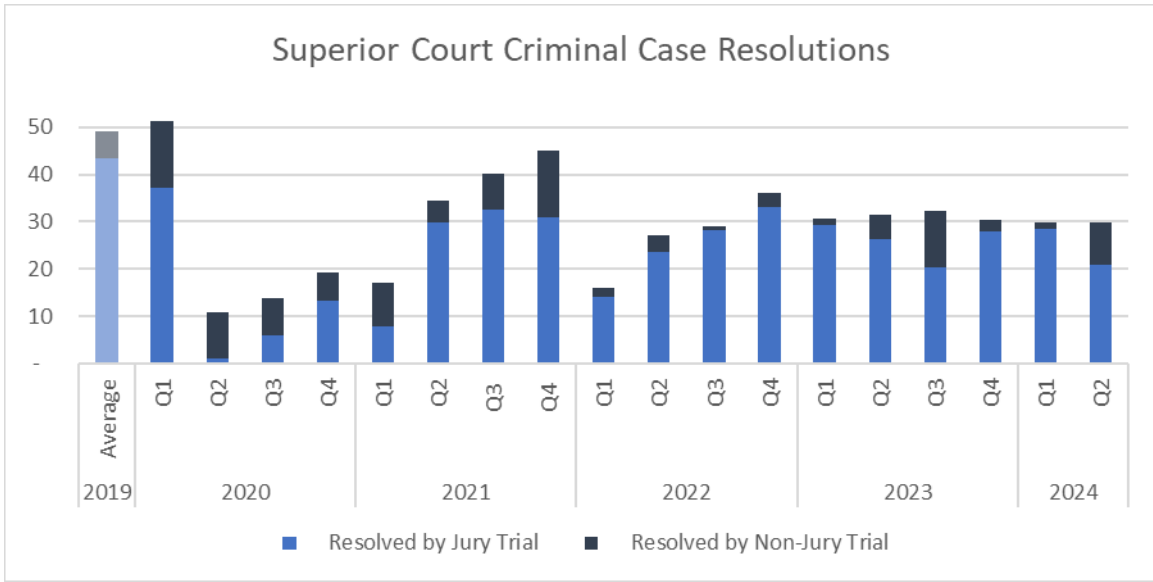


Source: DJA

Relatively few cases are resolved through trials, but these cases require substantially more resources than cases resolved before trial. As shown in Figure 11, trial resolutions remain well below 2019 levels and a higher proportion of trial resolutions were for more serious cases, which contributes to increased average trial length.

⁵² Based on DJA data on filings, there were 975 controlled substances cases filed in 2019 and 283 filed in 2023. The reduction is partially due to the Blake Decision eliminating filings for Drug Possession. [\[LINK\]](#)

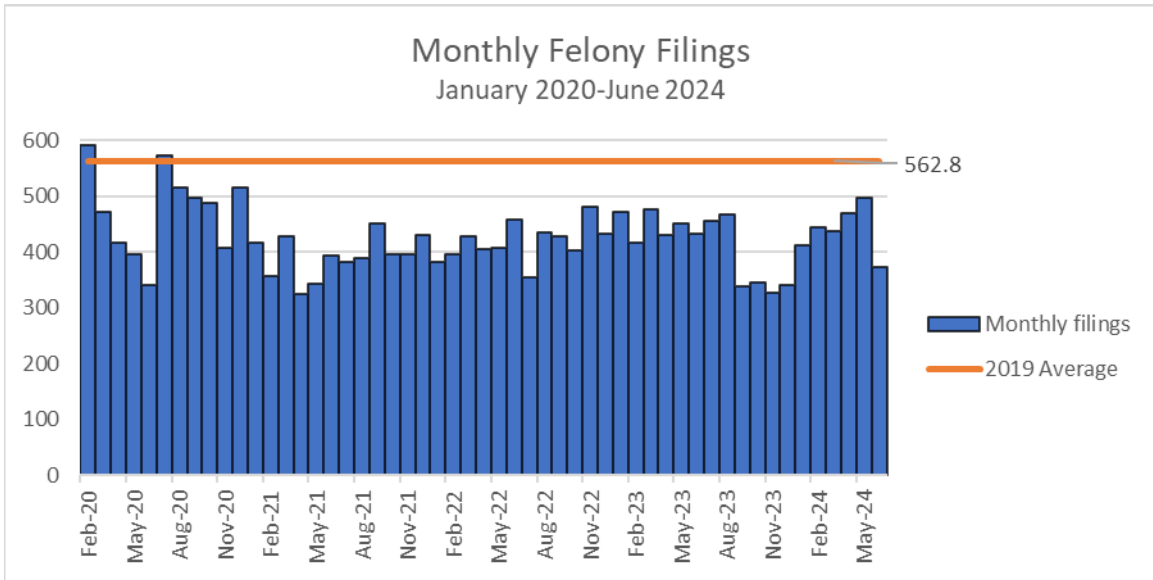
Figure 11: Felony trial resolutions



Source: DJA

The volume of backlog cases is partially determined by the number of new incoming cases. The chart below shows overall new felony filings from 2019 -2023. While 2022 annual filings increased from 2021, filings remain below 2019 volume.

Figure 12: Monthly felony filings



Source: DJA

5. The number of filings and total pending cases for unlawful detainer cases;

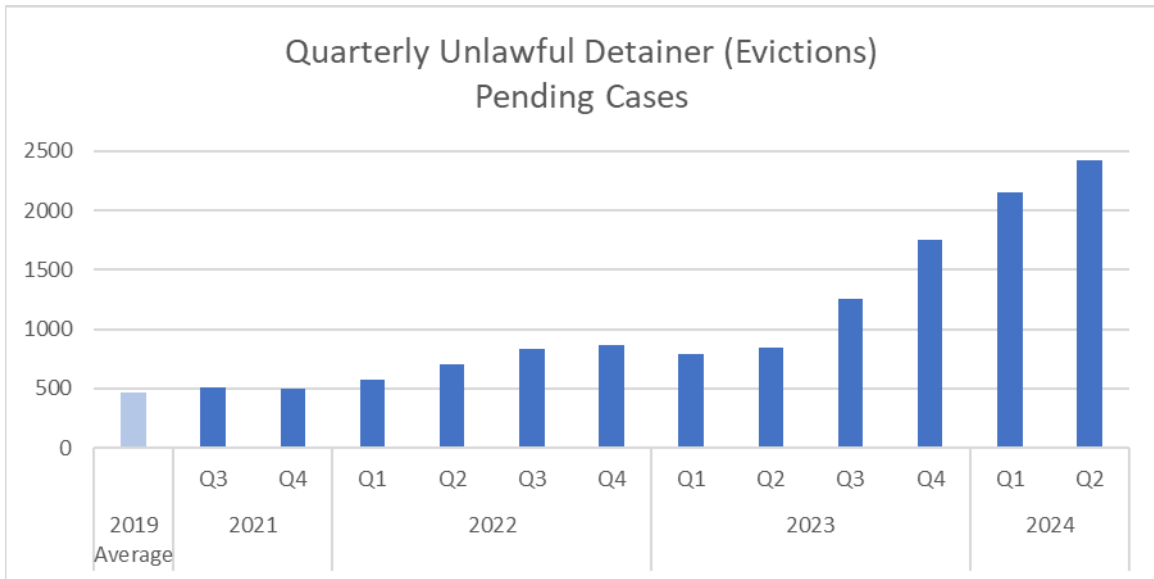
Table 7: Unlawful detainers

	2019 Average	Q1 2023	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019
Pending unlawful detainer (evictions) ⁵³	461	785	839	1,256	1751	2,151	2,423	1,962
Quarterly filings	1,156	532	780	1,286	1,808	1,866	1,981	825

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.

Quarterly unlawful detainer filings were higher than 2019 volume beginning in Q2 2023 and have increased every quarter since. Pending unlawful detainer cases exceed pre-pandemic levels due to challenges described in Section D.

Figure 13: Unlawful detainers (evictions) pending cases

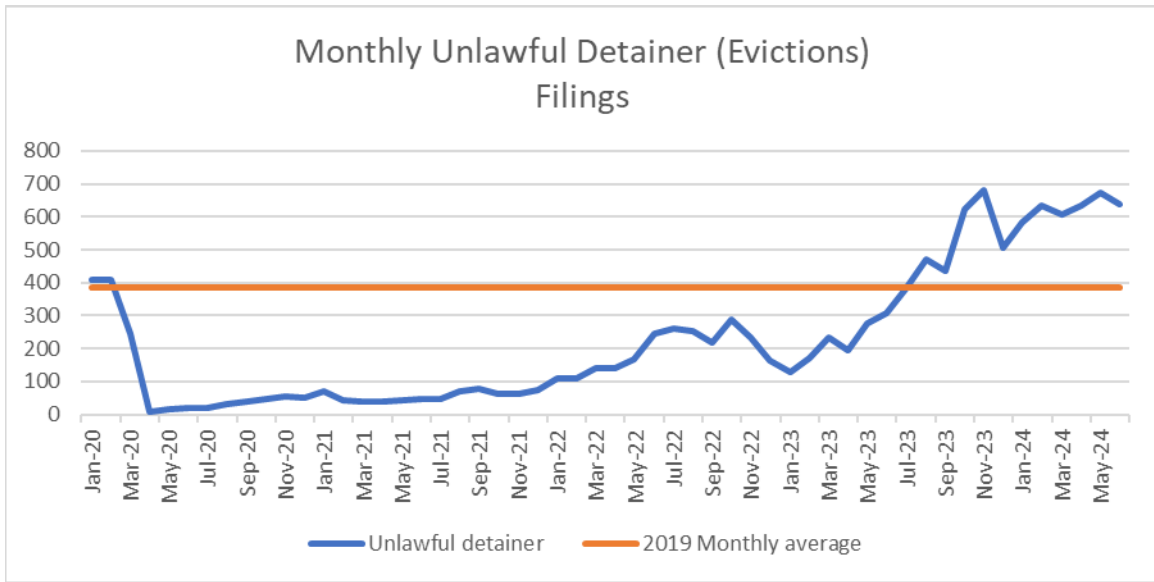


Source: DJA

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, and began exceeding pre-pandemic volume in July 2023.

⁵³ Also included in Civil.

Figure 14: Unlawful detainer (evictions) cases filed



Source: DJA

F. For district court cases, the report should also include the status of backlog cases, including the number of unfiled criminal cases.

District Court filed backlog. District Court’s filed backlog was fully resolved in Q1 2023.

PAO unfiled backlog. Cases under PAO review that have not been filed. Data from the PAO.

As of June 30, 2024, there were roughly 3,020 unfiled District Court cases. These include cases that will be declined due to exceeding the statute of limitations for filing. The increase in pending cases reflects PAO’s continued prioritization of more serious felony case types.

Table 8: Unfiled misdemeanors

	2019 Average	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019
Unfiled District Court PAO Backlog ⁵⁴	830	2,700	2,980	3,550	3,980	3,850	3,020

Conclusion

The 2023-2024 Biennial Budget includes \$23.2 million⁵⁵ of CLFR funding to address the backlog and to increase access to justice. Agencies are expected to spend all CLFR funds by the end of 2024. Total CLFR spending on backlog related work will total \$54.9 million.

⁵⁴ PAO estimates. Data limitations prevent precise reporting.

⁵⁵ Includes supplemental budgets.

District Court has resolved all pandemic-related filed backlogs. Substantial progress was made on addressing Superior Court felony backlogs and PAO unfiled backlogs are similar to pre-pandemic volume. Continuing challenges with recruitment, hiring, and retention; high violent crime rates; and slower time to resolution have resulted in continued felony backlogs, though there has been significant progress in the past year. Filed pending cases have declined four of the last five quarters, and if current trends continued, the filed backlog could be resolved by Q2 2026. However, it remains uncertain when the volume of pending cases will return to 2019 levels, given shrinking resources resulting from the end of federal CLFR funding and financial challenges faced by the General Fund, as well as numerous other factors that affect the number of filed pending cases.

The General Fund continues to experience significant financial challenges after the State Legislature failed to provide a solution to address the structural gap in General Fund revenue. Most agencies affected by the legal system backlog reduced General Fund budgets in 2024 and additional reductions in the 2025 budget were pending as of June 30, 2024. The 2025 budget is expected to be adopted by Council in November 2024.

While the current volume of open felony cases and longer time to resolution is largely the result of pandemic era challenges and of legal and operational changes occurring during the height of the pandemic, the barriers directly and indirectly arising from the public health emergency have either resolved or are now ongoing components of the legal system. Additionally, legal system agencies agree that the 2019 volume of pending cases is not a general performance benchmark. The Executive recommends shifting discussion from the “COVID-19 backlog” or “pandemic-related backlog” to a broader approach to reduce time to resolution, improve services for individuals involved in the legal system, support employees, and promote safety and justice for the residents of King County. Achieving these outcomes will be more challenging in future years, given the financial constraints in the General Fund.

Appendices

Appendix A: 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

Appendix B: Positions Supported by CLRF funds as of June 30, 2024

Total positions

Agency	Total filled positions	Total vacant positions
District Court	2	0
DJA	13	10
DPD	30	2
Superior Court	16	0
PAO	n/a	n/a
Total positions	61	12

List of Positions

Agency	Job Type	Position #	Hire date	Vacant?	Notes
District Court	IT System Specialist	011271	2022		
District Court	IT System Specialist	0110993	2023		
Superior Court	Commissioner - Plea Court	01051311	10/11/2021		
Superior Court	Ex parte Admin Tech	01051944	1/13/2022		
Superior Court	Sr. Desktop Support Tech	01053097	4/25/2022		
Superior Court	Bailiff	01050910	9/27/2021		
Superior Court	Bailiff	01050472	9/13/2021		
Superior Court	Commissioner - Ex parte	01050299	8/2/2021		
Superior Court	Ex parte Admin Tech	01053484	1/24/2022		
Superior Court	Bailiff Trainer	01052421	2/7/2022		
Superior Court	Ex parte Admin Tech	01051943	1/18/2022		
Superior Court	Ex parte Admin Tech	01051944	10/24/2022		

Agency	Job Type	Position #	Hire date	Vacant?	Notes
Superior Court	Jury Technician	01051059	10/18/2021		
Superior Court	Ex parte Admin Tech	01050909	9/27/2021		
Superior Court	Ex parte Admin Tech	01049669	7/26/2021		
Superior Court	Courtroom IT Trainer	01052683	7/6/2021		
Superior Court	Ex parte Admin Tech	01051501	2/17/2023		
Superior Court	Sr. Desktop Support Tech	01051409	11/22/2021		
DJA	Application Developer - Sr	01050914		Yes	
DJA	Clerk Admin Specialist	01059174	2/5/2024		Was Court Clrk - repurposed to a CAS - Staff turnover
DJA	Clerk Admin Specialist	01059524	11/1/2021		Was Court Clrk - repurposed to a CAS - Staff turnover
DJA	Clerk Admin Specialist	01059530	9/20/2021		Was Court Clrk - repurposed to a CAS - Staff turnover
DJA	Clerk Admin Specialist	01059521	4/19/2021		Was Court Clrk - repurposed to a CAS - Staff turnover
DJA	Clerk Admin Specialist	01059522	11/15/2021	Yes	Was Court Clrk - repurposed to a CAS - Staff turnover - recently vacated
DJA	Clerk Admin Specialist	01059527	11/1/2021	Yes	Was Court Clrk - repurposed to a CAS - Staff turnover - recently vacated
DJA	Clerk Admin Specialist	01061079	11/15/2021	Yes	Was CSS III - repurposed to a CAS - Staff turnover - recently vacated
DJA	Court Clerk II	01048828	9/4/2021		
DJA	Court Clerk II	01050879	9/20/2021		
DJA	Court Clerk II	01048822		Yes	

Agency	Job Type	Position #	Hire date	Vacant?	Notes
DJA	Court Clerk II	01048829	9/7/2021		
DJA	Customer Service Spec III	01050889		Yes	
DJA	Customer Service Spec III	01050882	9/20/2021		
DJA	Customer Service Spec III	01051557	12/13/2021		
DJA	Customer Service Spec III	01051015		Yes	
DJA	Customer Service Spec III	01049528		Yes	
DJA	Customer Service Spec III	01049532	11/1/2021		
DJA	Customer Service Spec III	01049529		Yes	
DJA	Customer Service Spec III	01051016		Yes	
DJA	Customer Service Spec III	01051207	11/1/2023		
DJA	IT Sys Spec - Jry	01050913	10/18/2021		
DJA	Occupational Edu & Trg Coord	01051096	10/18/2021		
DPD	Public Defense Attorney I	01048579	10/25/2021		
DPD	Public Defense Paralegal	01048580	10/4/2021		
DPD	Public Defense Mitigt Spc II	01048581	10/4/2021		reclassified from PD Investigator by DPD
DPD	Legal Assistant	01048583	11/8/2021		

Agency	Job Type	Position #	Hire date	Vacant?	Notes
DPD	Public Defense Investigator	01048605	12/28/2021		
DPD	Public Defense Investigator	01048606	12/6/2021		
DPD	Public Defense Investigator	01048607	1/3/2022		
DPD	Public Defense Paralegal	01048608	5/1/2021		
DPD	Public Defense Paralegal	01048609	1/3/2023		
DPD	Public Defense Paralegal	01048610	10/17/2022		
DPD	Public Defense Attorney I	01048611	10/3/2022		
DPD	Public Defense Attorney I	01048613	10/3/2022		
DPD	Public Defense Attorney I	01048614	10/11/2022		
DPD	Public Defense Attorney I	01048615	10/11/2022		
DPD	Public Defense Attorney I	01048616	11/1/2022		
DPD	Public Defense Attorney I	01048617	10/11/2022	yes	employee on special duty assignment, base position held for return to regular duties
DPD	Public Defense Attorney I	01048618	10/11/2022		
DPD	Public Defense Attorney I	01048619	10/11/2022		
DPD	Public Defense Attorney I	01048620	10/11/2022		
DPD	Public Defense Attorney I	01048621	10/11/2022		
DPD	Public Defense Attorney I	01048622	10/11/2022		
DPD	Public Defense Attorney I	01048623	10/11/2022		
DPD	Legal Assistant	01048640	12/15/2022		
DPD	Legal Assistant	01048641	1/0/1900		
DPD	Legal Assistant	01048642	12/21/2022		
DPD	Human Resource Analyst	01058185	2/10/2022		TLT
DPD	Public Defense Attorney I	01058909	10/16/2023		
DPD	Public Defense Paralegal	01023523	4/10/2023		

Agency	Job Type	Position #	Hire date	Vacant?	Notes
DPD	Public Defense Interpreter	01053486		yes	TLT hired after June 30
DPD	Public Defense Coordinator	01004630	10/16/2023		
DPD	Public Defense Attorney I	01054996	5/8/2023		
DPD	Public Defense Paralegal	01023386	1/1/2015		



King County

**Metropolitan King County Council
Law and Justice Committee**

REVISED STAFF REPORT

Agenda Item:	5	Name:	Erica Newman Melissa Bailey
Proposed No.:	2024-0293	Date:	January 22, 2025

COMMITTEE ACTION

Proposed Substitute Motion 2024-0293.2 would acknowledge receipt of the second of two reports on progress toward addressing the legal system backlog that resulted from the COVID-19 pandemic, in response to the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P4, passed out of committee on January 22, 2025, with a “Do Pass” recommendation. The Motion was amended in committee with a technical amendment that corrects typographical errors and change language to align with the proviso language. insert Peter Peaquin name as the appointee.

SUBJECT

A motion acknowledging receipt of the second of two reports on progress toward addressing the legal system backlog that resulted from the COVID-19 pandemic, in response to the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P4.

SUMMARY

Ordinance 19546, the 2023-2024 Biennial Budget appropriated \$23.2 million to address the legal system backlog. Proposed Motion 2024-0293 would acknowledge receipt of the second of two reports on the progress toward addressing the legal system backlog as required by Ordinance 19546.¹

According to the report, District Court’s filed backlog was fully resolved as of March 31, 2023. For Superior Court, the report states that the number of *unfiled* pending cases is similar to the pre-pandemic volume as of June 30, 2024. For the *filed* felony pending caseload, if the volume continues to decline at the rate since Q1 2023, it is projected to reach 2019 levels in Q2 2026. However, the report goes on to state that this projection

¹ The second report covers the period of April 1, 2023- June 30, 2024. Passage of the motion would only acknowledge receipt of the report; there would be no budgetary impact as the 2023-2024 biennial budget cycle has elapsed.

is highly uncertain and unlikely to be achieved as resources to address cases will likely decrease in 2025 and other factors affecting filings and resolutions are difficult to predict. This report appears to meet the requirements as outlined under Ordinance 19546, Section 17, Proviso P4.

BACKGROUND

The COVID-19 pandemic created backlogs in several case types for Superior and District Court. In June 2021, the Prosecuting Attorney’s Office (PAO) reported that the overall level of year-to-date felony filings was less than in 2018 and 2019 and that there was a backlog in the criminal justice system due to the operational impacts from COVID-19, which prevented some cases from resolving. At the time, PAO reported 6,450 pending felonies as compared to an average of 3,250 from January 2019 through March 2020. In addition, PAO reported a significant increase in the number of pending² more serious offense (homicide, rape, domestic violence, robbery, shootings) from 1,700 such cases pre-COVID to an estimated 2,700 in June 2021.

Ordinance 19318. In July 2021, the Council adopted Ordinance 19318 (“COVID 8”), which included a funding request from Prosecuting Attorney’s Office (PAO), Department of Public Defense (DPD), Superior Court, Department of Judicial Administration (DJA), and District Court to address the legal system backlog. As shown in Table 1, Ordinance 19318 appropriated \$42,460,000 to address the legal system backlog resulting from the pandemic.

Table 1. Legal System Backlog COVID 8 Appropriation

Agency	Appropriation
Department of Judicial Administration	\$3,643,000
Department of Public Defense	\$10,661,000
District Court	\$4,398,000
Prosecuting Attorney	\$12,862,000
Superior Court	\$10,896,000
Total	\$42,460,000

Blake Appropriation. In addition to the funding appropriated in Ordinance 19318, the Council also adopted Ordinance 19319 on July 27, 2021, which appropriated \$19.5 million to address the funding needs resulting from the Washington State Supreme Court decision in State v. Blake.³

Ordinance 19546. In November 2022, Council adopted the 2023-2024 Biennial Budget, which included the following proviso requirement of the Office of Performance, Strategy, and Budget:

Of this appropriation, \$200,000 shall not be expended or encumbered until the executive transmits two reports on progress toward addressing the

² Cases that have been filed by the PAO and are set for trial.

³ State v. Blake, 197 Wash. 2d 170, 174, 481 P.3d 521, 524 (2021)

legal system backlog that resulted from the COVID-19 pandemic and a motion with each report that should acknowledge its receipt and both motions are passed by the council. 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. Both reports shall include information from the department of judicial administration, the prosecuting attorney's office, the department of public defense, district court and superior court.

The first report shall cover the period from October 1, 2022, through March 31, 2023, and report on the following:

A. A list of positions supported by Coronavirus State and Local Fiscal Recovery ("CLFR") revenues, identified by job type and the number of vacant positions, for the department of judicial administration, the prosecuting attorney's office, the department of public defense, superior court and district court;

B. The amount of 2023-2024 biennial CLFR appropriation for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense, superior court and district court that has been expended as of March 31, 2023, as well as the total CLFR appropriations and expenditures to date;

C. The anticipated date by which the backlog of cases will be addressed assuming various funding scenarios for 2024;

D. The identification and discussion of barriers or system challenges to addressing the backlog;

E. A plan, developed in consultation with the department of judicial administration, superior court, the prosecuting attorney's office and the department of public defense for how to address the felony criminal backlog in cases given the appropriation amount provided in this ordinance;

F. Funding options to address the backlog in felony criminal cases;

G. For superior court cases, the report should also include the following data for the reporting period, by quarter, with prepandemic data from 2019 as comparison:

- 1. The pending caseload for all criminal cases;*
- 2. The pending caseload for the most serious felonies, defined as homicides, sex crimes, robbery in the first degree and assault in the first degree and in the second degree;*
- 3. The number of total resolutions for all criminal cases by jury trial, by nonjury trial, resolved by plea and dismissed;*
- 4. A summary of resolutions for the most serious felony cases, by jury trial, by non-jury trial, resolved by plea and dismissed; and*

5. *The number of filings and total pending cases for unlawful detainer cases; and*

H. For district court cases, the report should also include the status of backlog cases, including the number of unfiled criminal cases.

The executive should electronically file the first report and motion required by this proviso no later than May 15, 2023, 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 law, justice, health and human services committee or its successor.

The second report shall cover the period from April 1, 2023, through June 30, 2024, and include, but not be limited to, the following information from the 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 CLFR revenues for the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court district court, identified by job type and the number of vacant positions;

B. The amount of 2023-2024 biennial CLFR appropriation for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court district court has been expended as of June 30, 2024, as well as the total CLFR appropriations and expenditures to date;

C. The anticipated date by which the backlog of cases will be addressed assuming various funding scenarios for 2025-2026;

D. Identification and discussion of barriers or system challenges to addressing the backlog;

E. For superior court cases, the report should also report the following data for the reporting period, by quarter, with prepandemic data from 2019 as comparison:

1. *The pending caseload for all criminal cases;*
2. *The pending caseload for the most serious felonies, defined as homicides, sex crimes, robbery in the first degree and assault in the first degree and in the second degree;*
3. *Total resolutions for all criminal cases by jury trial, by nonjury trial, resolved by plea and dismissed;*
4. *Resolutions for the most serious felony cases, by jury trial, by nonjury trial, resolved by plea and dismissed; and*
5. *Filings and total pending cases for unlawful detainer cases; and*

F. For district court cases, the report should also include the status of backlog cases, including the number of pending unfiled criminal cases.

The executive should electronically file the second report and motion required by this proviso no later than September 16, 2024, 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 law, justice, health and human services committee or its successor.

Motion 16441. In October 2023, Council passed Motion 16441 which acknowledged receipt of the first of two reports on progress toward addressing the legal system backlog that resulted from the COVID-19 pandemic, in response to the 2023-2024 Biennial Budget, Ordinance 19546, Section 17, Proviso P4. According to this first report, District Court’s filed backlog was fully resolved as of March 31, 2023. For Superior Court, the report stated that reducing the felony pending caseload to 2019 levels is unlikely to occur in the next several years under any plausible funding scenario. Total pending felony cases increased in Q2 2022 and Q1 2023, and pending felony caseloads are likely to increase more sharply once CLFR resources are fully expended.

ANALYSIS

Proposed Motion 2024-0293 would acknowledge receipt of the second report on addressing the legal system backlog that resulted from the COVID-19 pandemic, in response to the 2023-2024 Biennial Budget, Ordinance 19546, Section 17, Proviso P4. This staff report provides a breakdown of the contents of the report as required by each section of the proviso.

A. A list of positions supported by CLFR revenues for the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court district court, identified by job type and the number of vacant positions.

Appendix B to the report (pages 44-48) provides the full list of positions supported by CLFR funds in Ordinance 19546. Table 2 below lists the number of vacant and filled positions (as of June 30, 2024) by agency.

Table 2. CLFR Funded Positions as of June 30, 2024

Agency	Total filled positions	Total vacant positions
District Court ⁴	2	0
DJA	13	10
DPD ⁵	30	2
Superior Court	16	0

⁴ The number of District Court positions under Appendix B does not include pro tem judges that were funded in Q1, as they were no longer needed as of March 31, 2023.

⁵ DPD mostly ceased hiring attorneys into TLT positions with the hopes of attracting more and better qualified candidates and ensuring a more stable workforce. DPD CLFR-funded FTEs are in the base budget and will revert to General Fund when CLFR funds end.

PAO ⁶	n/a	n/a
Total	61	12

The report notes that the work to resolve pending cases is handled by CLFR-funded and General Fund funded positions and the number of positions whose compensation is supported by CLFR is not a direct reflection of resources expended on resolving the backlog.

⁶ According to the first report, PAO positions include TLT, special duty, and unfunded FTE positions. The second report notes that the PAO spent all CLFR funding as of June 30, 2024, and there were no positions billed to CLFR at that time.

B. The amount of 2023-2024 biennial CLFR appropriation for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court district court has been expended as of June 30, 2024, as well as the total CLFR appropriations and expenditures to date.

According to the report, King County criminal legal agencies spent a total of \$20.6 million in CLFR funds through June 30, 2024, of the \$23.2 million appropriated in the 2023-2024 budget. The total legal system CLFR funds spent through June 30, 2024, is \$52.4 million.⁷ All \$54.9 million of CLFR funding is expected to be spent by the end of 2024 and additional CLFR funds are not expected to be allocated in 2025. Table 3, listed below provides a breakdown of CLFR appropriation expended by each criminal justice agency as of June 30, 2024.

Table 3. CLFR Appropriation Expended as of June 30, 2024⁸

	2023-2024 Revised Biennial Appropriation⁹	2023-2024 Appropriation Expended as of June 30, 2024	Total CLFR Allocated¹⁰	Total CLFR Expended as of June 30, 2024
District Court	\$820,000	\$823,000	\$3,657,000	\$3,660,000
DJA	\$2,571,000	\$2,044,000	\$4,852,000	\$4,325,000
PAO	\$6,847,000	\$7,043,000	\$14,644,000	\$14,840,000
DPD	\$6,265,000	\$5,460,000	\$16,632,000	\$15,827,000
Superior Court	\$7,296,000	\$5,276,000	\$15,765,000	\$13,744,000
Total	\$23,799,000	\$20,645,000	\$55,550,000	\$52,395,000

C. The anticipated date by which the backlog of cases will be addressed assuming various funding scenarios for 2025-2026.¹¹

Pandemic-related legal system backlog is defined as excess pending cases above pre-pandemic levels affecting PAO, DPD, DJA, Superior Court, and District Court operations. Each agency's workload is driven by responsibilities for different case types and stages in the legal system. For the purposes of tracking progress towards resolving current pending cases and avoiding delays in resolving new cases, the 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.

⁷ On page 16 of the report, it states, "Total legal system CLFR funds spent through June 30, 2023, is \$52.4 million." Executive staff confirm this is a typographical error and should read June 30, 2024.

⁸ Table 2 on page 16 of the proviso report. Numbers are rounded.

⁹ Includes supplemental changes. Executive staff confirm that the total in Table 3 is correct; there is an error in the total included in the report.

¹⁰ Unspent 2021-2022 CLFR funds were reappropriated in 2023-2024, so adding total appropriated amount from multiple budgets overstates the total amount of CLFR funding allocated. Executive staff confirm that the total in Table 3 is correct; there is an error in the total included in the report.

¹¹ The report notes that, given the County will adopt an annual budget for 2025, this section of the report assumes various funding scenarios for the 2025 budget only.

District Court. The District Court filed backlog is fully resolved as of Q1 2023.

Superior Court. Pandemic-related felony backlog is defined as pending caseloads above 2019 volume. Individual cases are not designated backlog or non-backlog based on the age of the case. Even under pre-pandemic conditions, the time to resolution was highly variable. Backlog is influenced by various factors, including new incoming cases.

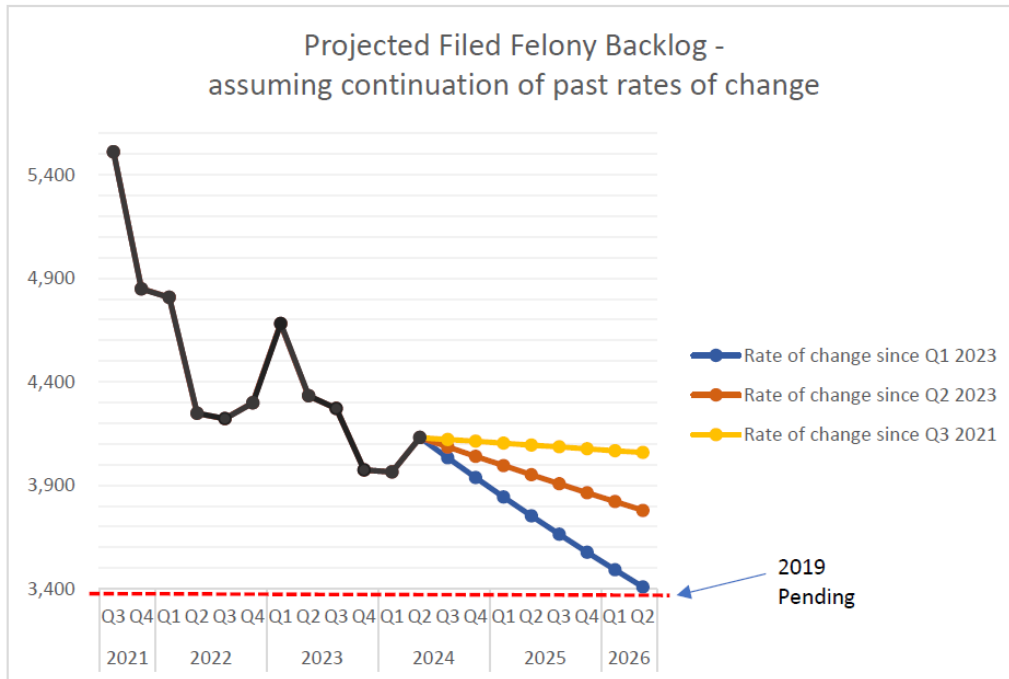
The report notes that substantial progress was made in reducing the backlog between Q1 2023, when the previous report was submitted to Council, and Q2 2024.¹² The PAO reports unfiled pending felony case volume is similar to pre-pandemic levels in Q2 2024. Much of the filed backlog reduction has been in the most serious case types, even though these cases take substantially longer to resolve than other case types. The report points to agencies prioritizing resources to these more serious cases.

According to the report, "while the rate and direction of change in the volume of pending felony cases is related to funding and resource allocation, it is also influenced by operational changes, policy decisions, and factors outside the control of County agencies. This includes prioritization decisions by individual agencies on how limited resources are allocated within their organizations, changes in filing decisions, law enforcement staffing, and underlying crime rates."

The report includes a graph (page 18, copied below) that shows projections of filed felony backlogs assuming all factors influencing the rate of decline stay constant. If the rate of decline in pending cases remains similar to the past year, pending cases could return to pre-pandemic levels in about two years (see blue line in the chart below). Using different assumptions regarding the past rate of change (yellow and orange lines below), the projected time to eliminate the filed felony backlog is longer. These projections assume no major changes in the number of cases referred by law enforcement (either due to underlying changes in criminal activity or in law enforcement staffing or practices) or major policy or operational changes. It also assumes resources remain constant.

¹² 2023-RPT0051, PSB - COVID-19 Legal System Backlog: 2023-2024 Report - Ordinance 19546

Figure 1: Projected filed felony backlog assuming continuation of past rates of change



Source: DJA and PSB Analysis

The report, however, anticipates a reduction in resources allocated to case processing given CLFR funding is ending and the General Fund base budgets will likely decrease due to General Fund financial challenges.

Most costs in the King County legal system are paid by the General Fund, so maintaining the current level of resources allocated to case processing would require additional General Fund spending on case processing. The report notes that the General Fund faces a shortfall caused by state law that prevents property tax from keeping up with inflation. Revenue constraints in the General Fund required budget reductions in most legal system agencies in 2024. General Fund budgets for District Court, Superior Court, DJA, and the PAO were reduced by \$5.2 million (annualized) in Ordinance 19791.¹³

The report goes on to say that "if there are no changes in General Fund resources allocated to case processing in 2025, pending felony cases may increase as staff are reduced, though patterns depend on various factors, including agency resource prioritization. Pending cases might also continue to decline, but at a slower rate."

The report was transmitted while the Executive was still developing the 2025 proposed budget. PSB has confirmed that all agencies spent their remaining CLFR allocations in 2024 and no CLFR funding is being carried into 2025. The 2025 Adopted Budget avoided significant cuts to legal system agencies; however, PSB has warned that deeper cuts can likely be expected in the 2026-2027 biennial budget given the state of the county's General Fund.

¹³ According to the report, reductions were not made in the DPD General Fund budget as their costs are largely driven by staffing costs determined by legally required caseload standards.

D. Identification and discussion of barriers or system challenges to addressing the backlog.

The report identifies and discusses various barriers or system challenges to addressing the backlog (see pages 19-48), much of which have already been discussed in prior backlog reports. The challenges and barriers to address the backlog are interrelated, with key categories identified as:

- 1. Staffing and scheduling challenges.** These include:
 - Labor market restraints;
 - Hiring challenges specific to TLT positions;
 - Employee impacts (stress, anxiety, morale, etc.);
 - Training requirements;
 - Qualified and experienced attorneys for serious felony cases;
 - Department of Adult and Juvenile Detention vacancies; and
 - Interpreter availability.

- 2. Continued direct and indirect impacts of the pandemic.** According to the report, as of June 30, 2024, the remaining direct impacts of the pandemic are either resolved or are expected to remain a permanent part of court operations. For example, both Superior and District Court expect to continue utilizing hybrid remote and in-person services, including remote jury selection. The report notes that if resource constraints reduce the capabilities to operate hybrid or video operations, case processing would be negatively affected.

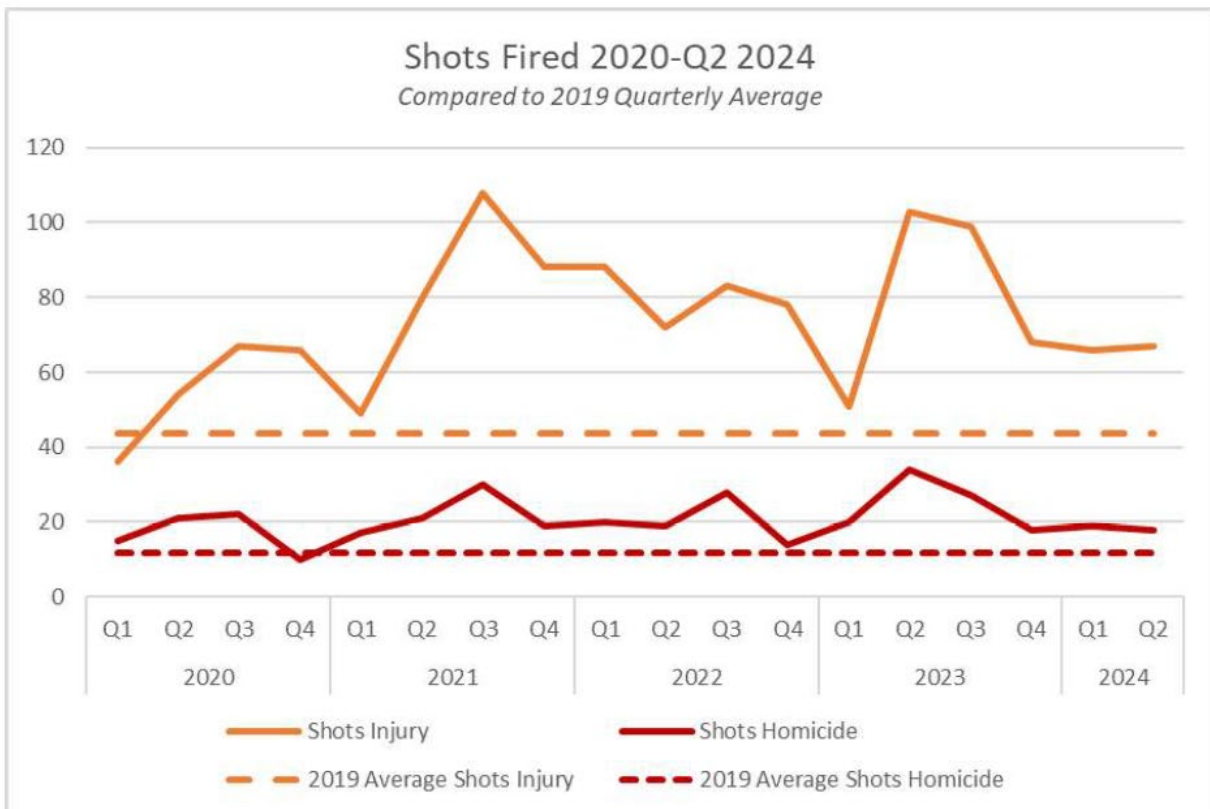
- 3. Difficulties with addressing backlogged felony cases, including higher levels of serious violent crime compared to pre-pandemic.** The report discusses numerous factors cited by one or more agencies as a challenge or barrier specific to addressing the felony criminal backlog. Some examples include:
 - The experience level required of attorneys who work on the most serious cases and the number of attorneys needed to staff these cases. Furthermore, the county is in the process of phasing in new state standards limiting public defender caseloads.¹⁴
 - Felony cases are more likely to go to trial or resolve at a later stage. Trials are also taking longer.
 - Felony cases are likely to have extensive forensic evidence and require lengthy preparation.
 - Felony cases may be assigned to attorneys who carry heavy trial calendars and are already in trial, which complicates and delays scheduling.
 - Delays in competency evaluations are also a challenge. Competency can be raised at arraignment and competency returns are heard on this calendar, which can slow down arraignment calendars and further reduce the number

¹⁴ According to the report, "the Prosecuting Attorney has communicated significant concern regarding the effect of the new caseload standards given current budget considerations, challenges with staffing, and the lack of similar standards for PAO attorneys. However, the new standards are not expected to have an immediate impact on the pandemic-related backlog and discussion of broader effects on the court system is beyond the scope of this report."

of cases heard. According to the report, a competency return calendar has been created to help mitigate arraignment calendar congestion.

The report notes that the PAO has implemented process and policy changes to reduce court backlog and mitigate challenges related to staffing serious cases. To resolve more cases and provide trial experience for newer attorneys, the office has prioritized trying all cases that are ready for trial, not just the most serious cases that require the most seasoned attorneys. In addition to providing experience for newer attorneys, it offers respite periods for those in back-to-back serious cases.

In addition to these challenges, the report points to an increased workload related to a rise in serious violent crime. While total felony filings are lower than pre-pandemic volume, largely due to changes in drug laws and in law enforcement staffing and practices, indicators suggest serious violent crime and workload related to violent crime is higher than pre-pandemic as of Q2 2024. As shown in the graph below, gun homicides were up in 2023 compared to 2022 and the number of gun injuries remained flat. Data through Q2 2024 suggests a decline in gunshot homicides and injuries in 2024, though levels remain higher than 2019.



Source: PAO Crime Strategies Unit³²

4. Challenges to addressing eviction cases. According to the report, the total number of unlawful detainer (eviction) cases filed in Superior Court has exceeded pre-pandemic levels as of June 30, 2024. Superior Court and DJA report the following challenges in addressing eviction cases:

- *Limited number of commissioners able to handle unlawful detainers.* Per the State Constitution, the Court is permitted three Constitutional Commissioners who can hear unlawful detainer matters. While judges can also hear these cases, they are either busy with the increased criminal caseload, family law matters, child welfare matters, Involuntary Treatment Act matters, or other civil matters. Note, Superior Court plans to continue working with the state legislature on changes in state law to allow for more commissioners dedicated to unlawful detainers. Additionally, the 2025 Adopted Budget provided for two additional commissioners and, while these new commissioners are not able to work on unlawful detainer cases, they will help alleviate the commissioner workload by handling the increasing number of protection order cases.
- *Insufficient staffing on unlawful detainer cases (both DJA and Court staffing).* Superior Court notes that best practices recommend courts utilize case management to prescreen each case file; however, there are not enough resources to conduct this type of review and often judicial officers must review materials during the hearing, which results in delays and limits the number of cases that can be heard. Similarly, DJA reports that an increase in cases have strained capacity.
- *Language and other barriers for litigants.* According to the report, most plaintiffs are represented by experienced attorneys, while most respondents are, at least initially, unrepresented. Many litigants fail to access services until their hearing, and the Court does not have the staff resources to provide plain language procedural and substantive legal information for all parties at various stages of their case in a variety of languages. Additionally, the report states that remote hearings can create a barrier for litigants who are not "technology literate".
- *Additional procedural steps required by state law (SB 5160 and HB 1236),* which the report notes has extended the time necessary to administer proceedings. SB 5160 established a right to counsel and corresponding duty of the Court to appoint counsel to indigent litigants in eviction proceedings. HB 1236 established just-cause eviction requirements such that housing providers must provide a reason to terminate a tenancy under specific timeframes.
- *Space constraints.* The Court is currently experiencing higher numbers of hearings calendared at the MRJC than the Seattle Courthouse due to Seattle's lengthier moratorium on evictions, and physical space limitations at the MRJC facility create operational challenges.
- *Unlawful detainer filings have increased as a result of the Washington State Eviction Resolution Pilot Program sunseting on July 1, 2023.* The reports states that the requirement to complete an alternative dispute resolution process before filing eviction proceedings sunseting along with the pilot program.

- *More unlawful detainer case filings are anticipated as the result of a recent Court of Appeals case that affects settlement agreements in unlawful detainer cases (Court of Appeals Division II Case Princeton Property Management vs. Allen, Case 58183-3-II).*

5. Factors that facilitated pending felony case reductions in 2021. Progress on felony backlog reduction was faster in 2021 due to a substantial number of case dismissals related to the Blake decision, cases going on failure to appear warrant status after pandemic warrant restrictions were lifted, and pandemic-related practices to dismiss cases. New drug possession cases are no longer filed into Superior Court, which reduces incoming cases.

E. For superior court cases, the report should also report the following data for the reporting period, by quarter, with prepandemic data from 2019 as comparison:

1. The pending caseload for all criminal cases;

As of Q2 2024, the PAO reports the total unfilled backlog is similar to 2019 volume. The filed pending backlog is around 700 cases above 2019 volume.

Table 4. Felony Pending Caseload¹⁵

	2019 Average	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019
Criminal Filed Pending Cases ⁴⁸	3,435	4,333	4,271	3,974	3,965	4,131	696
Pending Unfiled Criminal Cases	1,800	2,151	1,889	1,964	1,921	1,756	-44
Total pending cases	5,235	6,484	6,160	5,938	5,886	5,887	652

2. The pending caseload for the most serious felonies, defined as homicides, sex crimes, robbery in the first degree and assault in the first degree and in the second degree;

The report notes that these cases require the most system resources to resolve. As of Q2 2024 there were 109 more pending cases than the 2019 average.

Table 5. Most Serious Pending Cases¹⁶

	2019 Average	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019
Most Serious Felonies Pending Cases ⁴⁹	948	1,113	1,046	980	1,062	1,057	109

¹⁵ Table 3, page 32 of the report.

¹⁶ Table 4, page 32 of the report.

3. Total resolutions for all criminal cases by jury trial, by nonjury trial, resolved by plea and dismissed;

Per the report, cases that "resolve through trial require substantially more resources, though they make up a small fraction of overall resolutions. Despite additional CLFR resources, 10 percent fewer cases resolved overall in Q2 2024 compared to average quarterly resolutions in 2019, and 39 percent fewer cases resolved through trial. A lower proportion of cases were resolved through guilty pleas in Q2 2024, compared to 2019 resolutions. Case dismissals continue to be higher than in 2019."

Table 6. Felony Case Resolutions¹⁷

	2019 Average	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019*
Criminal Total Resolved (includes Most Serious)	1,447	1,312	1,348	1,215	1,291	1,296	-151
<i>Resolved by Jury Trial</i>	3.0%	2.0%	1.5%	2.3%	2.2%	1.6%	-1.4%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.4%	0.9%	0.2%	0.1%	0.7%	0.3%
<i>Resolved by Guilty Plea</i>	77.1%	70.7%	67.5%	65.8%	64.4%	68.4%	-8.7%
<i>Dismissal</i>	19.1%	26.5%	30.0%	31.0%	32.9%	29.0%	9.9%
<i>Others</i>	0.5%	0.4%	0.1%	0.7%	0.3%	0.3%	-0.2%

4. Resolutions for the most serious felony cases, by jury trial, by nonjury trial, resolved by plea and dismissed; and

The number of most serious felony resolutions increased in 2023 and 2024, relative to 2021 and 2022, but mostly remained below 2019 averages, despite the prioritization of resources on these case types.

Table 7. Most Serious Case Resolutions¹⁸

	2019 Average	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019*
Most Serious Felonies Resolved ⁵¹	365	372	325	323	336	341	-24
<i>Resolved by Jury Trial</i>	6.4%	5.4%	4.0%	6.2%	4.5%	3.5%	-2.9%
<i>Resolved by Non-Jury Trial</i>	0.1%	0.0%	0.6%	0.0%	0.0%	0.9%	0.7%
<i>Resolved by Guilty Plea</i>	78.9%	74.5%	75.7%	76.8%	75.9%	73.9%	-5.0%
<i>Dismissal</i>	14.0%	19.6%	19.4%	16.7%	19.0%	21.4%	7.4%
<i>Others</i>	0.6%	0.5%	0.3%	0.3%	0.6%	0.3%	-0.3%

¹⁷ Table 5, page 33 of the report.

¹⁸ Table 6, page 33 of the report.

5. Filings and total pending cases for unlawful detainer cases; and

As noted in the report, quarterly unlawful detainer filings were higher than 2019 volume beginning in Q2 2023 and have increased every quarter since. Pending unlawful detainer cases exceed pre-pandemic levels due to the challenges previously described in this staff report (see proviso requirement D).

Table 8. Unlawful Detainers¹⁹

	2019 Average	Q1 2023	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Difference from 2019
Pending unlawful detainer (evictions) ⁵³	461	785	839	1,256	1751	2,151	2,423	1,962
Quarterly filings	1,156	532	780	1,286	1,808	1,866	1,981	825

F. For district court cases, the report should also include the status of backlog cases, including the number of pending unfiled criminal cases.

As previously noted, the District Court backlog was fully resolved as of Q1 2023.

Council Action on Proposed Motion 2024-0293. This report appears to meet the requirements as outlined under Ordinance 19546, Section 17, Proviso P4. Council passage of the proposed motion would have no budgetary impact as the 2023-2024 biennial budget cycle has elapsed. Passage of the motion would only acknowledge receipt of the report.

¹⁹ Table 7, page 38 of the report.



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2024-0284.1

Sponsors Barón

1 A MOTION acknowledging receipt of the proviso report on
2 a crisis response program plan required by the 2023-2024
3 Biennial Budget Ordinance, Ordinance 19546, Section 21,
4 as amended by Ordinance 19633, Section 17, Proviso P1.

5 WHEREAS, by the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
6 Section 21, as amended by Ordinance 19633, Section 17, Proviso P1, requires the
7 executive to transmit a report on the crisis response program, and

8 WHEREAS, the proviso further requires the executive to submit a motion that
9 acknowledges receipt of the report;

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

11 The receipt of the report on the progress of the crisis response program, which is
12 Attachment A to this motion, in compliance with the 2023-2024 Biennial Budget

Motion

- 13 Ordinance, Ordinance 19546, Section 21, as amended by Ordinance 19633, Section 17,
- 14 Proviso P1, is hereby acknowledged.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

Attachments: A. Crisis Response Proviso Response Report

Crisis Response Report

September 5, 2024



King County

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 A. A description of the executive's community engagement efforts in each department of public safety precinct, including a list of local governments, community organizations, nonprofits, neighborhood groups, renter associations, homeowner associations, schools and businesses consulted in the development of the crisis response program; 11

 B. A summary of each department of public safety's precinct's preferred crisis response program model, including general program structure and process for deploying crisis response professionals; 15

 C. A description of the policy or policies the department of public safety intends to implement to guide the deployment of crisis response professionals in each department of public safety precinct;..... 17

 D. A description of the department of public safety's procedures for ensuring interjurisdictional and interagency cooperation;.....20

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II. Proviso Text

Of this appropriation, \$700,000 shall not be expended or encumbered until the executive transmits a crisis response program report and a motion that should acknowledge receipt of the report, and a motion acknowledging receipt of the report is passed by the council. The 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 plan shall include, but not be limited to, the following:

- A. A description of the executive's community engagement efforts in each department of public safety precinct, including a list of local governments, community organizations, nonprofits, neighborhood groups, renter associations, homeowner associations, schools and businesses consulted in the development of the crisis response program;
- B. A summary of each department of public safety's precinct's preferred crisis response program model, including general program structure and process for deploying crisis response professionals;
- C. A description of the policy or policies the department of public safety intends to implement to guide the deployment of crisis response professionals in each department of public safety precinct;
- D. A description of the department of public safety's procedures for ensuring interjurisdictional and interagency cooperation; and
- E. A timeline for the crisis response program implementation in each department of public safety precinct.

The executive should electronically file the report and motion required by this proviso no later than ~~((April 30, 2023))~~ December 31, 2023, with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the law, justice, health and human services committee or its successor.

Ordinance 19546, Section 21, as amended by Ordinance 19633, Section 17, P1¹

¹ King County Ordinance 19633

<https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=6105990&GUID=DE2B26CF-A417-478E-B44F-3558DB55125F&Options=Advanced&Search=>

III. Executive Summary

The King County Sheriff's Office (KCSO) has initiated the development of a Therapeutic Response Unit (TRU) to enhance crisis response capabilities of the KCSO across its service area. TRU is a progressive approach to law enforcement public safety which integrates mental health professionals (MHPs) with specially trained KCSO deputies to form co-responder teams with responsibilities that include de-escalation, crisis intervention, service referrals, and support for treatment processes.

The KCSO recognizes that our community members experience a wide variety of issues that may not only be related to law and public safety, but rather orbit public safety with other stressors. The development of TRU supports the KCSO ability to maintain public safety and enhances resources to address suffering, stressors, and social service needs, and support potentially traumatic events with compassion. These types of situations, referred to as crises, may include domestic violence, suicide threats, welfare checks, traffic collisions, unhoused encampments, and substance use and overdoses. Additionally, situations that involve law enforcement can be stressful. Co-response also provides de-escalation with a trauma informed care approach that centers the individual(s) in crisis.

TRU's co-response model aims to mitigate the severity of crises involving people with mental health, substance use/recovery, and social service needs. By fostering collaboration and emphasizing person and community-centered care, the KCSO through TRU seeks to enhance overall public safety and well-being and help communities shift their reliance on law enforcement for non-criminal issues and concerns. Addressing the needs of King County's communities is multi-faceted. Not only does co-response support individuals during a crisis, also it supports their loved ones and friends. This can often be achieved through community engagement, education, and additional trauma-informed care techniques.

The TRU program operates within the KCSO's Community Programs and Services Division (CPSD). It builds on the foundation of existing co-response initiatives in select precincts and cities, such as the City of Burien and the City of Kirkland where MHPs and deputies partner on calls for service. TRU expands on this foundation through support for and partnership with the 911 Communications Center, Sound and Metro Transit, and by supporting the whole of the King County rather than the currently pocketed and siloed co-response programs. TRU addresses community needs holistically and aligns with King County's strategic priorities, emphasizing equity, social justice, and responsive public safety practices.

The KCSO recognizes that behavioral health and social services crises can frequently accompany incidents involving law enforcement and public safety. TRU aims to support the community members in all aspects of their contact with law enforcement regardless of possible criminality and/or social service needs. While in each crisis instance law enforcement determines whether a crime has been committed and if there will be an arrest, TRU's focus will be to provide services in a diversionary capacity, instead of arrest, in parallel with arrest, or after someone is booked and released. Further, because MHPs will be on calls for service with deputies, they will be able to render support regardless of criminality and refer to the most appropriate resources as dictated by

the situation, deputy, and needs of the community member. TRU aims to divert individuals from the criminal justice system to appropriate health and social services, promoting long-term positive outcomes and reducing repeated emergency responses.

Aligned with the King County Executive's True North vision, TRU embodies values of inclusivity, racial justice, and community collaboration. By engaging diverse stakeholders and prioritizing community feedback, TRU ensures responsiveness to local needs and fosters trust within King County's diverse communities.

The implementation timeline for TRU outlines key milestones including the approval of operational protocols, MHP recruitment, and program launch. Community engagement efforts are central to program development, ensuring that TRU's design and deployment reflect community input and support diverse service needs.

TRU's policy framework emphasizes safety, accountability, and ethical standards in service delivery. Policies guide interactions between MHPs, law enforcement, and community partners, ensuring compliance with legal standards and safeguarding individual rights and privacy.

Effective collaboration with local agencies, healthcare providers, and social service organizations enhances TRU's impact and supports seamless service delivery. Regular communication and joint planning foster a cohesive approach to crisis response and resource coordination across jurisdictions.

The TRU program represents a forward-thinking response to evolving public safety needs in King County. By integrating mental health expertise with law enforcement, TRU aims to enhance crisis response effectiveness, reduce incarceration rates for non-criminal issues, and improve community well-being. Through ongoing evaluation and community engagement, TRU is poised to deliver responsive and equitable crisis intervention services that reflect the diverse needs and aspirations of King County residents.

For further details on specific program components and implementation milestones, please refer to the detailed sections within this report. The KCSO is committed to transparency, innovation, and community partnership as the KCSO advances the TRU program to serve King County's communities effectively.

IV. Background

Department Overview

Ensuring the safety of people in King County, respectfully based on the core values of leadership, integrity, service, and teamwork, is the top priority of the King County Sheriff's Office (KCSO). With more than 1,200 employees, the KCSO serves the law enforcement needs of more than half a million people in unincorporated areas and 12 contract cities. The KCSO's commitment to meeting the needs of all residents means that services such as law enforcement, and now co-response, are available to King County's 2.25 million residents.

It is the mission of the King County Sheriff's Office delivers compassionate and accountable police services to enhance public safety and community well-being. The KCSO's vision is to be an innovative, trusted, and collaborative agency supporting safe, welcoming, and thriving communities.

Key Context – Overview of TRU

The KCSO established the Therapeutic Response Unit (TRU) in the Community Programs and Services Division (CPSD). Placement in this division was intentional as TRU supports law enforcement and community members during behavioral health crises. In addition to co-response, as TRU is fully implemented, the unit will be active in community engagement events such as National Night Out, local festivals and celebrations, and KCSO recruitment events.

Co-response MHP and deputy partners will respond to mid to high-risk situations including, but not limited to, situations involving a person who is experiencing a mental or behavior health crisis, or who is affected by substance use, and/or who could benefit from social services.² Mental Health Professionals (MHP) also provide resource and service referrals for low-risk situations that do not have a law enforcement component. This is most likely to occur during MHP shifts at the KCSO 911 Communications Center. MHPs will take calls with mental health components that do not have a need for law enforcement so that deputies can focus on the calls that do have that need.

The TRU program connects an MHP to a person in crisis sooner than under existing conditions, in a similar manner as a first responder. When responding, the MHP's duties will include, but not necessarily be limited to:

1. De-escalating people and situations;
2. Facilitating contacts between a person who would benefit from health, social, and related services with appropriate service providers;
3. Diverting, when appropriate, people from jails and involuntary hospitalization to stabilization and recovery services, and

² Mid to high-risk calls for service include, but are not limited to domestic violence, shoplifts, trespasses, traffic accidents, suicide threats, etc. These calls will have a law enforcement and/or public safety component. Low risk calls do not include a need for law enforcement and are typically related to service referrals or connecting people to agencies that may provide food, clothing, and other necessities.

4. Assisting in the Involuntary Treatment Act process by providing advisement to law enforcement under RCW 71.05.³

The ultimate goal of the TRU program is that the person who engages with a TRU co-responder is connected to care that in turn results in positive outcomes for the individual, as well as reduced or eliminated interactions with law enforcement.

The TRU co-response program will provide services to unincorporated areas of King County and within the KCSO’s contract partner service areas as follows:⁴

Precinct 2	Precinct 3	Precinct 4	Precinct 5	Transit
City of Carnation	Beaux Arts Village	City of Burien*	City of Kenmore*	Sound Transit
City of Sammamish	City of Covington	Vashon Island	City of SeaTac	Metro Transit
Town of Skykomish	City of Maple Valley		City of Shoreline*	
City of Woodinville**	Muckleshoot Tribe			
	City of Newcastle			
Unincorporated King County				

Precincts/cities with current law enforcement co-response programs are indicated with a *. While TRU will operate in these cities, the KCSO will focus on filling gaps in services that are not covered by the existing co-response program.

Precincts/cities with current fire department programs are indicated with a **. While TRU will serve in these cities, the KCSO will focus on filling gaps in services that are not covered by the existing program.

A map of the KCSO’s jurisdiction is in appendix A.

Key Historical Conditions

The changing face of public safety has asked for the evolution of law enforcement to embrace crisis response concepts like behavioral health signs and symptoms recognition and social service resource referrals. With the passage of the Ostling Act in 2015 and the Revised Code of Washington (RCW) 43.101.427, all Washington State law enforcement agencies are mandated to provide crisis intervention training to all new law enforcement officers.⁵ The Washington State Criminal Justice Training Commission has made crisis intervention training a standard part of

³ RCW 71.05 <https://apps.leg.wa.gov/Rcw/default.aspx?cite=71.05>

⁴ KCSO Service Areas <https://kingcounty.gov/en/legacy/depts/sheriff/police-precincts>

⁵ RCW 43.101.427 <https://app.leg.wa.gov/RCW/default.aspx?cite=43.101&full=true#43.101.427>

training and continuing education for all public safety agencies.⁶ In addition to deputies attending training, all TRU co-responders attend a 40-hour crisis intervention training through the KCSO Advanced Training Unit.

The Memphis Model set the initial standard for incorporating behavioral health training for law enforcement.⁷ This model includes:

- Law enforcement and mental health partnerships
- Community engagement
- Policies and procedures
- Crisis intervention training
- Emergency services and behavioral health facilities
- Evaluation and research
- Continuing education

The Memphis Model was developed in response to increased escalating law enforcement calls for service and subsequent use of force. With this model as an evidence-based approach to crisis intervention, co-response emerged as an effective strategy to de-escalate crisis situations with behavioral health components, increase effective health and social service interventions, and jail diversion for those who need behavioral health support.

With the implementation of behavioral health training for law enforcement, there has come the growth and adaptability in law enforcement endeavors to serve communities and support the holistic augmentation of policing. In 2016, the Shoreline Police Department, a contract agency partner of the KCSO, was awarded a Department of Justice Grant to support the implementation of a co-response program. The first MHP partnered with law enforcement to co-respond and aid in the development of response plans for the community members of the City of Shoreline. The Shoreline program grew to include the police departments in Bothell, Lake Forest Park, Kenmore, and Kirkland. Concurrently, programs were started in Redmond, Burien, and Duvall through each individual city. While each of these programs were all administrated, funded, and developed separately, they were some of the first agencies to embrace co-response as a methodology to incorporate law enforcement and mental health partnerships to improve crisis outcomes for their communities.

Key Current Conditions

The KCSO established TRU to lead and administer King County's co-response program. TRU's approach utilizes the elements of the Memphis Model and crisis intervention training, and adds person-centered approaches, de-escalation, and attention to the individualized resource needs for people in crises that involve law enforcement.⁸

⁶ WA State Criminal Justice Training Commission [https://cjtc.wa.gov/docs/default-source/course-required-forms/cit/wscjtc-cit-requirements-\(updated-2021\).pdf?sfvrsn=2b0152e3_2](https://cjtc.wa.gov/docs/default-source/course-required-forms/cit/wscjtc-cit-requirements-(updated-2021).pdf?sfvrsn=2b0152e3_2)

⁷The Memphis Model: Crisis Intervention Team Core Elements <https://cit.memphis.edu/pdf/CoreElements.pdf>

⁸ National League of Cities and Policy Research, Inc. <https://www.theiacp.org/sites/default/files/SJCResponding%20to%20Individuals.pdf>

As a department within the Executive Branch of King County, the KCSO’s work is guided by King County Executive’s True North and values.⁹ True North aspires to “*making King County a welcoming community where every person can thrive.*” In working to realize True North, the KCSO and TRU share the values that:

- We are one team.
- We are racially just.
- We solve problems.
- We respect all people.
- We focus on the customer.
- We lead the way.
- We drive for results.
- We are responsible stewards.

TRU’s approach to meet people where they are in a crisis incident, and bring resources to people who need and will accept assistance, is a way to work toward building a community where everyone can thrive. The approach is one that works as a team with law enforcement, MHPs, the person who is in crisis, other King County departments and state agencies, and private/non-profit service providers. The approach seeks to solve problems, to respect people, to be racially just, and to drive for results.

TRU will fulfill this using the Listen and Explain with Equity and Dignity (LEED) model, developed in King County by former Sheriff Sue Rahr.¹⁰ This approach has co-responders center the person in crisis and intentionally and transparently communicate to reach an outcome without escalation. The LEED model refines the Pillars of Procedural Justice based on John Rawls’ A Theory of Justice (1971)¹¹. Though this theory is more than 50 years old, it remains foundational to ethical policing and co-response, as it focuses on the people interacting with law enforcement. This person-centered approach helps build community, trust, and transparency.

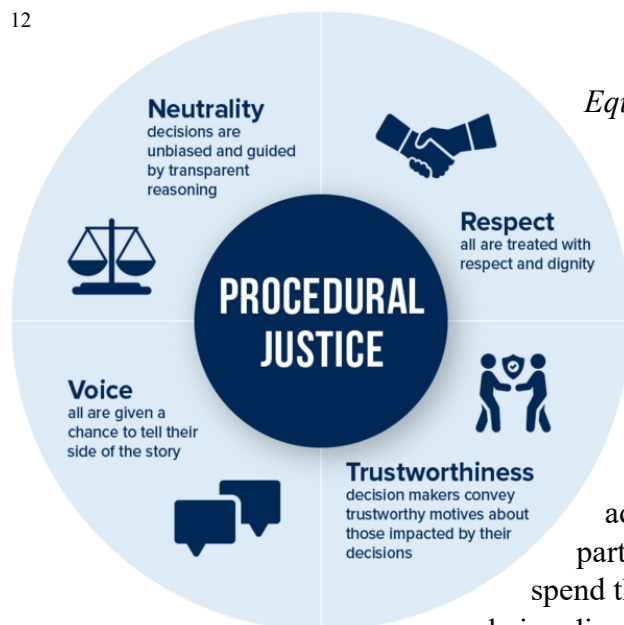
Procedural Justice incorporates four pillars within its conceptualization. They are neutrality, respect, voice, and trustworthiness. When the four pillars of procedural justice are incorporated into law enforcement and co-response, they ensure that everyone is interacted with equity and actions are explained in a clear and transparent manner. When respect is incorporated, all involved are engaged with dignity. When trustworthiness is foundational then, regardless of the outcomes, motivations and process are presented clearly. Finally, when voice is incorporated, the thoughts, opinions, and feelings of the individuals interacting with are listened to, acknowledged, and supported throughout the interaction. While these concepts were developing decades ago, the integrity of their value in today’s law enforcement and co-response engagement mirrors the evolution to the LEED model, of listen, explain, equity, and dignity as these terms are woven into the four pillars of procedural justice.

⁹ King County Executive’s True North

<https://kingcounty.gov/en/legacy/elected/executive/constantine/initiatives/true-north>

¹⁰ Rahr, Sue and Stephen K. Rice. From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals. New Perspectives in Policing Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2015. NCJ 248654. <https://www.ojp.gov/pdffiles1/nij/248654.pdf>

¹¹ RAWLS, J. (1971). *A Theory of Justice: Original Edition*. Harvard University Press. <https://doi.org/10.2307/j.ctvf9z6v>



Equity and Social Justice Strategic Plan Alignment

The Office of Equity, Racial, and Social Justice and the Equity and Social Justice Strategic Plan¹³ are integral to the TRU program development and implementation. Development and implementation of the TRU program reflects the shared values and commitments outlined in the strategic plan, as outlined by:

- being inclusive and collaborative through community engagement with service providers; advocacy groups; county, state, and national partners; and the people who build their lives and spend their time in King County.
- being diverse and people-focused in service and support of those in crisis, in partnerships for social service referrals, and through hiring practices.
- being responsive and adaptive to dynamic community needs, environmental factors, and changing social service schemas.
- being transparent and accountable in the alignment of words and actions.
- being racially just by confronting historical and current racial inequities by identifying access, health, economic and social disparities, and removing systemic barriers for underrepresented populations who have historically benefited the least from social systems.
- being focused on upstream and where needs are greatest to address root causes that lead to mental health, substance use, social service deficit crises that include law enforcement and/or threats to public safety.

TRU will do this through extensive community engagement, allowing communities and collaborators to share their perspectives, expertise, and lived experiences. Community feedback will inform the development of policies and practices grounded in theories of change, access, and attention to deconstruction of oppressive systems that have historically caused and still cause harm to underrepresented communities.

Report Methodology

The TRU Co-Response Program Manager (CRPM) started in September 2023. The Co-Response Program Coordinator (CRPC) started in January 2024. These KCSO staff developed a needs assessment plan for the jurisdictions that the KCSO supports. These jurisdictions collectively form the KCSO's service area and consist of unincorporated King County and the contracting agencies.¹⁴

¹² Pillars of Procedural Justice <https://law.yale.edu/justice-collaboratory/procedural-justice>

¹³ King County Equity and Social Justice Strategic Plan <https://aqua.kingcounty.gov/dnrp/library/dnrp-directors-office/equity-social-justice/201609-ESJ-SP-FULL.pdf>

¹⁴ KCSO Jurisdictions and Contract Agency Partners <https://kingcounty.gov/en/legacy/depts/sheriff/police-precincts>

To complete the needs analysis, the TRU team started by collecting and analyzing resource utilization data and demographics provided by 211 Counts.¹⁵ The resource utilization data included types of calls for resources and location data by the KCSO service areas (appendix B). Requested resources include healthcare, housing, food, utilities, and rent assistance. This data is a starting point to assess resource needs. Ongoing analysis of call type by jurisdiction will be continued during program deployment using the KCSO's record management systems.

V. Report Requirements

This section of the report is organized to follow the structure of the Proviso.

A. description of the executive's community engagement efforts in each department of public safety precinct, including a list of local governments, community organizations, nonprofits, neighborhood groups, renter associations, homeowner associations, schools and businesses consulted in the development of the crisis response program;

This section details the KCSO's community engagement efforts conducted around the development and initial stages of implementation of TRU in each precinct and cities with the KCSO contracts. A list of the community organizations, nonprofits, neighborhood groups, renter associations, homeowner associations, schools, businesses, and government agencies consulted in the development of the crisis response program is shown below in Table 1.

Perspectives, experiences, and input from underrepresented community members and from organizations that work with vulnerable populations is crucial to TRU's development and implementation. TRU's community engagement efforts are dynamic and ongoing. The KCSO continues to engage King County's communities through one-on-one meetings, focus groups, community events, and targeted events for social service providers. Each of these formats is described below. TRU is designed to be adaptive based on community needs and changing legal, environmental, and social schemas.

Community Engagement Events: TRU's community engagement events are designed to deliver presentations about co-response programs, answer questions from attendees, and solicit ideas and feedback to inform program development, implementation, and evaluation. Maple Valley and Sammamish were selected for engagement events because they do not currently have co-response programming. The program agenda for these events included:

- A presentation on TRU, including information on:
 - the co-response model;
 - data from the International Co-Responder Alliance on the history of co-response, current national programs, and law enforcement and mental health provider partnerships;
 - building community collaborations;
 - mental health approaches for crisis intervention, and
 - crisis de-escalation techniques to promote public safety and facilitate connections between people in crisis to social services.

¹⁵ 211 Counts <https://211counts.org/home/index>

- Family presentations and community success stories from people who have first-hand experience with MHP co-responders via video.
- Q&A for further discussion and for TRU staff and attendees to learn more about the needs of communities and people in crisis.
- Opportunities for attendees to share ideas and their experiences through many different formats, including:
 - One-on-one conversations;
 - Group discussions;
 - Paper forms;
 - QR codes;
 - Web forms, and
 - Phone and email.

More than 350 individuals and agencies were invited to the events in Maple Valley and Sammamish. The Maple Valley event had 18 participants and the Sammamish event had 20 participants. The KCSO was ready to utilize language accessibility and translation services, but none were requested or needed during the events.

Anyone not able to attend in person was extended an offer to meet with TRU staff in an individual or small group meeting. TRU staff met with more than 40 individuals and continues to meet with those interested in collaboration.

Community Social Services Engagement: The KCSO hosts ongoing chats and gatherings for social services providers to share information about and resources available through their programs, talk with TRU about their experiences, offer recommendations for community engagement and support, and establish connection points with the KCSO for collaboration and service referrals.

Focus Groups: Through the KCSO’s conversations with advocacy groups and behavioral health agencies, staff have identified focus groups to seek feedback on program development and perceived impacts on King County communities. Specific focus group topics included language accessibility and children’s services.

Engagement Themes

Through the community engagement process, the KCSO staff learned more about community perspectives and thoughts on mental health and substance use recovery support, and the connection between mental health struggles/substance use and crises that involve law enforcement. Feedback from community members has been positive with emphasis on the need for more behavioral and mental health supports that make referrals and warm connections between community members and service organizations.

Examples of feedback on priorities the KCSO should consider, provided by participants during the engagement activities include:

1. Requests for the KCSO to prioritize social justice, equity, and inclusion through access to services referrals, examination of data on areas that receive priority for service, and anti-racist practices;

2. Requests for de-escalation as a priority during calls for service with mental health, substance use, and law enforcement components;
3. Requests for more housing and services for un-housed people and families;
4. Requests for more specific domestic violence resources in addition to the packet law enforcement provides to those who experience this type of violence, and
5. Requests for language accessibility, specifically translation services, during calls for service.

KCSO staff have incorporated these perspectives and thoughts into the program. For example, the KCSO is working with the U-VISTA/T-VISTA Language Services program to identify hardware and software needs so that MHPs will have devices for translation on every call for service. Additionally, the KCSO continues to build service provider connections to be able to individualize service referrals for community members and their support networks.

The KCSO will continue community engagement efforts at a minimum during the early stages of the program implementation, which is expected to begin in December 2024. Continued community engagement will focus on additional service providers and incorporate business perspectives throughout the communities the KCSO serves. TRU staff are committed to successful outcomes for the people it serves and for communities overall. The KCSO staff will continue to seek the perspectives of communities to listen, learn, and incorporate perspectives that can improve the TRU program within the program’s budget, scope, and legal limitations.

Table 1.

Community and Social Service Organizations	Neighborhood Groups	Renter and Homeowner Associations	Schools	Government Organizations
Adult Protective Services	Anti-Homelessness in Auburn	DSHS Housing Assistance	Highline School District	Designated Crisis Responders (DCRs)/Involuntary Treatment Act (ITA) Court
Catholic Community Services/Catholic Housing Services	Bellevue CARES	King County Housing Authority	Lake Washington School District	Department of Children, Youth and Families (DCYF)
Congregation for the Homeless/Porchlight	Friends of Youth	Rental Housing Association of Washington	Muckleshoot School District	Downtown Emergency Service Center (DESC)
Crisis Outreach and Response Services – Developmental Disabilities, YWCA of Greater Seattle	Indivisible Eastside	Tenants Union of Washington State	Northshore School District	King County Children's Crisis Outreach Response System (CCORS)
Developmental Disabilities Administration (DDA)	Mary's Place	Treasury Rent Assistance Program	Riverview School District	King County Commercially Sexually Exploited Children (CESC) Task Force

Community and Social Service Organizations	Neighborhood Groups	Renter and Homeowner Associations	Schools	Government Organizations
Evergreen Treatment Services (formerly REACH)	Northwest Justice Project		Shoreline School District	King County Crisis Solutions Center
Family Reconciliation Services	Open Doors for Multicultural Families		Skykomish School District	King County Department of Community and Human Services
Geriatric Regional Assessment Team	Seattle's LGBTQ+ Center		Tahoma School District	King County Drug Court
Ideal Option	Skyway Coalition		The Rainier School	King County Jail
Integration of Knowledge and Resources for Occupational Needs (IKRON) Greater Seattle Counseling	Solid Ground (formerly Fremont Public Association)			King County Library System
Mobile Crisis Team	Sophia's WAY			King County Mental Health Court
Moderate Means Program	The Arc of King County			King County Office of Equity and Social Justice
National Alliance on Mental Illness (NAMI)	Vashon Dove Project			King County Prosecuting Attorney's Office
NAVOS Behavioral Support				King County Regional Homeless Authority
Peer Washington				King County Sexual Assault Resource Center
Real Escape from the Sex Trade (REST)				King County Veterans Court
Recovery Navigator Program				National Resource Center on Domestic Violence
Sound Health				Public Health Seattle and King County
STEP-UP Domestic Violence Program				WA State Department of Social and Health Services
Union Gospel Mission				WA State Mental Health Advance Directive Committee
U-VISTA/T-VISTA Language Services				
UW Office of Healthcare Equity				
Valley Cities				

Community and Social Service Organizations	Neighborhood Groups	Renter and Homeowner Associations	Schools	Government Organizations
YWCA Seattle/King/Snohomish				

B. A summary of each department of public safety's precinct's preferred crisis response program model, including general program structure and process for deploying crisis response professionals;

Crisis response is not new to the KCSO. There are currently three programs that operate using crisis response models in the KCSO partner cities. Each model is tailored to the needs of the communities and supported by the specific local jurisdictions.

The Response Awareness De-Escalation and Referral or RADAR program started in the City of Shoreline in 2015 with a grant from the Department of Justice. This program was built in a co-response model, partnering an MHP with deputies. The RADAR program added the Cities of Bothell, Lake Forest Park, Kenmore, and Kirkland to respond to the growing demand for co-response programs, through funding support from the Department of Justice and King County’s Mental Illness and Drug Dependency (MIDD) sales tax revenue.

In 2023, management and oversight of RADAR operations was moved to the City of Kirkland and changed their model from a co-response program to a community response program. RADAR became the Regional Crisis Response (RCR) program.¹⁶ This model has two MHPs going out in pairs as a community-based resource to make service referrals when no law enforcement is needed. RCR MHPs drive their own vehicles to calls for service after law enforcement has managed the situation, in order to provide service referrals. Further, MHPs from RCR will go to lower acuity calls for services without law enforcement present as there is no public safety or criminality involved.

The Burien Police Department uses the co-response model to partner law enforcement deputies with MHPs. This model shares the MHPs between the fire department and the police department. Currently, two MHPs work in Burien to support both co-response teams. This program was initiated in 2020 and specifically serves the City of Burien.

The CORE Connect program is a community response program that partners firefighters with care coordinators through Mobile Integrated Healthcare.¹⁷ This program serves the City of Woodinville through Eastside Fire and Rescue. Deputies in Woodinville refer cases to CORE Connect via email so that service referrals can be made by their co-response team.

The preferred model of crisis response for the KCSO and partner cities is a co-response model. Co-response fills a unique need, in that law enforcement responds to calls that have a public safety

¹⁶ Regional Crisis Response Agency <https://www.shorelinewa.gov/government/departments/police-department/radar>

¹⁷ CORE Connect <https://www.eastsidefire-rescue.org/285/Community-Outreach-Resources-and-Educati>

component. In these calls the situation is often complicated by either a mental health and/or substance abuse issue. MHPs on scene to assist in triage, de-escalation, and referral to services in parallel to law enforcement maintaining public safety is a benefit to the community and the person in crisis. The KCSO's preferred model for crisis response is partnering law enforcement deputies with MHPs to respond to calls for service together. TRU strives to provide the expertise of both law enforcement and behavioral health during calls for service that have a public safety and/or law enforcement component to them. Calls for service could include but are not limited to welfare checks, domestic violence calls, shoplifts, trespasses, disputes, and calls for service that involve social service agencies such as Child Protective Services or Adult Protective Services.

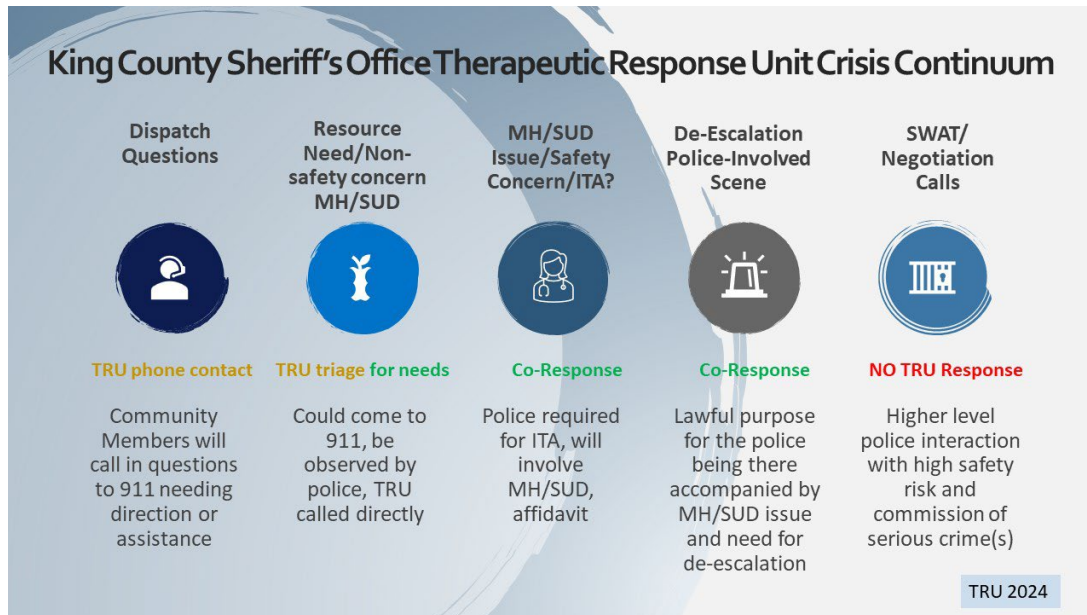
Crises occur on a continuum and often have a diversity of need, response, and origin.¹⁸ When law enforcement responds to a situation involving someone experiencing a crisis, they are commonly experiencing a significant crisis that involves an active mental health issue or substance use combined with possible public safety or law enforcement need. Based on the law enforcement deputies' training, determinations regarding criminality are decided. Co-currently, TRU MHPs assess and refer for social services and crisis needs. The order in which the individual receives services and addresses possible criminality is determined by the deputy with consultation from the MHP for consideration.

In addition to responding to calls for service for people experiencing higher acuity levels of crisis, MHPs will also respond to people who are not in apparent crisis or who may appear to be in lower levels of crisis. When MHPs address non-critical calls for service involving people in crisis, deputies are able to focus resources on community needs that include a law enforcement component. By engaging with people before a crisis becomes more significant, MHPs are better able to facilitate connecting those in crisis with the services that can help them, while reducing the likelihood that a law enforcement response will occur or become necessary.

For example, a MHP who worked for another King County agency was able to take a call for service from a frequent caller to 911. Prior to that MHP being hired by that agency, officers were taking every call from this individual and going to their residence. In those calls, the calling party would call between 20 and 30 times per day talking about various hallucinations and delusions, though they were not aware they were delusions and hallucinations complicated by significant substance use. When the MHP was hired, those calls were routed to them specifically. The caller was de-escalated and referred to services, thereby not taking up officer contact time. The MHP was able to coordinate a social services integration with necessary police welfare checks, and management of calls into dispatch with diversion and referrals to stabilizing services which mitigated the need for the individual to call 911 originally. TRU's co-response model will follow the TRU Crisis Response Continuum as shown below in Table 2.

Table 2.

¹⁸ Crisis situations may include domestic violence, suicide threats, welfare checks, traffic collisions, unhoused encampments, and substance use/overdoses.



Notably, co-response is one entry point into a continuum of care to connect a person in crisis to appropriate resources that provide support beyond the crisis situation. Through this continuum of care, one of the many desired successful outcomes would be fewer to no interactions with law enforcement.

C. A description of the policy or policies the department of public safety intends to implement to guide the deployment of crisis response professionals in each department of public safety precinct;

The KCSO has approved a TRU Program Standard Operating Procedures (SOP), effective June 4, 2024 (appendix C). This SOP is the KCSO-approved procedure document that every MHP and deputy co-response team will follow. The TRU Program SOP is summarized below:

Referrals to the MHP and/or TRU

- Deputies may refer any individual with behavioral health needs to the MHP via the MHP clearing code, email, or verbally, in order to affect follow-up services.
- The MHP, Program Coordinator, and/or Program Manager will determine if outreach is warranted and document all decisions and the reasons for actions/steps taken.
- Priority of calls and service needs should be given to individuals that need service interventions to mitigate the increased likelihood of crisis thresholds intensifying.
- Any clinically or situationally significant cases will be reviewed with the on-duty patrol supervisor and/or the TRU Program Manager as necessary, especially if there are ramifications for patrol response or contact.

Initiating a Response Plan

Any deputy, supervisor, or dispatcher may identify potential candidates for a Response Plan by submitting a referral to the TRU Program Manager. The referral can be coded through Mark 43 with MHP or emailed to the TRU Program Manager.

- The TRU Program Manager and partnered deputy will review the referral to determine if a Response Plan would benefit the individual and/or first responders.
- If it is determined that the creation of the Response Plan would be beneficial, a TRU deputy and the TRU Program Manager and/or MHP will, if appropriate, coordinate to speak with family members, applicable service providers, caregivers, and/or other individuals that could provide insights into care and behaviors helpful in de-escalation and response.
- When appropriate, the TRU deputy and the TRU Program Manager, TRU Program Coordinator, and/or MHP will solicit input from a person's treatment provider, caregiver, or family member.
- A TRU deputy and the TRU Program Manager, TRU Program Coordinator, and/or MHP are not required to meet with the individual and others and will determine on a case-by-case basis whether such contact is safe, productive, and/or appropriate.
- The TRU deputy and/or the TRU Program Manager, TRU Program Coordinator, and/or MHP will note a follow-up being conducted related to the precipitating incident or original case as appropriate.

Response Plan Content

All Response Plans will be reviewed by the TRU Program Manager and TRU Program Coordinator and TRU deputy to validate the benefits of a response plan.

- These plans will minimize the amount of personal information or potentially stigmatizing content and should not include diagnosis(es) or protected patient information.
- Content related to observed behaviors, techniques to aid in de-escalation, tips for topics to avoid, and information provided by the family, or the individual can be included if it could be beneficial in the de-escalation process.
- The focus of the content should be to identify practical and individualized strategies to help responding deputies de-escalate crisis situations and to aid in continuity of care by the TRU Program Manager, TRU Program Coordinator, and/or MHP, when appropriate and feasible.

The KCSO and TRU staff do not provide treatment or maintain protected patient information, and therefore fall outside of the guidelines for HIPAA. However, the KCSO and TRU staff will maintain the highest ethical standards and exercise care and diligence to protect and respect those being supported by the program.

This is achieved through careful consideration of what information is used, documented, and conveyed to service providers and other involved parties. This will be accomplished in coordination with the KCSO Public Disclosure Unit, Senior Counsel, and by utilizing appropriate advisements upon community contact.

Health Insurance Portability and Accountability Act (HIPAA) Compliance

The KCSO is not an entity providing treatment or maintaining protected patient information and therefore falls outside of the guidelines for HIPAA. However, the KCSO and TRU will maintain the highest ethical standards and exercise care and diligence to protect and respect those being supported. MHPs will work in accordance with the American Counseling Association Code of Ethics and King County's True North Mission.

Public Records Requests

Public records requests for TRU information shall be directed to the KCSO Public Disclosure Unit (PDU). In areas where contact privacy may be concerned, the PDU Supervisor may consult with CRPM for release determinations.

Interagency Information Sharing

Information on calls for service may be shared with other agencies, other mental health professionals, other service providers, and emergency departments when it is consistent with TRU's goals of safety, response awareness, resource coordination, and/or de-escalation. The CRPM and MHPs are not providing therapy or traditional therapeutic services in a client-therapist relationship. Any information shared will comply with HIPAA, FERPA, and public disclosure guidelines.

Safety Guidelines

The co-responding deputy has the ultimate authority for scene control and safety. The MHPs will follow the directives of their deputy partner at all times. MHPs will provide insight and assessment information to deputies so they can determine the best course of action for calls and contacts with behavioral health components.

MHPs will have situational awareness, Care Under Fire, CPR, and basic first aid training. When possible, MHPs will participate in trainings with deputies.

Training Requirements

The Program Manager, Program Coordinator, and MHPs will have situational awareness, care under fire, CPR, and basic first aid training. When possible, the Program Manager, Program Coordinator, and TRU MHPs will participate in trainings with deputies for situations they may find themselves in. For example, training for deputy shooting from a seated position in a patrol car. The Program Manager, Program Coordinator, and MHPs will need to know how to react and what to do in order to minimize danger and maximize safety. Ongoing training is advisable for perishable skills.

The training for MHPs will consist of online trainings provided via Power DMS, appropriate trainings at briefings, department in-services, and shall compliment and support existing Crisis

Intervention Team (CIT) training and the Advanced Training Unit 80-Hour KCSO developed TRU Training.

The Program Coordinator and MHPs will not participate in crisis or hostage negotiation situations unless they have completed the required Crisis and Hostage Negotiation Schooling, have the approval of a direct supervisor, and have working knowledge and practice of that specific role and are integrated in a team-setting with Special Operations Approval.

D. A description of the department of public safety's procedures for ensuring interjurisdictional and interagency cooperation;

The KCSO will continue to collaborate with jurisdictions and agencies across King County around the TRU program. It will accomplish this by establishing and maintaining routine check in meetings with jurisdictions and community collaborators.

The KCSO and its 16 contract agency partners utilize the same police records management system, computer aided dispatch software (Mark 43), and 911 dispatching center, providing instant information access and resource sharing across a wide geographic area of King County.

The CRPM will work with agencies like the Fire Dept, Mobile Integrated Health, and other policing agencies and their MHPs for consult and case evaluation and referral. The CRPM will work on Behavioral Health Bulletins so that patrol deputies will have a working knowledge of any possible contacts needing a specialized response. To ensure that communications within the KCSO and other agencies in which TRU interacts, email, cell phone, virtual, and monthly meetings will be integrated. Regular meetings have already been scheduled and conducted with youth service agencies and the language access program, as they are incorporated into TRU’s case referral and coordination process. TRU also participates in King County-wide service provider consult and evaluation groups that also care for similar or same community members. This enhances the collective care and coordination of services for the most vulnerable in the King County communities.

E. Implementation Timeline

This section will detail the draft timeline for the proposed TRU program’s implementation in the KCSO’s precincts and contract agency jurisdictions.

Implementation Milestone	Date
General Orders Manual approved by	July 1, 2024
MHP hiring	September-October 2024
TRU begins operations	December 2024
Data gathering and program evaluation	January 2024 - ongoing
Initial year assessment	June 2025-September 2025

In order to best ascertain the quality of work and the success of the program, TRU will gather data on those served, poll the KCSO deputy engagement and evaluation of the program from their perspective, and poll community members that have TRU engagement to determine their

qualitative and quantitative outcomes as they relate to working with TRU deputies and MHPs. These evaluations may come from QR code surveys, interviews, and consent-provided narratives from those who have engaged TRU. Further, TRU will also engage service providers that are referred to via TRU and gauge their experience in collaborating with TRU MHPs and deputies via interview and QR code survey.

VI. Conclusion/Next Actions

The establishment of TRU within the KCSO marks a significant step forward in enhancing crisis response capabilities across King County communities. Through the TRU program, the KCSO is committed to integrating mental health professionals with law enforcement deputies to effectively address mid- to high-risk situations involving mental health crises, substance use, and social service needs. It allows deputy resources to be allocated to calls for service that require a police response, decreases the number of repeat calls to 911 for social service deficits, and increases stabilization capacity for greater longer-term solution focused care. This co-response approach not only aligns with best practices in crisis intervention but also supports our broader goals of public safety, community well-being, and equity.

Looking ahead, the next steps for the TRU program involve several key initiatives:

1. Program Expansion and Service Delivery: TRU will continue to expand services across King County, focusing on areas currently underserved by existing co-response programs as funding allows. Expansion will help to ensure that more communities benefit from timely, integrated crisis intervention.
2. Community Engagement and Partnerships: Building on initial outreach conducted by the KCSO in developing TRU efforts, the KCSO will deepen its engagement with community collaborators, including underrepresented and marginalized groups, specifically in BIPOC communities. By seeking, listening to, and incorporating community feedback, the KCSO aims to tailor TRU services to meet the needs of King County's communities. These needs include but are not limited to those experiencing housing insecurity, social service resource deficits, substance use, mental health concerns, health care deficits, children's services, multi-language deliverable services, and a wide range of socio-economic considerations.
3. Enhanced Training and Development: Continuous training and professional development for TRU staff, including deputies and MHPs, is a priority. This ongoing education ensures that co-response teams are equipped with the latest skills and knowledge to handle complex crisis situations with empathy and effectiveness.
4. Data-Driven Evaluation and Improvement: Utilizing data analytics and ongoing evaluation, TRU will monitor the impact and effectiveness of co-response interventions. This data will inform strategic adjustments and improvements to TRU's operational protocols. The adjustments include how TRU delivers services, hires to meet capacity needs of the KCSO and its partner cities, and what is learned to be the best practices for collaborative social service referrals as determined by engagement.

5. Policy and Procedural Refinements: Working closely with the KCSO legal and compliance experts, TRU will refine policies and procedures governing operations. This includes ensuring adherence to HIPAA guidelines, maintaining transparency in public records requests, and optimizing interagency cooperation.

6. Promoting Equity: Upholding King County’s commitment to equity and social justice, TRU will continue to prioritize inclusivity in all aspects of service delivery through access, transparency, and building trust through continuously seeking honest feedback from the communities TRU serves. TRU will actively seek to eliminate disparities in access to mental health and social services among diverse populations.

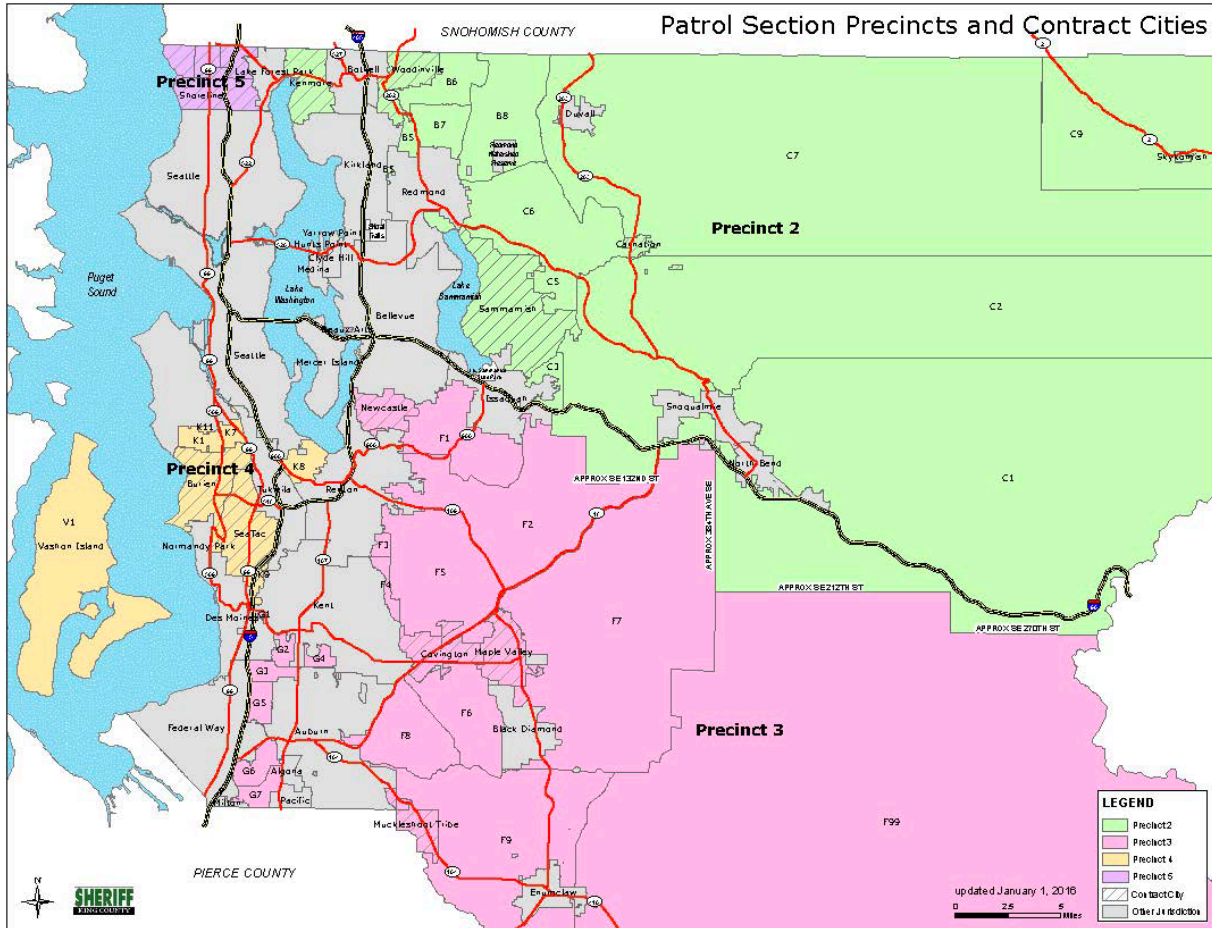
7. Communication and Outreach: Clear and effective communication will be essential as TRU navigates the complexities of crisis response. Regular updates to collaborators, including community members and partner agencies, will foster trust and transparency.

The TRU program represents a proactive approach to public safety that integrates mental health expertise into law enforcement responses. By forging ahead with these next steps, the KCSO is confident in its ability to enhance community safety, promote well-being, and contribute to King County’s vision of a welcoming and thriving community for all.

VII. Appendices

Appendix A: KCSO Jurisdiction Map

Below is the KCSO jurisdiction map used by the 911 Communications Center to connect law enforcement with calls for service.



Appendix B: KCSO Resource Utilization Data

Below is an infographic of resource utilization data from the KCSO service areas, and definitions of what the resource codes indicate.



Housing/Shelter: *home repairs, low-cost housing, mortgage and rental assistance, moving assistance, shelters, other housing options, directory of services*

Food: *buying food, food delivery, kids' food, food banks, help buying food, seasonal food, meals on wheels*

Utilities: *electric, natural gas, phone, internet, water, sewer, garbage, other utilities*

Healthcare/Covid: *medical bills assistance, nursing homes, medication assistance, insurance coverage, covid testing*

MH/Addictions: *crisis services, suicide, mental health counseling, substance abuse treatment, medication assisted treatment for SUD*

Employment Income: *taxes, income support, state financial support, job assistance, financial management*

Clothing/Household: *clothing, hygiene, home furnishing, holiday/seasonal clothing, technology access*

Parenting/Childcare: *childcare, parenting support, family services*

Gov't/Legal: *law, civil rights, criminal reentry, housing law, immigration, estate planning*

Transportation: *rides, gas support, buses, low-cost mechanics*

Education: *K-12 education, adult continuing education, early childhood education*

Disaster: *financial, fire, flood, volcano, windstorm, etc.*

Other: *animal services, case management, community development, death services, endangerment, volunteering, donations*

Appendix C: KCSO TRU Program Standard Operating Procedures

1.0 PURPOSE:

TRU will provide the KCSO deputies assistance from a co-responding licensed Mental Health Professional (MHP) to aid in addressing the needs of community members that suffer from, live with, or support those with mental illness, substance abuse issues, developmental disabilities, social services deficits, or other crisis situations.

TRU attempts to connect individuals experiencing a crisis to services and resources, thereby reducing the need for police and other emergency services. Referrals and support are offered by the MHP during calls for service and/or after contact with law enforcement has occurred. Additionally, the MHP can respond to referrals from deputies, be directly accessed by the community, and provide response knowledge via a Mental Health Template being created. The MHP will not provide healthcare services to community contacts. Of note, nothing provided in the Co-Response Model of services should supersede deputy and community safety during call response and calls for service. MHPs working in this model are supervised by the TRU Program Manager.

2.0 APPLICATION:

The Co-Responding MHP will partner with deputies to respond to calls for service that involve behavioral health issues, mental illness, social service deficits, and other situations as necessary to aid in de-escalation and service referrals.

3.0 MISSION:

TRU strives to connect persons with social services needs and their family members or loved ones with providers after police contact thereby reducing the repeated use of emergency responses for behavioral health crises.

4.0 GOALS:

Connect community members in crisis or at risk of being in crisis with the appropriate service referrals and treatment options:

1. Develop individualized de-escalation response knowledge and strategies for community members in crisis who have demonstrated violence or volatile behaviors or that have repeated law enforcement contact.
2. Reduce unnecessary encounters with first responders and increase the effectiveness of police responses to those in crisis.
3. Create cost-effective community-policing strategies and promote increased collaboration between deputies, community members in crisis, family members and loved ones, services providers, caregivers, and other supports.
4. Provide support during law enforcement involuntary treatment transports by de-escalating and/or writing affidavits for emergency room social workers and Designated Crisis Responders to support 120-hour mental health involuntary detentions.

5. Provide training on behavioral health-related topics and CIT for deputies and staff as needed during in- services.
6. Provide training and education to the public, community groups, and agencies about mental health topics, suicidality, mental health response, and crisis response as needed.
7. Facilitate the care of community members between first responder agencies like FIRE/EMS, police, CARES, and Mobile Integrated Health.
8. Facilitate continuity of care between service providers, corrections, the judicial systems, shelters, emergency departments, other county agencies, school districts, and other demographic intersections for those with police contacts

5.0 DEFINITIONS:

Behavioral Health Issue (BHI): means a significantly disruptive episode of behavioral, mental, or emotional distress in a community member likely due to a behavioral health concern.

CIT: is the program that brings together law enforcement, mental health providers, hospital emergency departments and community members in crisis, along with their families and loved ones to improve responses to people in crisis. CIT programs augment communication, identify mental health resources, and assist people experiencing crisis and ensure that deputies get the training and support they need to effectively carry out their law enforcement duties.

ITA Evaluation: is an abbreviation for Involuntary Treatment Act Evaluation. ITA evaluations are involuntary civil commitments meant to provide for the evaluation and treatment of a person in crisis after an assessment by the Designated Crisis Responders. The civil commitment is designed to stabilize an individual who may currently be suicidal, homicidal, and/or gravely disabled and who refuse or unable to enter into treatment of their own accord so they are no longer suicidal, homicidal, and/or gravely disabled and can continue with recovery treatment in an out-patient setting.

MHP: is an abbreviation for mental health professional who serves as the co-responding civilian in this model. An MHP must hold a master’s degree or higher in Counseling Psychology, Social Work, or related field and hold this credential and LMHC(A), LICSW(A), LMFT(A) or similar with the Washington State Department of Health.

TRU Co-Response: is the partnership between a commissioned law enforcement deputy and a licensed MHP that respond to calls for service that could benefit from de-escalation and/or service referrals.

Behavioral Health Field Interview Report (FIR): refers to the Behavioral Health template that was created to describe behaviors, protective factors, and warnings for the individual and/or premise of a possible contact. These FIRs are managed and maintained by the MHP and/or TRU. TRU Program Manager: is the supervisor for the civilian MHP staff in this Co-Responder Model for service through the KCSO. The TRU Program Manager must be a fully licensed MHP and hold a full license under LMHC, LICSW, and/or LMFT or similar.

TRU Program Coordinator: is a credentialed MHP that oversees administrative duties, reports to the Program Manager, and co-responds approximately 20 percent of their 40-hour work week.

6.0 PROCEDURES:

1. Program Positions

The Division Chief will be briefed by the TRU Program Manager about the activities of the Co-Response Team. The current Sergeants on duty can also provide insights into the program activities as they pertain to their respective shifts and deputies who co-respond with the MHPs. The requirements and responsibilities of each member of the TRU include but are not limited to the following:

- a. Program Manager:
 - i. Manage day-to-day tasks of the Co-Response Team.
 - ii. Will create and record data for calls for service.
 - iii. Will follow-up with inquires in the community about services and special topics.
 - iv. Coordinate the actions and duties of the TRU Program Manager, TRU Program Coordinator, MHPs, and deputies through the Chief and assigned Sergeants.
 - v. Work to design and implement policies and procedures as they relate to the Co- Response body of work.
 - vi. Create and maintain the FIRS Mental Health Templates.
 - vii. Attend as many patrol briefings as possible.
 - viii. Create and update trainings for the department as they relate to Co-Response and behavioral health.
 - ix. Maintain records that are uploaded into the various records management systems.
 - x. Continue to foster community engagement and collaboration with service providers and the police department.

- b. MHPs:
 - i. Assist CIT trained Co-responding deputies and other law enforcement deputies/staff in creating response information via the Behavioral Health FIR Template.
 - ii. Work to identify persons with police contacts that are at risk of going into crisis or that are in active crisis in order to refer to services and divert care to appropriate providers rather than first responders.
 - iii. Follow-up with deputies and community referrals for individuals in crisis or that have questions about resources.
 - iv. Connect community members, friends, family, and loved ones to services and answer systems questions as needed.
 - v. Gather and maintain data collection for individuals served and funder analysis.

- vi. Follow all directives and safety protocols as determined by police and deputy directive on calls for service.
 - vii. Assist in working with community members in behavioral health crisis in a community setting that does not require presence of Law Enforcement or FIRE/EMS present.
- c. TRU Deputies:
- i. Should complete the 40-hour training provided by the Washington State Criminal Justice Training Commission within six months of starting to work with the co-response program.
 - ii. Will work in coordination with the TRU Program Manager, TRU Program Coordinator, Sergeant(s), and Division Chief to create, modify, inform on, or impact any activities of TRU.
 - iii. Will serve as subject matter experts and points of contact for their respective squads as calls and questions related to behavioral health needs of community contacts and police interactions.

2. Referrals to the MHP and/or TRU

- a. Deputies may refer any individual with behavioral health needs to the MHP via the MHP clearing code, email, or verbally in order to affect follow-up services.
- b. The MHP, Program Coordinator, and/or Program Manager will determine if outreach is warranted and document all decisions and the reasons for actions/steps taken.
- c. Priority of calls and service needs should be given to individuals that need service interventions to mitigate the increased likelihood of crisis thresholds intensifying.
- d. Any clinically or situationally significant cases will be reviewed with the on-duty patrol supervisor and/or the TRU Program Manager as necessary, especially if there are ramifications for patrol response or contact.

3. Initiating a Response Plan

Any deputy, supervisor, or dispatcher may identify potential candidates for a Response Plan by submitting a referral to the TRU Program Manager. The referral can be coded through Mark 43 with MHP or emailed to the TRU Program Manager.

- a. The TRU Program Manager and partnered deputy will review the referral to determine if a Response Plan would benefit the individual and/or first responders.
- b. If it is determined that the creation of the Response Plan would be beneficial, a TRU deputy and the TRU Program Manager and/or MHP will, if appropriate, coordinate to speak with family members, applicable service providers, caregivers, and/or other individuals that could provide insights into care and behaviors helpful in de-escalation and response.
- c. When appropriate, the TRU deputy and the TRU Program Manager, TRU Program Coordinator, and/or MHP will solicit input from a person's treatment provider, caregiver, or family member.

- d. A TRU deputy and the TRU Program Manager, TRU Program Coordinator, and/or MHP are not required to meet with the individual and others and will determine on a case-by-case basis whether such contact is safe, productive, and/or appropriate.
- e. The TRU deputy and/or the TRU Program Manager, TRU Program Coordinator, and/or MHP will note a follow-up being conducted related to the precipitating incident or original case as appropriate.

4. Response Plan/Behavioral Health FIR Benefits

- a. May assist deputies with de-escalating a crisis situation involving an individual in behavioral health crisis; and/or
- b. May assist in connecting an individual with needed services; and/or
- c. May assist in connecting an individual to a family member or other caregiver.
 - i. Most MHP contacts will not have a Response Plan but may instead have a BH FIR notation.

5. Response Plan Content

All Response Plans will be reviewed by the TRU Program Manager and TRU Program Coordinator and TRU deputy to validate the benefits of a response plan.

- a. These plans will minimize the amount of personal information or potentially stigmatizing content and should not include diagnosis(es) or protected patient information.
- b. Content related to observed behaviors, techniques to aid in de-escalation, tips for topics to avoid, and information provided by the family, or the individual can be included if it could be beneficial in the de-escalation process.
- c. The focus of the content should be to identify practical and individualized strategies to help responding deputies de-escalate crisis situations and to aid in continuity of care by the TRU Program Manager, TRU Program Coordinator, and/or MHP, when appropriate and feasible.

The KCSO and the TRU do not provide treatment or maintain protected patient information, and therefore fall outside of the guidelines for HIPAA. However, the KCSO and the TRU will maintain the highest ethical standards and exercise care and diligence to protect and respect those being supported by the program.

This is achieved through careful consideration of what information is used, documented, and conveyed to service providers and other involved parties. This will be accomplished in coordination with the KCSO Public Disclosure Unit, Senior Counsel, and by utilizing appropriate advisements upon community contact.

6. Sample Advisement

“My name is , I am here to support Deputy on this call. I am here to assist in achieving a successful outcome today. For us, that could include helping to make sure no one is hurt

or harmed today, that you have information and access to services that you might find helpful to you or at least have contact information for people who can help you decide if there are services available that would help you. We are not here to deliver healthcare services, so confidentiality is not assured and HIPAA does not apply.”

Response Plans and BH FIRS will be updated as relevant information and/or circumstances change that would impact first responder interactions with the individual. The TRU Program Manager, TRU Program Coordinator, and/or MHP and TRU deputies will collaborate on whether continued outreach to the individual will likely yield positive results or become counterproductive.

7. Public Records Requests

Public records requests for TRU Program Manager, TRU Program Coordinator, and/or MHP information shall be directed to the KCSO Records Unit. In areas where contact privacy may be concerned, the Records Supervisor may consult with TRU Program Manager.

8. Interagency Information Sharing

Information contained in a response plan or MH FIR may be shared with other agencies, other mental health professionals, other service providers, and emergency departments when it is consistent with the Co-Response program goals of safety, response awareness, resource coordination, and/or de-escalation. The TRU Program Manager, TRU Program Coordinator, and/or MHP are not providing therapy or traditional therapeutic services in a client and therapist relationship as it would be a conflict of interests as the TRU Program Manager, TRU Program Coordinator, and/or MHP are employees of the KCSO and shall not hold a dual relationship with community contacts.

9. TRU Safety Guidelines

The TRU Deputy has the ultimate authority for scene control and safety. The Program Manager, Program Coordinator, and TRU MHPs will follow the directives of the partnered deputy at all times. When decisions about outcomes are concerned, authority goes to the primary deputy for the call, then the highest-ranking deputy on scene, to the supervising sergeant on duty. At all times, the Program Manager, Program Coordinator, and TRU MHPs will provide insight and assessment information to the deputies so they can determine the best course of action for particular calls and contacts.

10. TRU Training

The Program Manager, Program Coordinator, and TRU MHPs will have situational awareness, care under fire, CPR, and basic first aid training. When possible, the Program Manager, Program Coordinator, and TRU MHPs will participate in trainings with deputies for situations they may find themselves in. For example, training for deputy shooting from a seated position in a patrol car. The Program Manager, Program Coordinator, and TRU MHPs will need to know how to react and what to do in order to minimize danger and maximize safety. Ongoing training is advisable for perishable skills.

The training for MHPs will consist of online trainings provided via Power DMS, appropriate trainings at briefings, department in-services, and shall compliment and support existing CIT training and the Advanced Training Unit 80-Hour KCSO developed TRU Training.

The TRU Program Coordinator, and TRU MHPs will not participate in crisis or hostage negotiation situations unless they have completed the required Crisis and Hostage Negotiation Schooling, have the approval of a direct supervisor, and have working knowledge and practice of that specific role and are integrated in a team-setting with Special Operations Approval.



King County

**Metropolitan King County Council
Law and Justice Committee**

STAFF REPORT

Agenda Item:	6	Name:	Nick Bowman
Proposed No.:	2024-0284	Date:	January 22, 2024

SUBJECT

A motion acknowledging receipt of a proviso report on the King County Sheriff’s Office crisis response program plan required by the 2023-2024 Biennial Budget Ordinance.

SUMMARY

The proposed motion and report respond to the requirements of Ordinance 19546, the 2023-2024 biennial budget, which obliged the King County Sheriff’s Office (KCSO) to transmit a report detailing the planning and development of the department’s crisis response program. In accordance with the proviso requirements, the report provides information regarding KCSO’s crisis response program known as the Therapeutic Response Unit (TRU) including, a description of community engagement efforts conducted in development of the program, the policies guiding deployment of crisis response professionals, the procedures for ensuring interjurisdictional and interagency cooperation, and a timeline for program implementation.

The proviso initially required that the Council pass a motion acknowledging receipt of the report to release \$700,000 in appropriated funding to KCSO. However, an amendment adopted in the 2023-2024 4th omnibus budget ordinance¹ removed this requirement and the withheld funds have been released. As a result, Council passage of the proposed motion would have no budgetary impact and would only acknowledge receipt of the report.

BACKGROUND

The revised 2023-2024 biennial budget included a proviso which read:

Of this appropriation, \$700,000 shall not be expended or encumbered until the executive transmits a crisis response program report and a motion that should acknowledge receipt of the report, and a motion acknowledging receipt of the report is passed by the council. The 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.

¹ Ordinance 19879

The plan shall include, but not be limited to, the following:

A. A description of the executive's community engagement efforts in each department of public safety precinct, including a list of local governments, community organizations, nonprofits, neighborhood groups, renter associations, homeowner associations, schools and businesses consulted in the development of the crisis response program;

B. A summary of each department of public safety's precinct's preferred crisis response program model, including general program structure and process for deploying crisis response professionals;

C. A description of the policy or policies the department of public safety intends to implement to guide the deployment of crisis response professionals in each department of public safety precinct;

D. A description of the department of public safety's procedures for ensuring interjurisdictional and interagency cooperation; and

E. A timeline for the crisis response program implementation in each department of public safety precinct.

The executive should electronically file the report and motion required by this proviso no later than December 31, 2023, with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the law, justice, health and human services committee or its successor.

ANALYSIS

Ordinance 19546 directed KCSO to transmit a report by December 31, 2023, that includes the following elements:

1. A description of the community engagement efforts in each KCSO precinct consulted in the development of the crisis response program;
2. A summary of each KCSO precinct's preferred crisis response program model, including general program structure and process for deploying crisis response professionals;
3. A description of the policies guiding the deployment of crisis response professionals;
4. A description of procedures for ensuring interjurisdictional and interagency cooperation; and
5. A timeline for the program's implementation in each KCSO precinct.

KCSO Community Engagement Efforts. The transmitted report describes KCSO's community engagement efforts and provides a comprehensive list of the community and social service organizations, neighborhood groups, renter and homeowner associations,

schools, and government agencies consulted in the development of the TRU (See Table 1.).

Community engagement efforts highlighted in the report include:

- Two TRU community engagement events held in Maple Valley and Sammamish. These events involved informational presentations on topics such as TRU’s co-response model, mental health approaches for crisis intervention, and crisis de-escalation techniques; family presentations and community success stories from individuals with first-hand experience with co-responders; Question and Answer sessions; and opportunities for attendees to share ideas and their experiences through a variety of different formats.
- Ongoing chats and gatherings for social service providers to share information about and resources available through their programs, offer recommendations for community engagement and support, and establish connection points for collaboration and service referrals.
- Focus groups/topics identified by KCSO for additional feedback on program development and perceived impacts on communities including language accessibility and children’s services.

Table 1. KCSO Community Engagement List

Community and Social Service Organizations	Neighborhood Groups	Renter & Homeowner Association	Schools	Government Organizations
Adult Protective Services	Anti-Homelessness in Auburn	DSHS Housing Assistance	Highline School District	Designated Crisis Responders (DCRs)/Involuntary Treatment Act (ITA) Court
Catholic Community Services/Catholic Housing Services	Bellevue CARES	King County Housing Authority	Lake Washington School District	Department of Children, Youth and Families (DCYF)
Congregation for the Homeless/Porchlight	Friends of Youth	Rental Housing Association of Washington	Muckleshoot School District	Downtown Emergency Service Center (DESC)
Crisis Outreach and Response Services – Developmental Disabilities, YWCA of Greater Seattle	Indivisible Eastside	Tenants Union of Washington State	Northshore School District	King County Children’s Crisis Outreach Response System (CCORS)
Developmental Disabilities Administration (DDA)	Mary’s Place	Treasury Rent Assistance Program	Riverview School District	King County Commercially Sexually Exploited Children (CESC) Task Force

Community and Social Service Organizations	Neighborhood Groups	Renter & Homeowner Association	Schools	Government Organizations
Evergreen Treatment Services (formerly REACH)	Northwest Justice Project		Shoreline School District	King County Crisis Solutions Center
Family Reconciliation Services	Open Doors for Multicultural Families		Skykomish School District	King County Department of Community and Human Services
Geriatric Regional Assessment Team	Seattle's LGBTQ+ Center		Tahoma School District	King County Drug Court
Ideal Option	Skyway Coalition		The Rainier School	King County Jail
Integration of Knowledge and Resources for Occupational Needs (IKRON) Greater Seattle Counseling	Solid Ground (formerly Freemont Public Association)			King County Library System
Mobile Crisis Team	Sophia's WAY			King County Mental Health Court
Moderate Means Program	The Arc of King County			King County Office of Equity and Social Justice
National Alliance on Mental Illness (NAMI)	Vashon Dove Project			King County Prosecuting Attorney's Office
NAVOS Behavioral Support				King County Regional Homeless Authority
Peer Washington				King County Sexual Assault Resource Center
Real Escape from the Sex Trade (REST)				King County Veterans Court
Recovery Navigator Program				National Resource Center on Domestic Violence
Sound Health				Public Health Seattle and King County
STEP-UP Domestic Violence Program				WA State Department of Social and Health Services
Union Gospel Mission				WA State Mental Health Advance Directive Committee
U-VISTA/T-VISTA Language Services				
UW Office of Healthcare Equity				
Valley Cities				
YWCA Seattle/King/Snohomish				

Crisis Response Program Model, Structure, and Process for Deploying Crisis Response Professionals. This section of the report begins with an overview of the crisis response programs active throughout King County prior to the development of the TRU program. Table 2 below describes these programs, their response model, and their jurisdiction.

Table 2. Active Crisis Response Programs in King County

Program	Model	Jurisdiction
Regional Crisis Response (RCR Formally RADAR)	Community Response	Shoreline, Bothell, Lake Forest Park, Kenmore, and Kirkland
Burien Co-Response Network	Co-Response	Burien
Community, Outreach, Resources, Education (CORE) Connects	Co-Response	Woodinville

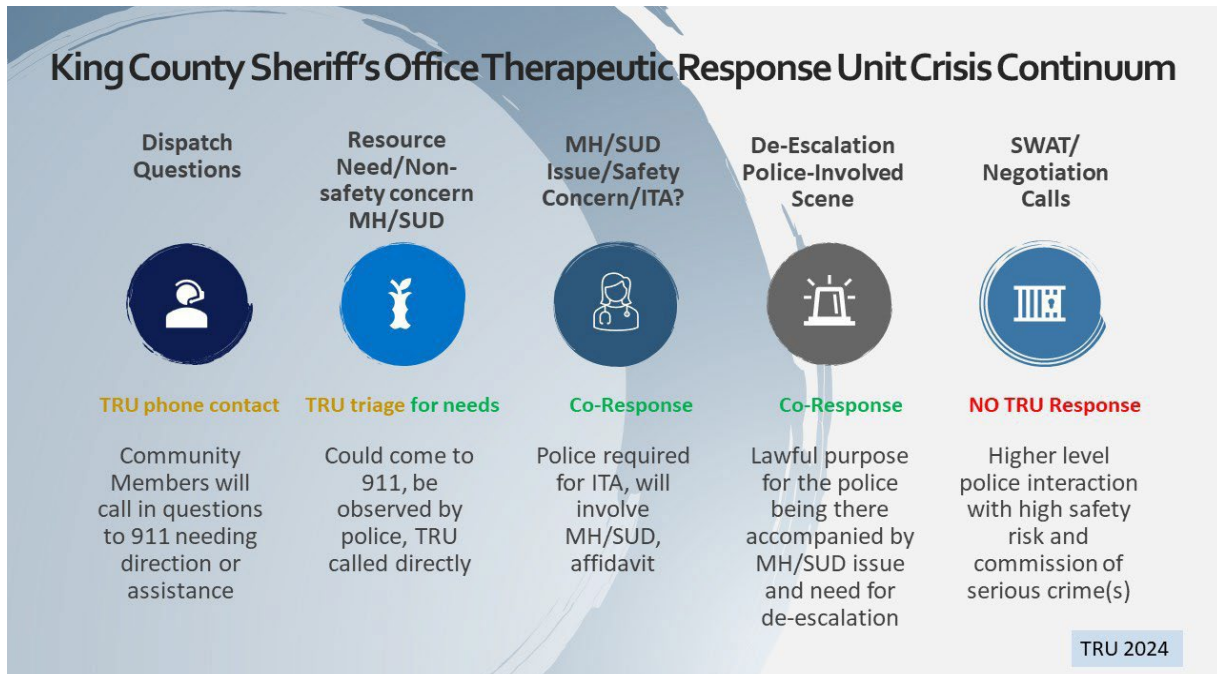
The report then moves to discuss KCSO and its partner cities' preference for the TRU program to utilize a co-response model for crisis situations. In the co-response model, law enforcement and mental health professionals (MHPs) respond concurrently to calls involving public safety concerns that are often complicated by either mental health and/or substance abuse issues. Calls for service could include, but are not limited to, welfare checks, domestic violence calls, shoplifts, trespasses, disputes, and calls for service that involve social service agencies such as Child Protective Services or Adult Protective Services.

Under the TRU model, MHPs will assist law enforcement with de-escalation and referrals to services while law enforcement ensures public safety and determines any criminality. The order in which the individual receives services and has possible criminality addressed is determined by the deputy with consultation from the MHP. MHPs will also help respond to people who are not in apparent crisis or in a lower level of crisis, working with these individuals to prevent the situation from escalating and thereby reducing the likelihood a law enforcement response will be necessary.

According to the report, the TRU program will operate across KCSO's entire service area, supporting the whole of King County rather than the currently pocketed and siloed crisis response programs. In areas of the County already served by active crisis response program, TRU will also operate, but with a focus on filling gaps in services that are not covered by the existing co-response program.

Additional details regarding TRU's co-response model are provided in the TRU Crisis Response Continuum as show in Figure 1 below.

Figure 1. TRU Crisis Response Continuum



TRU Program Deployment Policies. The TRU deployment policies are contained in the Standard Operating Procedures (SOP) approved for the program on June 4, 2024, and are included in Appendix C of the transmitted report. Key SOPs summarized in the report include:

- *Referrals to the MHP and/or TRU:* The referral process for individuals with behavioral health needs involves deputies referring them to the Mental Health Program (MHP) through various channels. The MHP team, including the Program Coordinator and Manager, will assess if outreach is needed and document their decisions. Priority should be given to cases where intervention is required to prevent crises from escalating. Clinically or situationally significant cases will be reviewed with the on-duty patrol supervisor or the TRU Program Manager, particularly if they impact patrol responses or contacts.
- *Initiating a Response Plan:* Any deputy, supervisor, or dispatcher can refer individuals for a Response Plan by submitting a referral to the TRU Program Manager via KCSO's record management system (Mark 43) or email. The TRU Program Manager and a deputy will review the referral to assess if a Response Plan is beneficial. If so, they may collaborate with family members, service providers, caregivers, or others to gather insights for de-escalation and response. Input may also be sought from treatment providers or caregivers when appropriate. Meeting with the individual and others will be decided on a case-by-case basis for safety and effectiveness. Follow-ups related to the case will be documented as needed.

- *Response Plan Content:* All Response Plans will be reviewed by the TRU Program Manager, Coordinator, and deputy to ensure their effectiveness. These plans will minimize the amount of personal or stigmatizing information and should not include protected patient information, such as diagnoses. Instead, plans will focus on observed behaviors, de-escalation techniques, and helpful information from family or the individual with the aim of providing practical strategies for deputies to de-escalate crises and support continuity of care.

While KCSO and TRU staff are not involved in treatment or maintaining protected health information and therefore are not bound to follow Health Insurance Portability and Accountability Act (HIPPA) guidelines, they will adhere to ethical standards and protect the privacy of individuals, coordinating with the KCSO Public Disclosure Unit and Senior Counsel as needed.

The report also highlights procedures regarding public records requests, interagency information sharing, safety guidelines, and training requirements. The full SOPs can be reviewed in Appendix C to the transmitted report.

Interjurisdictional and Interagency Cooperation. The report describes several ways KCSO will accomplish interjurisdictional and interagency cooperation with the TRU program. To begin with, KCSO will establish and maintain routine check-in meetings with jurisdictions and community collaborators. For contract agency partners, the report highlights that cooperation will be aided by the shared use of the same records management system, computer aided dispatch software, and 911 dispatching center, providing instant information access and resource sharing.

KCSO also intends for the TRU Program Manager to have a key role in ensuring cooperation. According to the report, the program manager will work with agencies like Fire Depts, Mobile Integrated Health, and other policing agencies and their MHPs for consult, case evaluation and referral. The True Program Manager will also create Behavioral Health Bulletins so that patrol deputies will have a working knowledge of any possible contacts needing a specialized response.

Lastly, the report notes that TRU participates in county-wide service provider consult and evaluation groups. These groups care for the same or similar community members as TRU, which enhances the collective care and coordination of services for the most vulnerable in communities throughout King County.

Implementation Timeline. The report provides a draft timeline for program implementation shown in Table 3 below.

Table 3. TRU Program Implementation

Implementation Milestone	Date
General Orders Manual approved by	July 1, 2024
MHP hiring	September-October 2024
TRU begins operations	December 2024
Data gathering and program evaluation	January 2024 - ongoing

Initial year assessment	June 2025-September 2025
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INVITED

- Geoffrey Thomas, Chief of Staff, King County Sheriff's Office
- Cheol Kang, Chief of Community Programs and Services Division, King County Sheriff's Office
- Susie Kroll, Therapeutic Response Unit Program Manager, King County Sheriff's Office

ATTACHMENTS

1. Proposed Motion 2024-0284 (and its Attachments)
2. Transmittal Letter



Signature Report

Motion

Proposed No. 2024-0291.1

Sponsors Upthegrove

1 A MOTION relating to mature forests in King County,
2 acknowledging receipt of the first of two reports on mature
3 forests in King County as required by Motion 16437
4 requesting the executive to identify and analyze mature
5 forests in King County and to transmit two reports.

6 WHEREAS, Motion 16437 recognizes mature forests in King County provide
7 multiple benefits, and

8 WHEREAS, Motion 16437 recognizes there may be options for pursuing changes
9 in management or ownership of mature forests in King County that would increase
10 benefits to the people of King County, and

11 WHEREAS, the water and land resources division and the parks and recreation
12 division of the department of natural resources and parks have cooperated to conduct
13 analyses assessing the location and attributes of mature forests in King County called for
14 by Motion 16437, and

15 WHEREAS, the water and land resources division and the parks and recreation
16 division of the department of natural resources and parks have submitted the first of two
17 reports called for by Motion 16437, which is due to the King County council by
18 September 15, 2024;

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

20 The King County council hereby acknowledges receipt of the first of two reports
21 on mature forests, Attachment A to this motion.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

Attachments: A. Analysis of Mature Forests in King County, Report 1, September 13, 2024

Analysis of Mature Forests in King County, Report 1

September 13, 2024



King County

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II. Executive Summary

This report provides an analysis of the extent and ownership of mature forests in King County. It begins with an evaluation of how mature forests are defined and how changes in forest structure can be used as indicators of stand development.¹ Since mature forests represent a stage in forest stand development, structural characteristics of forests are better indicators than stand age. Mature forest is the stage that precedes old growth, when structural characteristics that are lacking in earlier stages are present and some structural characteristics of old-growth forests are emerging. The classification outlined by Van Pelt (2007) describes two phases, Maturation I and Maturation II, that together represent mature forest in conifer-dominated forests in Western Washington.² These stages mark the transition from dense young forests, where low light availability leads to a reduction in understory or midstory vegetation and tree trunks below the canopy that are devoid of foliage. During the mature forest stage, forests develop more open, complex structures and a diverse understory with regeneration of shade-tolerant trees. This classification framework was used in combination with geospatial data related to forest structural characteristics to identify areas of mature forest in King County.

A total of almost 153,000 acres of mature forest were identified in King County. Over half of the mature forests are on federal land, almost 20 percent are on city-owned land (primarily in the City of Seattle's Cedar River Municipal Watershed), 12 percent are privately owned, 11 percent are on land managed by the Washington State Department of Natural Resources (DNR), 3 percent are County-owned, and less than 2 percent are either Tribally owned or owned by a state agency other than DNR. Forests within 50 feet of streams cannot be harvested according to Forest Practices rules, but most other forestland can have some level of harvest activities, so most mature forests in King County are considered legally harvestable.³ This analysis uses a broad definition of timber harvesting, including final harvests, such as clearcuts and variable retention harvests, as well as intermediate harvests, such as thinning, and should be considered an upper bound on what could be harvested in King County.

Harvestable mature forest includes approximately 4,500 acres managed by the King County Department of Natural Resources and Parks (DNRP) Parks Division (King County Parks) and 11,300 acres managed as trust lands by DNR. Approximately 4,400 acres of harvestable mature forest managed by DNR is on State Forest Trust Lands for which King County is the trust beneficiary.

Reconveyance is a tool in state law that allows for State Forest Trust Lands to be transferred back to counties for park purposes.⁴ As such, this tool would be applicable to any of the 4,400 acres of mature forest in that trust category. Mature forest managed by DNR for any other trust is not eligible for reconveyance but could be acquired by King County through one of three other transfer mechanisms: Direct Transfer, Land Exchange, or Trust Land Transfer. Where transfer of lands has been deemed desirable, Trust Land Transfer is recommended as the means of transfer in most cases where it is applicable.

¹ Forest structure refers to the physical features of a forest stand and their spatial arrangement.

² Van Pelt, R. 2007. Identifying Mature and Old Forests in Western Washington. Washington State Department of Natural Resources, Olympia, WA. 104 p.

³ https://www.dnr.wa.gov/publications/bc_rules_title222wac.pdf

⁴ <https://app.leg.wa.gov/rcw/default.aspx?cite=79.22.040>

The report for K.C.C. Motion 16436 provided a recommendation that 10 parcels be acquired from DNR by King County.⁵ These were identified by the DNRP after evaluating the benefits of current management by DNR versus other potential types of management that could be carried out by the County, with a focus on identifying parcels where a conservation or recreation gain could be achieved by transferring ownership. The factors identified as important on this set of parcels include proximity to existing King County Parks, potential for habitat and water quality benefits, habitat connectivity, presence of mature or riparian forest, and potential for revenue generation under current DNR ownership. The analysis for this report highlighted where mature forest was present on those parcels, totaling 44 acres of mature forest across 337 acres recommended for transfer.

While some areas of the County were identified where additional analysis would be valuable, no additional parcels were added to the list of recommendations after mapping mature forests. In these cases, additional information and fieldwork would be required to assess potential gains and determine whether they justify the added cost to King County of managing the land.

This analysis provides a clear view of the distribution and ownership of mature forests in King County. In addition, it provides a map that puts those forests into a broader context by also mapping younger and older-than-mature forests. This type of mapping had not been conducted across the county previously and provides a valuable base of information for future decision-making about management of these forests. In particular, it provides additional information for King County DNRP that can help guide decisions and support collaborative management between King County and DNR.

III. Background

Department Overview

The Department of Natural Resources and Parks (DNRP) supports sustainable and livable communities and a clean and healthy natural environment. Its mission is also to foster environmental stewardship and strengthen communities by providing regional parks, protecting the region's water, air, working lands, and natural habitats, and reducing, safely disposing of, and creating resources from wastewater and solid waste.

The Water and Land Resources Division (WLRD) has a biennial budget of approximately \$485 million. WLRD provides stormwater management services for unincorporated areas, supports three watershed-based salmon recovery forums, acquires and manages open space, restores habitat-forming processes on streams and major river systems, monitors water quality, controls noxious weeds, and provides economic and technical support for forestry and agriculture. As the primary service provider to the King County Flood Control District, WLRD reduces flood hazards to people, property, and infrastructure; inspects and maintains more than 500 river facilities; and partners in floodplain restoration. Additionally, WLRD operates the County's Environmental Lab and Science sections, which provide environmental monitoring, data analysis, and management and modeling services to partners, jurisdictions, and residents throughout the region. The King County Hazardous Waste Management Program — a collaborative effort with King County and its municipalities — is also part of WLRD.

⁵ <https://aqua.kingcounty.gov/council/clerk/OldOrdsMotions/Motion%2016437.pdf>

Historical Context

The expansive forests in Western Washington are known for their high productivity, which results from the mild, wet climate.⁶ Before the arrival of Europeans, “vast areas...were covered with old-growth conifer forests, primarily dominated by long-lived Douglas-fir and western hemlock, capable of attaining massive sizes.”⁷ One of the salient features of forests in the region is that productivity remains high, even in mature forests. As noted by Franklin et al. (2017), “...at 100 years Douglas-fir trees have achieved only about two-thirds of their eventual height.”⁸

By the mid-1850s, extensive forest clearing for cities and agriculture had begun and harvest for wood products became widespread by the late 1800s.⁹ Harvest levels accelerated across forest ownerships after World War II, as the growing housing market created greater demand for lumber.¹⁰ Initially, the return of forest cover on harvested sites depended on natural regeneration, primarily of Douglas-fir and western hemlock. By the 1930s, replanting after harvest became common practice, eventually leading to widespread cover of Douglas-fir plantations.¹¹

Currently, mature and old-growth forests make up just over 30 percent of the forested landscape west of the Cascades in Washington. The majority of mature and old-growth forests across the region are on public lands, with those under federal ownership having the highest proportion of forest cover in the older forest stages. This low coverage of older forests and the predominance of young to middle-age forests and plantations across the region has led to increased interest in conservation of existing older forests and forest management practices that accelerate restoration of older forest conditions.¹²

Current Context

Old-growth forests have been a focus of scientific and management attention since the 1970s and 1980s, and definitions and characteristics have continued to be refined over subsequent decades. Attention to mature forests, which are generally older stands that have not yet attained old-growth conditions, has been much more recent, and the term is still in the process of being defined and operationalized for application to different regions. For Western Washington, DNR produced an inventory of old-growth forests on DNR-managed state lands in 2005 (Franklin et al. 2005; Riepe et al. 2005).¹³ This was followed by a guide for identifying older forests, which included both mature and old-

⁶ Franklin, JF and DC Donato. 2020. Variable retention harvesting in the Douglas-fir region. *Ecological Processes* 9(8): 1-10.

⁷ Puettmann, KJ, A Ares, JI Burton, EK Dodson. 2016. Forest restoration using variable density thinning: Lessons from Douglas-Fir stands in western Oregon. *Forests* 7(310): 1-14.

⁸ Franklin, JF, TA Spies, FJ Swanson. 2017. Setting the stage: Vegetation ecology and dynamics. In: People, Forests, and Change: Lessons from the Pacific Northwest. DH Olson and B Van Horne (Eds). Washington DC: Island Press, p.25.

⁹ Franklin et al., 2017.

¹⁰ Franklin and Donato, 2020.

¹¹ Puettmann et al., 2016.

¹² Donato, DC, JS Halofsky, MJ Reilly. 2020. Corraling a black swan: natural range of variation in a forest landscape driven by rare, extreme events. *Ecological Applications* 30(1): 1-15.

¹³ Franklin, J.F., Spies, T., and Van Pelt, R. 2005. Definition and Inventory of Old Growth Forests on DNR-Managed State Lands, Section 1. Washington State Department of Natural Resources, Olympia, WA. 44 p.; Riepe, T., Hull, S., and Obermeyer, W. 2005. Definition and Inventory of Old Growth Forests on DNR-Managed State Lands, Section 2. Washington State Department of Natural Resources, Olympia, WA. 15 p.

growth forests and remains the authoritative guide for field identification of these forests in Western Washington (Van Pelt 2007).¹⁴

A nationwide effort to better define and identify mature forests began in response to Executive Order 14072 (Section 2b) in 2022.¹⁵ This resulted in a U.S. Forest Service (USFS) publication on the definition, identification, and inventory of mature and old-growth forests across the country.¹⁶ The authors noted that, although the USFS adopted a broad definition of old-growth forests in the late 1980s and, more recently, the discussion of older forests includes mature forest as the stage before old growth, the terms have not been consistently defined.

Providing a clear and consistent definition for mature forests is complicated by the fact that forests exist within a continuum of successional development rather than in discrete classes. The process of forest succession begins following large disturbance events, such as high-severity fire, large windstorms, or timber harvest, when a new stand of trees begins development among the legacy trees that remain following the disturbance.¹⁷ In the absence of other large disturbances, these forests develop from young to mature to old growth over hundreds of years, with mature forests representing a transition between young and old forests.¹⁸

Changes in forest structure are important indicators of stand development. USFS describes mature forest as the stage of forest development immediately before old growth, when the forest moves beyond self-thinning and the understory starts to reinitiate.¹⁹ In this stage, structural characteristics that are lacking in earlier stages are present, while other structural characteristics of old-growth forests are emerging. Some of these structural characteristics include:

- Abundance of large trees
- Diversity of tree sizes
- Above-ground biomass accumulation
- Horizontal canopy openings or patchiness
- Vertical canopy layers
- Presence of standing or downed dead trees²⁰

Because mature forests represent a stage along a continuum of forest stand development, these structural characteristics are better indicators than stand age. The wide variety of climate, elevation, soils, and other environmental conditions influence the time it takes to reach the mature forest stage, which can vary widely among forest stands. Even on sites that share similar soils and other environmental conditions, these characteristics can develop at different rates.²¹ Nonetheless, in this

¹⁴ Van Pelt, 2007.

¹⁵ <https://www.federalregister.gov/documents/2022/04/27/2022-09138/strengthening-the-nations-forests-communities-and-local-economies>

¹⁶ U.S. Forest Service (USFS). 2023. Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management. U.S. Department of Agriculture, Washington, DC. 63 p.

¹⁷ Van Pelt, 2007.

¹⁸ Franklin et al., 2005.

¹⁹ Self-thinning refers to tree mortality that occurs as competition for light and other resources thins out the shorter, less vigorous trees.

²⁰ USFS, 2023.

²¹ Franklin et al., 2005.

region, the mature forest stage commonly begins around 80 to 120 years, and it can take an additional 100 years before old-growth characteristics become dominant.²²

Report Methodology

DNRP contracted with Resilient Forestry (RF) to define and map mature forests across the county. RF created a working definition of mature forest that was largely based on Van Pelt (2007) for conifer-dominated forests in King County. DNRP reviewed and suggested modifications to the draft definition. Since mature forests represent a stage in forest stand development, structural characteristics of forests are better indicators than stand age. RF collected data sources for the mapping and created a classification model to identify the presence of mature forest blocks based on geospatial data related to the structural characteristics of mature forests, such as tree height, canopy layers, and the spatial arrangement of trees. Through this process, RF identified distinctive groups of forest structural patterns and categorized forests into three groups: younger-than-mature; mature; and older-than-mature. The older-than-mature category should not be understood as equivalent to old growth, since mapping old growth was not the focus of this study, and that category likely includes acreage that does not meet the definition of old growth. Quality control of this classification was done using plot data from the Remote Sensing Forest Resource Inventory System (RS-FRIS) dataset from DNR.

Analysis of the extent of mature forests included forested regions greater than five continuous acres that were outside King County Urban Growth Area boundaries, since areas under five acres and urban areas are unlikely to have ecologically functional mature forests. It also excluded high-elevation forests that do not follow the typical forest development pathway and are unlikely to follow the Van Pelt sequence. The elevation cutoff was set at 1,250 meters (4,101 feet), the elevation between the lower end of the mountain-hemlock-dominated forest type and the higher end of the silver fir/western hemlock/Douglas-fir forest type, which does follow the Van Pelt stages. Forests with greater than 50 percent deciduous cover were also excluded since they often follow complex development pathways that differ from Van Pelt and would require a separate model. RF used a property ownership geographic information systems (GIS) layer to identify the extent of mature forests under federal, state (separated into DNR and other departments), county, city, Tribal, and private ownership.

RF also analyzed which mature forests are legally available for timber harvest. The group defined “timber harvesting” as the cutting, removal, and sale of timber in a way that would require a Forest Practices Application under [RCW 76.090.050](https://app.leg.wa.gov/RCW/default.aspx?cite=76.09.050).²³ By this definition, timber harvesting includes final harvests, such as clearcuts and variable retention harvests, as well as intermediate harvests, such as thinning. Thinning is considered a timber harvest under this definition, whether it is intended to promote growth of residual standing trees or to achieve ecological outcomes (in which case the sale of logs is often a secondary objective to forest management goals). As such, forest stand treatments practiced by forestland owners managing for ecological values and ecosystem services, such as the City of Seattle within the Cedar River Municipal Watershed, are classified as timber harvesting under this definition.

RF defined “subject to timber harvesting” as lands where no state or county law or regulation prohibits timber harvesting, as defined above. While there are state and county rules related to timber harvest intensity, methods, and procedures, there is not a prohibition against timber harvest in most cases. The

²² Franklin et al., 2017.

²³ <https://app.leg.wa.gov/RCW/default.aspx?cite=76.09.050>

exception is the prohibition on timber harvest within the bankfull width of fish-bearing streams (Type S or F) or in the core riparian zone around the stream banks, which constitutes a 50-foot buffer in Western Washington.²⁴ Logistical challenges, operational feasibility, and other economic factors may be barriers to harvesting in some places, but because it is not prohibited by code or statute they are included in the analysis. This is a broad definition, which should be considered an upper bound on what could be harvested in King County, and the maps should not be interpreted as indicative of any plans to harvest timber since individual landowners work with site-specific management plans to achieve multiple objectives based on feasibility at those sites.

National Forests were not included in the analysis of mature forests subject to timber harvesting because they are managed under a complex set of federal laws, regulations, policies, and practices that made it difficult to map availability of these lands for timber harvest using a standard that would parallel other ownerships. However, the 1994 Northwest Forest Plan has limited the harvest of mature forest on Mount Baker-Snoqualmie National Forest and remaining timber harvests are conducted to enhance and restore forest and ecosystem health.²⁵ The analysis also did not include analysis of federal regulations, such as Habitat Conservation Plans, for industrial timber or other forest landowners.

DNRP identified parcels for potential acquisition by King County as part of a previous report for K.C.C. Motion 16436 by consulting with King County Parks Open Space staff and WLRD Basin Stewards, both of whom have expertise in specific geographies within the county. DNRP reassessed these recommendations with the addition of the mature forest data layer.

IV. Report Requirements

A. Definition of Mature Forests (A.1)

Mature forest is the stage that precedes old growth, when structural characteristics that are lacking in earlier stages are present and some structural characteristics of old-growth forests are emerging. The mature forest stage generally begins when a forest stand moves beyond self-thinning, starts to diversify in height and structure, and/or the understory begins to reinitiate.²⁶ However, any definition of mature forest needs to be tailored to specific forest types and conditions, in order to identify it on the landscape.

For Western Washington, Van Pelt includes two stages of forest development that can be grouped together to encompass the mature forest stage.²⁷ The first is Maturation I, which includes forests that originated after large disturbance events following European settlement and is characterized by trees at 60 to 70 percent of their ultimate height. At this stage, growth slows and the upper canopy layer becomes less dense than in the previous stand development stage due to mortality and breakage of some trees. This allows more light to reach the forest floor, which supports the growth of shade-tolerant plants and trees, such as western hemlock, and allows for some recovery of the understory. The second stage is Maturation II, which includes forests that originated following large disturbance events prior to European settlement and is characterized by trees that have reached 80 to 90 percent of their ultimate

²⁴ https://www.dnr.wa.gov/publications/bc_rules_title222wac.pdf

²⁵ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3843201.pdf

²⁶ USFS, 2023.

²⁷ Van Pelt, 2007.

height. The understory fully returns with abundant regeneration of shade-tolerant trees. Low levels of woody debris are present, since wood from prior disturbances has decayed and new large debris has not formed yet. In response to increased light, trees begin to grow lower branches and foliage on the previously bare trunks. These two stages mark the transition from dense young forests — where low light availability leads to a reduction in understory or midstory vegetation and tree trunks below the canopy are devoid of foliage — to old growth.²⁸

For this analysis, mature forest includes forests exhibiting conditions described in Van Pelt’s Maturation I and II phases and those that were mapped together as a single development stage. This classification framework was used in combination with geospatial data related to forest structural characteristics to identify areas of mature forest in the county.

B. Extent and Ownership of Mature Forests Subject to Timber Harvest (A.2, A.3, A.4)

A total of 152,870 acres of mature forest was identified in King County (Table 1; Appendix B, Map 1). Over half (51 percent) of the mature forests are on federal land; almost 20 percent are on city-owned land, primarily within the City of Seattle’s Cedar River Municipal Watershed; 12 percent are privately owned; 11 percent are on DNR-managed land; 3 percent are County-owned; and less than 2 percent are either Tribally owned or owned by a state agency other than DNR (Table 1; Appendix B, Map 2).

Most mature forest in King County is considered harvestable based on the broad definitions provided above which includes final harvests, such as clearcuts and variable retention harvests, as well as intermediate harvests such as thinning. As noted above, National Forests were not included in the analysis of mature forests subject to timber harvest due to the complexity of rules and regulations that make them difficult to assess by the same standard as other ownerships. Across all other ownerships, the analysis indicated that 72,311 acres of mature forest in King County could be legally harvested (Table 1; Appendix B, Map 3). This should be considered an upper bound on what could be harvested in King County, with many individual management plans and guidelines directing how different owners manage these forests in practice.

Table 1. Extent and ownership of mature forest in King County. Extent of legally harvestable mature forest excluded federal lands and classified all mature forests as harvestable except those within 50-foot buffer areas of streams.

Ownership	Acres of Mature Forest	Percent of Total Mature Forest	Acres of Legally Harvestable Mature Forest
Federal	78,521	51.4%	Not Evaluated
State-DNR	17,034	11.1%	16,534
State-Other	1,991	1.3%	1,970
County	4,627	3.0%	4,546
City	30,230	19.8%	29,588
Tribal	1,915	1.3%	1,824
Private	18,552	12.1%	17,849
Total	152,870	100%	72,311

²⁸ Van Pelt, 2007.

Harvestable mature forest includes 4,546 acres (or 15 percent) of the forestland managed by DNRP's Parks and Recreation Division (Parks), since less than 100 acres of mature forest managed by Parks is within the 50-foot stream buffer. Harvesting is permitted across this ownership, so it was included in the legally harvestable total. However, harvests are primarily focused on enhancing ecological conditions of the forests, including managing towards forests with greater structural and species diversity that are more resilient to climate change. Recent and potential Parks harvests are guided by a 2020 assessment of high-priority forested areas in need of active management to improve forest health and climate resilience.²⁹ While many of these harvests take place in younger-than-mature forests, there also can be ecologically motivated reasons to cut mature trees. These include reducing tree stress and mortality in dense conditions, preemptive thinning to prepare a forest for hotter and drier summers under climate change, mitigating disease such as root rot, and creating openings to allow planting diverse species in otherwise homogenous stands.

DNR manages 16,534 acres that were classified as legally harvestable. However, this includes 5,245 acres in Natural Area Preserves (NAP) and Natural Resources Conservation Areas (NRCA), which are managed for protection of native ecosystems, and allowable timber harvest is limited to activities such as ecological thinning that enhance species or structural diversity.³⁰ The remaining 11,289 acres represent harvestable mature forest managed by DNR as trust lands in King County. These lands are managed for a variety of different trusts, including 4,373 acres of State Forest Trust Lands for which King County is the trust beneficiary (Appendix B, Map 4).

C. Identification of Tribal Governments to be Consulted (A.5)

Because indigenous Tribes have a vested interest in how county forests are managed, King County seeks to consult with Tribes about timber harvests and significant changes in forest management on county land. The analysis for this report indicates that King County manages approximately 4,500 acres of mature forest that could be harvested. Currently, King County consults with Tribes before timber harvests on all types of forests, regardless of the stage of forest development. A State Environmental Policy Act (SEPA) environmental review is done as part of the Forest Practices Application (FPA) to apply for a harvest permit from DNR. During the SEPA process, King County notifies tribes with interests in the harvest area. In addition, cultural resources review is conducted by the King County Historic Preservation Program (HPP) prior to permitting, through which known cultural resources within or adjacent to a project area are identified and steps are outlined to reduce risk of damage to cultural resources. HPP identifies potentially affected Tribes, and they are consulted to identify possible concerns they may have about cultural resources in the project area. These two types of Tribal notification should be continued for all harvests, including any harvests that include areas of mature forest.

A transfer of land from DNR to King County could lead to a change in forest management once the land is under King County ownership. In these cases, King County should consult with Tribes in areas where they have cultural heritage, family legacy, Treaty rights, or the presence of or proximity to reservation land or other Tribally owned land. When evaluating potential land transfers, King County should consider all of these factors, as well as the transfer method being considered, in planning consultation.

²⁹ King County, 2020, <https://kingcounty.gov/legacy/services/environment/climate/actions-strategies/strategic-climate-action-plan.aspx>.

³⁰ DNR, 1992. Natural Resources Conservation Areas Statewide Management Plan. DNR Division of Land Conservation. Olympia, WA, 33 pp.

With some transfer methods, such as Trust Land Transfer, Tribal consultation is led by DNR as part of the existing process. With other transfer methods, consultation should be led by the County.

D. Eligibility of Mature Forest for Reconveyance or Other Transfer (A.10)

The report for K.C.C. Motion 16436 outlined in detail the process for reconveyance and other mechanisms to transfer land from DNR to King County. As noted in that report, since 1969, state law has allowed for State Forest Trust Lands to be reconveyed by counties for park purposes. Reconveyance begins with a county determining that State Forest Trust Lands acquired by the state from that county under [RCW 79.22.040](#) are needed by the county for public park use.³¹ An application must be submitted by the county in the form of a resolution or order from a county legislative body that includes an outline of public recreation needs that is consistent with State Outdoor Recreation Plans. It also requires documentation of compliance with the SEPA.³² DNR evaluates the proposal and presents it to the Board of Natural Resources. If the application is approved, the land is deeded to the county.³³ After reconveyance, the timber resources continue to be managed by DNR “to the extent that this is consistent with park purposes” and is approved by the county.³⁴

Reconveyance applies only to State Forest Trust Lands, so it would be applicable to any of the 4,373 acres of mature forest in that trust category. Mature forest managed by DNR for any other trust is not eligible for reconveyance but could be acquired by King County through one of the other three transfer mechanisms: Direct Transfer, Land Exchange, or Trust Land Transfer. In the report for K.C.C. Motion 16436, Trust Land Transfer was recommended in most cases where it is applicable.

E. Candidates for Trust Land Transfer or Natural Climate Solutions Program (A.11)

The report for K.C.C. Motion 16436 provided a recommendation that 10 parcels be acquired by King County from DNR. These were identified by DNR after evaluating the benefits of current management by DNR versus other potential types of management that could be carried out by the County, with a focus on identifying parcels with which a conservation or recreation gain could be achieved by transferring ownership. Trust Land Transfer, which is the recommended method of transfer for the priority parcels identified, is applicable to all DNR trust land categories.

This analysis indicated that those 10 parcels include 44.2 acres of mature forest across a total of 337 acres. The factors identified as important for these parcels include proximity to existing King County Parks, potential for habitat and water quality benefits, habitat connectivity, presence of mature or riparian forest, and potential for revenue generation under current DNR ownership. This analysis provided additional insight about where mature forest was present on those parcels.

While some areas of the county were identified where additional analysis would be valuable, no additional parcels were added to the list of recommendations after mapping mature forest. In these

³¹ <https://app.leg.wa.gov/rcw/default.aspx?cite=79.22.040>

³² DNR. 2012. Reconveyance of Forest Land to a County for Public Park Purposes. DNR Procedure PR15-007-011, 5 July 2012; <https://app.leg.wa.gov/rcw/default.aspx?cite=79.22.040>

³³ DNR (Washington State Department of Natural Resources). 2017. Reconveyance of State Forest Transfer Lands. Presentation to the Board of Natural Resources, 4 April 2017.

³⁴ [RCW 79.22.310: Timber resource management. \(wa.gov\)](#)

cases, additional information and fieldwork would be required to assess potential gains and determine whether they justify the added cost to King County of managing the land. Furthermore, the report for K.C.C. Motion 16436 recommended strategies to increase collaborative management between DNR and King County. These approaches should be implemented and evaluated, in order to understand whether they can provide the desired conservation gains before additional land transfers are considered. One of those strategies is for King County DNRP and state DNR to explore the potential for a joint forest carbon project. For example, during DNRP's review, some of the State Forest Transfer Land parcels near Preston were identified as ones that could be evaluated for their potential to be managed for both carbon storage and timber production, along with added recreational benefits. Since King County is the beneficiary on those parcels, the area may be well-suited for piloting management changes that prioritize both carbon and timber. A better understanding of whether and how King County and DNR could collaborate to generate carbon revenue from deferred harvest of parcels and timber revenue from thinning in this area would require additional analysis over the coming year.

Another existing avenue for protection of mature forest is the State's Natural Climate Solutions (NCS) program. The State Legislature provided funds to transfer up to 2,000 acres of structurally complex, carbon-dense forests out of trust status, where they would potentially be harvested to generate revenue for trust beneficiaries and place them into conservation status. These forests would continue to be managed by DNR but would no longer be harvested. The state funding will be used for replacement lands and cannot be used to replace timber revenue from any harvest that would have occurred on the parcels. Candidates for the NCS program must be proposed by DNR, followed by concurrence from the county in which the parcels are located. DNR made a first set of recommendations based on available funding in December 2023, including 292 acres in King County, and received concurrence from the King County Council in February 2024.

Any future round of NCS funding would require that a similar budget proviso be passed allocating funds from the Natural Climate Solutions Account. King County could suggest parcels to DNR for inclusion, using the analysis in this report as a guide. However, DNR already focuses on identifying mature forests based on Van Pelt's Maturation I and II stages, along with other criteria, such as proximity to existing habitat and DNR Natural Areas and potential to improve connectivity.

V. Conclusion

In King County, there are more than 150,000 acres of mature forests, which represent the transition from dense, young forests to forests with more open, complex structures and diverse understories. Approximately 70 percent of those forests are federally owned or owned by the City of Seattle as part of the Cedar River Municipal Watershed. DNR and King County manage 11 percent and 3 percent of the mature forest in the county, respectively, including just over 15,000 acres of County land and DNR trust lands that are legally harvestable.

This analysis provides a clear view of the distribution and ownership of mature forests in King County. In addition, it provides a map that puts those forests in their broader context by also mapping younger and older-than-mature forests. This type of mapping had not been conducted across the county previously and provides a valuable base of information for future decision-making about forest management. It provides additional information to King County Parks that can help guide decisions and a supplementary source of information to support collaborative management between King County and DNR.

This work relates to the True North value: “We are responsible stewards.” This value asks DNRP to “protect and contribute to the things that make this region special.” The forests in the county are undeniably one of the features that makes this region special, and DNRP has a responsibility to steward them in ways that support ecological and cultural values. Specifically, the Clean Water Healthy Habitat initiative includes a goal of no net loss of forest cover in any King County watershed, while the Strategic Climate Action Plan notes that an overarching management objective on County-owned forestlands is “to retain or restore a trajectory towards a late seral, mature forested condition.”³⁵ The information compiled for this report will support science-based decision-making and stewardship, with potential to help advance these goals.

³⁵ King County, 2020, p.166.

VI. Appendices



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 16437

Proposed No. 2023-0316.2

Sponsors Upthegrove

1 A MOTION requesting the executive to identify and
2 analyze mature forests in King County, and to transmit two
3 reports.

4 WHEREAS, forests provide multiple benefits on both the local and global scale,
5 and

6 WHEREAS, the Intergovernmental Panel on Climate Change has stated that
7 forest management activities play a key role in the mitigation of climate change, and the
8 Washington state Legislature has found that forests are one of the most effective
9 resources that can absorb carbon dioxide from the atmosphere, and

10 WHEREAS, King County's 2020 Strategic Climate Action Plan states that there
11 are substantial carbon and climate benefits to maintaining, protecting, restoring, and
12 expanding the more than 811,000 acres of forest land in King County, and that recent
13 studies combining carbon sequestration potential and risk of loss due to wildfire, insects,
14 and disease rank the coastal and Cascade forests of Oregon and Washington among the
15 highest priority for protection, and

16 WHEREAS, in 2021, the executive developed a 30-Year Forest Plan, which lays
17 out priorities and goals associated with King County's forests, as well as strategies for
18 achieving those over the next thirty years, and

Motion 16437

19 WHEREAS, in addition to greenhouse gas mitigation benefits, the 30-Year Forest
20 Plan states that King County's forests provide benefits to human health, salmon habitat,
21 and water quality and quantity, in addition to the economic benefits of timber, and

22 WHEREAS, "mature forests" are forests that were logged in the first half of the
23 twentieth century or earlier, that naturally regenerated rather than being replanted, and
24 that retain biological, structural, functional, or genetic legacies of natural and old-growth
25 forests, and

26 WHEREAS, mature forests, on their way to becoming old-growth habitats,
27 embody the species diversity, genetic richness, and intricate structural complexity of their
28 natural predecessors, and

29 WHEREAS, these older forests store more carbon in standing wood, downed
30 woody debris and in the soil compared to younger ecosystems, and the conversion to
31 younger plantation forests results in an immediate release of carbon when logged, as well
32 as a reduction in the overall carbon store because of the current shorter harvest rotation
33 age, and

34 WHEREAS, the significant historical logging impact on Western Washington's
35 old-growth forests necessitates the preservation of the remaining, unprotected mature
36 forests for safeguarding the essential biological, genetic, and ecological heritage that once
37 characterized the Pacific Northwest's forests, as well as retaining all the benefits mature
38 forests provide, and

39 WHEREAS, twenty-one counties, including King County, deeded roughly
40 546,000 acres of forest lands to the state during the 1920s and 1930s and, in exchange,
41 the state committed to managing the properties as trust lands and giving most of the

Motion 16437

42 revenue from timber sales and other revenue-producing activities back to the county and
43 junior taxing districts, and

44 WHEREAS, the state has managed the state forest trust lands within King County
45 to balance economic, environmental, and recreational interests for nearly one hundred
46 years, and

47 WHEREAS, The Washington Supreme Court affirmed in *Conservation*
48 *Northwest, et al. v. Commissioner of Public Lands, et al.* that... there are "myriad ways
49 DNR could choose to generate revenue from the state and forest board lands or otherwise
50 put them to use for the benefit of the enumerated beneficiaries," and

51 WHEREAS, King County has benefited from the state's responsible stewardship
52 of state forest trust lands, which have provided a valuable source of revenue and
53 economic support for the county and its people but, in light of the climate emergency and
54 other benefits that forests provide, some of the state forest trust lands in King County
55 may better serve the community if owned and managed by the county and protected from
56 future timber harvesting;

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

58 A. The council requests that the department of natural resources and parks
59 undertake a study on mature forests in King County. The study should include, but not
60 be limited to, the following:

61 1. A definition of mature forests using the Washington state Department of
62 Natural Resources definition of Maturation I classification in Guide to Identifying Mature
63 & Old-Growth Forests, Van Pelt 2007, or in any updated definition based on best
64 available forest ecology science;

Motion 16437

- 65 2. An analysis of the total acreage and ownership of mature forests that are
66 subject to timber harvesting;
- 67 3. A map showing the location of mature forests that are subject to timber
68 harvesting;
- 69 4. An analysis of which mature forests are both subject to timber harvesting and
70 either:
- 71 a. owned by King County; or
72 b. managed by the state as any type of state forest trust lands;
- 73 5. Identification of tribal governments that, as comanagers of the mature forests,
74 shall be consulted when considering county applications for the Trust Land Transfer
75 program and the Natural Climate Solutions program or when considering reconveyance
76 of state forest trust lands or substantial changes in management plans for county-owned
77 forest lands;
- 78 6. An analysis of the revenue impacts to the trust beneficiaries, including King
79 County, if timber harvesting were to be discontinued on the lands identified in section
80 A.4. of this motion. The analysis should take into account opportunities to generate
81 revenue from sale of carbon credits and through selective harvesting for forest health;
- 82 7. An analysis of the greenhouse gas impacts if timber harvesting were to be
83 discontinued on the lands identified in section A.4. of this motion. For parcels where
84 site-specific information is available, the analysis should make use of that information in
85 analyzing greenhouse gas impacts. Where no such information exists, the department
86 should estimate based on the best available information;

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87 8. Based on the greenhouse gas impacts identified in through the analysis in
88 section A.7. of this motion, a calculation, using the United States Environmental
89 Protection Agency methodology for calculating the social cost of carbon, of the
90 socialized financial costs if timber harvesting were to be discontinued on the lands
91 identified in section A.4. of this motion;

92 9. An analysis of how preservation of the forests identified in section A.4. of
93 this motion would contribute to achievement of the greenhouse gas reduction targets
94 identified in the county's Strategic Climate Action Plan;

95 10. For any mature forests that are managed by the state as state forest trust
96 lands, an analysis of whether those lands are eligible for reconveyance or another type of
97 transfer to county ownership; and

98 11. Identification of parcels that would be strong candidates for state funding
99 through the Trust Land Transfer program or the Natural Climate Solutions program to
100 mitigate fiscal impacts of preserving the parcels.

101 B. The executive should electronically file two reports. The first report should
102 contain the information in section A.1. through 5. of this motion and section A.10. and
103 11. of this motion, and the second report should contain the information in section A.6.
104 through 9. of this motion. The executive should electronically file the first report and a
105 proposed motion acknowledging receipt of the report no later than June 30, 2024, with
106 the clerk of the council, who shall retain an electronic copy and provide an electronic
107 copy to all councilmembers, the council chief of staff, and the lead staff for
108 transportation, economy and environment committee or its successor. The executive
109 should electronically file the second report and a proposed motion acknowledging receipt


Motion 16437

110 of the report no later than September 30, 2024, with the clerk of the council, who shall
111 retain an electronic copy and provide an electronic copy to all councilmembers, the
112 council chief of staff, and the lead staff for transportation, economy and environment
113 committee or its successor.

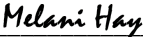
Motion 16437 was introduced on 9/12/2023 and passed by the Metropolitan King County Council on 10/3/2023, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

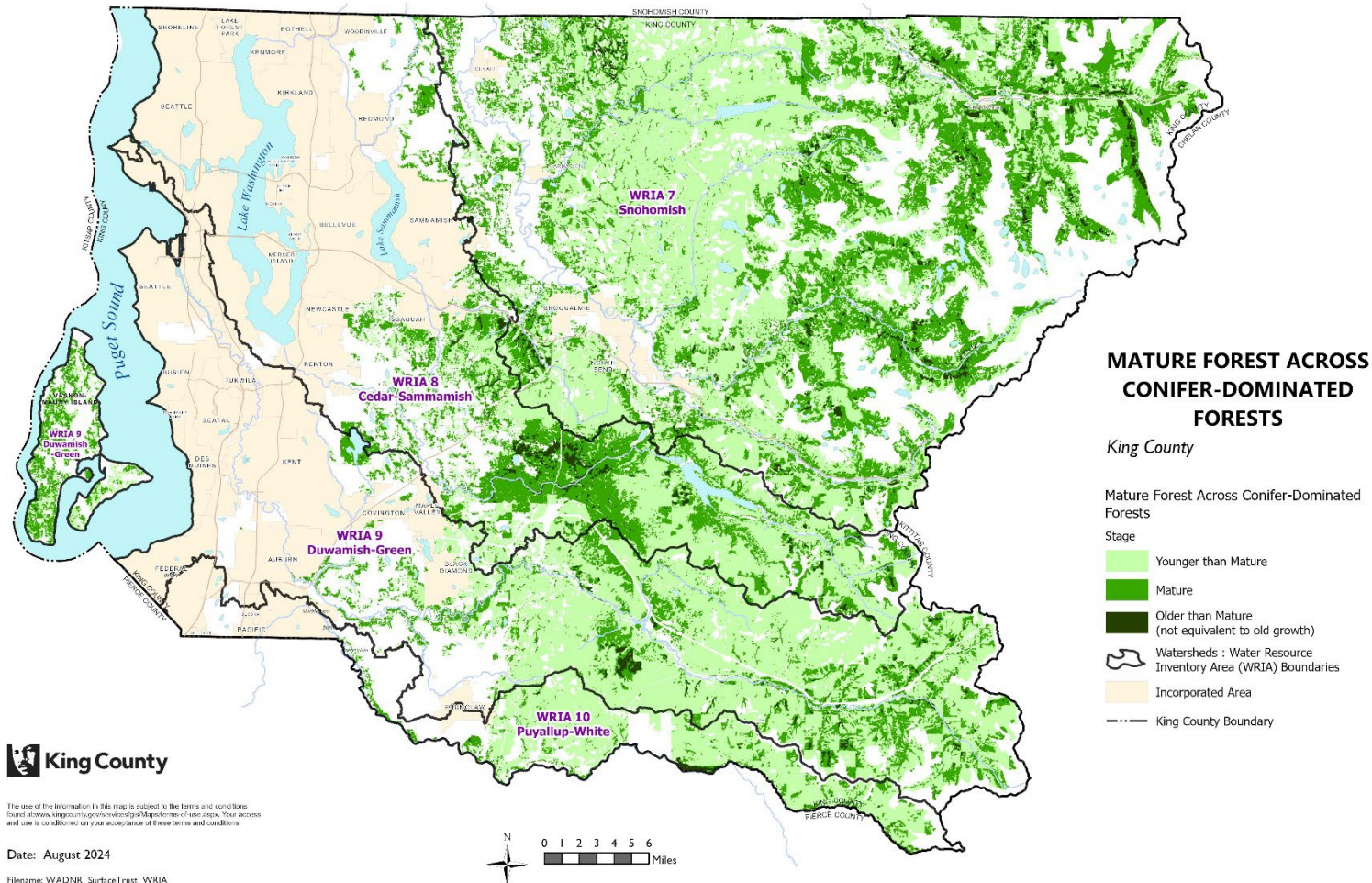
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Dave Upthegrove, Chair

ATTEST:

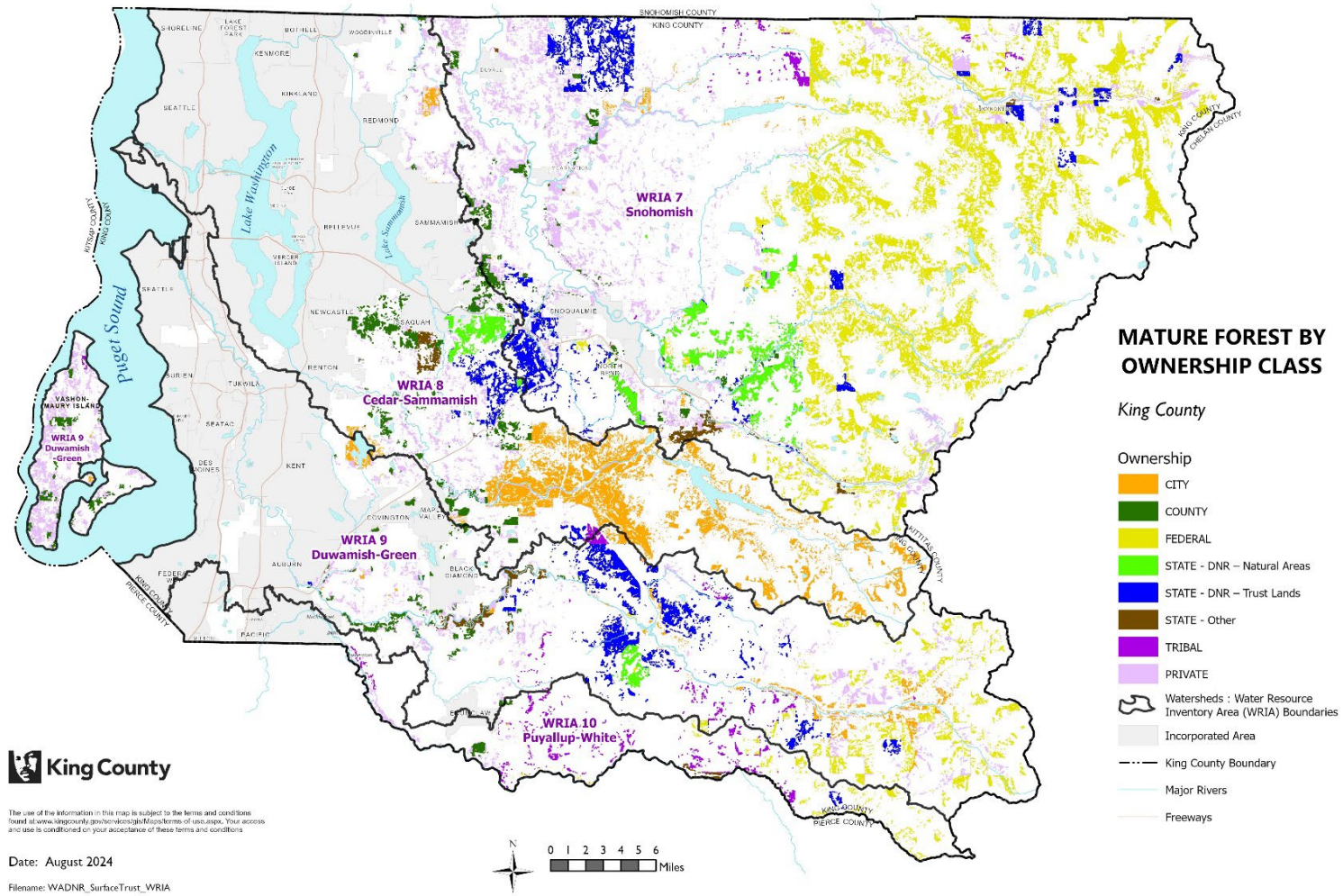
DocuSigned by:

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Melani Hay, Clerk of the Council

Attachments: None

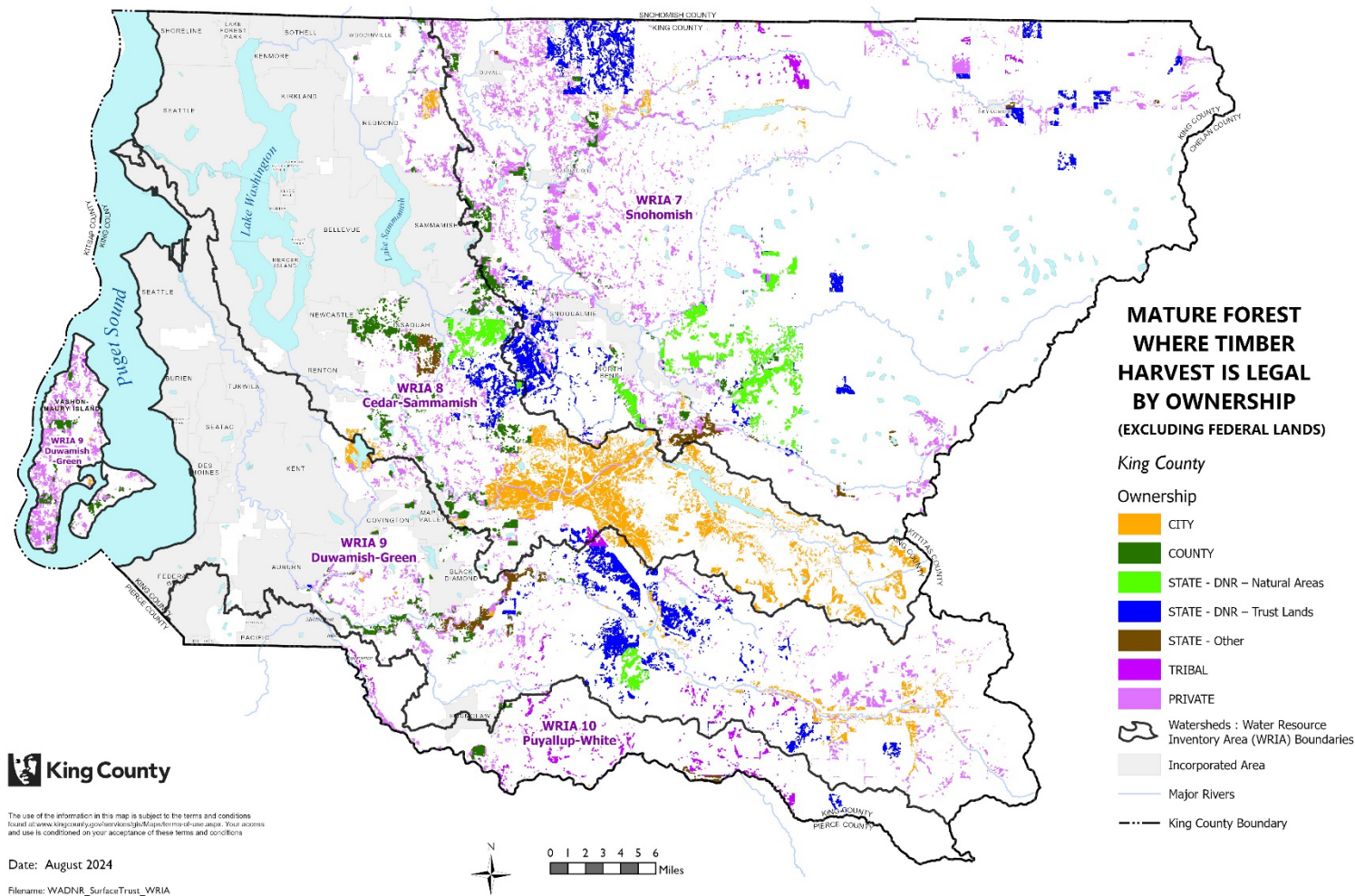
Map 1. Distribution of mature forests across King County. Younger than Mature and Older than Mature categories are provided for context, but the Older than Mature category should not be understood as equivalent to old growth, since mapping old growth was not the focus of this study and it likely includes acreage that does not meet the definition of old growth.



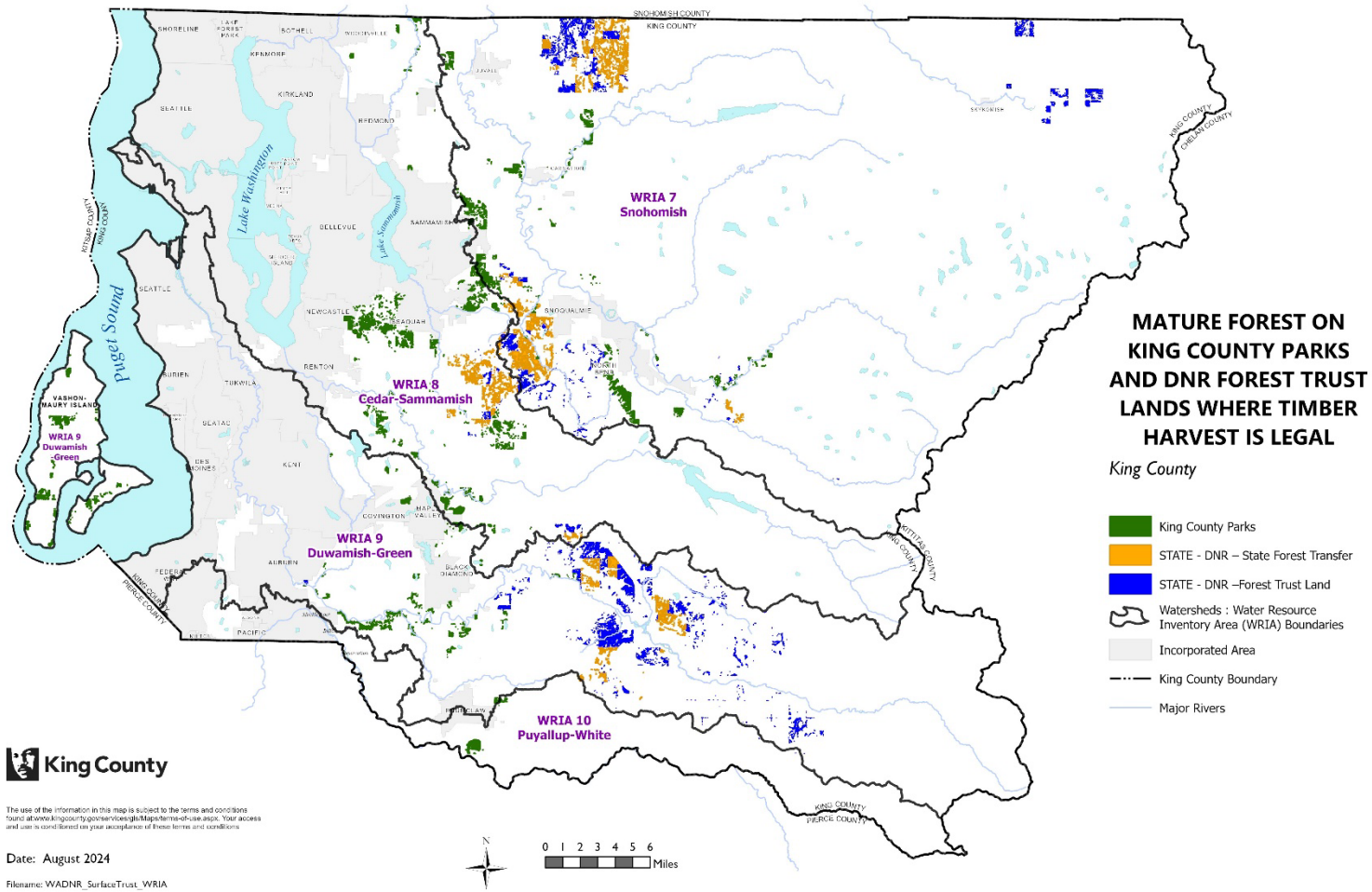
Map 2. Distribution of mature forest by ownership across King County.



Map 3. Distribution of mature forests that are subject to timber harvest, excluding federal lands. Timber harvesting is understood as the cutting, removal, and sale of timber in a way that would require a Forest Practices Application, including final harvests, such as clearcuts and variable retention harvests, as well as intermediate harvests, such as thinning. "Subject to timber harvesting" includes lands where no state or county law or regulation prohibits timber harvesting.



Map 4. Map of mature forests on King County Parks and DNR Forest Trust Lands where timber harvest is legal.





King County

**Metropolitan King County Council
Transportation, Economy, and Environment Committee**

STAFF REPORT

Agenda Item:	7 & 8	Name:	Jake Tracy
Proposed No.:	2024-0291 2025-0001	Date:	January 21, 2025

SUBJECT

Proposed Motion (PM) 2024-0291 would acknowledge receipt of the first of two Mature Forest reports requested by Motion 16437. PM 2025-0001 would acknowledge receipt of the second of two Mature Forest reports requested by Motion 16437.

SUMMARY

In October 2023, the Council passed Motion 16437, which requested that the Executive undertake a study on mature forests in King County, and transmit two reports. The first report was transmitted with PM 2024-0291. The second report was transmitted with PM 2025-0001.

The reports describe "mature forest" in Western Washington as the stage in forest development that precedes old growth, when a forest stand moves beyond self-thinning, starts to diversify in height and structure, and/or the understory reinitiates, and discuss the ownership and location of mature forests in King County. According to the reports, there are approximately 153,000 acres of mature forest in King County, with the majority located on federal land.

The reports discuss the revenue, greenhouse gas (GHG), and social cost of carbon impacts of potentially ending timber harvests on King County-owned lands and DNR Trust Lands identified as mature forests, as well as analyze the potential for preserving parcels containing mature forests in perpetuity.

A previous report, transmitted in response to Motion 16436 relating to State Forest Trust Lands, recommended ten Washington State Department of Natural Resources (DNR)-owned parcels be purchased by King County. The report transmitted in response to PO 2024-0291 found that the purchase of those ten parcels would preserve 44 acres of mature forest. It did not recommend any additional DNR parcels for transfer to the County, and did not identify any parcels as "strong candidates" for the state Natural Climate Solutions program, as requested by Motion 16437. DNR did not select any of these parcels for transfer to the County in its latest budget.

BACKGROUND

Motion 16437. In October 2023, the Council passed Motion 16437, which requested that the Executive undertake a study on mature forests in King County, and transmit two reports. The reports were requested to contain the following information:

1. A definition of mature forests using the Washington state Department of Natural Resources definition of Maturation I classification in Guide to Identifying Mature & Old-Growth Forests, Van Pelt 2007, or in any updated definition based on best available forest ecology science;
2. An analysis of the total acreage and ownership of mature forests that are subject to timber harvesting;
3. A map showing the location of mature forests that are subject to timber harvesting;
4. An analysis of which mature forests are both subject to timber harvesting and either:
 - a. owned by King County; or
 - b. managed by the state as any type of State Forest Trust Lands;
5. Identification of tribal governments that, as comanagers of the mature forests, shall be consulted when considering county applications for the Trust Land Transfer program and the Natural Climate Solutions program or when considering reconveyance of State Forest Trust Lands or substantial changes in management plans for county-owned forest lands;
6. An analysis of the revenue impacts to the trust beneficiaries, including King County, if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion. The analysis should take into account opportunities to generate revenue from sale of carbon credits and through selective harvesting for forest health;
7. An analysis of the greenhouse gas impacts if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion. For parcels where site-specific information is available, the analysis should make use of that information in analyzing greenhouse gas impacts. Where no such information exists, the department should estimate based on the best available information;
8. Based on the greenhouse gas impacts identified in through the analysis in section A.7. of this motion, a calculation, using the United States Environmental Protection Agency methodology for calculating the social cost of carbon, of the socialized financial costs if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion;
9. An analysis of how preservation of the forests identified in section A.4. of this motion would contribute to achievement of the greenhouse gas reduction targets identified in the county's Strategic Climate Action Plan;
10. For any mature forests that are managed by the state as State Forest Trust Lands, an analysis of whether those lands are eligible for reconveyance or another type of transfer to county ownership; and
11. Identification of parcels that would be strong candidates for state funding through the Trust Land Transfer program or the Natural Climate Solutions program to mitigate fiscal impacts of preserving the parcels.

The motion requested that the information be sent in two reports in June and September 2024.

State Forest Trust Lands. Throughout the 1920s and 1930s, 21 counties in Washington acquired forested lands, typically through tax foreclosures. These lands, totaling roughly 546,000 acres, were subsequently deeded to the state to manage as trust lands, and are known as "State Forest Trust Lands." In exchange for this transfer, the state committed to managing the properties and giving most of the revenue from timber sales and other revenue-producing activities back to the county and junior taxing districts. The State Forest Trust Lands have been affirmed in *Skamania v. Washington* to hold the same trust fiduciary trust status as other trusts. Revenues, minus a management fee, from the lands are distributed to the counties where the timber harvest or other income producing activity has occurred.

Several mechanisms exist under state law with which the state can transfer, sell, or otherwise convey State Forest Trust Lands to local government ownership. Mechanisms include:

- Trust land transfer, which allows DNR to work with eligible recipients to reposition State Forest Trust Lands to be managed for ecological and recreational purposes and purchase replacement land that can earn long-term, sustainable revenue for the affected trust;
- Reconveyance of State Forest Trust Lands to county ownership to be managed as a park, consistent with state outdoor recreation plans;
- Direct transfer of trust land to eligible recipients, at fair market value, which allows the recipient to use these lands for any purpose (including open space, housing, commercial use, etc.) that is consistent with local zoning and DNR to reinvest the revenue back into the purchase of replacement lands for the same trust; and
- Land exchange of county trust land for non-trust land of equal value that would allow the County to manage the parcel that was exchanged for any purpose that is consistent with local zoning.

The benefits and risks of these methods are discussed in a separate report transmitted by the Executive, discussed in following subsection.

State Forest Trust Lands Report. In 2023, the Council passed Motion 16436, which requested the Executive to undertake a study of State Forest Trust Lands and transfer methods, and to make recommendations on parcels the County should acquire. The report was transmitted in August 2024.¹ It identified ten parcels for acquisition through trust land transfer. Table 1 below provides information on the parcels recommended in that report.

¹ [2024-RPT0101](#)

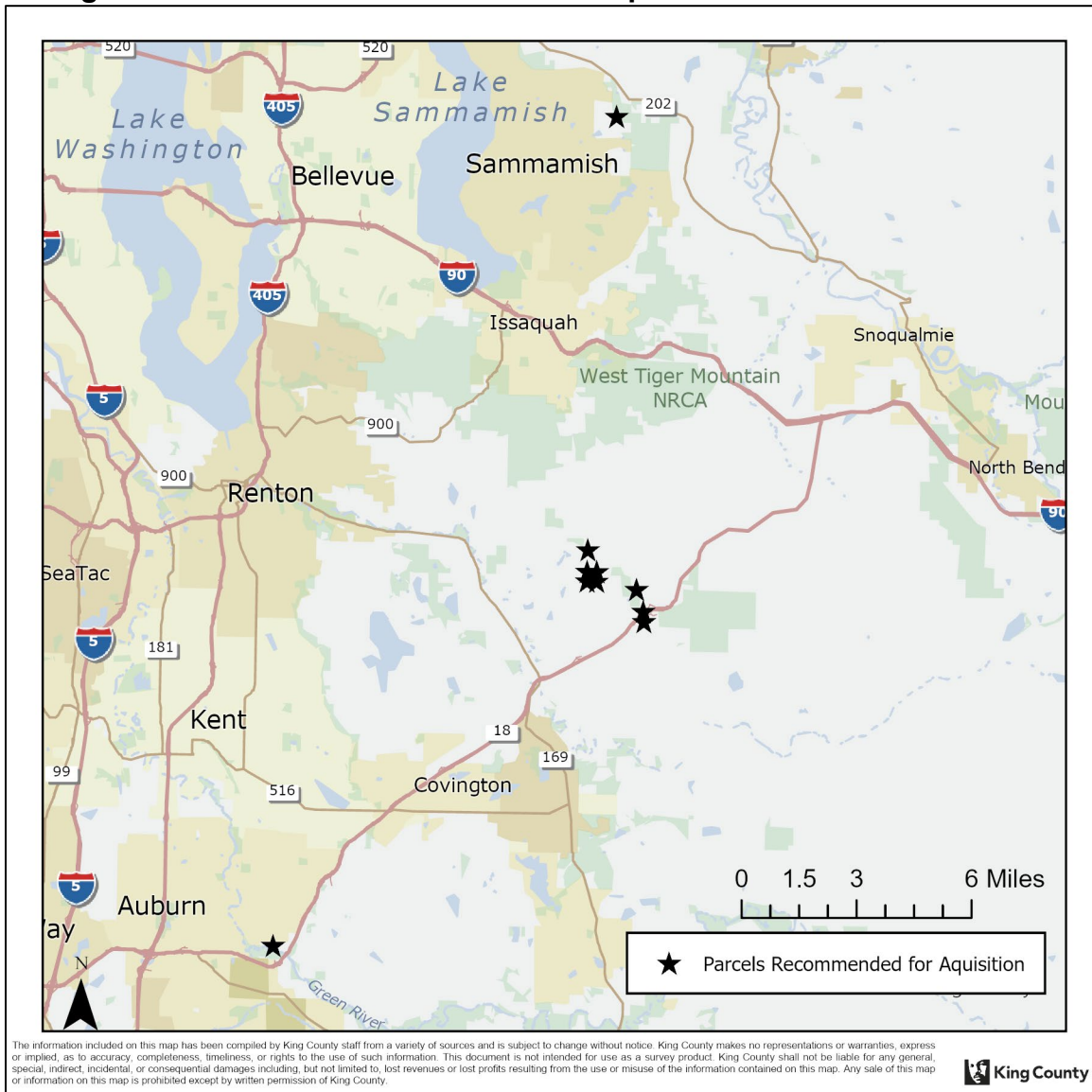
Table 1. Parcels Recommended for Transfer from DNR to King County

Parcel Number	Acres	General Location	Method & Timing of Transfer	Reason
3623069036	14.0	Middle Issaquah Creek Natural Area (MICNA)	TLT 2025-2027	Adjacent to MICNA; stream/fish protection/water quality; difficult for DNR to generate revenue
3623069014	26.9	Middle Issaquah Creek Natural Area	TLT 2025-2027	Adjacent to MICNA; stream/fish protection/water quality; difficult for DNR to generate revenue
3623069015	40.1	Carey Creek	TLT 2025-2027	Provides stream/fish protection, water quality, mature forest along Carey Creek; isolated parcel and difficult for DNR to generate revenue
2623069011	40.2	Middle Issaquah Creek Natural Area	TLT 2025-2027	Mature forest headwaters/protection for Issaquah Creek, could eventually connect to MICNA with additional acquisitions
2623069012	40.1	Middle Issaquah Creek Natural Area	TLT 2025-2027	Mature forest headwaters/protection for Issaquah Creek, could eventually connect to MICNA with additional acquisitions
2623069013	40.0	Middle Issaquah Creek Natural Area	TLT 2025-2027	Mature forest headwaters/protection for Issaquah Creek, could eventually connect to MICNA with additional acquisitions
2623069014	39.8	Middle Issaquah Creek Natural Area	TLT 2025-2027	Mature forest headwaters/protection for Issaquah Creek, could eventually connect to MICNA with additional acquisitions
2623069021	19.5	Middle Issaquah Creek Natural Area	TLT 2025-2027	Riparian forest along Issaquah Creek tributary; isolated DNR parcel, difficult to generate revenue

2625069016	38.4	Patterson Creek Natural Area	TLT 2027-2029	Expands PCNA with mature adjacent forest protection; isolated DNR parcel with no legal road access
1621059011	38.0	Auburn Narrows	TLT, Direct, or Cooperative Management 2027-2029	Adjacent to existing Auburn Narrows Natural Area; seeking to purchase additional adjacent private lands and coordinate management or consolidation of public ownership in this geography
TOTAL	337			

The location of these parcels is shown in Figure 1 below. Executive staff states that, of the eight parcels submitted for Trust Land Transfer for the 2025-27 budget cycle, none were selected by DNR for the priority list. Executive staff indicate that they may be considered for the next Trust Land Transfer application period.

Figure 1. Parcels Recommended for Acquisition under 2024-RPT0101



State Natural Climate Solutions Proviso. Following passage of the Climate Commitment Act, the State Legislature's 2023 budget included a budget proviso, known as the Natural Climate Solutions proviso, directing the Washington State Department of Natural Resources (DNR) to set aside 2,000 acres of structurally complex and carbon dense forestland across the state and purchase replacement lands for those acres.

On December 18, 2023, DNR notified the King County Council and King County Executive that 292 acres at West Tiger Mountain in King County were identified as candidates to be transferred out of trust status into conservation status after replacement land has been identified. Of the 292 acres, 136 acres are State Forest

Transfer Trust lands, which provide revenue to the County and junior taxing districts where the lands are located.²

According to the letter from DNR, in selecting the lands, DNR sought to conserve areas adjacent to existing habitat, in areas to improve habitat connectivity, and to avoid isolated small fragments scattered across ownership. The West Tiger Mountain parcels were selected due to proximity to an existing Natural Resource Conservation Area, located within the Mountains to Sound Greenway National Heritage Area, and adjacent to Highway 18.

DNR requires written concurrence on the parcels from the legislative authority of the county (i.e., the Council) before they can be transferred. The Council concurred via Motion 16534.

ANALYSIS

Although the information requested by Motion 16437 was split between the two reports, this staff report discussed both reports together, using the term "the reports" even though generally any one piece of information is contained in only one of the reports. The responses to items 1 through 5, 10, and 11 can be found in the report attached to PM 2024-0291. The responses to items 6 through 9 can be found in the report attached to PM 2025-0001.

The responses to each of the eleven items requested in Motion 16437 are discussed below.

Item 1. *A definition of mature forests using the Washington state Department of Natural Resources definition of Maturation I classification in Guide to Identifying Mature & Old-Growth Forests, Van Pelt 2007, or in any updated definition based on best available forest ecology science.*

The report describes "mature forest" in Western Washington as the stage in forest development that precedes old growth, when a forest stand moves beyond self-thinning, starts to diversify in height and structure, and/or the understory reinitiates. According to the Van Pelt definition, mature forests have two stages: Maturation I, in which the forest experienced a large disturbance post-European settlement, the current trees have reached sixty to seventy percent of their ultimate height, and the understory begins to reinitiate, and Maturation II, in which the forest was disturbed pre-European settlement, trees have reached eighty to ninety percent of their ultimate height, and the understory has fully regenerated.

² Other than these 136 acres, 31 acres are categorized as Scientific School Trust (these lands benefit Washington State University) and 125 acres are Capitol Grant lands (these lands produce funding for the state buildings at the Capitol in Olympia).

Item 2. *An analysis of the total acreage and ownership of mature forests that are subject to timber harvesting.*

Based on the definition above, the Executive mapped mature forests countywide. The analysis was conducted by a firm, Resilient Forestry, which used geospatial data related to the structure characteristics of mature forest to identify and categorize forests in King County. Forests were classified as younger-than-mature, mature, or older-than mature.³ Only forests outside the urban growth boundary, below 1,250 meters, and containing contiguous stands of five acres or more were considered. Forests with greater than fifty percent deciduous cover were excluded as well. A total of 152,870 acres of mature forest were identified. Of these, 72,311 acres could be legally harvested. The remainder were either on federal lands or within fifty feet of streams.⁴ Table 2 shows the acreage of forest land by ownership, and its potential harvestability.

Table 2. Mature Forests by Ownership and Harvestability

Ownership	Acres of Mature Forest	Percent of Total Mature Forest	Acres of Legally Harvestable Mature Forest
Federal	78,521	51.4%	Not Evaluated
State-DNR	17,034	11.1%	16,534
State-Other	1,991	1.3%	1,970
County	4,627	3.0%	4,546
City	30,230	19.8%	29,588
Tribal	1,915	1.3%	1,824
Private	18,552	12.1%	17,849
Total	152,870	100%	72,311

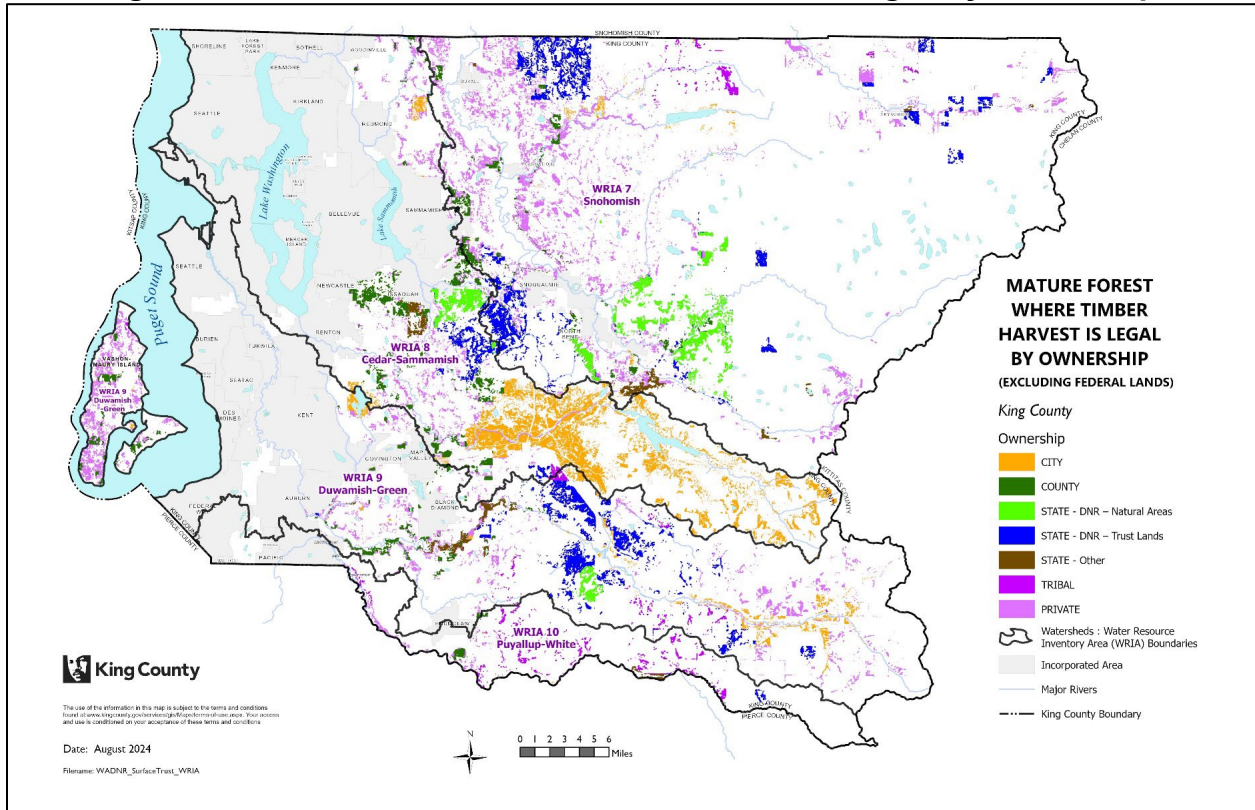
Item 3. *A map showing the location of mature forests that are subject to timber harvesting.*

The first report contains the following map of mature forests where timber harvest is legal. Further maps can be found in Appendix B of Attachment A to PM 2024-0291.

³ The report notes that "older-than-mature" does not necessarily equate to "old growth" due to the data methodology used.

⁴ The report states that the harvestability of federal forests was not evaluated due to the complexity of regulations around such forests.

Figure 2. Mature Forest Where Timber Harvest is Legal, by Ownership



Item 4. An analysis of which mature forests are both subject to timber harvesting and either:

- a. *owned by King County; or*
- b. *managed by the state as any type of State Forest Trust Lands.*

As noted in Table 2 above, 4,546 acres of mature forest are managed by the King County Department of Natural Resources and Parks (DNRP) and can be legally harvested. However, the report states that "harvests are primarily focused on enhancing ecological conditions of the forests, including managing towards forests with greater structural and species diversity that are more resilient to climate change. Recent and potential Parks harvests are guided by a 2020 assessment of high-priority forested areas in need of active management to improve forest health and climate resilience. While many of these harvests take place in younger-than-mature forests, there also can be ecologically motivated reasons to cut mature trees. These include reducing tree stress and mortality in dense conditions, preemptive thinning to prepare a forest for hotter and drier summers under climate change, mitigating disease such as root rot, and creating openings to allow planting diverse species in otherwise homogenous stands."

Of the 16,534 acres of legally harvestable mature forests owned by DNR, the report states that 11,289 acres are State Forest Trust Lands, and that 4,373 acres of these are State Forest Trust Lands for which King County is the trust beneficiary.

Mature forests on DNRP and DNR lands are shown in Figure 3 below.

A.4. of this motion. The analysis should take into account opportunities to generate revenue from sale of carbon credits and through selective harvesting for forest health.

The second report states that, in 2024, DNR planned harvests totally 864.4 acres, of which 17.3% were identified as mature forests. Based on an estimate of \$17,000-\$20,000 in revenue per acre of mature forests harvested, the revenue impact of forgoing harvest was estimated at between \$2.5 and 3 million for the year. The report notes, however, that in some cases, an entire harvest would no longer be viable if the mature forest portion of that harvest was forgone. Taking this into account, the full revenue impact is estimated at \$6.2 million. Assuming the 2024 numbers are representative, the 20-year impact would be between \$50 million and \$124 million.

Foregoing thinning projects by King County Parks in areas with mature forests would have a much smaller annual impact, in the range of \$407,000 to \$531,000 over 20 years.

Item 7. *An analysis of the greenhouse gas impacts if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion. For parcels where site-specific information is available, the analysis should make use of that information in analyzing greenhouse gas impacts. Where no such information exists, the department should estimate based on the best available information.*

Based on the 3,809 acres of DNR-managed and 300 acres of King County-managed mature forests, the Executive projected carbon emissions under a harvest and no-harvest scenario. Table 3 below shows the results of this analysis on a twenty-year timeframe, with positive numbers representing GHGs added to the atmosphere and negative numbers indicating reductions in GHGs.

Table 3. 20-year GHG Flux in Harvest and No-Harvest Scenarios

	GHG Flux tons CO ₂ e/acre (total tons CO ₂ e)		
	King County	DNR	Combined DNR and King County
Projected harvest	120.6 (36,200)	257.8 (982,000)	229.3 (1,018,200)
No harvest	38.5 (11,400)	87.2 (332,000)	77.1 (343,400)
Difference	-82.1 (-24,600)	-170.6 (-659,000)	-152.2 (-674,600)

As the table shows, the no-harvest scenario would reduce emissions by roughly two-thirds. Emissions would still occur because it is assumed that the wood products not harvested from mature forests would be harvested elsewhere. The report states that "since this was a simplified substitution analysis that did not include an economic analysis that would capture whether this relatively small change in harvested wood products would lead to the types of substitution included in the model, this could be an

overestimate of the emissions in the no-harvest scenario and an underestimate of the emissions reductions resulting from discontinuing harvest." For reference, the annual emissions resulting from the projected harvest equal roughly 0.2% of annual King County geographic-based GHG emissions.⁵

Item 8. *Based on the greenhouse gas impacts identified in through the analysis in section A.7. of this motion, a calculation, using the United States Environmental Protection Agency methodology for calculating the social cost of carbon, of the socialized financial costs if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion.*

The social cost of carbon is an estimate of the cost, in dollars, of the damage done globally by each additional ton of carbon emissions or the benefit of any action to reduce a ton of emissions and includes a range of impacts, such as health outcomes, agricultural production, and property values. It is typically used in evaluating the social benefit of proposed regulations relative to the cost of implementing those regulations. The calculation was made using the U.S. Environmental Protection Agency's (EPA) Workbook for Applying a Social Cost of Greenhouse Gas Emissions.

The second report estimates the social cost of carbon associated with discontinuing harvesting of mature forests on State Forest Trust Lands and County-owned lands to be between \$86 million and \$246 million over 20 years, with the vast majority of the cost coming from discontinuing harvest on State Forest Trust Lands. The variation depends on whether a 1.5 percent or 2.5 percent discount rate is used.

As the lost revenue estimated under item 6 is between \$50 million and \$125 million, overlapping with the range of estimated values of societal benefit from preserving the mature forests, it is not possible to say whether the benefits outweigh the costs when calculated in this fashion. The report notes, however, that revenue impacts are local in nature and primarily affect the trust beneficiaries of DNR lands, while potential gains reflected in the social cost of carbon are global in nature.

The report's conclusion gives further details on the tradeoffs, noting that both the GHG impact and lost revenue on King County lands are small, and that the mature forests that King County owns "suffer from high density, low diversity, or drought and disease risks. As such discontinuing harvest on those sites would have a potential cost in terms of long-term forest resilience, since thinning and planting diverse native trees can alleviate these issues.

The report's conclusion notes that, for DNR-owned lands, DNR has a fiduciary responsibility to generate revenue, and any mature forests removed from these trusts would need to be replaced with another source. It states that this might entail harvesting a greater acreage of younger trees.

Item 9. *An analysis of how preservation of the forests identified in section A.4. of this motion would contribute to achievement of the greenhouse gas reduction targets identified in the county's Strategic Climate Action Plan.*

⁵ Based on 2019 data from the [King County Communitywide Geographic GHG Emissions Report](#).

The analysis provided by the reports finds that preservation of all mature forests that are either County-owned or State Trust Lands would have a minimal impact on the County's Strategic Climate Action Plan greenhouse gas reduction targets. The expected reduction in emissions would be 0.32 percent of government operations emissions compared to a 2007 baseline and 0.13 percent of countywide geographic-based emissions compared to a 2007 baseline.

Item 10. *For any mature forests that are managed by the state as State Forest Trust Lands, an analysis of whether those lands are eligible for reconveyance or another type of transfer to county ownership.*

The report states that all 4,373 acres of State Forest Trust Land for which King County is the beneficiary is eligible for reconveyance. The remainder of mature forest that is managed by DNR for other trusts could be acquired by the County through direct transfer, land exchange, or trust land transfer.⁶

Item 11. *Identification of parcels that would be strong candidates for state funding through the Trust Land Transfer program or the Natural Climate Solutions program to mitigate fiscal impacts of preserving the parcels.*

As noted above, ten parcels were identified for trust land transfer by the report requested by a Motion 16436. The reports associated with the PMs did not recommend any additional parcels for acquisition, either through trust land transfer or the Natural Climate Solutions program. The first report did note that the ten parcels recommended for acquisition in response to Motion 16436 contain forty-four acres of mature forest. Though no additional parcels are identified for preservation through transfer of ownership to the County, the reports do state that some areas of the county were identified where additional fieldwork would be useful to "assess potential gains and determine whether they justify the added cost to King County of managing the land."

As for the Natural Climate Solutions program, the reports state that the first round of parcels for preservation have already been selected by DNR, and the County has given concurrence. There are no further Natural Climate Solutions program dollars available at this time. The reports state that the analysis underlying the reports could be used to make recommendations to DNR if future rounds of funding become available, but note that it is DNR's role to propose parcels for inclusion in the program. The reports do not identify which parcels would be strong candidates for the program should further funding become available.

INVITED

- Kathleen Farley Wolf, Forest Conservation Director, DNRP

⁶ See the "State Forest Trust Lands" subsection of the Background section for further information on these types of transfer.

ATTACHMENTS

1. Proposed Motion 2024-0291 (and its attachment)
2. Proposed Motion 2025-0001 (and its attachment)
3. Transmittal Letter – PM 2024-0291
4. Transmittal Letter – PM 2025-0001



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2025-0001.1

Sponsors Dembowski

1 A MOTION relating to mature forests in King County,
2 acknowledging receipt of the second of two reports on
3 mature forests in King County as required by Motion
4 16437 requesting the executive to identify and analyze
5 mature forests in King County and to transmit two reports.

6 WHEREAS, Motion 16437 recognizes mature forests in King County provide
7 multiple benefits, and

8 WHEREAS, Motion 16437 recognizes there may be options for pursuing changes
9 in management or ownership of mature forests in King County that would increase
10 benefits to the people of King County, and

11 WHEREAS, the water and land resources division and the parks and recreation
12 division of the department of natural resources and parks have cooperated to conduct
13 analyses assessing the revenue, greenhouse gas, and social cost of carbon impacts of
14 discontinuing harvesting of mature forests in King County called for by Motion 16437,
15 and

16 WHEREAS, the water and land resources division and the parks and recreation
17 division of the department of natural resources and parks have submitted the second of
18 two reports called for by Motion 16437, which is due to the King County council by
19 December 15, 2024;

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

21 The King County council hereby acknowledges receipt of the second of two
22 reports on mature forests, Attachment A to this motion.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

Attachments: A. Analysis of Mature Forests in King County, Report 2, December 13, 2024

Analysis of Mature Forests in King County, Report 2

December 13, 2024



King County

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II. Executive Summary

This report provides an analysis of the impacts of discontinuing harvest on mature forests managed by the Washington State Department of Natural Resources (DNR) and the King County Department of Natural Resources and Parks (DNRP) Parks Division (King County Parks). It includes analyses of revenue impacts, impacts on greenhouse gas (GHG) emissions, impacts related to the social cost of carbon, and the magnitude of GHG impacts relative to targets in King County's Strategic Climate Action Plan (SCAP).

The 20-year revenue impact of discontinuing harvest of mature forests was estimated to be between \$50 million and \$124 million for approximately 3,000 acres of foregone harvest on DNR-managed land and between \$407,000 and \$531,000 for 230 to 300 acres of foregone harvest on King County Parks-managed land. The revenue loss from foregone DNR harvests would be borne by trust beneficiaries of the parcels where harvests are discontinued. The revenue loss from discontinued harvest on King County lands would be borne by King County Parks, where revenue is used to support forest stewardship activities.

Due to differences in methods and available data, the analysis of GHG impacts of discontinuing harvest of mature forest used somewhat higher estimates of mature forest projected to be harvested over the next 20 years and included 3,809 acres of DNR-managed and 300 acres of King County-managed mature forest. GHG emissions under the projected harvest scenario were 1,018,200 tons of CO₂e (carbon dioxide equivalent) over the 20 years modeled. Emissions under the scenario without harvest of those acres were 343,400 tons of CO₂e over 20 years.¹ Therefore, the no-harvest scenario emitted about one-third of the emissions of the projected harvest scenario, constituting an emissions reduction of 674,600 tons of CO₂e over 20 years as a result of discontinuing harvest. More than 95 percent of those emissions reductions would be from DNR-managed lands, which constitute the majority of the acreage and are subject to more intensive harvest than King County-managed lands.

The social cost of carbon (SCC) is an estimate of the cost, in dollars, of the damage done globally by each additional ton of carbon emissions or the benefit of any action to reduce a ton of emissions and includes a range of impacts such as health outcomes, agricultural production, and property values. It is typically used in evaluating the social benefit of proposed regulations relative to the cost of implementing those regulations.² The SCC associated with discontinuing timber harvest of mature forests managed by DNR in King County and by King County Parks was calculated to be a positive benefit for global society of between \$86 million and \$246 million over 20 years (total present value in equivalent 2023 dollars). The majority of this (\$83 million-\$237 million) came from discontinuing harvest on DNR-managed lands, with between \$3 million and \$9 million coming from King County-managed lands. The range in values calculated reflects the use of a range of discount rates (between 1.5 percent and 2.5 percent), which

¹ The no-harvest scenario was a source of emissions because the model included emissions from substitution of the unharvested wood products with alternate materials. These emissions were a one-time occurrence, and the no-harvest scenario would eventually take up enough CO₂ to offset the substitution emissions.

² <https://www.brookings.edu/articles/what-is-the-social-cost-of-carbon/>. Estimates of the SCC can vary by several hundred dollars per ton due to differences in the discount rate (how much the present is valued compared to the future); how impacts on the different indicators are modeled and the value they are assigned; and the geographic scale of the impacts (which are usually global but can be modeled at a national or regional scale).

have a large effect on estimating how future climate change impacts are converted into present-day value.

The impact of GHG reductions from discontinuing harvest of mature forest was converted to metric tons per year and its impact was calculated relative to King County operations and at a countywide scale. Total 2007 baseline emissions for King County government operations were estimated at 354,000 metric tons of CO₂e.³ Therefore, a per-year reduction of 1,100 metric tons of CO₂e from discontinued harvest on King County-managed lands would constitute an approximately 0.32 percent reduction in government operations GHG emissions. At the countywide scale, total King County geographic-based GHG emissions in 2007 were estimated at 24,358,000 metric tons of CO₂e.⁴ Therefore, a per-year reduction of 30,600 metric tons of CO₂e for discontinued harvest on both King County- and DNR-managed lands would contribute approximately 0.13 percent to the 2030 and 2040 reduction targets.

This analysis provides an improved understanding of the relative scale of revenue and GHG impacts of discontinuing harvest. It highlights the tradeoff between revenue impacts, which are local in nature and primarily affect the trust beneficiaries of DNR lands, and the potential gains reflected in the social cost of carbon, which are global in nature. It also puts the GHG impacts in context by calculating their potential contribution to SCAP targets. This analysis provides additional data that can help inform decisions by both King County and DNR.

III. Background

Department Overview

The Department of Natural Resources and Parks supports sustainable and livable communities and a clean and healthy natural environment. Its mission is also to foster environmental stewardship and strengthen communities by providing regional parks, protecting the region's water, air, working lands, and natural habitats, and reducing, safely disposing of, and creating resources from wastewater and solid waste.

The Water and Land Resources Division (WLRD) is at the forefront of King County's efforts to protect and restore clean water and healthy habitat and strengthen the resilience of watersheds and our communities. WLRD has a dedicated workforce of more than 400 supported by a biennial budget of ~\$350 million. Regional programs include strategies to steward working farms and forests, restore habitat, recover salmon, improve water quality, reduce toxic threats, protect open space, and provide residents equitable access to green space. As the primary service provider to the King County Flood Control District, the division works to reduce flood risks to people, property, and infrastructure. WLRD's Environmental Lab and Science sections collect and maintain high-quality data sets to assess water quality and environmental trends and apply science to inform decision making. WLRD's one local service is providing stormwater management for unincorporated residents, reducing drainage problems, improving water quality, and restoring surface waters.

³ <https://your.kingcounty.gov/dnrp/climate/documents/2024/2401-13286w-SCAP-biennial-rpt.pdf>, Performance Measure GHG 2.

⁴ <https://your.kingcounty.gov/dnrp/climate/documents/2022/king-county-geographic-ghg-emissions-inventory-and-wedge-report-09-2022.pdf>, Table 1.

Historical Context

The expansive forests in Western Washington are known for their high productivity, which results from the mild, wet climate.⁵ Before the arrival of Europeans, “vast areas...were covered with old-growth conifer forests, primarily dominated by long-lived Douglas-fir and western hemlock, capable of attaining massive sizes.”⁶ One of the salient features of forests in the region is that productivity remains high, even in mature forests. As noted by Franklin et al. (2017), “...at 100 years Douglas-fir trees have achieved only about two-thirds of their eventual height.”⁷

By the mid-1850s, extensive forest clearing for cities and agriculture had begun, and harvest for wood products became widespread by the late 1800s.⁸ Harvest levels accelerated across forest ownerships after World War II, as the growing housing market created greater demand for lumber.⁹ Initially, the return of forest cover on harvested sites depended on natural regeneration, primarily of Douglas-fir and western hemlock. By the 1930s, replanting after harvest became common practice, eventually leading to widespread cover of Douglas-fir plantations.¹⁰

Currently, mature and old-growth forests make up just over 30 percent of the forested landscape west of the Cascades in Washington. The majority of mature and old-growth forests across the region are on public lands, with those under federal ownership having the highest proportion of forest cover in the older forest stages. This low coverage of older forests and the predominance of young to middle-age forests and plantations across the region has led to increased interest in conservation of existing older forests and forest management practices that accelerate development of older forest conditions.¹¹

Current Context

Mature forest is the stage that precedes old growth, when structural characteristics that are lacking in earlier stages are present and some structural characteristics of old-growth forests are emerging. Mature forests mark the transition from dense young forests — where low light availability leads to a reduction in understory or midstory vegetation and tree trunks below the canopy are devoid of foliage — to old growth.¹² They represent a stage along a continuum of forest stand development and can be defined and identified by their structural characteristics. For Western Washington, two stages of forest development can be grouped together to encompass the mature forest stage.¹³ The first includes forests that originated after large disturbance events following European settlement, characterized by trees at

⁵ Franklin, JF and DC Donato. 2020. Variable retention harvesting in the Douglas-fir region. *Ecological Processes* 9(8): 1-10.

⁶ Puettmann, KJ, A Ares, JI Burton, EK Dodson. 2016. Forest restoration using variable density thinning: Lessons from Douglas-Fir stands in western Oregon. *Forests* 7(310): 1-14.

⁷ Franklin, JF, TA Spies, FJ Swanson. 2017. Setting the stage: Vegetation ecology and dynamics. In: People, Forests, and Change: Lessons from the Pacific Northwest. DH Olson and B Van Horne (Eds). Washington DC: Island Press, p.25.

⁸ Franklin et al., 2017.

⁹ Franklin and Donato, 2020.

¹⁰ Puettmann et al., 2016.

¹¹ Donato, DC, JS Halofsky, MJ Reilly. 2020. Corraling a black swan: natural range of variation in a forest landscape driven by rare, extreme events. *Ecological Applications* 30(1): 1-15.

¹² Van Pelt, R. 2007. Identifying Mature and Old Forests in Western Washington. Washington State Department of Natural Resources, Olympia, WA. 104 p.

¹³ Van Pelt, 2007.

60 to 70 percent of their ultimate height. At this stage, growth slows and the upper canopy layer becomes less dense than in the previous stand development stage due to mortality of less vigorous trees and breakage of some trees. This allows more light to reach the forest floor, which supports the growth of shade-tolerant plants and trees, such as western hemlock, and allows for some recovery of the understory. The second stage includes forests that originated following large disturbance events prior to European settlement and is characterized by trees that have reached 80 to 90 percent of their ultimate height. The understory fully returns with abundant regeneration of shade-tolerant trees. Low levels of woody debris are present, since wood from prior disturbances has decayed and new large debris has not formed yet. In response to increased light, trees begin to grow lower branches and foliage on the previously bare trunks. These two stages mark the transition from dense young forests to old growth.¹⁴

Mature forests in King County were mapped using geospatial data related to forest structural characteristics. A total of 152,870 acres of mature forest was identified in King County. More than half (51 percent) of the mature forests are on federal land; almost 20 percent are on city-owned land, primarily within the City of Seattle’s Cedar River Municipal Watershed; 12 percent are privately owned; 11 percent are on DNR-managed land; 3 percent are County-owned; and less than 2 percent are either Tribally owned or owned by a state agency other than DNR.

Most mature forest in King County is considered harvestable based on the broad definition used, which includes final harvests, such as clearcuts and variable retention harvests, as well as intermediate harvests, such as thinning.¹⁵ Harvestable mature forest includes 4,546 acres (or 15 percent) of the forestland managed by King County Parks. Harvesting is permitted across this ownership, but harvests are primarily focused on enhancing ecological conditions of the forests, including managing forests to have greater structural and species diversity and to be more resilient to climate change. Recent and potential King County Parks harvests are guided by a 2020 assessment of high-priority forested areas in need of active management to improve forest health and climate resilience.¹⁶ While many of these harvests take place in younger-than-mature forests, there also can be ecologically motivated reasons to cut mature trees. These include reducing tree stress and mortality in dense conditions, pre-emptive thinning to reduce density to prepare a forest for hotter and drier summers as a result of climate change, mitigating disease such as root rot, and creating openings to allow planting of diverse species in otherwise homogenous stands.

DNR manages 16,534 acres in King County that were classified as legally harvestable. However, this includes 5,245 acres in Natural Area Preserves (NAP) and Natural Resources Conservation Areas (NRCA), which are managed to protect native ecosystems. Allowable timber harvest in these areas is limited to

¹⁴ Van Pelt, 2007.

¹⁵ “Timber harvesting” was defined as the cutting, removal, and sale of timber in a way that would require a Forest Practices Application under [RCW 76.090.050](#).¹⁵ Thinning is considered a timber harvest under this definition, whether it is intended to promote growth of residual standing trees or to achieve ecological outcomes (in which case the sale of logs is often a secondary objective to forest management goals). Areas “subject to timber harvesting” were defined as lands where no state or county law or regulation prohibits timber harvesting.

¹⁶ King County, 2020, <https://kingcounty.gov/legacy/services/environment/climate/actions-strategies/strategic-climate-action-plan.aspx>.

activities, such as ecological thinning, that enhance species or structural diversity.¹⁷ The remaining 11,289 acres represent harvestable mature forest managed by DNR as trust lands in King County. These lands are managed for a variety of different trusts, including 4,373 acres of State Forest Trust Lands for which King County is the trust beneficiary.

Report Methodology

Revenue Impacts

The revenue impacts to trust beneficiaries of discontinuing harvest of mature forests managed by either King County or by DNR as state trust lands were estimated using available revenue data from past harvests and projections for planned future harvests.

For DNR-managed trust lands, revenue estimates were based on estimated values of planned harvests for 2024. In order to evaluate the potential revenue impacts of discontinuing harvest of mature forest, maps of 2024 planned harvests were overlaid on the mature forest map and the number of acres within those harvests that were mapped as mature was calculated. The value of planned harvests that included a large proportion of mature forest was then used to estimate the value per acre of mature forest harvest, which was then used to calculate the value of the mature forest acres that would be removed from planned harvests.

For forests managed by King County Parks, which harvests a much smaller area annually, revenue estimates per acre were taken from averages of previous County projects in mature, mixed, and young conifer forests. In order to estimate the revenue impact of excluding areas of mature forest, the value of mature forest acreage removed from harvest was calculated.

For both DNR and King County, annual estimates were multiplied by 20 in order to provide estimates for changes in revenue over the next 20 years, in line with the time period used for the analysis of greenhouse gas (GHG) impacts. These estimates do not account for inflation or changes in timber value over that time.

GHG Impacts

DNRP contracted with Resilient Forestry to conduct the analysis of GHG impacts. Resilient Forestry used data collected and prepared for past work, including its map of mature forests in King County. For DNR, Resilient Forestry used expected rates of harvest based on the first two decades of DNR's 2019 Sustainable Harvest Calculation. For King County, the consultants assumed harvest of 15 acres per year, which is rounded up from 7 percent of the 200 acres per year that King County Parks plans to harvest. For DNR, projected harvests were modeled as either a medium thin, removing 45 percent of the basal area, or a regeneration harvest, retaining eight trees per acre selected from the largest 25 percent of trees; the simulation included planting 250 trees per acre of Douglas-fir following the regeneration harvest. For King County, projected harvests were modeled as a light thin, removing 30 percent of the basal area. The consultants modeled forest growth and carbon dynamics with and without harvest over 20 years using the Forest Vegetation Simulator with the Fire and Fuels Extension.¹⁸ Resilient Forestry accounted for carbon contained in above-ground and below-ground portions of living and dead plants

¹⁷ DNR, 1992. Natural Resources Conservation Areas Statewide Management Plan. DNR Division of Land Conservation. Olympia, WA, 33 pp.

¹⁸ <https://www.fs.usda.gov/fvs/software/index.shtml>

and the forest floor, carbon stored in wood products and landfills, GHG emissions associated with harvest and manufacturing operations, and the additional emissions associated with substitute products when local wood products are not available due to deferred harvest.

Social Cost of Carbon

The social cost of carbon is an estimate of the cost, in dollars, of the damage done globally by each additional ton of carbon emissions or the benefit of any action to reduce a ton of emissions and includes a range of impacts, such as health outcomes, agricultural production, and property values. It is typically used in evaluating the social benefit of proposed regulations relative to the cost of implementing those regulations. The calculation was made using the U.S. Environmental Protection Agency's (EPA) Workbook for Applying a Social Cost of Greenhouse Gas Emissions.¹⁹ The 20-year cumulative values from the above analysis of the difference in GHG emissions between the projected harvest and no-harvest scenarios were used in the calculation, and it was assumed that emissions changes were equal for each year of the 20-year period.²⁰ These values were converted from short tons to metric tons in order to use the EPA workbook. The EPA workbook tool provides a range of discount rates from 1.5 percent to 2.5 percent. The discount rate determines how much weight is placed on climate impacts that occur in the future; the higher the discount rate, the less significant future effects are considered, compared to any present-day impacts. The choice is a highly impactful variable in estimating how future climate change impacts are converted into present-day value, so this analysis provides the two values for the low and high ends of the range. In addition, the time period used has a substantial effect on the analysis. This analysis did not extend to 100 years, since the EPA tool only includes the years from 2020 to 2080. However, if a 100-year carbon calculation were used, it would stretch out the carbon benefits over a longer time period, decreasing annual carbon reductions.

Contribution to the Strategic Climate Action Plan

Year 2007 GHG emissions, for both County government operations and for countywide GHG emissions, were used as baselines to then estimate how much discontinued harvest could contribute to progress towards GHG emissions reduction goals in future years. The total 20-year cumulative emissions differences calculated above were used to calculate annual emissions reductions, which are assumed to be equal for each year of the 20-year time period.

IV. Report Requirements

A. Revenue Impacts of Discontinuing Harvest of Mature Forests (A.6)

Projected Revenue Impacts for DNR's Planned Harvests

DNR planned five harvests for 2024 on lands that included five different trust beneficiaries, including State Forest Trust Lands, on which King County and junior taxing districts are the beneficiaries. All five are planned as variable retention harvests, which retain at least eight trees per acre in order to maintain large trees and snags but are considered regeneration harvests that remove a large percentage of the

¹⁹ https://www.epa.gov/system/files/documents/2024-03/epa-sc-ghg-workbook_1.0.1.xlsx. For additional details on the methodology EPA uses to estimate the social cost of GHGs, see also: <https://www.epa.gov/environmental-economics/scghg>

²⁰ The calculations were based on carbon dioxide only; for the analysis of impacts of discontinuing timber harvest, changes in emissions of nitrous oxides and methane are de minimis compared to carbon dioxide.

basal area of a stand while attempting to replicate many of the residual forest components left after a natural disturbance. The total estimated value of these five harvests is \$9.4 million, with \$2.7 million (28.7 percent) of that total generated from State Forest Trust Lands.

The total area of planned harvests is 864.4 acres, of which 680.9 acres were mapped as younger-than-mature forest, 149.5 acres (17.3 percent) were mapped as mature forest, and 34 acres were mapped as older-than-mature. The value per acre was estimated using harvests with a high proportion of mature forest, yielding estimates of \$17,000–\$20,000 per acre. Based on this range, the revenue impact of forgoing harvest of 149.5 acres of mature forest would be between \$2.5 and \$3 million.

However, these calculations assume that mature forest can be removed from a planned timber harvest and that the harvest will still occur. In some cases where mature forest constitutes a smaller portion of a proposed harvest area, a planned harvest could still be viable with reduced acreage. However, in some cases, removing mature forest from a harvest area has a large enough impact that the harvest would be cancelled. For example, one of the five planned harvests, El Tigre, is a 94-acre variable retention harvest that has substantial overlap with 292 acres of forestland on Tiger Mountain that were selected to be moved out of trust status (where it would be harvested to generate revenue for trust beneficiaries) and into conservation status under the State Legislature’s Natural Climate Solutions (NCS) proviso. The El Tigre harvest will no longer occur, since a large portion of the harvest area will be moved to conservation status, so the revenue impact would be the full value of the harvest, estimated at \$1.6 million.²¹ Similarly, two of the other planned harvests include a large-enough percentage of mature forest that they may not be viable without it. Taking this into account, the revenue impact would be the full estimated value of three of the planned harvests and the estimated value of the mature forest portion of the other two, totaling \$6.2 million.

If it is assumed that the 2024 planned harvests are representative of future harvest years, both in terms of acreage and value, then the 20-year revenue impact of discontinuing harvest would be between \$50 million and \$124 million (in 2024 dollars) for 2,990 acres of foregone harvest.²²

Projected Revenue Impacts for King County Parks’ Planned Harvests

King County Parks has planned commercial thinning projects on 639 acres over the next four years. Mature forests make up 84 acres (or 13 percent) of that potential harvest area, or an average of 21 acres of mature forest per year. However, many of these acres are small areas within younger stands or are within stands of hardwoods. King County Parks’ harvest prescriptions retain these types of trees during commercial thinning, so 38 acres of mapped mature forest would be retained during harvest (Table 1). On another 46 acres (7 percent of planned harvest area), thinning of mature conifer is likely. Most of this acreage is made up of second-growth forests that were selected for thinning because, although they were mapped as mature forests, they suffer from high density, low diversity, or drought and disease risks. Thinning and planting diverse native trees can alleviate these issues (Table 1).

²¹ In this case, DNR will use the NCS funds to purchase replacement lands, and revenue from the harvest of those lands will make the trust whole. However, if DNR were to eliminate harvest on mature forests outside of a program like NCS, revenue from foregone harvest would be lost rather than replaced.

²² Calculated as 149.4 acres x 20 years = 2,990 acres and \$2.5 million x 20 years = \$50 million and \$6.2 million x 20 years = \$124 million.

Table 1. King County Parks planned commercial thinning projects.

Forest Type	Project Area (Acres)	Mapped as Mature (Acres)	Mapped as Mature (% of Project Area)	Prescription Notes
Young Conifer	208	5	3%	Retain mature conifer (or mapping error and mature areas will be excluded)
Hardwood	337	33	10%	Retain mature conifer (or mapping error and mature areas will be excluded)
Mature Conifer	48	39	82%	Second-growth mature conifer forests selected for thinning to address high density, low diversity, drought/disease risks.
Mixed Conifer	46	7	16%	Mostly young forests but thinning through mature conifers is likely to address high density, low diversity, drought/disease risks.
Total	639	84	13%	

Revenue from mature forests from these thinning projects, which typically remove 30 percent of the basal area of the stand, is estimated at \$1,770 per acre, compared to \$1,110 per acre for mixed conifer and \$835 per acre for young conifer.²³ Therefore, the revenue impact of foregoing harvest on all 84 acres of mature forest would be approximately \$150,000. However, since the existing harvest prescriptions would retain the mature forest within the young conifer and hardwood harvests, a more realistic estimate comes from foregoing 46 acres of mature conifer harvest, which would result in a loss of \$81,420 in revenue over the next four years, or 11.5 acres and \$20,355 per year.²⁴ This annual acreage estimate is slightly lower than the 15 acres per year used in the GHG analysis; at that rate, the revenue impact of foregoing harvest would be \$26,550 per year. Under the assumption that these acreage estimates would be the same for each year over the next 20 years, this would result in a total revenue loss of between \$407,000 and \$531,000 for 230 to 300 acres of foregone harvest.

Revenue Potential from Forest Carbon Credits

There is some potential to generate forest carbon revenue from deferred harvest of mature forest. However, this depends on the existence or creation of a forest carbon project to which those parcels could be added. In the case of DNR, its proposed forest carbon project could generate carbon credits by removing stands from the planned harvest schedule.²⁵ However, the project has not yet moved to the validation and verification stages, so it is unclear whether or when it would be a viable avenue for generating carbon credits. In the case of King County, mature forest parcels could potentially be added to the existing King County Rural Forest Carbon Project, but the very small acreage of mature forest being considered for harvest would likely not generate enough revenue to justify the effort and cost of including them. In addition, these are stands that have been identified for thinning to improve forest resilience, so they would be poor candidates for deferred harvest. A third option would be for King County to acquire parcels from DNR that are projected to be used for commercial timber harvest and shift them into conservation management by DNRP, making them eligible to be added to King County's

²³ These values are stumpage, which is net revenue to the County after deducting logging and transport costs.

²⁴ Calculated as \$1770 x 46 acres = \$81,420. Since this acreage is over four years, annual values are 11.5 acres x \$1770 = \$20,355.

²⁵ <https://www.dnr.wa.gov/CarbonProject>

project. The number of carbon credits generated would depend on the composition, age, and condition of the forest and the area within the acquired parcels that would have been available for harvest, since stream buffers and other areas that are not legally available for harvest are excluded. This approach would require further analysis of specific parcels to assess its feasibility.

B. Greenhouse Gas Impacts of Discontinuing Harvest of Mature Forests (A.7)

The analysis of GHG impacts of discontinuing harvest of mature forest included 3,809 acres of DNR-managed and 300 acres of King County-managed mature forest (totaling 4,109 acres) that are projected to be harvested over the next 20 years. GHG emissions under the projected harvest scenario were 1,018,200 tons of CO₂e over the 20 years modeled. Emissions under the scenario without harvest of those acres were 343,400 tons of CO₂e over 20 years (Table 2). More than 95 percent of these emissions were from DNR-managed lands, which constitute most of the acreage and are subject to more intensive harvest than King County-managed lands.

Both the projected harvest and the no-harvest scenarios exhibited net emissions of GHGs after 20 years, but the no-harvest scenario emitted about one-third of the emissions of the projected harvest scenario, constituting a reduction in emissions of 674,600 tons of CO₂e as a result of discontinuing harvest (Table 2). The reason the no-harvest scenario continued to be a source of emissions is because the model includes substitution for the unharvested wood products, which were replaced with materials from other locations or alternate materials. Since these substitution-related emissions were modeled as a one-time occurrence at the time harvest would have occurred, the no-harvest scenario would eventually sequester enough CO₂ to offset the substitution emissions; however, more than 20 years are needed to reach this point.²⁶ Since this was a simplified substitution analysis that did not include an economic analysis that would capture whether this relatively small change in harvested wood products would lead to the types of substitution included in the model, this could be an overestimate of the emissions in the no-harvest scenario and an underestimate of the emissions reductions resulting from discontinuing harvest.

Table 2. GHG flux after 20 years under a projected harvest scenario and a no-harvest scenario. Positive values represent GHGs added to the atmosphere while negative numbers represent reductions of GHGs.

	GHG Flux tons CO ₂ e/acre (total tons CO ₂ e)		
	King County	DNR	Combined DNR and King County
Projected harvest	120.6 (36,200)	257.8 (982,000)	229.3 (1,018,200)
No harvest	38.5 (11,400)	87.2 (332,000)	77.1 (343,400)
Difference	-82.1 (-24,600)	-170.6 (-659,000)	-152.2 (-674,600)

²⁶ The analysis extended the model out to 100 years (without adding any new harvests), by which point uptake by the unharvested forest exceeded the substitution emissions.

C. Socialized Financial Costs of Discontinuing Harvest of Mature Forests (A.8)

The socialized cost of carbon (SCC) associated with discontinuing timber harvest on the lands above was calculated to be between \$86 million and \$246 million, in total, over 20 years (present value in equivalent 2023 dollars). The majority of this (\$83 million to \$237 million) comes from discontinuing harvest on DNR-managed lands, with between \$3 million and \$9 million coming from King County-managed lands (Table 3). The range in values depends on the discount rate used (from 2.5 percent to 1.5 percent), which results in an average SCC ranging from \$140 to \$401 per metric ton of CO₂.²⁷ These results indicate that there is a potential global societal benefit from reducing emissions by discontinuing timber harvest, but the value far exceeds the current prices of carbon credits in voluntary or compliance markets.

Table 3. Social cost of carbon associated with 20-year reductions in GHG emissions from foregoing mature forest harvest. Analysis was done for 1.5% and 2.5% discount rates.

	King County	DNR	Combined DNR and King County
20-year GHG reduction (metric tons CO₂e)	22,300 (1,100 per year)	589,700 (29,500 per year)	612,000 (30,600 per year)
Total present value of SCC (2.5% discount)	\$3.1 million	\$82.6 million	\$85.7 million
Total present value of SCC (1.5% discount)	\$9 million	\$236.7 million	\$245.7 million

D. Contribution to the Strategic Climate Action Plan from Discontinuing Harvest of Mature Forests (A.9)

King County’s government operations GHG emissions reduction target is to reduce emissions by 50 percent by 2025 and 80 percent by 2030 compared to a 2007 baseline.²⁸ Total 2007 baseline emission for King County government operations were estimated at 354,000 metric tons of CO₂e.²⁹ A per-year reduction of 1,100 metric tons of CO₂e for discontinued harvest on King County owned lands would be an approximately 0.32 percent reduction in government operations GHG emissions.

At the countywide scale, in early 2022, as part of updates to King County Countywide Planning Policies, King County and the 39 cities in the County strengthened shared GHG emissions reduction targets to 50 percent below 2007 levels by 2030; 75 percent below 2007 levels by 2040; and 95 percent below 2007 levels and net-carbon neutral by 2050.³⁰ Total King County geographic-based GHG emissions in 2007

²⁷ These values are substantially higher than those used by the EPA, which in recent years has put the SCC at \$43 to \$190 per ton globally; <https://www.brookings.edu/articles/what-is-the-social-cost-of-carbon/>

²⁸ <http://www.kingcounty.gov/SCAP>, Performance Measure GHG 2.

²⁹ <https://your.kingcounty.gov/dnrp/climate/documents/2024/2401-13286w-SCAP-biennial-rpt.pdf>, Performance Measure GHG 2.

³⁰ https://cdn.kingcounty.gov/-/media/king-county/depts/executive/performance-strategy-budget/regional-planning/cpps/kc_2021_cpps_ord_19660_113021.pdf?rev=dc68c4a4ea67465c8c79de0869fcb867&hash=A3EB1B05E22148F999802F018F0827B3, EN-27.

were estimated to be 24,358,000 metric tons of CO₂e.³¹ Therefore, a reduction of 30,600 metric tons of CO₂e for discontinued harvest on King County Parks and DNR-managed lands in King County would contribute approximately 0.13 percent to the 2030 and 2040 countywide reduction targets.

These emissions reduction estimates are intended to show the magnitude of contributions possible relative to established targets but would not necessarily be calculated as part of King County's ongoing GHG inventories and performance measurement. This is primarily because inventories do not generally include calculations for actions or decisions that reduce or avoid emissions, such as a forest management decision that alters a harvest plan.

V. Conclusion

In King County, there are more than 150,000 acres of mature forests, which represent the transition from dense young forests to forests with open, complex structures and diverse understories. DNR and King County manage 11 percent and 3 percent of the mature forests in the county, respectively, some of which are harvested each year. This analysis provides an improved understanding of the relative scale of revenue and GHG impacts of discontinuing these harvests.

For King County, the GHG impacts of discontinuing harvest are small, both in absolute terms and as a contribution to SCAP targets, due to the small acreage of mature forest harvested annually. The revenue impacts of discontinuing harvest are also small, but the present value of the SCC calculated for this action could have substantially greater value. However, the mature forests within King County's planned harvests are ones that suffer from high density, low diversity, or drought and disease risks. As such, discontinuing harvest on those sites would have a potential cost in terms of long-term forest resilience, since thinning and planting diverse native trees can alleviate these issues.

For DNR, revenue impacts and SCC estimates are much larger, with both ranging from tens to hundreds of millions of dollars, reflecting a tradeoff between local revenue for trust beneficiaries — which funds schools, fire districts, and other services — and the global climate benefits of increased carbon storage. Because these are trust lands and DNR has a fiduciary responsibility to generate revenue for the trust beneficiaries, the foregone revenue from any discontinued harvest would have to be replaced with another source of revenue for those same beneficiaries. In some cases, this might be achieved by harvesting more acreage of younger trees. Evaluation of the GHG impacts of this type of shift was not part of this analysis but a comparison of the projected harvest scenario with an alternate harvest scenario could provide valuable insight.

The analysis and findings in this report can help guide forest management decisions by King County DNRP and DNR as the two agencies work to advance collaborative management. It can support DNRP in meeting the True North Value: "We are responsible stewards."³² DNRP's forestry work focuses on managing forests for a range of values, from ecological to cultural. This work benefits from improved understanding of the impacts of different management choices.

³¹ <https://your.kingcounty.gov/dnrp/climate/documents/2022/king-county-geographic-ghg-emissions-inventory-and-wedge-report-09-2022.pdf>, Table 1.

³² <https://kingcounty.gov/en/legacy/elected/executive/constantine/initiatives/true-north>

VI. Appendix



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 16437

Proposed No. 2023-0316.2

Sponsors Upthegrove

1 A MOTION requesting the executive to identify and
2 analyze mature forests in King County, and to transmit two
3 reports.

4 WHEREAS, forests provide multiple benefits on both the local and global scale,
5 and

6 WHEREAS, the Intergovernmental Panel on Climate Change has stated that
7 forest management activities play a key role in the mitigation of climate change, and the
8 Washington state Legislature has found that forests are one of the most effective
9 resources that can absorb carbon dioxide from the atmosphere, and

10 WHEREAS, King County's 2020 Strategic Climate Action Plan states that there
11 are substantial carbon and climate benefits to maintaining, protecting, restoring, and
12 expanding the more than 811,000 acres of forest land in King County, and that recent
13 studies combining carbon sequestration potential and risk of loss due to wildfire, insects,
14 and disease rank the coastal and Cascade forests of Oregon and Washington among the
15 highest priority for protection, and

16 WHEREAS, in 2021, the executive developed a 30-Year Forest Plan, which lays
17 out priorities and goals associated with King County's forests, as well as strategies for
18 achieving those over the next thirty years, and

Motion 16437

19 WHEREAS, in addition to greenhouse gas mitigation benefits, the 30-Year Forest
20 Plan states that King County's forests provide benefits to human health, salmon habitat,
21 and water quality and quantity, in addition to the economic benefits of timber, and

22 WHEREAS, "mature forests" are forests that were logged in the first half of the
23 twentieth century or earlier, that naturally regenerated rather than being replanted, and
24 that retain biological, structural, functional, or genetic legacies of natural and old-growth
25 forests, and

26 WHEREAS, mature forests, on their way to becoming old-growth habitats,
27 embody the species diversity, genetic richness, and intricate structural complexity of their
28 natural predecessors, and

29 WHEREAS, these older forests store more carbon in standing wood, downed
30 woody debris and in the soil compared to younger ecosystems, and the conversion to
31 younger plantation forests results in an immediate release of carbon when logged, as well
32 as a reduction in the overall carbon store because of the current shorter harvest rotation
33 age, and

34 WHEREAS, the significant historical logging impact on Western Washington's
35 old-growth forests necessitates the preservation of the remaining, unprotected mature
36 forests for safeguarding the essential biological, genetic, and ecological heritage that once
37 characterized the Pacific Northwest's forests, as well as retaining all the benefits mature
38 forests provide, and

39 WHEREAS, twenty-one counties, including King County, deeded roughly
40 546,000 acres of forest lands to the state during the 1920s and 1930s and, in exchange,
41 the state committed to managing the properties as trust lands and giving most of the

Motion 16437

42 revenue from timber sales and other revenue-producing activities back to the county and
43 junior taxing districts, and

44 WHEREAS, the state has managed the state forest trust lands within King County
45 to balance economic, environmental, and recreational interests for nearly one hundred
46 years, and

47 WHEREAS, The Washington Supreme Court affirmed in *Conservation*
48 *Northwest, et al. v. Commissioner of Public Lands, et al.* that... there are "myriad ways
49 DNR could choose to generate revenue from the state and forest board lands or otherwise
50 put them to use for the benefit of the enumerated beneficiaries," and

51 WHEREAS, King County has benefited from the state's responsible stewardship
52 of state forest trust lands, which have provided a valuable source of revenue and
53 economic support for the county and its people but, in light of the climate emergency and
54 other benefits that forests provide, some of the state forest trust lands in King County
55 may better serve the community if owned and managed by the county and protected from
56 future timber harvesting;

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

58 A. The council requests that the department of natural resources and parks
59 undertake a study on mature forests in King County. The study should include, but not
60 be limited to, the following:

61 1. A definition of mature forests using the Washington state Department of
62 Natural Resources definition of Maturation I classification in Guide to Identifying Mature
63 & Old-Growth Forests, Van Pelt 2007, or in any updated definition based on best
64 available forest ecology science;

Motion 16437

- 65 2. An analysis of the total acreage and ownership of mature forests that are
66 subject to timber harvesting;
- 67 3. A map showing the location of mature forests that are subject to timber
68 harvesting;
- 69 4. An analysis of which mature forests are both subject to timber harvesting and
70 either:
- 71 a. owned by King County; or
72 b. managed by the state as any type of state forest trust lands;
- 73 5. Identification of tribal governments that, as comanagers of the mature forests,
74 shall be consulted when considering county applications for the Trust Land Transfer
75 program and the Natural Climate Solutions program or when considering reconveyance
76 of state forest trust lands or substantial changes in management plans for county-owned
77 forest lands;
- 78 6. An analysis of the revenue impacts to the trust beneficiaries, including King
79 County, if timber harvesting were to be discontinued on the lands identified in section
80 A.4. of this motion. The analysis should take into account opportunities to generate
81 revenue from sale of carbon credits and through selective harvesting for forest health;
- 82 7. An analysis of the greenhouse gas impacts if timber harvesting were to be
83 discontinued on the lands identified in section A.4. of this motion. For parcels where
84 site-specific information is available, the analysis should make use of that information in
85 analyzing greenhouse gas impacts. Where no such information exists, the department
86 should estimate based on the best available information;

Motion 16437

87 8. Based on the greenhouse gas impacts identified in through the analysis in
88 section A.7. of this motion, a calculation, using the United States Environmental
89 Protection Agency methodology for calculating the social cost of carbon, of the
90 socialized financial costs if timber harvesting were to be discontinued on the lands
91 identified in section A.4. of this motion;

92 9. An analysis of how preservation of the forests identified in section A.4. of
93 this motion would contribute to achievement of the greenhouse gas reduction targets
94 identified in the county's Strategic Climate Action Plan;

95 10. For any mature forests that are managed by the state as state forest trust
96 lands, an analysis of whether those lands are eligible for reconveyance or another type of
97 transfer to county ownership; and

98 11. Identification of parcels that would be strong candidates for state funding
99 through the Trust Land Transfer program or the Natural Climate Solutions program to
100 mitigate fiscal impacts of preserving the parcels.

101 B. The executive should electronically file two reports. The first report should
102 contain the information in section A.1. through 5. of this motion and section A.10. and
103 11. of this motion, and the second report should contain the information in section A.6.
104 through 9. of this motion. The executive should electronically file the first report and a
105 proposed motion acknowledging receipt of the report no later than June 30, 2024, with
106 the clerk of the council, who shall retain an electronic copy and provide an electronic
107 copy to all councilmembers, the council chief of staff, and the lead staff for
108 transportation, economy and environment committee or its successor. The executive
109 should electronically file the second report and a proposed motion acknowledging receipt


Motion 16437

110 of the report no later than September 30, 2024, with the clerk of the council, who shall
111 retain an electronic copy and provide an electronic copy to all councilmembers, the
112 council chief of staff, and the lead staff for transportation, economy and environment
113 committee or its successor.

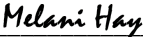
Motion 16437 was introduced on 9/12/2023 and passed by the Metropolitan King County Council on 10/3/2023, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

Attachments: None



King County

**Metropolitan King County Council
Transportation, Economy, and Environment Committee**

STAFF REPORT

Agenda Item:	7 & 8	Name:	Jake Tracy
Proposed No.:	2024-0291 2025-0001	Date:	January 21, 2025

SUBJECT

Proposed Motion (PM) 2024-0291 would acknowledge receipt of the first of two Mature Forest reports requested by Motion 16437. PM 2025-0001 would acknowledge receipt of the second of two Mature Forest reports requested by Motion 16437.

SUMMARY

In October 2023, the Council passed Motion 16437, which requested that the Executive undertake a study on mature forests in King County, and transmit two reports. The first report was transmitted with PM 2024-0291. The second report was transmitted with PM 2025-0001.

The reports describe "mature forest" in Western Washington as the stage in forest development that precedes old growth, when a forest stand moves beyond self-thinning, starts to diversify in height and structure, and/or the understory reinitiates, and discuss the ownership and location of mature forests in King County. According to the reports, there are approximately 153,000 acres of mature forest in King County, with the majority located on federal land.

The reports discuss the revenue, greenhouse gas (GHG), and social cost of carbon impacts of potentially ending timber harvests on King County-owned lands and DNR Trust Lands identified as mature forests, as well as analyze the potential for preserving parcels containing mature forests in perpetuity.

A previous report, transmitted in response to Motion 16436 relating to State Forest Trust Lands, recommended ten Washington State Department of Natural Resources (DNR)-owned parcels be purchased by King County. The report transmitted in response to PO 2024-0291 found that the purchase of those ten parcels would preserve 44 acres of mature forest. It did not recommend any additional DNR parcels for transfer to the County, and did not identify any parcels as "strong candidates" for the state Natural Climate Solutions program, as requested by Motion 16437. DNR did not select any of these parcels for transfer to the County in its latest budget.

BACKGROUND

Motion 16437. In October 2023, the Council passed Motion 16437, which requested that the Executive undertake a study on mature forests in King County, and transmit two reports. The reports were requested to contain the following information:

1. A definition of mature forests using the Washington state Department of Natural Resources definition of Maturation I classification in Guide to Identifying Mature & Old-Growth Forests, Van Pelt 2007, or in any updated definition based on best available forest ecology science;
2. An analysis of the total acreage and ownership of mature forests that are subject to timber harvesting;
3. A map showing the location of mature forests that are subject to timber harvesting;
4. An analysis of which mature forests are both subject to timber harvesting and either:
 - a. owned by King County; or
 - b. managed by the state as any type of State Forest Trust Lands;
5. Identification of tribal governments that, as comanagers of the mature forests, shall be consulted when considering county applications for the Trust Land Transfer program and the Natural Climate Solutions program or when considering reconveyance of State Forest Trust Lands or substantial changes in management plans for county-owned forest lands;
6. An analysis of the revenue impacts to the trust beneficiaries, including King County, if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion. The analysis should take into account opportunities to generate revenue from sale of carbon credits and through selective harvesting for forest health;
7. An analysis of the greenhouse gas impacts if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion. For parcels where site-specific information is available, the analysis should make use of that information in analyzing greenhouse gas impacts. Where no such information exists, the department should estimate based on the best available information;
8. Based on the greenhouse gas impacts identified in through the analysis in section A.7. of this motion, a calculation, using the United States Environmental Protection Agency methodology for calculating the social cost of carbon, of the socialized financial costs if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion;
9. An analysis of how preservation of the forests identified in section A.4. of this motion would contribute to achievement of the greenhouse gas reduction targets identified in the county's Strategic Climate Action Plan;
10. For any mature forests that are managed by the state as State Forest Trust Lands, an analysis of whether those lands are eligible for reconveyance or another type of transfer to county ownership; and
11. Identification of parcels that would be strong candidates for state funding through the Trust Land Transfer program or the Natural Climate Solutions program to mitigate fiscal impacts of preserving the parcels.

The motion requested that the information be sent in two reports in June and September 2024.

State Forest Trust Lands. Throughout the 1920s and 1930s, 21 counties in Washington acquired forested lands, typically through tax foreclosures. These lands, totaling roughly 546,000 acres, were subsequently deeded to the state to manage as trust lands, and are known as "State Forest Trust Lands." In exchange for this transfer, the state committed to managing the properties and giving most of the revenue from timber sales and other revenue-producing activities back to the county and junior taxing districts. The State Forest Trust Lands have been affirmed in *Skamania v. Washington* to hold the same trust fiduciary trust status as other trusts. Revenues, minus a management fee, from the lands are distributed to the counties where the timber harvest or other income producing activity has occurred.

Several mechanisms exist under state law with which the state can transfer, sell, or otherwise convey State Forest Trust Lands to local government ownership. Mechanisms include:

- Trust land transfer, which allows DNR to work with eligible recipients to reposition State Forest Trust Lands to be managed for ecological and recreational purposes and purchase replacement land that can earn long-term, sustainable revenue for the affected trust;
- Reconveyance of State Forest Trust Lands to county ownership to be managed as a park, consistent with state outdoor recreation plans;
- Direct transfer of trust land to eligible recipients, at fair market value, which allows the recipient to use these lands for any purpose (including open space, housing, commercial use, etc.) that is consistent with local zoning and DNR to reinvest the revenue back into the purchase of replacement lands for the same trust; and
- Land exchange of county trust land for non-trust land of equal value that would allow the County to manage the parcel that was exchanged for any purpose that is consistent with local zoning.

The benefits and risks of these methods are discussed in a separate report transmitted by the Executive, discussed in following subsection.

State Forest Trust Lands Report. In 2023, the Council passed Motion 16436, which requested the Executive to undertake a study of State Forest Trust Lands and transfer methods, and to make recommendations on parcels the County should acquire. The report was transmitted in August 2024.¹ It identified ten parcels for acquisition through trust land transfer. Table 1 below provides information on the parcels recommended in that report.

¹ [2024-RPT0101](#)

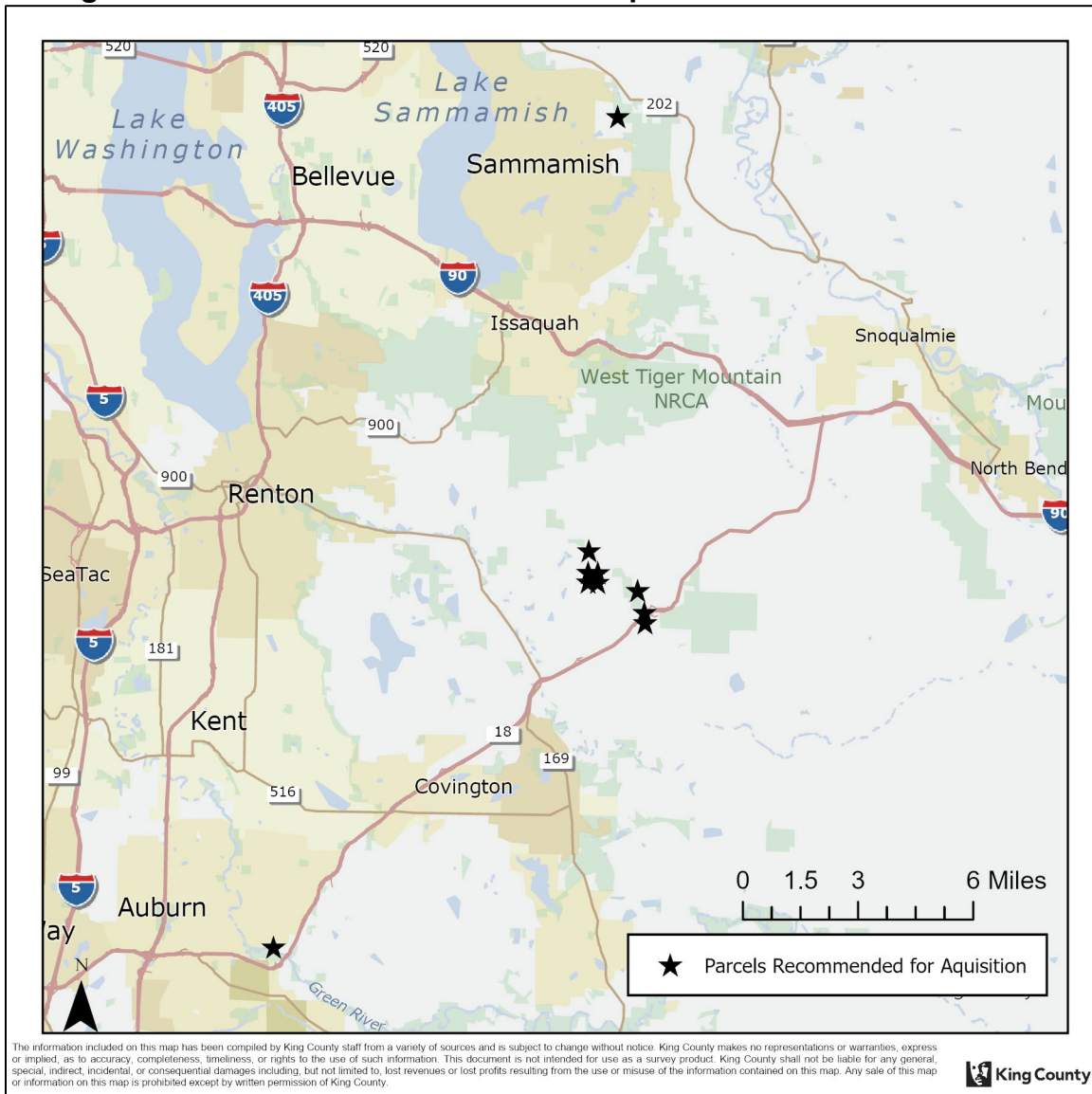
Table 1. Parcels Recommended for Transfer from DNR to King County

Parcel Number	Acres	General Location	Method & Timing of Transfer	Reason
3623069036	14.0	Middle Issaquah Creek Natural Area (MICNA)	TLT 2025-2027	Adjacent to MICNA; stream/fish protection/water quality; difficult for DNR to generate revenue
3623069014	26.9	Middle Issaquah Creek Natural Area	TLT 2025-2027	Adjacent to MICNA; stream/fish protection/water quality; difficult for DNR to generate revenue
3623069015	40.1	Carey Creek	TLT 2025-2027	Provides stream/fish protection, water quality, mature forest along Carey Creek; isolated parcel and difficult for DNR to generate revenue
2623069011	40.2	Middle Issaquah Creek Natural Area	TLT 2025-2027	Mature forest headwaters/protection for Issaquah Creek, could eventually connect to MICNA with additional acquisitions
2623069012	40.1	Middle Issaquah Creek Natural Area	TLT 2025-2027	Mature forest headwaters/protection for Issaquah Creek, could eventually connect to MICNA with additional acquisitions
2623069013	40.0	Middle Issaquah Creek Natural Area	TLT 2025-2027	Mature forest headwaters/protection for Issaquah Creek, could eventually connect to MICNA with additional acquisitions
2623069014	39.8	Middle Issaquah Creek Natural Area	TLT 2025-2027	Mature forest headwaters/protection for Issaquah Creek, could eventually connect to MICNA with additional acquisitions
2623069021	19.5	Middle Issaquah Creek Natural Area	TLT 2025-2027	Riparian forest along Issaquah Creek tributary; isolated DNR parcel, difficult to generate revenue

2625069016	38.4	Patterson Creek Natural Area	TLT 2027-2029	Expands PCNA with mature adjacent forest protection; isolated DNR parcel with no legal road access
1621059011	38.0	Auburn Narrows	TLT, Direct, or Cooperative Management 2027-2029	Adjacent to existing Auburn Narrows Natural Area; seeking to purchase additional adjacent private lands and coordinate management or consolidation of public ownership in this geography
TOTAL	337			

The location of these parcels is shown in Figure 1 below. Executive staff states that, of the eight parcels submitted for Trust Land Transfer for the 2025-27 budget cycle, none were selected by DNR for the priority list. Executive staff indicate that they may be considered for the next Trust Land Transfer application period.

Figure 1. Parcels Recommended for Acquisition under 2024-RPT0101



State Natural Climate Solutions Proviso. Following passage of the Climate Commitment Act, the State Legislature's 2023 budget included a budget proviso, known as the Natural Climate Solutions proviso, directing the Washington State Department of Natural Resources (DNR) to set aside 2,000 acres of structurally complex and carbon dense forestland across the state and purchase replacement lands for those acres.

On December 18, 2023, DNR notified the King County Council and King County Executive that 292 acres at West Tiger Mountain in King County were identified as candidates to be transferred out of trust status into conservation status after replacement land has been identified. Of the 292 acres, 136 acres are State Forest

Transfer Trust lands, which provide revenue to the County and junior taxing districts where the lands are located.²

According to the letter from DNR, in selecting the lands, DNR sought to conserve areas adjacent to existing habitat, in areas to improve habitat connectivity, and to avoid isolated small fragments scattered across ownership. The West Tiger Mountain parcels were selected due to proximity to an existing Natural Resource Conservation Area, located within the Mountains to Sound Greenway National Heritage Area, and adjacent to Highway 18.

DNR requires written concurrence on the parcels from the legislative authority of the county (i.e., the Council) before they can be transferred. The Council concurred via Motion 16534.

ANALYSIS

Although the information requested by Motion 16437 was split between the two reports, this staff report discussed both reports together, using the term "the reports" even though generally any one piece of information is contained in only one of the reports. The responses to items 1 through 5, 10, and 11 can be found in the report attached to PM 2024-0291. The responses to items 6 through 9 can be found in the report attached to PM 2025-0001.

The responses to each of the eleven items requested in Motion 16437 are discussed below.

Item 1. *A definition of mature forests using the Washington state Department of Natural Resources definition of Maturation I classification in Guide to Identifying Mature & Old-Growth Forests, Van Pelt 2007, or in any updated definition based on best available forest ecology science.*

The report describes "mature forest" in Western Washington as the stage in forest development that precedes old growth, when a forest stand moves beyond self-thinning, starts to diversify in height and structure, and/or the understory reinitiates. According to the Van Pelt definition, mature forests have two stages: Maturation I, in which the forest experienced a large disturbance post-European settlement, the current trees have reached sixty to seventy percent of their ultimate height, and the understory begins to reinitiate, and Maturation II, in which the forest was disturbed pre-European settlement, trees have reached eighty to ninety percent of their ultimate height, and the understory has fully regenerated.

² Other than these 136 acres, 31 acres are categorized as Scientific School Trust (these lands benefit Washington State University) and 125 acres are Capitol Grant lands (these lands produce funding for the state buildings at the Capitol in Olympia).

Item 2. An analysis of the total acreage and ownership of mature forests that are subject to timber harvesting.

Based on the definition above, the Executive mapped mature forests countywide. The analysis was conducted by a firm, Resilient Forestry, which used geospatial data related to the structure characteristics of mature forest to identify and categorize forests in King County. Forests were classified as younger-than-mature, mature, or older-than mature.³ Only forests outside the urban growth boundary, below 1,250 meters, and containing contiguous stands of five acres or more were considered. Forests with greater than fifty percent deciduous cover were excluded as well. A total of 152,870 acres of mature forest were identified. Of these, 72,311 acres could be legally harvested. The remainder were either on federal lands or within fifty feet of streams.⁴ Table 2 shows the acreage of forest land by ownership, and its potential harvestability.

Table 2. Mature Forests by Ownership and Harvestability

Ownership	Acres of Mature Forest	Percent of Total Mature Forest	Acres of Legally Harvestable Mature Forest
Federal	78,521	51.4%	Not Evaluated
State-DNR	17,034	11.1%	16,534
State-Other	1,991	1.3%	1,970
County	4,627	3.0%	4,546
City	30,230	19.8%	29,588
Tribal	1,915	1.3%	1,824
Private	18,552	12.1%	17,849
Total	152,870	100%	72,311

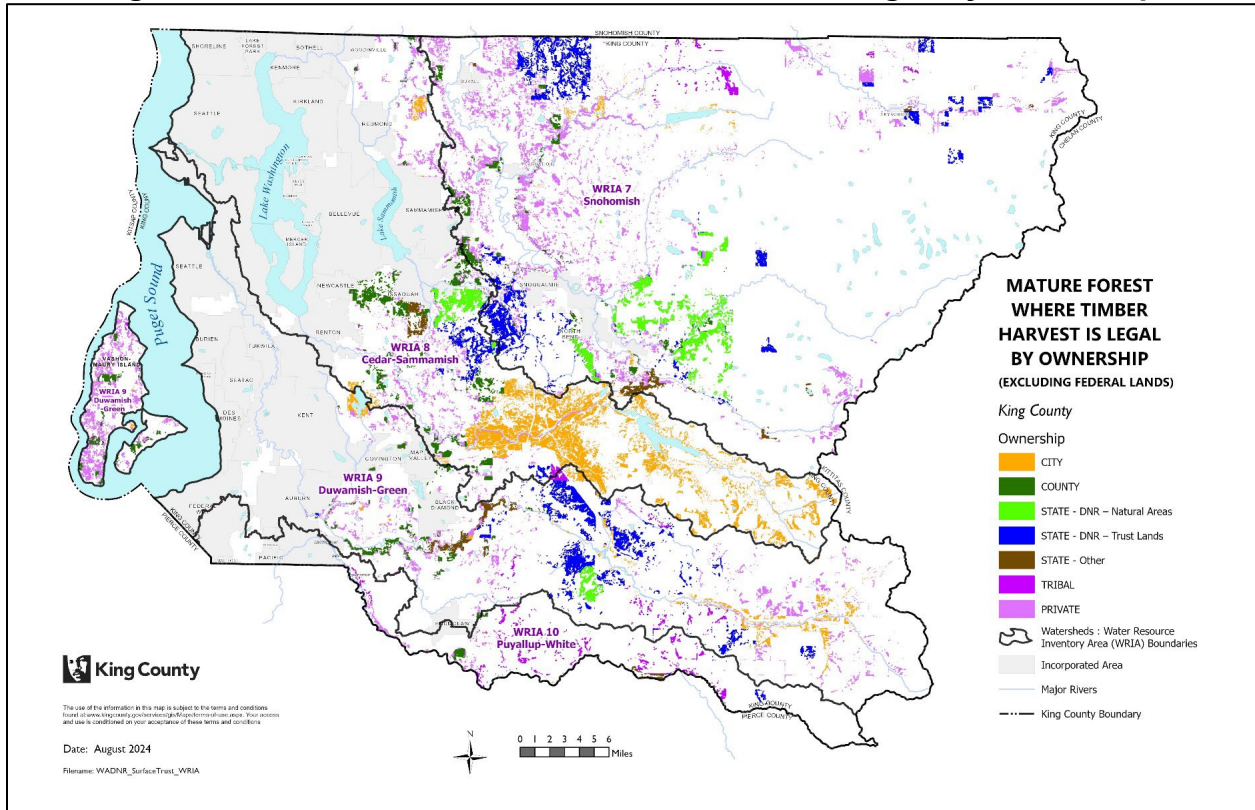
Item 3. A map showing the location of mature forests that are subject to timber harvesting.

The first report contains the following map of mature forests where timber harvest is legal. Further maps can be found in Appendix B of Attachment A to PM 2024-0291.

³ The report notes that "older-than-mature" does not necessarily equate to "old growth" due to the data methodology used.

⁴ The report states that the harvestability of federal forests was not evaluated due to the complexity of regulations around such forests.

Figure 2. Mature Forest Where Timber Harvest is Legal, by Ownership



Item 4. An analysis of which mature forests are both subject to timber harvesting and either:

- a. *owned by King County; or*
- b. *managed by the state as any type of State Forest Trust Lands.*

As noted in Table 2 above, 4,546 acres of mature forest are managed by the King County Department of Natural Resources and Parks (DNRP) and can be legally harvested. However, the report states that "harvests are primarily focused on enhancing ecological conditions of the forests, including managing towards forests with greater structural and species diversity that are more resilient to climate change. Recent and potential Parks harvests are guided by a 2020 assessment of high-priority forested areas in need of active management to improve forest health and climate resilience. While many of these harvests take place in younger-than-mature forests, there also can be ecologically motivated reasons to cut mature trees. These include reducing tree stress and mortality in dense conditions, preemptive thinning to prepare a forest for hotter and drier summers under climate change, mitigating disease such as root rot, and creating openings to allow planting diverse species in otherwise homogenous stands."

Of the 16,534 acres of legally harvestable mature forests owned by DNR, the report states that 11,289 acres are State Forest Trust Lands, and that 4,373 acres of these are State Forest Trust Lands for which King County is the trust beneficiary.

Mature forests on DNRP and DNR lands are shown in Figure 3 below.

A.4. of this motion. The analysis should take into account opportunities to generate revenue from sale of carbon credits and through selective harvesting for forest health.

The second report states that, in 2024, DNR planned harvests totally 864.4 acres, of which 17.3% were identified as mature forests. Based on an estimate of \$17,000-\$20,000 in revenue per acre of mature forests harvested, the revenue impact of forgoing harvest was estimated at between \$2.5 and 3 million for the year. The report notes, however, that in some cases, an entire harvest would no longer be viable if the mature forest portion of that harvest was forgone. Taking this into account, the full revenue impact is estimated at \$6.2 million. Assuming the 2024 numbers are representative, the 20-year impact would be between \$50 million and \$124 million.

Foregoing thinning projects by King County Parks in areas with mature forests would have a much smaller annual impact, in the range of \$407,000 to \$531,000 over 20 years.

Item 7. *An analysis of the greenhouse gas impacts if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion. For parcels where site-specific information is available, the analysis should make use of that information in analyzing greenhouse gas impacts. Where no such information exists, the department should estimate based on the best available information.*

Based on the 3,809 acres of DNR-managed and 300 acres of King County-managed mature forests, the Executive projected carbon emissions under a harvest and no-harvest scenario. Table 3 below shows the results of this analysis on a twenty-year timeframe, with positive numbers representing GHGs added to the atmosphere and negative numbers indicating reductions in GHGs.

Table 3. 20-year GHG Flux in Harvest and No-Harvest Scenarios

	GHG Flux tons CO ₂ e/acre (total tons CO ₂ e)		
	King County	DNR	Combined DNR and King County
Projected harvest	120.6 (36,200)	257.8 (982,000)	229.3 (1,018,200)
No harvest	38.5 (11,400)	87.2 (332,000)	77.1 (343,400)
Difference	-82.1 (-24,600)	-170.6 (-659,000)	-152.2 (-674,600)

As the table shows, the no-harvest scenario would reduce emissions by roughly two-thirds. Emissions would still occur because it is assumed that the wood products not harvested from mature forests would be harvested elsewhere. The report states that "since this was a simplified substitution analysis that did not include an economic analysis that would capture whether this relatively small change in harvested wood products would lead to the types of substitution included in the model, this could be an

overestimate of the emissions in the no-harvest scenario and an underestimate of the emissions reductions resulting from discontinuing harvest." For reference, the annual emissions resulting from the projected harvest equal roughly 0.2% of annual King County geographic-based GHG emissions.⁵

Item 8. *Based on the greenhouse gas impacts identified in through the analysis in section A.7. of this motion, a calculation, using the United States Environmental Protection Agency methodology for calculating the social cost of carbon, of the socialized financial costs if timber harvesting were to be discontinued on the lands identified in section A.4. of this motion.*

The social cost of carbon is an estimate of the cost, in dollars, of the damage done globally by each additional ton of carbon emissions or the benefit of any action to reduce a ton of emissions and includes a range of impacts, such as health outcomes, agricultural production, and property values. It is typically used in evaluating the social benefit of proposed regulations relative to the cost of implementing those regulations. The calculation was made using the U.S. Environmental Protection Agency's (EPA) Workbook for Applying a Social Cost of Greenhouse Gas Emissions.

The second report estimates the social cost of carbon associated with discontinuing harvesting of mature forests on State Forest Trust Lands and County-owned lands to be between \$86 million and \$246 million over 20 years, with the vast majority of the cost coming from discontinuing harvest on State Forest Trust Lands. The variation depends on whether a 1.5 percent or 2.5 percent discount rate is used.

As the lost revenue estimated under item 6 is between \$50 million and \$125 million, overlapping with the range of estimated values of societal benefit from preserving the mature forests, it is not possible to say whether the benefits outweigh the costs when calculated in this fashion. The report notes, however, that revenue impacts are local in nature and primarily affect the trust beneficiaries of DNR lands, while potential gains reflected in the social cost of carbon are global in nature.

The report's conclusion gives further details on the tradeoffs, noting that both the GHG impact and lost revenue on King County lands are small, and that the mature forests that King County owns "suffer from high density, low diversity, or drought and disease risks. As such discontinuing harvest on those sites would have a potential cost in terms of long-term forest resilience, since thinning and planting diverse native trees can alleviate these issues.

The report's conclusion notes that, for DNR-owned lands, DNR has a fiduciary responsibility to generate revenue, and any mature forests removed from these trusts would need to be replaced with another source. It states that this might entail harvesting a greater acreage of younger trees.

Item 9. *An analysis of how preservation of the forests identified in section A.4. of this motion would contribute to achievement of the greenhouse gas reduction targets identified in the county's Strategic Climate Action Plan.*

⁵ Based on 2019 data from the [King County Communitywide Geographic GHG Emissions Report](#).

The analysis provided by the reports finds that preservation of all mature forests that are either County-owned or State Trust Lands would have a minimal impact on the County's Strategic Climate Action Plan greenhouse gas reduction targets. The expected reduction in emissions would be 0.32 percent of government operations emissions compared to a 2007 baseline and 0.13 percent of countywide geographic-based emissions compared to a 2007 baseline.

Item 10. *For any mature forests that are managed by the state as State Forest Trust Lands, an analysis of whether those lands are eligible for reconveyance or another type of transfer to county ownership.*

The report states that all 4,373 acres of State Forest Trust Land for which King County is the beneficiary is eligible for reconveyance. The remainder of mature forest that is managed by DNR for other trusts could be acquired by the County through direct transfer, land exchange, or trust land transfer.⁶

Item 11. *Identification of parcels that would be strong candidates for state funding through the Trust Land Transfer program or the Natural Climate Solutions program to mitigate fiscal impacts of preserving the parcels.*

As noted above, ten parcels were identified for trust land transfer by the report requested by a Motion 16436. The reports associated with the PMs did not recommend any additional parcels for acquisition, either through trust land transfer or the Natural Climate Solutions program. The first report did note that the ten parcels recommended for acquisition in response to Motion 16436 contain forty-four acres of mature forest. Though no additional parcels are identified for preservation through transfer of ownership to the County, the reports do state that some areas of the county were identified where additional fieldwork would be useful to "assess potential gains and determine whether they justify the added cost to King County of managing the land."

As for the Natural Climate Solutions program, the reports state that the first round of parcels for preservation have already been selected by DNR, and the County has given concurrence. There are no further Natural Climate Solutions program dollars available at this time. The reports state that the analysis underlying the reports could be used to make recommendations to DNR if future rounds of funding become available, but note that it is DNR's role to propose parcels for inclusion in the program. The reports do not identify which parcels would be strong candidates for the program should further funding become available.

INVITED

- Kathleen Farley Wolf, Forest Conservation Director, DNRP

⁶ See the "State Forest Trust Lands" subsection of the Background section for further information on these types of transfer.

ATTACHMENTS

1. Proposed Motion 2024-0291 (and its attachment)
2. Proposed Motion 2025-0001 (and its attachment)
3. Transmittal Letter – PM 2024-0291
4. Transmittal Letter – PM 2025-0001



Signature Report

Motion

Proposed No. 2025-0047.1

Sponsors Balducci

1 A MOTION requesting the executive develop a risk
2 assessment related to volatility in federal funding.

3 WHEREAS, local jurisdictions across the country, including King County, face
4 uncertainty around federal funding levels, and

5 WHEREAS, on January 28, 2025, President Trump stated through an executive
6 order that sanctuary jurisdictions will not receive access to federal moneys, and

7 WHEREAS, on January 28, 2025, President Trump issued through various
8 executive orders a temporary pause on all activities related to the obligation or
9 disbursement of certain federal financial assistance, including research grants, funding for
10 electric vehicles, and some clean energy grants, among others, and

11 WHEREAS, on the evening of January 28, 2025, U.S. District Judge Loren L.
12 AliKhan paused the temporary funding freeze, and

13 WHEREAS, on January 28, 2025, the White House Office of Management and
14 Budget issued a memorandum directing federal agencies to temporarily pause all
15 activities related to obligation or disbursement of all federal financial assistance, and
16 other relevant agency activities that may be implicated by the executive orders, and

17 WHEREAS, on January 29, 2025, the White House Office of Management and
18 Budget rescinded the memorandum, and

19 WHEREAS, on January 29, 2025, White House press secretary Karoline Leavitt
20 noted that rescission of the memorandum was not a rescission of the federal funding freeze,
21 and

22 WHEREAS, on January 28, 2025, President Trump's administration announced a
23 deferred resignation program for federal workers, allowing them to receive full pay and
24 benefits until September 2025, at which point they would resign their positions, and

25 WHEREAS, King County and its partners rely on federal funding to support
26 critical investments in human services, healthcare, mobility, community development,
27 homelessness services, and more, including for the most vulnerable residents in King
28 County, and

29 WHEREAS, King County council must be proactive in identifying and mitigating
30 potential risks associated with sudden changes to federal funding commitments;

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

32 A. The council requests the executive assess the risks to King County and
33 provide a briefing to the committee of the whole related to anticipated volatility in federal
34 funding in the near and long term. The risk assessment should evaluate:

35 1. Federally funded grants and programs received or administered by the
36 county;

37 2. Potential operational and programmatic impacts that could result from a
38 partial or complete loss of the federal grants and programs;

39 3. Potential ramifications of a diminished federal government workforce due to
40 attrition and the federal deferred resignation program; and

41 4. A plan for ongoing evaluation and response, as well as communication to the
42 council and partners, related to threats of losing federal funding and steps being taken to
43 mitigate those threats.

44 B. The executive should provide a briefing to the committee of the whole by
45 February 28, 2025, regarding the risk assessment requested by this motion.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

Attachments: None



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2024-0390.1

Sponsors Mosqueda

1 A MOTION confirming the executive's reappointment of
2 Bruce Davis, who resides in council district eight, to the
3 King County board of ethics.

4 BE IT MOVED by the Council of King County:

5 The county executive's reappointment of Bruce Davis, who resides in council
6 district eight, to the King County board of ethics, for the remainder of a three-year term

Motion

7 to expire on July 31, 2027, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

Attachments: None



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2025-0025.1

Sponsors Perry

1 A MOTION confirming the executive's reappointment of
2 Srini Raghavan, who resides in council district three, to the
3 King County Library System board of trustees.

4 BE IT MOVED by the Council of King County:

5 The county executive's reappointment of Srini Raghavan, who resides in council
6 district three, to the King County Library System board of trustees, for a five-year term to

Motion

7 expire on January, 1, 2010, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

Attachments: None



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion

Proposed No. 2025-0027.1

Sponsors Barón

1 A MOTION confirming the executive's reappointment of
2 Jack Edgerton, who resides in council district four, to the
3 King County children and youth advisory board.

4 BE IT MOVED by the Council of King County:

5 The county executive's reappointment of Jack Edgerton, who resides in council
6 district four, to the King County children and youth advisory board, for a three-year term

Motion

7 to expire on January 31, 2028, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Girmay Zahilay, Chair

ATTEST:

Melani Hay, Clerk of the Council

Attachments: None