



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda Law and Justice Committee

Councilmembers:
Jorge Barón, Chair;
Claudia Balducci, Vice-Chair;
Rod Dembowski, Reagan Dunn

Lead Staff: Wendy Soo Hoo (206-477-0890)
Committee Clerk: Gabbi Williams (206-477-7470)

1:00 PM

Wednesday, January 22, 2025

Hybrid meeting



Hybrid Meetings: Attend King County Council committee 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.

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

HOW TO PROVIDE PUBLIC COMMENT: The Law and Justice Committee values community input and looks forward to hearing from you on agenda items.

There are three ways to provide public comment:

1. **In person:** You may attend the meeting and provide comment in the Council Chambers.
2. **By email:** You may comment in writing on current agenda items by submitting your email comments to kcccomitt@kingcounty.gov. If your email is received before 11:30 a.m. on the day of the meeting, your email comments will be distributed to the committee members and appropriate staff prior to the meeting.
3. **Remote attendance at the meeting by phone or computer:** You may provide oral comment on current agenda items during the meeting's public comment period by connecting to the meeting via phone or computer using the ZOOM application at <https://zoom.us/join> and entering the Webinar ID number below.

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711. 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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Webinar ID: 889 0017 7467

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- 1) Stream online via this link www.kingcounty.gov/kctv or input the link web address into your web browser.
- 2) Watch King County TV on Comcast Channel 22 and 322(HD) and Astound Broadband Channels 22 and 711(HD).
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Dial: 1-253-215-8782
Webinar ID: 859 6897 7814

To help us manage the meeting, please use the Livestream or King County TV options listed above, if possible, to watch or listen to the meeting.

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes p. 4
August 28, 2024 meeting minutes
- 4. Public Comment

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

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Discussion and Possible Action

5. [Proposed Motion No. 2024-0293](#) p. 7

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

Melissa Bailey and Erica Newman, Council staff

6. [Proposed Motion No. 2024-0284](#) p. 76

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

Nick Bowman, Council staff

7. [Proposed Ordinance No. 2025-0016](#) p. 120

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

Melissa Bailey, Council staff

Briefing



8. [Briefing No. 2025-B0009](#) p. 130

2025 Law and Justice Committee Look Ahead

Wendy Soo Hoo, Council staff

Other Business

Adjournment

	<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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Seattle, WA 98104

Meeting Minutes Law and Justice Committee

Councilmembers:
Jorge Barón, Chair;
Claudia Balducci, Vice-Chair;
Rod Dembowski, Reagan Dunn

Lead Staff: Wendy Soo Hoo (206-477-0890)
Committee Clerk: Gabbi Williams (206-477-7470)

1:00 PM

Wednesday, August 28, 2024

Hybrid Meeting

DRAFT MINUTES

1. **Call to Order**

Chair Barón called the meeting to order at 1:01 p.m.

2. **Roll Call**

Present: 4 - Balducci, Barón, Dembowski and Dunn

3. **Approval of Minutes**

Councilmember Dembowksi moved approval of the minutes of the July 24, 2024 meeting. Seeing no objections, the minutes were approved.

4. **Public Comment**

The following individuals were present to provide public comment:
Alex Tsimmerman

Discussion and Possible Action

5. [Proposed Motion No. 2024-0164](#)

A MOTION acknowledging receipt of a report on county diversion programs, in response to the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P3.

Melissa Bailey, Council staff, briefed the committee. Elly Slakie, Executive Analyst III, Office of Performance, Strategy, and Budget (PSB), Dr. Sarah Lappas, Faculty, South Seattle College, Justice-Involved Solutions, Leesha Shafford, Project/Program Manager IV, Jail Health Services, DPH, Lisa Daugaard, Co-Executive Director, Purpose, Dignity, Action, Ericka Turley, Regional Health Administrator, Jail Health Services, DPH, and Leandra Craft, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office (PAO), also addressed the committee and answered questions from the members.

A motion was made by Councilmember Balducci that this Motion be Recommended Do Pass. The motion carried by the following vote:

Yes: 3 - Balducci, Barón and Dembowski

No: 1 - Dunn

6. [Proposed Motion No. 2024-0205](#)

A MOTION acknowledging receipt of the second of two independent monitoring reports on the confinement of juveniles in county detention facilities as required by the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 54, Proviso P1.

Leah Krekel-Zoppi. Council staff, briefed the committee and answered questions from the members. Kathryn Olson, Independent Monitor, Jeneva Cotton, Division Director, Department of Adult and Juvenile Detention (DAJD), and Ashley Mareld, Project/Program Manager IV, DAJD, also addressed the committee and answered questions from the members.

A motion was made by Councilmember Balducci that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Balducci, Barón, Dembowski and Dunn

7. [Proposed Ordinance No. 2024-0168](#)

AN ORDINANCE related to requirements for the treatment of and services to juveniles in the custody of the department of adult and juvenile detention; amending Ordinance 18637, Section 2, and K.C.C.2.65.010, Ordinance 18637, Section 3, and K.C.C.2.65.020, and Ordinance 18637, Section 4, and K.C.C.2.65.030 and adding a new section to K.C.C. chapter 2.65.

This matter was Deferred

Briefing

8. [Briefing No. 2024-B0075](#)

Briefing on Office of Law Enforcement Oversight Community Guidance Framework for Policy Reviews

Katy Kirschner, Senior Policy Analyst, Office of Law Enforcement Oversight (OLEO), and Shelby Cramer, Community Engagement Specialist, OLEO, briefed the committee via a PowerPoint presentation and answered questions from the members.

This matter was Presented

Other Business

There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 2:48 p.m.

Approved this _____ day of _____

Clerk's Signature



King County

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

STAFF REPORT

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

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 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

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.

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 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:

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)

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
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.

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.

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.

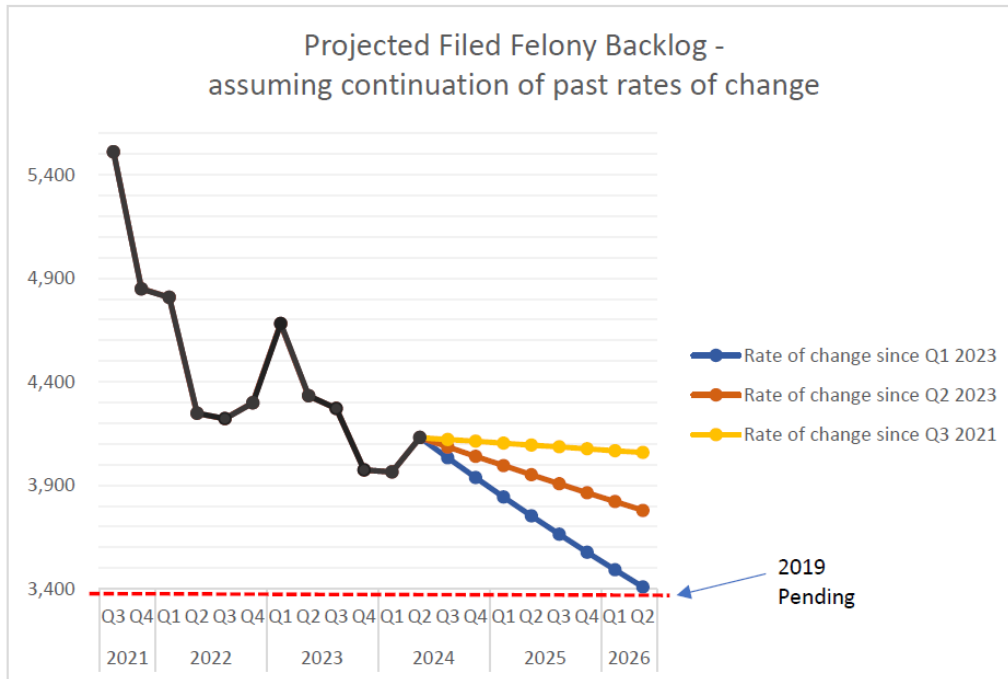
The report notes that substantial progress was made in reducing the backlog between Q1 2023, when the previous report was submitted to Council, and Q2 2024.¹² The PAO reports unfiled pending felony case volume is similar to pre-pandemic levels in Q2 2024. Much of the filed backlog reduction has been 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.

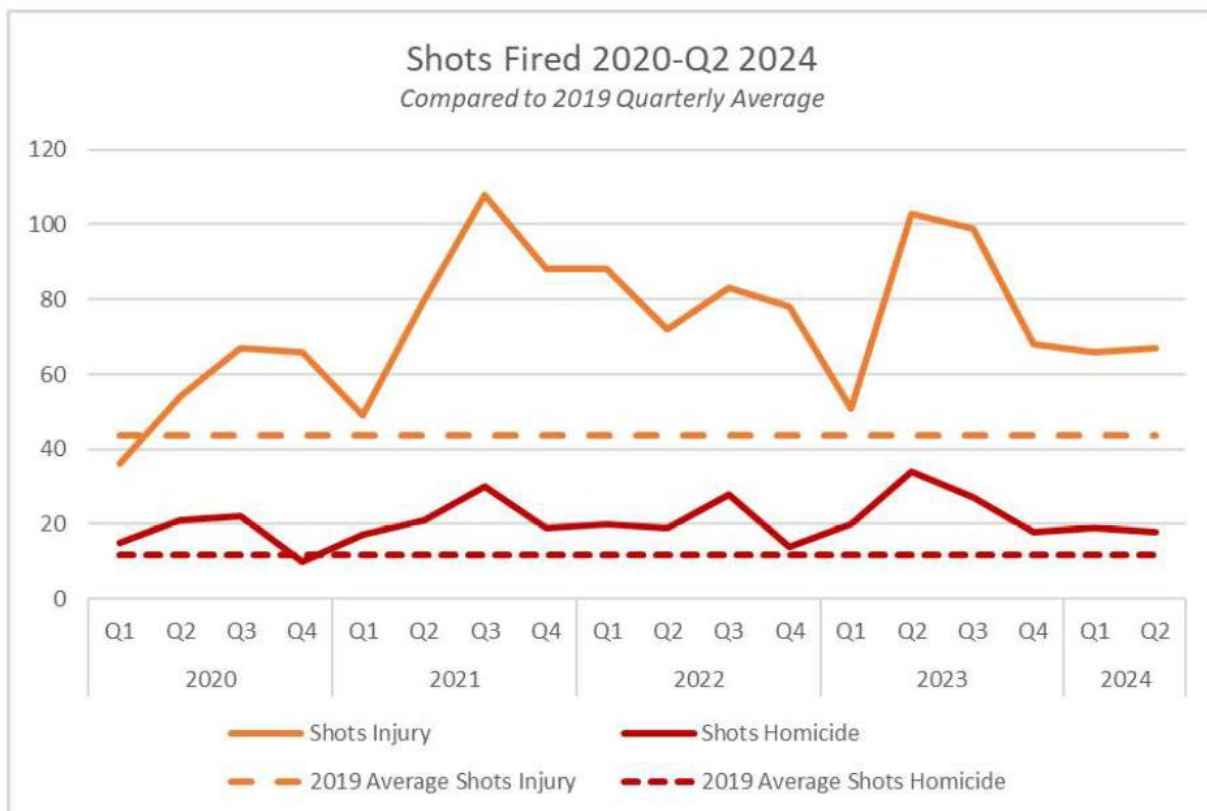
- 3. Difficulties with addressing backlogged felony cases, including higher levels of serious violent crime compared to pre-pandemic.** The report discusses numerous factors cited by one or more agencies as a challenge or barrier specific to addressing the felony criminal backlog. Some examples include:
 - 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.

AMENDMENT

Amendment 1 is a technical amendment that would correct typographical errors and change language to align with the proviso language.

INVITED

- Judge Ketu Shah, Presiding Judge, King County Superior Court
- Judge Corinna Harn, District Court
- Leesa Manion, King County Prosecutor
- David Baker, Director of Data and Analytics, Prosecuting Attorney's Office
- Matthew Sanders, Interim Director, Department of Public Defense
- Matt Pang, Interim Deputy Director, Department of Public Defense
- Stev Weidlich, Strategic Planning Manager, Department of Public Defense
- Elly Slakie, Executive Analyst, Office of Performance, Strategy, and Budget

¹⁹ Table 7, page 38 of the report.

ATTACHMENTS

1. Proposed Motion 2024-0293 (and its attachments)
2. Amendment 1
3. Transmittal Letter



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Motion

Proposed No. 2024-0293.1

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 office of performance strategy and budget transmits two reports on progress toward
9 addressing the legal system 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, how much appropriation has been expended as of June 30, 2024, the
14 anticipated date by which the backlog of cases will be addressed assuming various
15 funding scenarios for 2025, the identification and discussion of barriers and system
16 challenges to addressing the case backlog, , data on superior court felony backlog and
17 pending unlawful detainer cases, and discussion of the status of the district court backlog,
18 and

19 WHEREAS, the King County executive hereby transmits to the council the
20 COVID-19 Legal System Backlog Report: 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 Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

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 Sheriff'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).

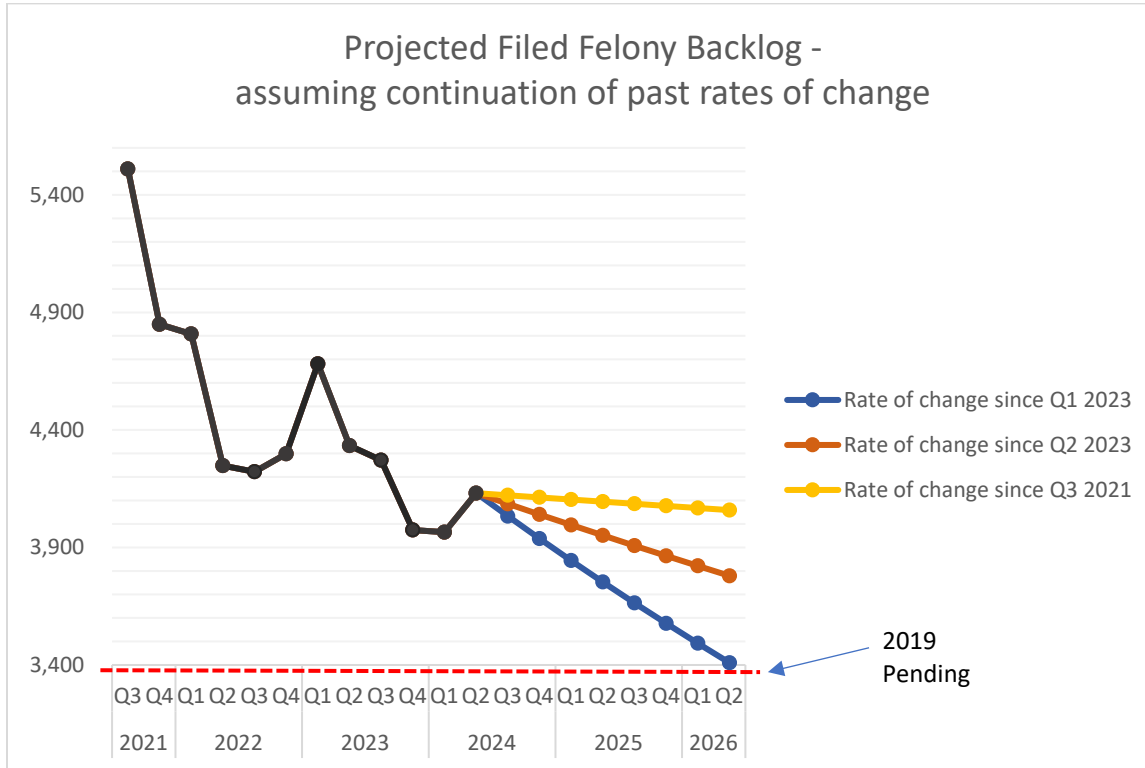
Using different assumptions regarding the past rate of change (yellow and orange lines below), the projected time to eliminate the filed felony backlog is longer.

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.

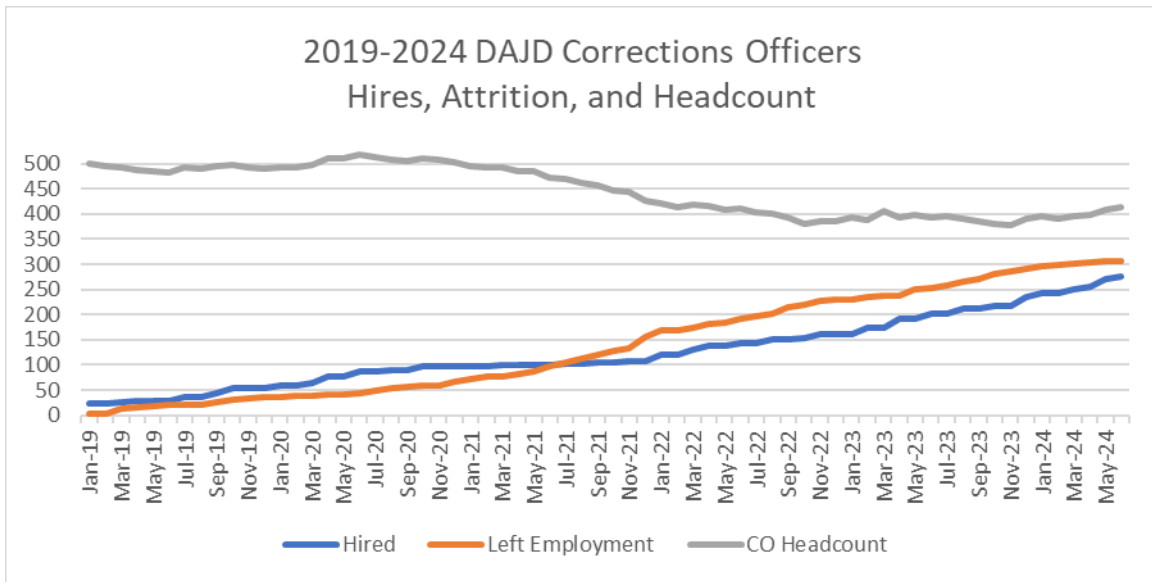
Retaining experienced attorneys continues to be a challenge. Many experienced attorneys left PAO during the pandemic, complicating staffing of serious cases. DPD notes that attorneys are carrying many open cases, and the workload is contributing to low morale. There is little downtime between trials 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.

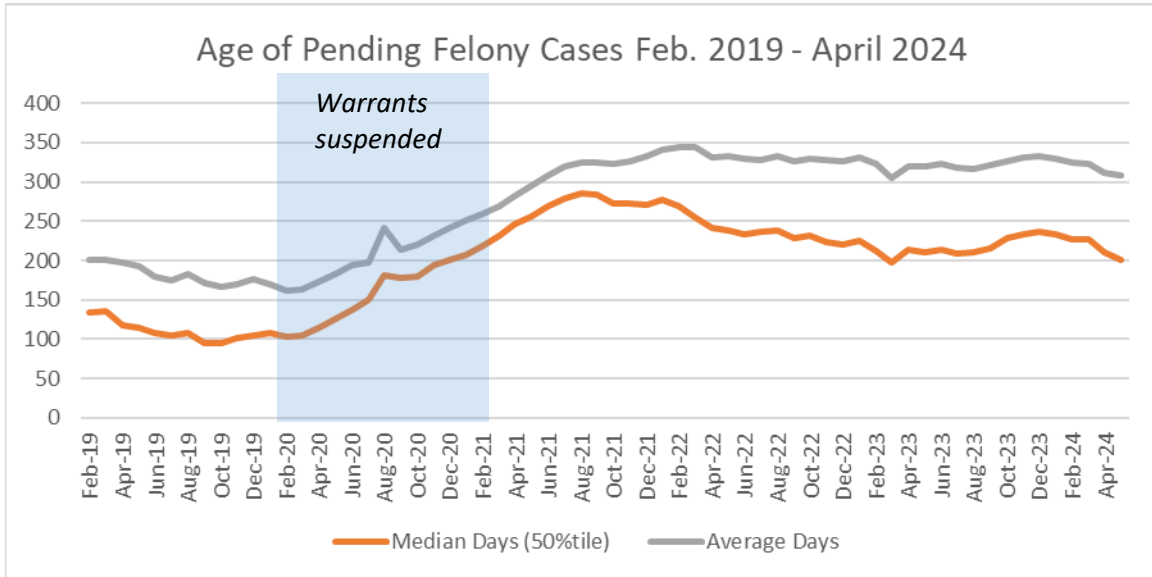
Challenges to felony case processing

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.

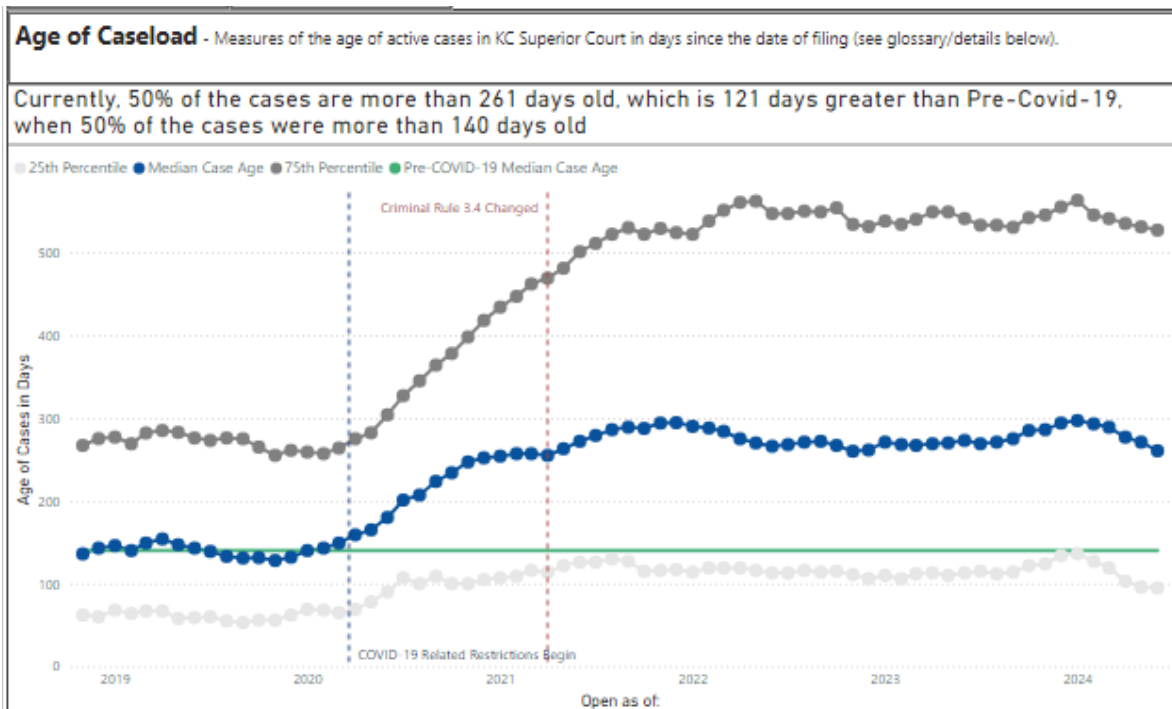
Figure 3: Age of pending felony cases, days (DJA)



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.

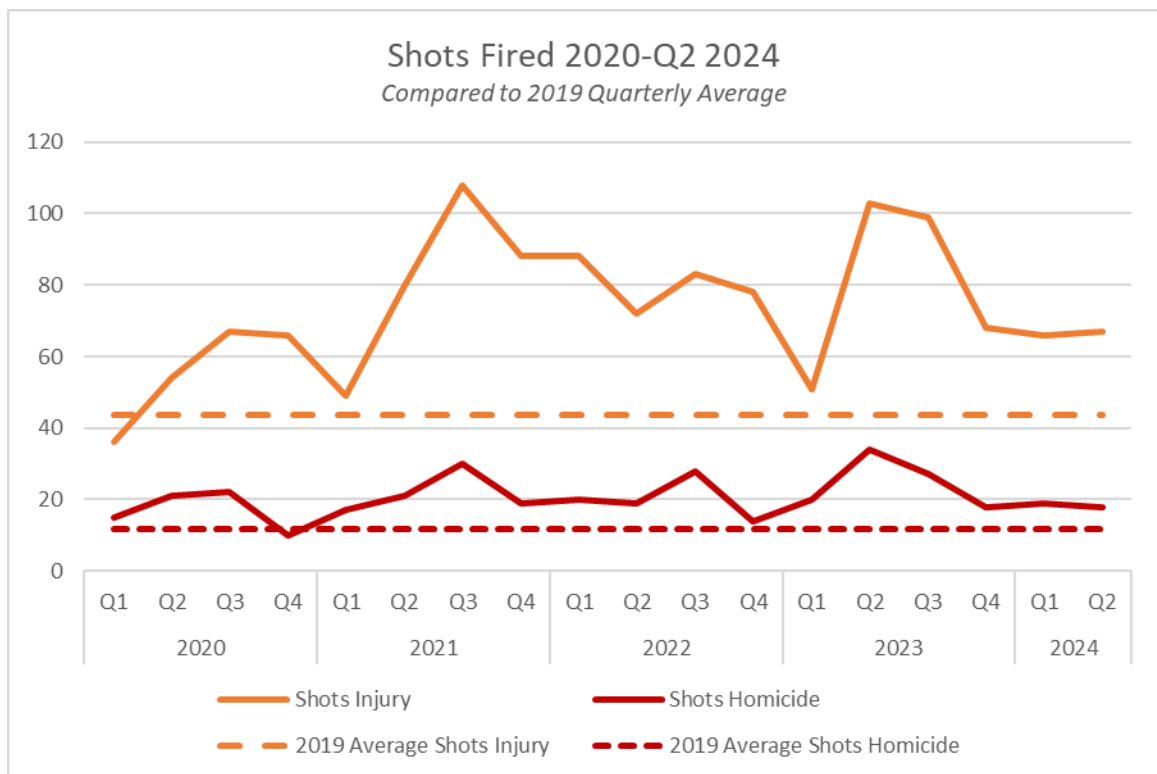
The factors described below are cited by one or more agency as challenges and barriers to addressing the felony criminal backlog.

- **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

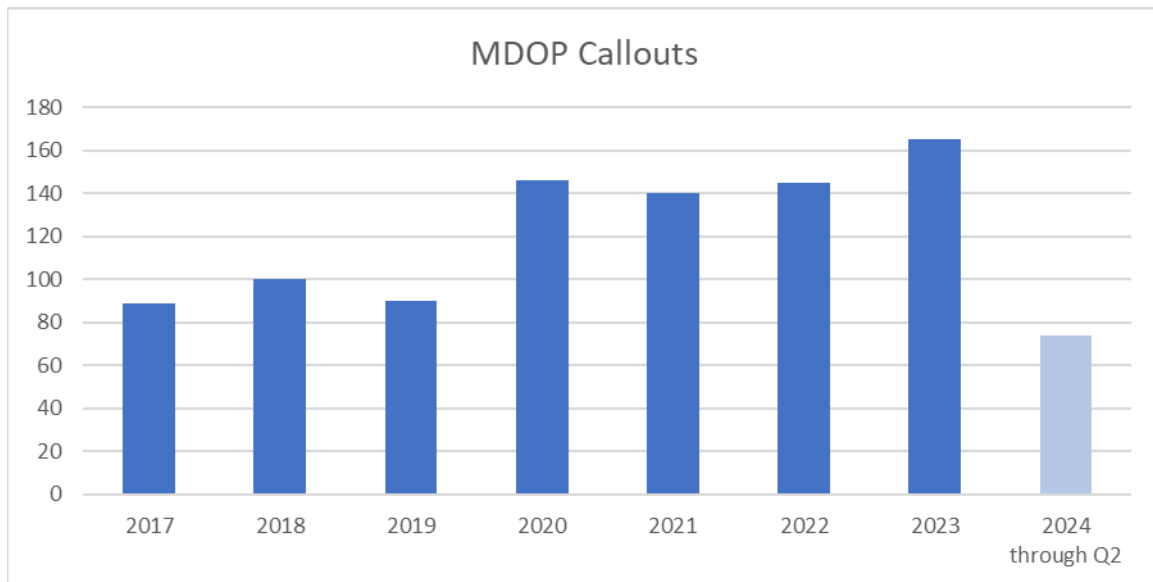
Violent crime, even when it does not result in arrest or criminal filing, creates additional workload for Senior Deputies in the PAO. The PAO’s Most Dangerous Offender Project (MDOP) team is comprised of Senior Deputies who are available seven days a week, 24 hours a day, to respond to every homicide 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
Resolved by Jury Trial	3.0%	2.0%	1.5%	2.3%	2.2%	1.6%	-1.4%
Resolved by Non-Jury Trial	0.4%	0.4%	0.9%	0.2%	0.1%	0.7%	0.3%
Resolved by Guilty Plea	77.1%	70.7%	67.5%	65.8%	64.4%	68.4%	-8.7%
Dismissal	19.1%	26.5%	30.0%	31.0%	32.9%	29.0%	9.9%
Others	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
Resolved by Jury Trial	6.4%	5.4%	4.0%	6.2%	4.5%	3.5%	-2.9%
Resolved by Non-Jury Trial	0.1%	0.0%	0.6%	0.0%	0.0%	0.9%	0.7%
Resolved by Guilty Plea	78.9%	74.5%	75.7%	76.8%	75.9%	73.9%	-5.0%
Dismissal	14.0%	19.6%	19.4%	16.7%	19.0%	21.4%	7.4%
Others	0.6%	0.5%	0.3%	0.3%	0.6%	0.3%	-0.3%

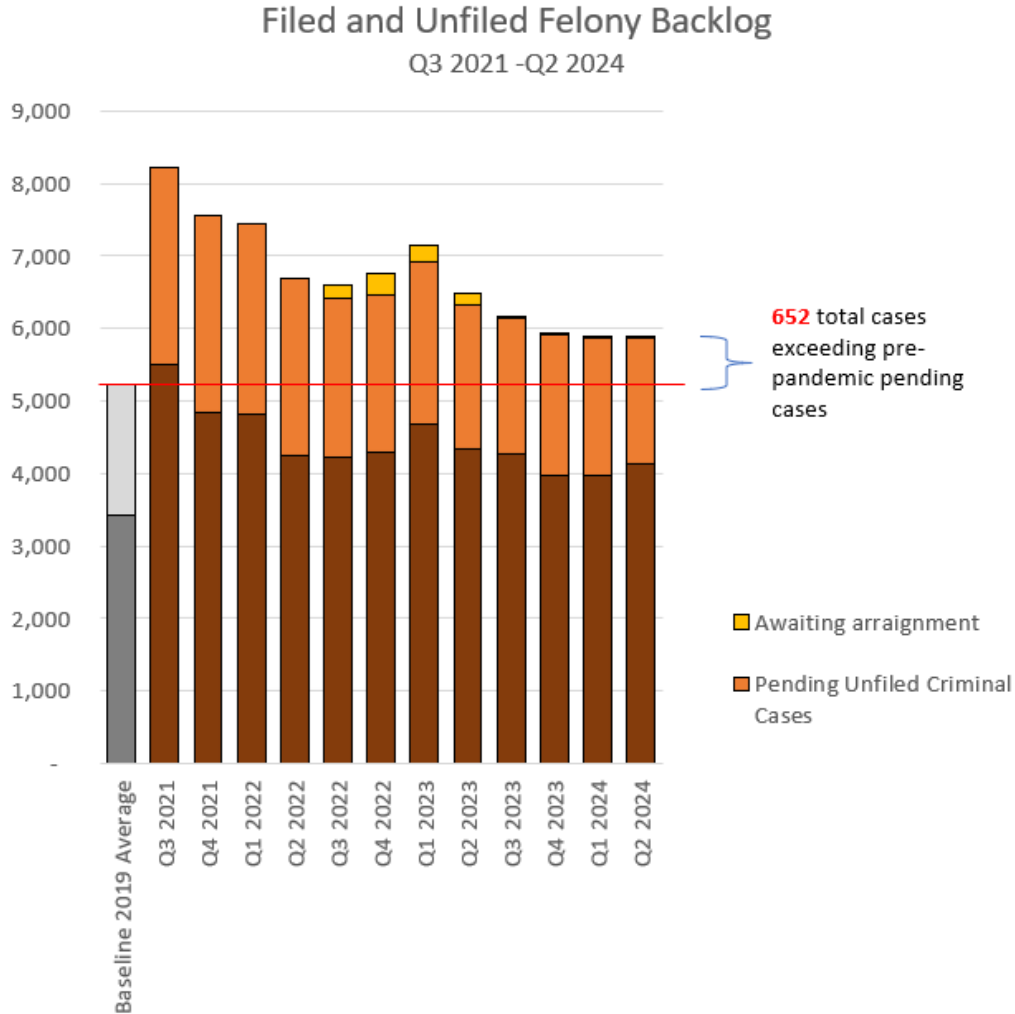
⁵⁰ Based on 2019 average of 49 trial resolutions per quarter and Q1 2023 trial resolutions of 31.

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.

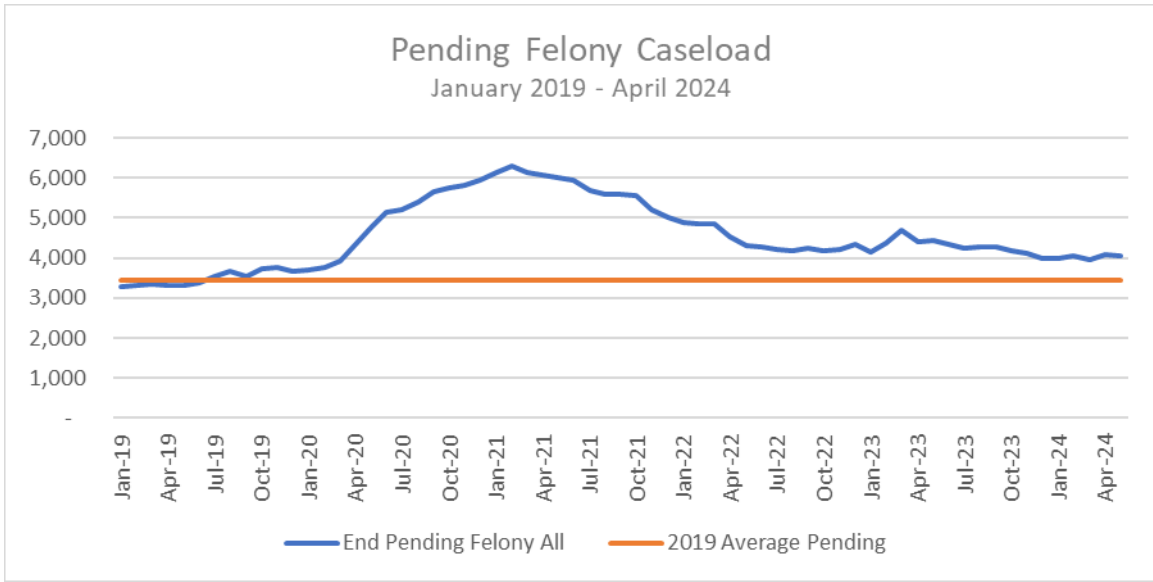
Figure 7: Filed and unfiled felony backlog



Sources: DJA and PAO

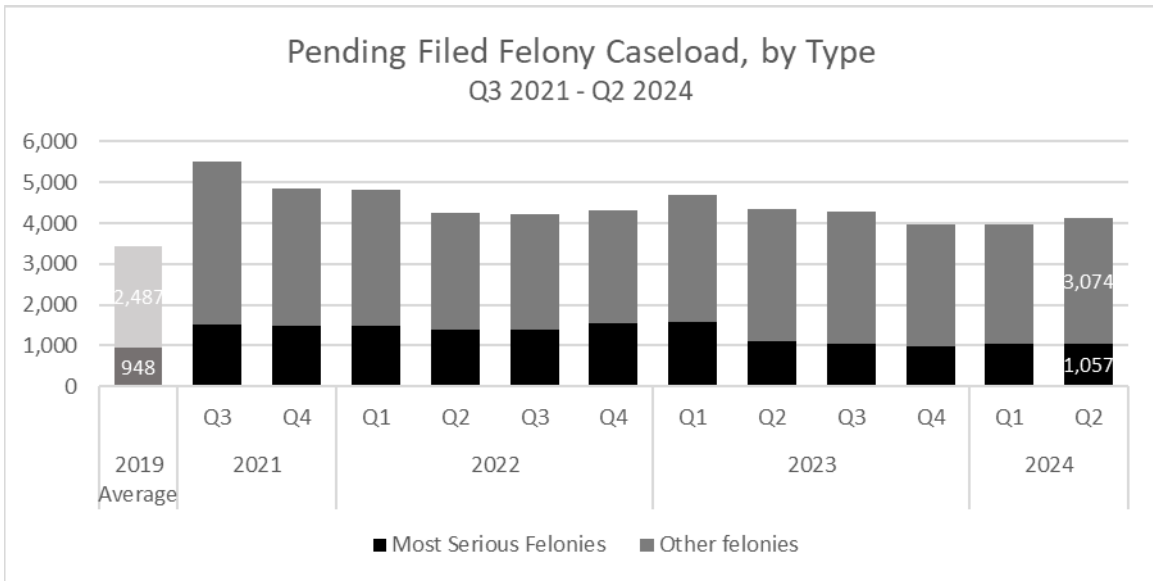
While considerable progress was made on reducing the backlog in 2021 and early 2022, some of the progress was due to changes in warrant status patterns and Blake decision dismissals. The volume of pending cases increased in Q4 2022 for the most serious cases and increased for both most serious and other 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

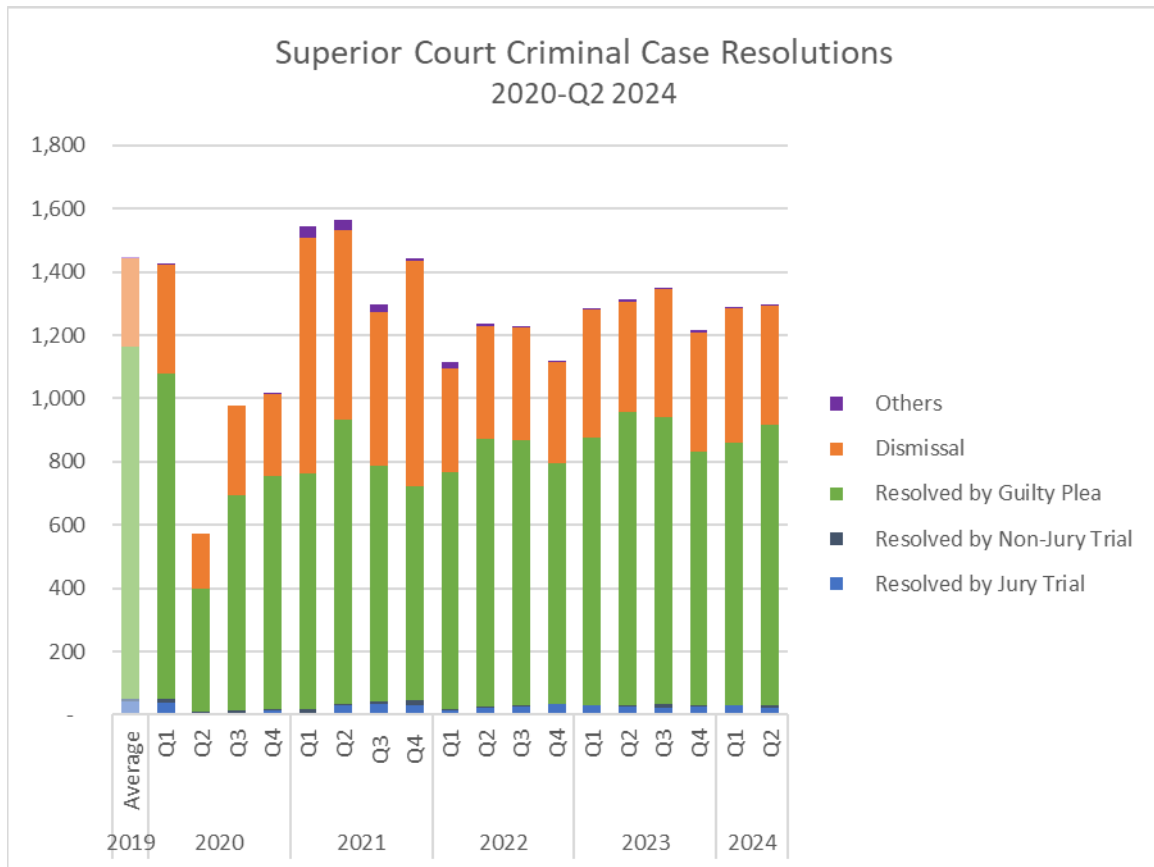


Source: DJA

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

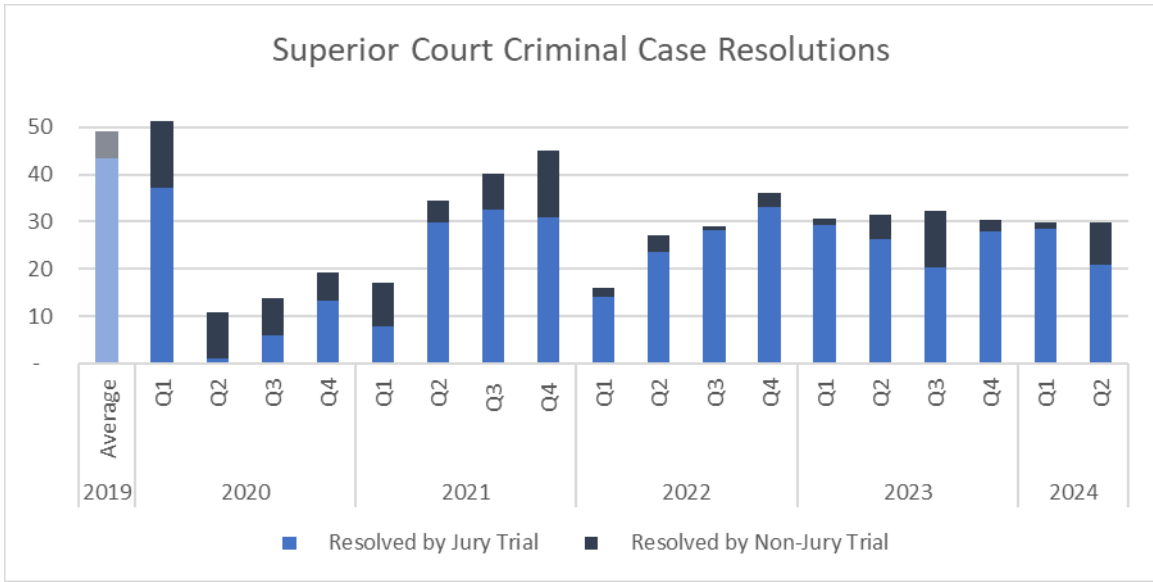


Source: DJA

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. [\[LINK\]](#)

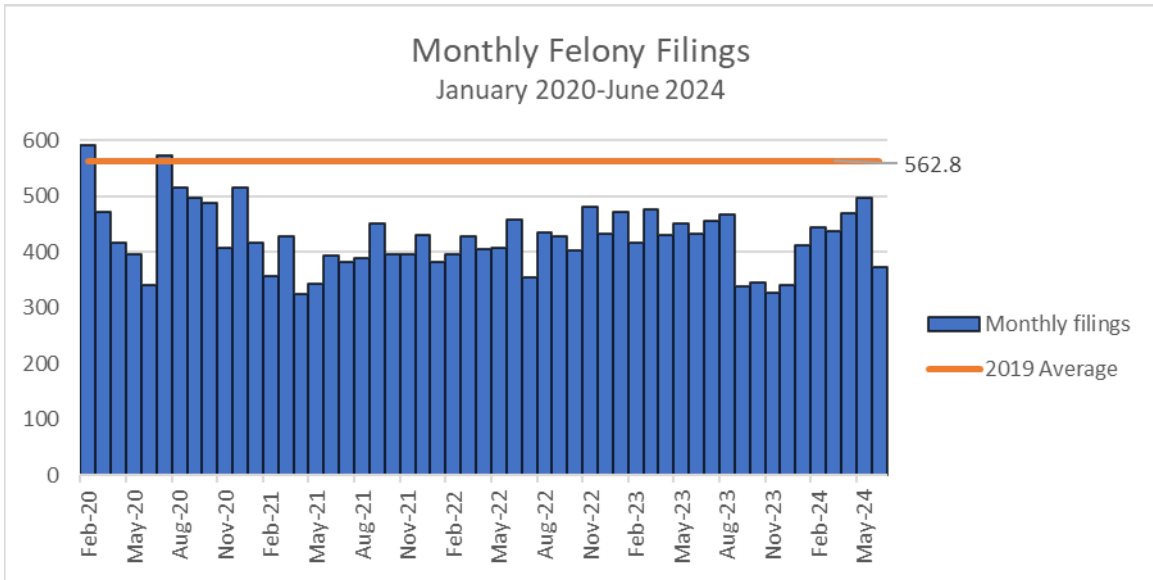
Figure 11: Felony trial resolutions



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;

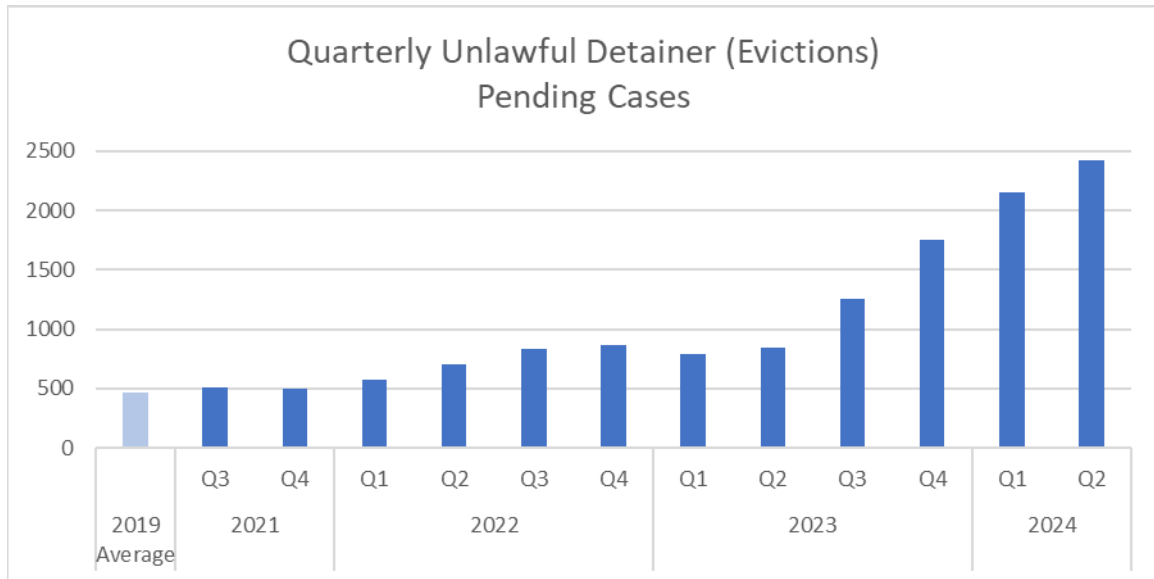
Table 7: Unlawful detainers

	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

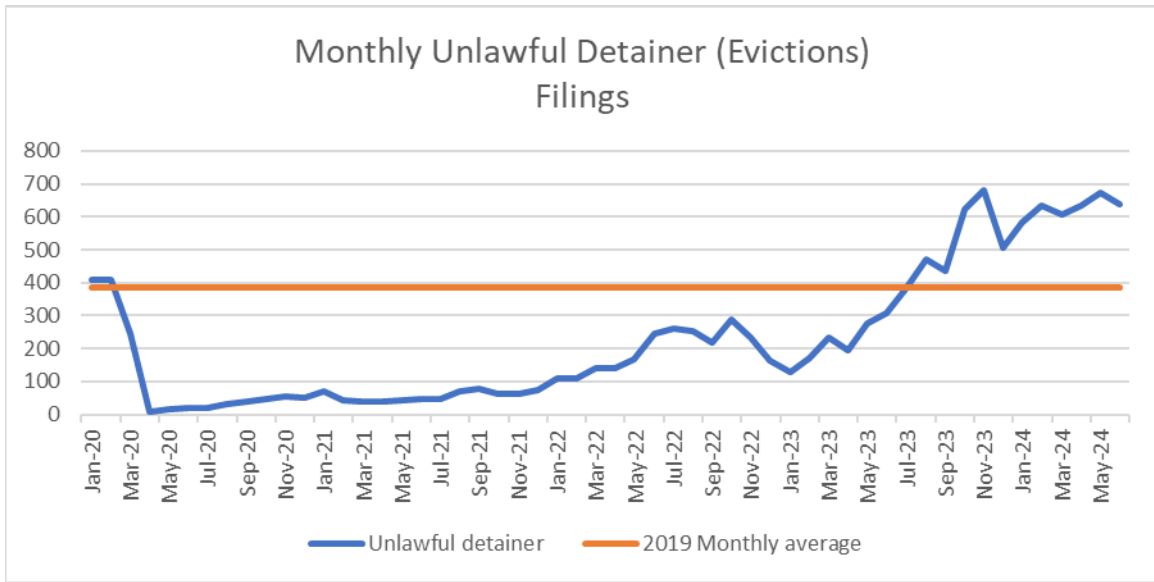


Source: DJA

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		

COVID-19 Legal System Backlog Report: 2023-2024 Report 1

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		

December 19, 2024
Technical Amendment

M. Bailey

Sponsor: Barón

Proposed No.: 2024-0293

1 **AMENDMENT TO PROPOSED MOTION 2024-0293, VERSION 1**

2 On page 1, on line 8 after "the" strike "office of performance strategy and budget" and
3 insert "executive"

4

5 On page 1, on line 13 after "revenues," strike "how much" and insert "the amount of
6 CLFR"

7

8 On page 1, on line 13, after "appropriation" insert "that"

9

10 On page 1, on line 15 after "2025" insert "through 2026"

11

12 On page 1, on line 15 after "barriers" strike "and" and insert "or"

13

14 On page 1, on line 16 after "backlog" strike ","

15

16 On page 1, on line 17 after "cases, and" strike "discussion of"

17

18 On page 1, on line 20 after "System Backlog" strike "Report"

19

20 **EFFECT prepared by M. Bailey: The amendment would correct a typographical**
21 **error, make the name of the report consistent throughout the motion, and make**
22 **other changes so language aligns with the language used in the proviso (2023-2024**
23 **Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P4).**



King County

Dow Constantine
King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104-1818
206-263-9600 Fax 206-296-0194
TTY Relay: 711
www.kingcounty.gov

September 16, 2024

The Honorable Dave Upthegrove
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits the second of two reports in response to 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P4 and a proposed Motion that would, if enacted, acknowledge receipt of the report.

As required, the enclosed report updates progress toward addressing the civil and criminal case backlog that resulted from the COVID-19 pandemic. The report is a continuation of reporting required in Ordinance 19210.

The Office of Performance, Strategy and Budget collaborated with District Court, the Department of Judicial Administration, the Prosecuting Attorney's Office, the Department of Public Defense, the Department of Adult and Juvenile Detention, and Superior Court in developing the enclosed report.

The report includes information on the positions supported by Coronavirus State and Local Fiscal Recovery (CLFR) revenues; how much appropriation has been expended as of June 30, 2024; discussion on the date by which the backlog of cases will be addressed assuming various funding scenarios for 2024; the identification and discussion of barriers and system challenges to addressing the case backlog; funding options to address the backlog in felony criminal cases; data on Superior Court felony backlog; and discussion of the status of the District Court backlog.

Thank you for your review of this report. If your staff have any questions, please contact Dwight Dively, Director, Office of Performance, Strategy and Budget at 206-263-9687.

The Honorable Dave Upthegrove
September 16, 2024
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Braddock". The signature is written in a cursive, somewhat stylized font.

for

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff, King County Council
Melani Pedroza, Clerk of the Council
Shannon Braddock, Deputy Chief of Staff, Office of the Executive
Karan Gill, Deputy Chief of Staff, Office of the Executive
Penny Lispou, Council Relations Director, Office of the Executive
Dwight Dively, Director, Office of Performance, Strategy and Budget



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 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				
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

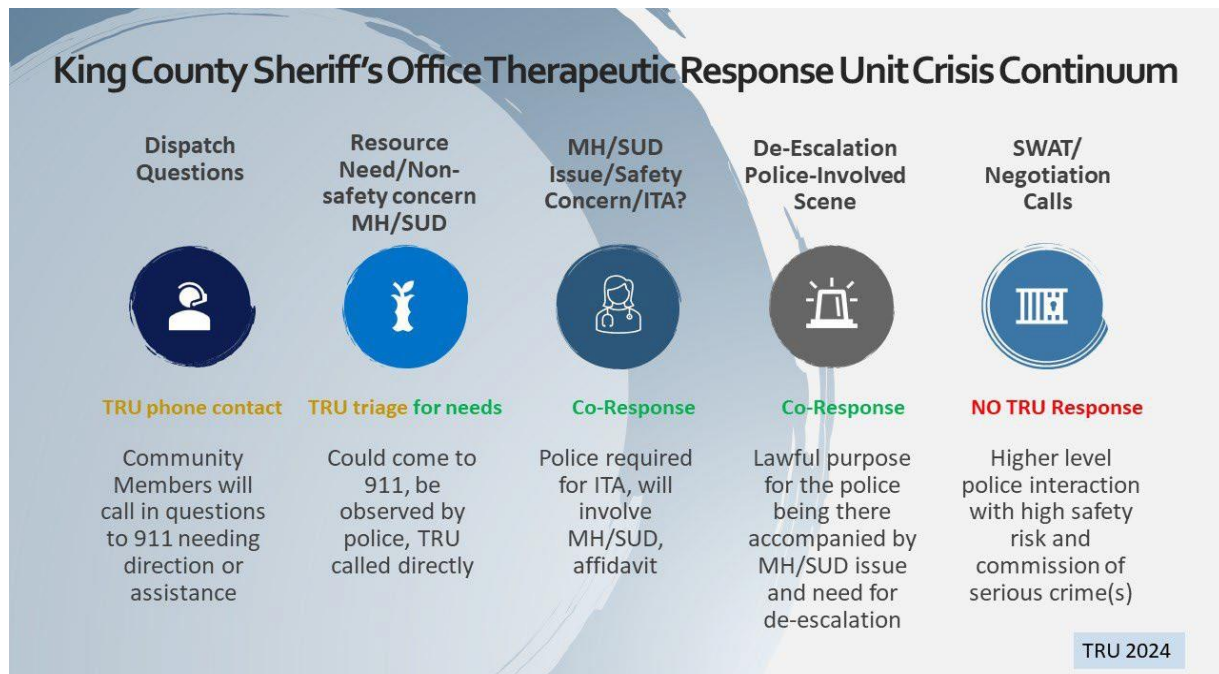
The report then moves to discuss KCSO and its partner cities' preference for the TRU program to utilize a co-response model for crisis situations. In the co-response model, law enforcement and mental health professionals (MHPs) respond concurrently to calls involving public safety concerns that are often 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



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

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 Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. Crisis Response Proviso Response Report

Crisis Response Report

September 5, 2024



King County

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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
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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.

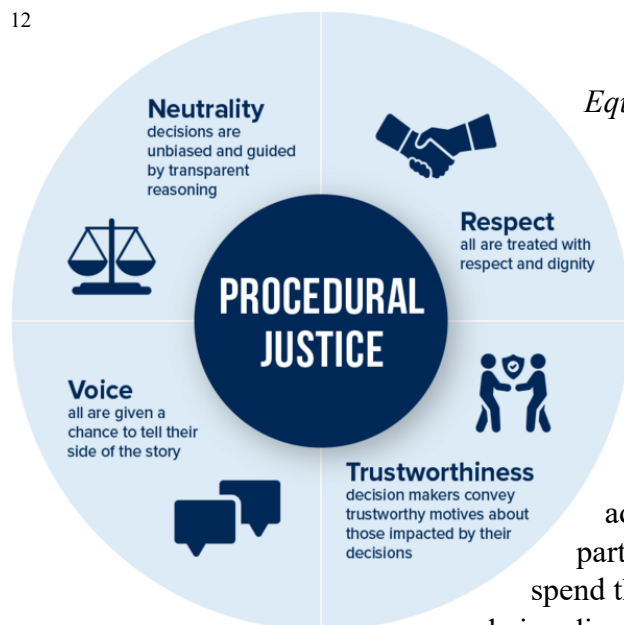
Procedural Justice incorporates four pillars within its conceptualization. They are neutrality, respect, voice, and trustworthiness. When the four pillars of procedural justice are incorporated into law enforcement and co-response, they ensure that everyone is interacted with equity and actions are explained 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.ctvjf9z6v>



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.

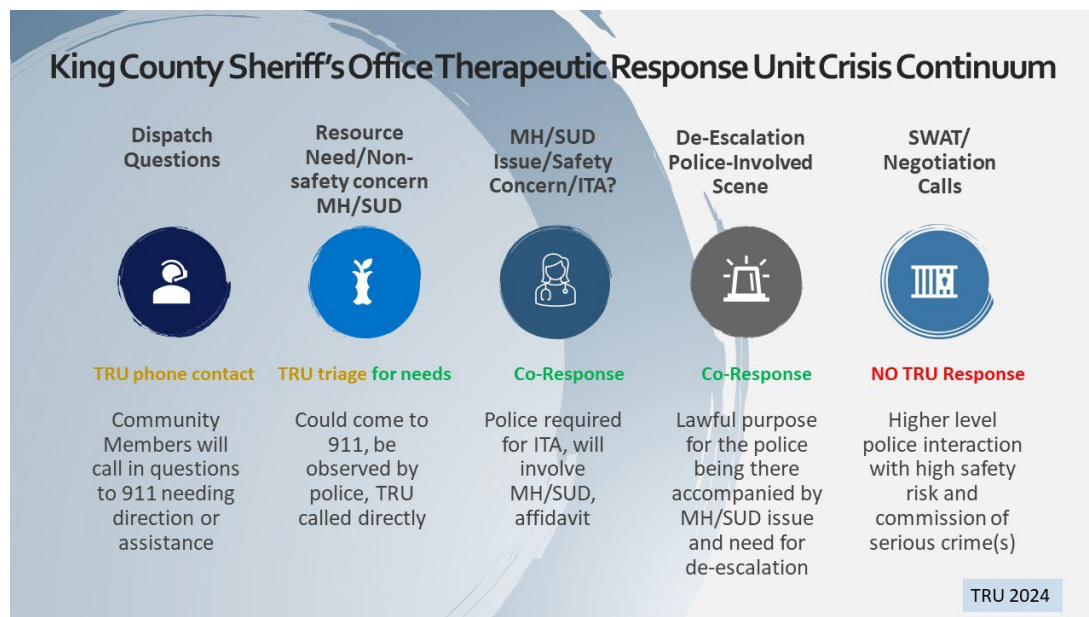
Crises occur on a continuum and often have a diversity of need, response, and origin.¹⁸ When law enforcement responds to a situation involving someone experiencing a crisis, they are commonly experiencing a significant crisis that involves an active mental health issue or substance use combined with 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.

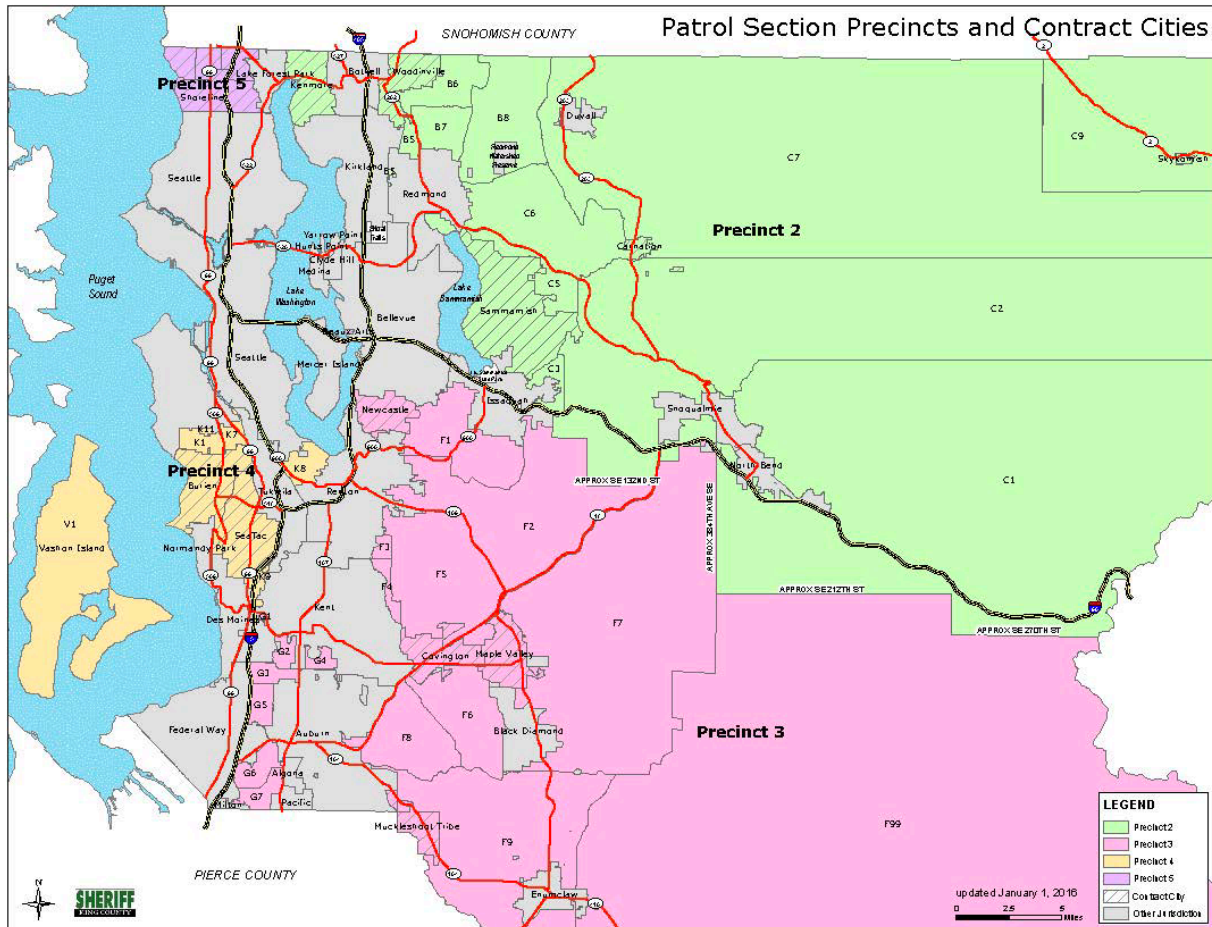
7. Communication and Outreach: Clear and effective communication will be essential as TRU navigates the complexities of crisis response. Regular updates to collaborators, including community members and partner agencies, will foster trust and transparency.

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

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September 5, 2024

The Honorable Dave Upthegrove
 Chair, King County Council
 Room 1200
 C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits the Crisis Response Proviso response report as called for by Ordinance 19546, Section 21, as amended by Ordinance 19633, Section 17 P1, and a proposed Motion that would, if approved, acknowledge receipt of the report.

The enclosed report developed by the King County Sheriff's Office (KCSO) describes its Therapeutic Response Unit (TRU). The TRU represents a progressive approach to law enforcement-driven public safety, which integrates mental health professionals with specially trained KCSO deputies to form co-responder teams. These teams focus on de-escalation, crisis intervention, service referrals, and support for ongoing treatment processes.

The report details community engagement efforts, analyzes crisis response models, outlines the development of crisis response policies, describes procedures for interagency cooperation, and provides an implementation timeline for the TRU. By integrating mental health expertise with law enforcement, the TRU aims to improve the effectiveness of crisis response, reduce incarceration rates for non-criminal issues, and enhance overall community well-being.

In developing the report, the KCSO engaged community organizations, social service providers, non-profit and neighborhood groups, renter and homeowner associations, and school districts. More than 300 organizations and community members were contacted to provide input on the needs of King County and on the development of a crisis response program. Key themes from the feedback included improving public safety, developing an inclusive and accessible program, and connecting individuals in crisis with services that will help reduce the likelihood of future crises. Community perspectives and input are at the core of the TRU development and implementation.

The Honorable Dave Upthegrove

September 5, 2024

Page 2

Thank you for your consideration of the report and proposed Motion. If your staff have questions, please contact Cheol Kang, Chief of Community Programs and Services Division, King County Sheriff's Office at 206.806.0529.

Sincerely,



for

Dow Constantine

King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Stephanie Cirkovich, Chief of Staff, King County Council

Melani Hay, Clerk of the Council

Shannon Braddock, Deputy King County Executive, Office of the Executive

Karan Gill, Chief of Staff, Office of the Executive

Penny Lipsou, Council Relations Director, Office of the Executive

Patti Cole-Tindall, King County Sheriff

Cheol Kang, Chief of Community Programs and Services Division, King County Sheriff's Office



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



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

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, CBP, 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 voluntary,
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, Spanish, 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 Pedroza, 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:	8	Name:	Wendy K. Soo Hoo
Proposed No.:	2025-B0009	Date:	January 22, 2025

SUBJECT

A briefing on the Law and Justice Committee's 2025 anticipated work items.

BACKGROUND

Law and Justice Committee Jurisdiction. As set forth in the King County Council's January 2025 organizational motion¹, the Law and Justice Committee considers and makes recommendations on policies relating to law, safety, and criminal legal system programs, including those related to:

- Implementation of the charter amendments related to the duties of the Sheriff's Office;
- Public safety;
- Adult detention, juvenile justice, and youth services;
- Superior and district courts and judicial administration;
- The prosecuting attorney;
- Public defense;
- Emergency medical services;
- The Office of Law Enforcement Oversight;
- Bail reform;
- Pretrial services;
- Alternatives to incarceration;
- Human trafficking;
- Hate crime prevention; and
- Civil rights.

In the areas within the committee's purview, the Council's organizational motion also specifies that the committee tracks state and federal legislative action and develops recommendations on policy direction for the county budget.

¹ Motion 16726

King County Criminal Legal System Agencies.

Department of Adult and Juvenile Detention (DAJD). King County's DAJD operates three detention facilities as well as community supervision programs for pre- and post-trial defendants in King County. King County's secure detention facilities are located at the King County Correctional Facility in Downtown Seattle, the Maleng Regional Justice Center in Kent, and the Judge Patricia H. Clark Child and Family Justice Center in Seattle's First Hill neighborhood, which houses juveniles. *(Council Analyst: Leah Krekel-Zoppi)*

Department of Public Defense. The Department of Public Defense provides legal representation to adults and juveniles who have been charged with a crime and cannot afford an attorney, people facing civil commitment, and children and parents who could lose their children in a dependency action.² In addition to providing counsel to defendants in King County Superior and District Courts, the Department of Public Defense also provides public defense services to Seattle Municipal Court under contract with the City of Seattle. The department is led by the Public Defender, who reports to the Executive, and serves a term that ends at the same time as the term of the county Prosecuting Attorney. *(Council Analyst: Melissa Bailey)*

District Court. District Court is the county's court of "limited jurisdiction" and has responsibility for traffic infractions, small claims, and misdemeanor criminal offenses in the County's unincorporated areas, cities that do not have municipal courts and contract with the court to provide those services, and for the adjudication of "state" offenses (violations of state statute in the county or when the arresting agency is the Washington State Patrol or other state law enforcement agency). The court handles approximately 250,000 filings annually. *(Council Analyst: Erica Newman)*

Emergency Medical Services (EMS). EMS operates in a coordinated partnership with five dispatch centers, five paramedic providers, and 28 fire departments. King County EMS provides EMS and regional services to all of King County outside the City of Seattle.³ King County EMS utilizes a tiered-response system providing a continuum of care for people in need of emergency medical services, which begins with universal access to medical care through 911. In life-threatening situations, such as cardiac arrest, paramedics providing Advanced Life Support (ALS) services respond to the scene. In less urgent cases, such as a fractured leg, Emergency Medical Technicians providing Basic Life Support (BLS) services respond to the call. EMS is funded by a property tax levy⁴, which the council authorized⁵ for placement on the ballot and was subsequently approved by voters in 2019. *(Council Analyst: Sam Porter)*

Office of Law Enforcement Oversight. In 2006, the Office of Law Enforcement Oversight (OLEO) was established to represent the interests of the public and increase confidence in King County police services through independent civilian oversight of the sheriff's office and all of its employees. According to King County Code 2.75, the office

² The Department of Public Defense's duties are outlined in King County Charter 350.20.60 and King County Code 2.50.026.

³ All EMS services within the City of Seattle are coordinated through the Seattle Fire Department.

⁴ Authority for the emergency medical services levy is provided for in RCW 84.52.069.

⁵ Ordinance 18931

was "established to represent the interests of the public and increase confidence in King County police services through independent civilian oversight of the sheriff's office and all of its employees. The... office shall be sufficiently independent to assure that no interference or influence external to the office shall adversely affect independent and objective review and analysis by the office." Among other duties, the office is authorized to receive and consider complaints and concerns regarding the Sheriff's Office and make recommendations to the Sheriff regarding policies, rules, procedures, or general orders. *(Council Analyst: Nick Bowman)*

Prosecuting Attorney's Office. The Prosecuting Attorney's Office represents the state and county in criminal and civil legal matters. The office is responsible for prosecuting all felonies in King County and all misdemeanors in unincorporated areas of King County. The office's six divisions cover the following areas: juvenile, family support, civil⁶, criminal, economic crimes and wage theft, and gender-based violence and prevention. *(Council Analyst: Melissa Bailey)*

Sheriff's Office.⁷ The Sheriff's Office provides law enforcement services for unincorporated King County and several governmental agencies, including full-service policing to twelve contracted cities.⁸ In addition to providing patrol services, the Sheriff's Office delivers specialty law enforcement services including an air support unit, marine unit, SWAT, major crime investigations, bomb disposal, major accident response and reconstruction, and arson investigations. The Sheriff's Office also performs other functions such as emergency 911 call receiving and dispatching, service of court orders related to civil court filings, issuing concealed weapons permits, and sex offender registration. *(Council Analyst: Nick Bowman)*

Superior Court and Department of Judicial Administration. King County Superior Court is a general jurisdiction trial court responsible for:

- Civil matters involving more than \$300, unlawful detainers, and injunctions;
- Felony criminal cases;
- Misdemeanor criminal cases not otherwise provided for by law;
- Family law, including dissolutions, child support, adoptions, parentage, and domestic violence protection matters;
- Probate and guardianship matters;
- Juvenile offender matters;
- Juvenile dependencies, including abused and neglected children, children in need of services, at-risk youth, and trancies; and
- Mental illness and involuntary commitment matters.

⁶ The Prosecuting Attorney's Office also serves as legal counsel to other county agencies.

⁷ In 2020, the Council adopted Ordinance 19139, which placed on the ballot for the November 2020 general election, an amendment to the King County Charter, reestablishing the King County Sheriff as an appointed position with a requirement for consideration of community stakeholder input during the selection, appointment, and confirmation process. In November 2020, the voters of King County approved Charter Amendment No.5, returning the King County Sheriff to an appointed position.

⁸ Beaux Arts Village, Burien, Covington, Kenmore, Maple Valley, Newcastle, North Bend, Sammamish, SeaTac, Shoreline, Skykomish and Woodinville

The Department of Judicial Administration is managed by the Superior Court Clerk, who is appointed by a majority of King County superior court judges.⁹ Its duties include receiving and maintaining all Superior Court records; providing access to Superior Court records; and managing and accounting for all fees, fines, and payments made in Superior Court cases. *(Council Analyst: Melissa Bailey)*

Law and Justice Committee Anticipated Work Items.

2025 Budget Provisos. The Council included in its adopted 2025 Annual Budget¹⁰ nine provisos (Attachment 1) on topics that fall within the jurisdiction of the Law and Justice Committee. Table 1 below summarizes the provisos and identifies the due dates and the Council analyst. Also note that for some of the provisos, withheld funds will be released upon transmittal and do not require Council passage of a motion.

Table 1. Law and Justice Committee Anticipated Provisos

Subject	Funds to be Released by Motion or on Transmittal	Council Analyst	Due Date
DAJD plan for a protocol to engage city partners before implementing new jail booking restrictions	Release upon transmittal	Leah Krekel-Zoppi	April 30, 2025
DAJD analysis of racial disparities in response to infractions in adult detention	Release by passage of motion	Leah Krekel-Zoppi	June 30, 2025
DAJD plan for use of the West Wing of the King County Correctional Facility	Release by passage of motion	Leah Krekel-Zoppi	June 30, 2025
DAJD independent monitor report on confinement of juveniles in detention	Release by passage of motion	Leah Krekel-Zoppi	June 30, 2025
DAJD report on the status of safety improvements at adult detention facilities	Release by passage of motion	Leah Krekel-Zoppi	June 30, 2025
Prosecuting Attorney plan for improving the data dashboard for juvenile cases	Release upon transmittal	Melissa Bailey	June 30, 2025
Prosecuting Attorney report on sexual assault cases	Release by passage of motion	Melissa Bailey	July 31, 2025
Employment and Education Resources ¹¹ letter confirming that a dashboard for the Restorative Community Pathways program has been published or updated on the county website	Release upon transmittal	Melissa Bailey	August 31, 2025
Sheriff's Office report and plan on collection of demographic data	Release upon transmittal	Nick Bowman	September 30, 2025

⁹ King County Charter 350.20.20 and King County Code 2.16.171

¹⁰ Ordinance 19861

¹¹ Employment and Education Resources is administered by the Department of Community and Human Services.

Other Anticipated Transmittals. Council staff has requested that Executive staff provide a list of other planned transmittals and will provide the information to committee members upon receipt.

Briefings. In addition to considering legislation, the committee may wish to plan briefings on various topics related to the committee's jurisdiction.

ATTACHMENTS

1. 2025 Law and Justice Committee Provisos

SHERIFF'S OFFICE**Demographic Data Proviso: Due 9/30/2025**

Of this appropriation, \$200,000 shall not be expended or encumbered until the executive transmits a report containing a policy requiring the collection of demographic data, including the perceived race of persons, who are stopped by sheriff's deputies and a plan to begin collecting, sharing, and using such data consistent with K.C.C. 2.15.010.G.

The policy and implementation plan shall be developed in collaboration with the office of law enforcement oversight and the oversight committee identified in the interlocal agreement for the provision of law enforcement services between contracted agencies and the county, should integrate relevant best practices and lessons learned from other jurisdictions, and shall include, but not be limited to:

A. A description of the manner and method in which sheriff's office deputies will document demographic data, including perceived race, for persons stopped by sheriff's deputies;

B. A description of the anticipated timeline to replace the sheriff's office's computer aided dispatch system and how the new system will ensure the sheriff's office has the capability to capture demographic data, including perceived race;

C. A description of how the sheriff's office intends to share, analyze, and use the collected demographic data to improve services and operations;

D. A description of the guidance and training sheriff's office deputies will receive to ensure demographic data is collected and logged consistently; and

E. A timeline for implementation of demographic data collection, including perceived race.

The executive should electronically file the report required by this proviso by September 30, 2025, 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 and justice committee or its successor.

PROSECUTING ATTORNEY'S OFFICE**Data Dashboard for Juvenile Cases Proviso: Due 6/30/2025**

Of this appropriation, \$50,000 shall not be expended or encumbered until the King County prosecuting attorney transmits a plan for expanding and improving public access to criminal data information on the prosecuting attorney's office data dashboard for juvenile cases. The plan shall include, but not be limited to:

A. A summary of the data available on the prosecuting attorney's office data dashboard for juvenile cases, any improvements that have been made to the juvenile data dashboard since its inception, the limitations of the data available on the juvenile data dashboard, and opportunities for expanding the juvenile data dashboard;

B. Detailed action steps the prosecuting attorney's office plans to take to expand the available data and improve the juvenile data dashboard with the goal of providing public users with the ability to access and analyze juvenile cases in a manner consistent with the adult felony cases section of the adult data dashboard; and

C. Barriers that the prosecuting attorney's office has identified to expanding public access to the agency's data on criminal cases involving juvenile respondents and improving the juvenile data dashboard.

The prosecuting attorney's office should protect the privacy of individual juvenile respondents while, to the greatest extent possible, preserving the dashboard categories and subcategories used in the adult data dashboard. To protect the privacy of individual juvenile respondents, the prosecuting attorney may combine data subcategories; however, that combining should be done at the lowest subcategory possible.

The prosecuting attorney should electronically file the plan by June 30, 2025, 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 and justice committee or its successor.

Sexual Assault Cases Proviso: Due 7/31/2025

Of this appropriation, \$100,000 shall not be expended or encumbered until the prosecuting attorney transmits a report on sexual assault cases 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, ordinance section, and proviso number in both the title and body of the motion.

The report shall include, but not be limited to:

A. Data on sexual assault cases with adult defendants referred to the prosecuting attorney's office from January 1, 2023, to January 1, 2025, including:

1. The number of sexual assault cases referred;
2. Of the cases referred, the number that were charged;
3. Of the cases charged, the number resolved at trial;
4. Of the cases charged, the number resolved through a plea to a lesser charge;
5. Of the cases pleaded to a lesser charge, the most-common lesser charge pleaded;
6. The percentage of sexual assault cases in which the initial charge was never modified;
7. The average wait time from arraignment to trial in sexual assault cases;
8. The number of acquittals after trial for cases charged as sexual assault, and an explanation of how that compares to other types of crime; and
9. Demographic information of victims including race, ethnicity, gender, and age;

B. Data on sexual assault cases with juvenile respondents referred to the prosecuting attorney's office from January 1, 2023, to January 1, 2025, including:

1. The number of sexual assault cases referred;
2. Of the cases referred, the number that were statutorily required to be referred;
3. Of the cases referred, the number that were charged;
4. Of the cases charged, the number resolved at trial;
5. Of the cases charged, the number resolved through a plea to a lesser charge;
6. Of the cases pleaded to a lesser charge, the most-common lesser charge pleaded;
7. The percentage of sexual assault cases in which the initial charge was never modified;
8. Of the cases not statutorily required to be referred, the percentage rate of charging and an explanation of how that compares to other types of crime;

9. The average wait time from arraignment to trial in sexual assault cases;
 10. The number of acquittals after trial for cases charged as sexual assault and an explanation of how that compares to other types of crime; and
 11. Demographic information of victims including race, ethnicity, gender, and age;
- C. For sexual assault cases with juvenile respondents not filed due to insufficient evidence, describe the steps taken to systemically address the gathering of sufficient evidence either internally or with external partners; and
 - D. A copy of the written guidance maintained by the prosecuting attorney's office regarding charging standards for juvenile sexual assault cases;
 - E. Information on the prosecuting attorney's partnership with sex offender treatment providers and the treatment offered to adult defendants, juvenile respondents, and victims, including:
 1. A summary of the prosecuting attorney's office work and partnership with sex offender treatment providers;
 2. A summary the prosecuting attorney's office work and partnership with community-based organizations serving domestic violence and sexual assault survivors, including how communication and transparency is developed;
 3. A description of the treatment that the prosecuting attorney's office most commonly refers sexual offenders to; and
 4. The number of adult defendants and the number of juvenile respondents charged with sexual assault from January 1, 2023, to January 1, 2025, who were referred to sexual offender treatment and the completion rate for each; and
 - F. Information on data collection, resources, and continuous improvement processes related to the prosecuting attorney's office gender-based violence work, including:
 1. A summary of findings related to any surveys of victims of sexual assault conducted by the prosecuting attorney's office;
 2. A narrative detailing the last time the prosecuting attorney's office reviewed or revised its practices and charging standards for sexual assault cases, including the date of the review or revision and whether the Aequitas standards were reviewed when performing this work;
 3. An explanation of how current the prosecuting attorney's data dashboards are and if there are any gaps in the data dashboards that the prosecuting attorney plans to address;
 4. A description of how the resources allocated to the gender-based violence division compares to other divisions of the criminal practice within the prosecuting attorney's office; and
 5. A description of the continuous improvement process used, if any, on prosecuting sexual assault cases, including how data is used to identify and address barriers to conviction and the frequency of which the continuous improvement process is applied.

For the purposes of this proviso, "sexual assault cases" include sex offenses as described in chapter 9A.44 RCW. The report requested by this proviso need only include data and information held or reasonably obtained by the prosecuting attorney's office and shall not include any identifying information or other information prohibited from being released by state law.

The prosecuting attorney should electronically file the report and a motion required by this proviso by July 31, 2025, 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 and justice committee or its successor.

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Racial Disparities Proviso: Due 6/30/2025

Of this appropriation, \$50,000 shall not be expended or encumbered until the executive transmits a report on the results of an analysis of racial disparities in response to infractions in adult detention and a motion that should acknowledge receipt of the report, and a motion acknowledging receipt of that report is passed by the council. The motion should reference the subject matter, the proviso's ordinance, ordinance section, and proviso number in both the title and body of the motion.

The report shall include, but not be limited to:

- A. Disaggregated data on all infractions and responses to infractions, including, but not limited to, restrictive housing placements, in adult detention in 2024;
- B. An analysis of those infractions and responses to infractions by race;
- C. Discussion of any racial disparities found in the analysis of infractions and responses to infractions by race, and identification of actions or planned actions that will be taken in an effort to reduce any racial disparities found in the analysis; and
- D. A discussion of whether and how frequently the department of adult and juvenile detention intends to conduct future analyses of racial disparities in response to infractions in adult detention.

The executive should electronically file the report and a motion required by this proviso by June 30, 2025, 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 and justice committee or its successor.

West Wing Proviso: Due 6/30/2025

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a plan for use of the west wing of the King County Correctional Facility as an area to provide alternatives to secure detention services and a motion that should approve the plan, and a motion acknowledging receipt of the plan is passed by the council. The motion should reference the subject matter, the proviso's ordinance, ordinance section, and proviso number in both the title and body of the motion.

The plan shall include, but not be limited to:

- A. A discussion of the feasibility and advantages of using all or a portion of the west wing of the King County Correctional Facility and other facilities to provide a "side door" alternative space to bring people with behavior health needs arrested for non-violent misdemeanor offenses, as an alternative to booking them into jail, including consideration of whether the space should be secure, and the feasibility of co-locating the facility with the homeless shelter currently occupying the west wing;
- B. A discussion, in collaboration with the behavioral health and recovery division, of the types of services that could be provided on-site, including assessments, therapy, medication assisted treatment, and case management, and how those services might be administered through existing or new alternatives to detention and diversion programs, and consideration of whether currently available on-site services and case management at the site could be used as a shared resource for the homeless shelter and "side door";

C. Projection of the number of people likely to be served by the "side door" and the capital and operating resources that would be needed to implement the plan;

D. Identification of potential funding sources to implement the plan, including use of the \$2,000,000 expenditure reserve in the Mental Illness and Drug Dependency Fund set aside for supporting changes to the future use of the west wing; and

E. Identification of the timeline and next steps to implement the plan.

The executive should electronically file the plan and a motion required by this proviso by June 30, 2025, 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 and justice or its successor.

Juvenile Solitary Confinement Independent Monitor Proviso: Due 6/30/2025

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a report on confinement of juveniles in county detention facilities 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, ordinance section, and proviso number in both the title and body of the motion.

The report required by this proviso shall cover the reporting period of April 1, 2024, through March 31, 2025, and should build on all prior reports submitted on practices related to the confinement of juveniles as required by Ordinance 18637, Section 6, Ordinance 18930, Section 36, Ordinance 19210, Section 50, and Ordinance 19546, Section 54. The report required by this proviso shall be prepared by an appointed, independent monitor or monitors retained in accordance with Expenditure Restriction ER1 of this section. The monitor or monitors shall include in the report an analysis of compliance with K.C.C. chapter 2.65 and chapter 13.22 RCW, by the department of adult and juvenile detention juvenile division, and the report shall also include, but not be limited to:

A. A discussion of challenges, progress, and setbacks, and any significant management, policy or operating environment changes that have occurred since the prior report related to behavioral interventions and confinement of juveniles at county detention facilities;

B. A review of the documentation of each incident of use of solitary confinement during the evaluation period, including identification of the number of incidents and an evaluation of the circumstances for the use of solitary confinement;

C. A review of the average duration of solitary confinement incidents, including identification of the number of incidents exceeding four hours and an evaluation of each incident;

D. A review of the documentation of supervisory review before the use of solitary confinement, including identification of the number of incidents exceeding two hours when supervisory review did not occur and an evaluation of each incident;

E. A review of the documentation of medical and mental health assessments of youth in solitary confinement, including identification of the number of incidents when health clinic staff was not notified within one hour or an assessment by a medical professional was not completed within six hours and an evaluation of each incident;

F. A review of the documentation of how youth subject to solitary confinement had continued access to education, programming, and ordinary necessities, such as medication,

meals, and reading material, when in solitary confinement, and identification of the number of incidents when access was not documented and an evaluation of each such incident;

G. The gender, age, and race of youth involved in each solitary confinement incident;

H. An assessment of the progress by the department of adult and juvenile detention juvenile division on implementing the recommendations outlined in previous monitor reports;

I. Any new recommendations for reducing the use and duration of solitary confinement for juveniles in detention, and recommendations for improving data collection and reporting of incidents of solitary confinement of juveniles in detention; and

J.1. Except as otherwise provided in subsection J.2. of this proviso, a certification by the monitor or monitors that the department of adult and juvenile detention juvenile division has appropriately documented and maintained data on at least ninety percent of incidents for each category of incident described in subsections B. through subsection F. of this proviso.

2. If the monitor or monitors cannot make the certification in accordance with subsection J.1. of this proviso because the department of adult and juvenile detention juvenile division did not appropriately document and maintain data on at least ninety percent of incidents for any category or categories of incident described in subsections B. through F. of this proviso, the monitor shall include in the report an explanation from the department of adult and juvenile detention as to why data was not appropriately documented and maintained on at least ninety percent of incidents for each category of incident.

In preparing and completing the report required by this proviso, the monitor or monitors shall consult with stakeholders, including representatives of the King County Juvenile Detention Guild (Department of Adult and Juvenile Detention – Juvenile) representing employees in the department of adult and juvenile detention juvenile division.

The executive should electronically file the report and a motion required by this proviso no later than June 30, 2025, 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 and justice committee or its successor.

Booking Restrictions Proviso: Due 4/30/2025

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a plan for a protocol to engage city partners before implementing new jail booking restrictions.

The plan shall include, but not be limited to:

A. A description of the county's responsibilities towards cities that contract with the department of adult and juvenile detention for jail services ("contract cities") and the executive's authority to implement jail booking restrictions on certain misdemeanor offenses, including limits to that authority and the conditions that would precipitate implementing new booking restrictions and rescinding existing booking restrictions; and

B. A protocol for engaging contract cities before implementation of new booking restrictions, which shall include, but not be limited to: (1) the method for communicating proposed booking restrictions with contract cities and the King County council, including the reasons the booking restrictions are being contemplated and the conditions under which booking restrictions will be lifted; (2) the method and timeframe for contract cities and councilmembers to raise concerns; and (3) the process the executive will use to address concerns.

The executive should electronically file the plan by April 30, 2025, 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 and justice committee or its successor.

Safety Improvements Proviso: Due 6/30/2025

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a report on the status of safety improvements at adult detention facilities, 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, ordinance section, and proviso number in both the title and body of the motion.

The report shall include, but not be limited to:

A. A description of technology used in the adult detention facilities to support physical safety for officers, residents, and visitors, including, but not limited to, facility cameras, duress alarms, and radios;

B. An assessment of the condition and effectiveness of the technologies and plans to address any problems such as: gaps in camera and radio coverage; whether there are enough duress alarms and radios for all staff who need them; and whether cameras, duress alarms, and radios are functioning;

C. A discussion of options for addressing gaps or needs identified in section B. of this proviso, including the status, scope, schedule, budget, and potential funding sources for any identified projects to address the gaps;

D. Discussion of the status, scope, schedule, budget, potential funding sources, and timeline for implementing body worn cameras; and

E. A discussion of the timeline and next steps for addressing full implementation of technology to maximize adult detention facility safety.

The executive should electronically file the report and a motion required by this proviso by June 30, 2025, 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 and justice committee or its successor.

EMPLOYMENT AND EDUCATION RESOURCES

Restorative Community Pathways Proviso: Due 8/31/2025

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a letter confirming that a dashboard for the restorative community pathways program has been published or updated on the county website.

A. The dashboard shall include, but not be limited to detailed data on the monthly and annual aggregate number of unique referrals by the prosecuting attorney's office and by cohort, enrollments, declines, exits, and completions for the years 2022, 2023, and 2024, including the following:

1. The number of unique referrals by the prosecuting attorney's office;

2. The number of youths who were unable to be contacted, the number of youth referred back to the prosecuting attorney's office for being unable to be contacted and, the number of youth pending contact, including the average time from referral and the current status or rereferral;

3. The number of youths who refused services, the number of youth referred back to the prosecuting attorney's office for refusal of services, including the average time between referral and rereferral for all categories;

4. The number of youth who enrolled in services, and the average time, the range of times, and the distribution of times from when a youth is referred by the prosecuting attorney's office to when they enrolled in services;

5. The number of youth who exited the program without completing the program and, of that number, the number who are referred back to the prosecuting attorney's office, including the average time, the range of times, and the distribution of times from when a youth is referred to the program, enrolled in services to when the youth exited the program without completing the program;

6. The number of youth completing the program, including the average time, the range of times, and the distribution of times from when a youth enrolled in services to when they completed the program; and

7. Working with the prosecuting attorney's office, determine the number of referrals back to the prosecuting attorney's office that have been subsequently declined, charges filed, rereferred to the restorative community pathways programs, or rereferred to a court diversion program, and the number of youth who were diverted to the restorative community pathways programs that have had new law enforcement referrals.

B. The letter shall include:

1. Detailed description of the process for referring youth to the restorative community pathways program including a step-by-step explanation from when a youth is referred by the prosecuting attorney's office to when a youth accepts and engages in services provided by the contracted community-based organization;

2. Comprehensive inventory of the programs available to youth referred to restorative community pathways, including program structures, activities, timeline for engaging in services, accountability metrics, and reporting structures;

3. Summary of the contracts between the department of community and human services and the community-based organizations providing services to youth referred to restorative community pathways in 2022, 2023, and 2024. The summary should include:

a. the contract amount, key terms, renewal schedules, minimum standards, and reporting requirements for each organization. The executive shall include copies of each contract with the report; and

b. enrollment statistics and outcomes for each contracted organization; and

4. A description of any improvements to the restorative community pathways program being pursued or suggested by the department of community and human services. The prosecuting attorney's office should be provided the opportunity to comment on the improvements being pursued or suggested, and that response should be included in the report.

The executive should electronically file the letter required by this proviso by August 31, 2025, 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 and justice committee or its successor.