



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 16441

Proposed No. 2023-0200.1

Sponsors Zahilay

1 A MOTION acknowledging receipt of the first of two
2 reports on addressing the criminal case backlog that
3 resulted from the COVID-19 pandemic and progress on
4 addressing new eviction cases after the state moratorium is
5 lifted, in response to the 2023-2024 Biennial Budget
6 Ordinance, Ordinance 19546, Section 17, Proviso P4.

7 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
8 Section 17, Proviso P4, states that \$200,000 shall not be expended or encumbered until
9 the office of performance strategy and budget transmits two reports on addressing the
10 criminal case backlog that resulted from the COVID-19 pandemic and progress on
11 addressing new eviction cases after the state eviction moratorium is lifted, and

12 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
13 Section 17, Proviso P4, requires that the first report cover October 1, 2022, to March 31,
14 2023, and include positions supported by Coronavirus State and Local Fiscal Recovery
15 revenues, how much appropriation has been expended as of March 31, 2023, the
16 anticipated date by which the backlog of cases will be addressed assuming various
17 funding scenarios for 2024, the identification and discussion of barriers and system
18 challenges to addressing the case backlog, a plan to address the felony criminal backlog,
19 funding options to address the backlog in felony criminal cases, data on superior court
20 felony backlog, and discussion of the status of the district court backlog, and

Motion 16441

21 WHEREAS, the King County executive hereby transmits to the council the

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

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

24 The council hereby acknowledges receipt of the COVID-19 Legal System


Motion 16441

- 25 Backlog: 2023-2024 Report 1 proviso response, Attachment A to this motion, as required
26 by the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P4.


Motion 16441 was introduced on 6/27/2023 and passed by the Metropolitan King County Council on 10/10/2023, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

Attachments: A. COVID-19 Legal System Backlog 2023-2024 Report 1, May 2023

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

May 2023



King County

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II. 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.

III. Executive Summary

This is the first 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. All information in this report is current as of March 31, 2023, or as otherwise specified. Note that three other reports on the backlog were submitted to the King County Council in 2021 and 2022 as required by Ordinance 19318, Section 2, Proviso P4.²

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.³ The Council appropriated federal Coronavirus Local Fiscal Recovery (CLFR) Fund resources to address the backlog to these five agencies in Ordinance 19318 and in Ordinance 19546. 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.

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 directly and indirectly caused 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 the County's equity and social justice efforts.

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 March 31, 2023, and to report on the status of and challenges addressing the backlog. The County's legal system agencies met with the King County Executive's Office to discuss plans and recommendations for addressing the backlog. In addition to discussions with King County criminal legal partners, the Executive's Office interviewed legal system representatives in other jurisdictions and reviewed literature related to felony backlog reduction.

² COVID-19 Legal System Backlog - Report 3 November 2022 [\[LINK\]](#)

³ 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 subsequent reports.

Report Requirements

Positions supported by CLFR revenues: Ordinance 19546 allocates CLFR funds supporting 141 positions as of March 31, 2023; 127 of these positions are filled with 14.5 vacancies. These positions have not been consistently filled over the first quarter. The vacant positions do not reflect challenges in hiring and recruiting, as some agencies are using CLFR funds for base budget positions, in some cases in special duty roles, rather than designating specific CLFR funded term limited temporary (TLT) positions.

Agency	March 31, 2023	
	Total filled positions	Total vacant positions
District Court	5	0
DJA	12	11
DPD	27	0.5
Superior Court	27	3
PAO	56	0
Total	127	14.5

Appropriation expended as of March 31, 2023: Agencies spent a total of \$3.9 million in CLFR funds between January 1, 2023, and March 31, 2023, or 17 percent of the \$22.3 million appropriated in Ordinance 19546. Funding in the 2023-2024 budget was based on expected 2021-2022 under-expenditure and does not represent an incremental increase of CLFR revenue allocated to the legal backlog. Total CLFR spent through March 31, 2023, is \$36.2 million.

	2021-2022 CLFR appropriation	2021-2022 expenditures estimate for 23-24 budget	Actual 2021-2022 CLFR expenditures ⁴	2023-2024 CLFR appropriation ⁵	2023-2024 CLFR expenditures through 3/31/23	Total CLFR expended	Total CLFR appropriated ⁶
District Court	6,878,000	3,500,000	3,253,000	1,380,000	142,000	3,395,000	4,633,000
DJA	4,652,000	3,000,000	2,234,000	2,571,000	336,000	2,570,000	4,805,000
PAO	14,199,000	7,699,000	7,957,000	6,847,000	1,676,000	9,632,000	14,804,000
DPD	10,807,000	4,952,000	10,363,000	6,265,000	730,000	11,093,000	16,628,000
Superior Court	13,179,000	8,205,000	8,468,000	5,496,000	1,004,000	9,472,000	13,965,000
Total	49,715,000	27,356,000	32,275,000	22,559,000	3,888,000	36,162,000	54,835,000

⁴ DPD includes \$5 million approved for CLFR that was not included in PSB assumptions for CLFR underspend at the time of budget development.

⁵ DJA includes \$200k in the Executive Proposed omnibus, not adopted by Council as of 4/25/2023.

⁶ 2021-2022 total expended + 2023-2024 appropriated. Appropriated amounts from 21-22 and 23-24 are not added because 2023-2024 was assumed under-expenditure at the time of budget development.

Anticipated date backlog will be addressed: The District Court filed backlog was fully addressed as of March 31, 2023. While additional funding can mitigate increases in felony backlogs, Superior Court felony pending cases are not expected to reach pre-pandemic volume in the next several years under any plausible funding scenarios.

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

- Challenges recruiting, hiring, and retaining qualified staff
- Continued effects of the pandemic
- Challenges specific to addressing criminal cases, including high levels of violent crime
- Factors that facilitated backlog reduction in 2021 that have ended

Plan for addressing felony backlog: While the State Constitution, the County Charter, and applicable ordinances grant the Executive no authority over criminal legal operations of the courts, the Prosecuting Attorney's Office, and the Department of Public Defense, the Executive recommends several changes to address the felony backlog. They are:

- Implementing voluntary settlement conferences;
- Processing changes to bring client, defense, and prosecutor together at the same place and time ahead of trial;
- Convening a criminal legal coordinating council;
- Implementing changes in case management;
- Improving the management of continuances and hearings;
- Implementing improvements to trial calendars; and
- Taking steps to reduce unnecessary transports of people in custody to court.

Recommendations agreed upon by legal system agencies will be implemented in the coming months. There was no consensus between the entities to implement voluntary settlement conferences or to implement systematic changes to bring together parties ahead of trial.

Implementation of these plans may mitigate increases to the backlog but are not expected to reduce the criminal felony pending cases to pre-pandemic volume.

Funding options for addressing felony backlog: The only option identified to increase funding to date address the backlog is federal CLFR funds. The Executive Office expects to transmit a supplemental budget to the Council June 1, 2023 (COVID 10 Supplemental), which will reallocate existing federal CLFR funds from programs expected to underspend current appropriation in 2023-2024. Legal system agencies submitted nominations for this supplemental's funding to PSB on April 14, 2023. As of April 25, 2023, the Executive has not yet determined whether additional funding will be included in the proposed supplemental. Any additional CLFR funding is not expected to result in a return to pre-pandemic levels of pending Superior Court cases in the current biennium but may mitigate increases in pending cases.

Superior Court backlog: Superior Court’s pandemic-related case backlog⁷ is the number of pending cases exceeding pre-pandemic volume. All active cases,⁸ regardless of filing date, are counted from the time of filing to the time of resolution.

1. Pending caseload for all criminal cases

	2019 Average	Q1 2023	Difference from 2019
Criminal Filed Pending Cases ⁹	3,435	4,681	1,246
Pending Unfiled Criminal Cases	1,800	2,190	390
Total Pending Cases	5,235	6,871	1,636

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	Q1 2023	Difference from 2019
Most Serious Felonies Pending Cases ¹⁰	948	1,568	620

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

	2019 Average	Q1 2023	Difference from 2019
Criminal Total Resolved (includes Most Serious)	1,447	1,273	-174
<i>Resolved by Jury Trial</i>	3.0%	2.3%	-0.7%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.1%	-0.3%
<i>Resolved by Guilty Plea</i>	77.1%	66.5%	-10.6%
<i>Dismissal</i>	19.1%	31.7%	12.6%
<i>Others</i>	0.5%	0.2%	-0.3%

⁷ 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.

⁸ Cases are active if they do not have a disposition and they are not in an inactive status (for example, on warrant).

⁹ Includes RALJ (appeals from limited jurisdiction courts).

¹⁰ 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.

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

	2019 Average	Q1 2023	Difference from 2019
Most Serious Felonies Resolved ¹¹	365	268	-97
<i>Resolved by Jury Trial</i>	6.4%	6.0%	-0.4%
<i>Resolved by Non-Jury Trial</i>	0.1%	0.4%	0.3%
<i>Resolved by Guilty Plea</i>	78.9%	79.1%	0.2%
<i>Dismissal</i>	14.0%	14.6%	0.6%
<i>Others</i>	0.6%	0.0%	-0.6%

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

	2019 Average	Q1 2023	Difference from 2019
Pending Unlawful detainer (evictions) ¹²	461	785	324
Quarterly filings	1,156	532	-624

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

PAO unfiled backlog:

	2019 Average	Q1 2023	Difference from 2019
Unfiled District Court PAO Backlog ¹³	830	2,500	1,670

Next Actions: District Court has resolved all pandemic-related filed backlogs. Substantial progress was made to address Superior Court felony backlogs in 2021 and early 2022, though pending felony cases have increased in recent quarters. Continuing challenges with recruitment, hiring, and retention, high violent crime rates, and slower time to resolution have resulted in continued felony backlogs. In particular, the backlog for the most serious felonies remains high. These serious cases more frequently go to trial and require disproportionate resources to resolve. Given current barriers and challenges, pending felony cases are not expected to return to pre-pandemic levels over the next several years.

¹¹ Homicides, sex crimes, Robbery 1, Assault 1 and 2, also included in Criminal, above.

¹² Also included in Civil.

¹³ PAO estimates. Data limitations prevent precise reporting.

Agencies will implement some plans developed in collaboration with the Executive Office, with Executive Office support in the coming months. Implementation of the recommendations is not expected to facilitate a return to 2019 levels of pending felony cases within the next few years. Additional policy or operational changes may be identified by the criminal legal coordinating council, which is expected to convene agency leadership regularly to collaboratively plan and coordinate initiatives. The COVID 10 supplemental budget will be transmitted to the Council on June 1 and may contain additional CLFR funding for legal system agencies.

The Office of Performance, Strategy and Budget will provide an update on the legal system backlog by September 16, 2024, in the second of two reports required by Ordinance 19546, Section 17, Proviso P4.

IV. 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.¹⁴ The King County Council appropriated federal Coronavirus Local Fiscal Recovery (CLFR) Fund resources to address the backlog to these five agencies in Ordinance 19318 and in Ordinance 19546. 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 the Executive Office and 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.

¹⁴ 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 American 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.

Previous reports submitted to the Council in 2021 and 2022 in response to P4 in Ordinance 19318 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.¹⁵

Agencies have made progress on mitigating and reducing backlogs under very challenging conditions.

Operational adaptations include:

- 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;
- Collaboration with public health experts to implement safety procedures.

As of March 31, 2023, most state and local pandemic restrictions have been lifted and King County COVID case rates are low. While court operations have not fully returned to pre-pandemic business practices, many operational changes are expected to remain in place indefinitely. A state workgroup is currently examining which provisions of the temporary state Supreme Court emergency order will become permanent state rule changes.

¹⁵ COVID-19 Legal System Backlog - Report 3 November 2022 [\[LINK\]](#)

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 March 31, 2023, and to report on status and challenges addressing the backlog. DJA and PAO provided case data and all agencies provided staffing and financial information.

From October of 2022 through March of 2023, DJA, DPD, PAO, and Superior Court met with the Executive's Office and generously provided their time, data, and ideas to reduce the felony backlog. In addition to discussions with King County criminal legal partners, the Executive's Office interviewed court, prosecuting attorney, and public defense leaders from Pierce, Snohomish, and Whatcom counties, and reviewed literature from Harris and Maricopa counties related to felony backlog reduction.

The work culminated in a summit held on March 17, 2023, with leadership from DJA, DPD, PAO, Superior Court, the Executive's Office, and the Department of Adult and Juvenile Detention (DAJD) to discuss several recommendations aimed at reducing the backlog. After the summit, all agencies reviewed the recommendations in Section E and identified next steps for implementation.

PSB compiled and synthesized information from the summit. Each of the above agencies provided feedback and reviewed report contents. DAJD provided feedback on information related to DAJD staffing.

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. Sections C, E, and F of this report reflect updated report requirements as called for by Ordinance 19546, Section 17, Proviso P4.

V. 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 March 31, 2023, DJA, PAO, DPD, District Court, and Superior Court have a total of 127 filled positions and 14.5 vacancies that are currently funded by Ordinance 19546. The full list of positions can be found in Appendix B. Despite the hiring and retention challenges described in Section D, most positions were filled as of March 31, 2023. Some positions have been vacant for various periods of time. The vacant positions do not 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.

Table 1: Summary of CLFR funded Positions

Agency	March 31, 2023	
	Total filled positions	Total vacant positions
District Court	5	0
DJA	12	11
DPD	27	0.5
Superior Court	27	3
PAO	56	0
Total	127	14.5

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. When CLFR funding ends, some CLFR FTE positions will continue to be funded by the General Fund, while some current temporary positions funded by the General Fund will 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.

The PAO positions include TLTs, special duty positions, and unfunded FTE positions. The position list in Appendix B includes all positions funded by CLFR as of March 31, 2023. Please note that not all positions were funded by CLFR for the entire first quarter. Without additional federal funding, these positions could be CLFR funded through November. The PAO may further adjust staffing strategies to maintain limited positions through the end of 2024 depending on additional CLFR funds allocated to the PAO.

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.

The District Court position count does not include pro tem judges that were funded in Q1, but no longer needed as of March 31, 2023.

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;

King County criminal legal agencies spent a total of \$3.9 million in CLFR funds between January 1, 2023, and March 31, 2023, or 17 percent of the \$22.6 million appropriated in Ordinance 19546. Funding in the 2023-2024 budget was based on expected under-expenditure and did not represent an incremental increase of CLFR revenue allocated to the legal backlog. Total legal system CLFR funds spent through March 31, 2023, is \$36.2 million.

The 2023-2024 budget categorized CLFR allocations as:¹⁶

- Legal System Backlog: partial funding for agencies’ proposals for one-time federal funds to add temporary capacity to directly address backlog cases.
- Access to Justice: partial funding with one-time CLFR revenue for requests that agencies identified as ongoing needs and proposed to fund with General Fund resources. These were resources funded by CLFR in 2021-2022 that prevent further system backlogs.

Agencies were given flexibility to spend based on internal priorities, as allocated funding was less than needed to resolve the backlog.

Table 2: CLFR appropriation expended as of March 31, 2023

	2021-2022 CLFR appropriation	2021-2022 expenditures estimate for 23-24 budget	Actual 2021-2022 CLFR expenditures ¹⁷	2023-2024 CLFR appropriation ¹⁸	2023-2024 CLFR expenditures through 3/31/23	Total CLFR expended	Total CLFR appropriated ¹⁹
District Court	6,878,000	3,500,000	3,253,000	1,380,000	142,000	3,395,000	4,633,000
DJA	4,652,000	3,000,000	2,234,000	2,571,000	336,000	2,570,000	4,805,000
PAO	14,199,000	7,699,000	7,957,000	6,847,000	1,676,000	9,632,000	14,804,000

¹⁶ These categories do not necessarily match CLFR eligibility project IDs.

¹⁷ DPD includes \$5 million approved for CLFR that was not included in PSB assumptions for CLFR underspend at the time of budget development.

¹⁸ DJA includes \$200k in the Executive Proposed omnibus, not adopted by Council as of 4/25/2023.

¹⁹ 2021-2022 total expended + 2023-2024 appropriated. Appropriated amounts from 21-22 and 23-24 are not added because 2023-2024 was assumed under-expenditure at the time of budget development.

	2021-2022 CLFR appropriation	2021-2022 expenditures estimate for 23-24 budget	Actual 2021-2022 CLFR expenditures ¹⁷	2023-2024 CLFR appropriation ¹⁸	2023-2024 CLFR expenditures through 3/31/23	Total CLFR expended	Total CLFR appropriated ¹⁹
DPD	10,807,000	4,952,000	10,363,000	6,265,000	730,000	11,093,000	16,628,000
Superior Court	13,179,000	8,205,000	8,468,000	5,496,000	1,004,000	9,472,000	13,965,000
Total	49,715,000	27,356,000	32,275,000	22,559,000	3,888,000	36,162,000	54,835,000

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

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.²⁰

Each agency's workload is driven by differences in 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.

Reducing 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 Q4 2022 and Q1 2023. Pending felony caseloads are likely to increase more sharply once CLFR resources are fully expended. The below scenarios assume no major changes in the number of cases referred by law enforcement or other major legal system changes.

No new CLFR resources: Agencies are employing differing strategies in utilizing limited CLFR resources in 2023-2024. PAO is ramping down staffing in order to ensure some additional capacity remains through the end of 2024; DPD is funding only limited positions due to challenges with hiring and retention. Once 2023-2024 CLFR resources are expended, temporary CLFR-funded positions will end. Even with

²⁰ 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.

additional CLFR funding, backlogs increased in Q3 2022 and Q1 2023. Pending felony cases will likely begin to increase more rapidly as resources are reduced in 2023 and 2024, though patterns depend on various factors, including agency resource prioritization.

Agencies provided estimates of when current CLFR funding will be fully expended. Depending on budget decisions in the COVID 10 supplemental, agencies may adjust spending plans for existing and new appropriation.

Table 3: Estimated date 2023-2024 CLFR funds will be expended

Agency	Estimated date 2023-2024 CLFR funds will be expended with no new funding	Notes
District Court	December 2024	Funds that were originally allocated to core backlog operations will be expended on access to justice resources.
DJA	March 2024	Estimate assumes some amount of continued vacancies (DJA is working to fill vacancies as quickly as possible).
PAO	PAO will likely further ramp down spending in 2023 and 2024, with the intent of reserving funding for roughly 10 CLFR positions to remain through the end of 2024. Continuing funding at current staffing levels would pay for the current 56 positions through November 2023.	PAO reduced CLFR staffing to ensure current resources will allow for additional staffing longer.
DPD	December 2024	DPD will allocate current CLFR funds throughout the biennium. Based on the current 23-24 budget, CLFR FTEs will revert to General Fund, rather than end after CLFR is fully expended.
Superior Court	March 2024	Estimate includes assumed vacancies in 2023 and 2024.

Current CLFR resources continue at current levels through 2024 with additional supplemental CLFR appropriation: If CLFR resources are extended through the end of 2024 and General Fund base budget resources are stable, some progress on reducing the felony backlog may occur, but pending caseloads will not return to 2019 levels by the end of 2024. Pending cases will likely rise in 2025 when CLFR resources expire.

Funding for additional resources beyond current CLFR: Additional funding beyond extending current CLFR resources through 2024 is unlikely to have a substantial effect on backlog felony numbers, as the recruitment and retention of experienced attorneys in DPD and PAO is a primary constraint that cannot be addressed by more funding. These challenges are discussed below in Section D.

Budget reductions in base budgets due to General Fund constraints: Revenue constraints of the General Fund may require base budget reductions in 2024 and/or 2025. These potential reductions will likely cause further legal system delays and lead to increased numbers of pending cases.

Effects of other changes: Implementation of recommendations described in Section E, including those that do not require additional financial resources, may speed progress on addressing the backlog in any of the above funding scenarios, but are unlikely to facilitate the return to 2019 levels of pending cases within the next few years.

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;²¹
- 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. Additional issues and updated explanations are included.

Staffing and scheduling challenges

All agencies report challenges with recruiting and retaining qualified applicants, particularly for temporary positions. Agencies cite overall labor market conditions, along with employee concerns related to in-person work in the Seattle downtown core, employee burnout due to working during the pandemic, and short timeframe of positions. Limited staff numbers in any agency can lead to challenges with scheduling court activity, ultimately slowing down case resolution.

- **Labor market constraints:** All agencies are experiencing challenges in recruiting and retaining staff due to overall low unemployment rates²² and high competition for qualified applicants. For example, DJA notes that increased trials require in-person work and some employees are leaving for jobs where they can work remotely. DPD cites a challenging labor market for public defenders nation-wide.²³ In addition, the City Attorney Office's decision to increase their starting salary to \$100,000 means they are likely to draw more qualified candidates than DPD or PAO, both of whom start entry-level attorneys at roughly \$80,000.
- **Challenges specific to hiring temporary positions:** Increasingly shorter time frames for TLT positions may exacerbate hiring challenges. As of March 31, 2023-2024 funding only covers

²¹ 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.

²² King County unemployment rate was 2.5 percent in February 2023. Employment Security Department Monthly Employment Report [\[LINK\]](#).

²³ Law360 Report, January, 2022 [\[LINK\]](#). NPR News Article, March 18, 2023 [\[LINK\]](#).

approximately one year of resources. CLFR TLTs are competitive applicants for FTE openings, which are high due to labor market constraints, so turnover among TLT positions is high.

- **Employee Impacts:** Agencies report stress and anxiety of staff, as well as morale issues as a contributor to recruitment and retention issues. 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. 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.
- **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. To work on Class A, some Class B, and some sex offense cases, state court rules require public defense attorneys to have specific experience and expertise.²⁴ The recent pandemic-related pauses in trials (both locally and nationally) result in a labor pool with relatively limited trial experience. While there are not specific policies or legal requirements on qualifications, the PAO assigns more experienced attorneys to serious and complex cases. 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. Superior Court reports that the problem is particularly acute for cases at the Maleng Regional Justice Center (MRJC) in Kent, where two public defense attorneys are often assigned to work on cases. DPD assigns two attorneys on serious or very complex cases to help ensure continuity of representation if one of the attorneys departs or goes on leave, as these serious cases can take years to resolve. DPD may also assign a second attorney to gain the trial experience that will enable them to handle Class A cases per the Standards for Indigent Defense. Despite these efforts, Superior Court reports a number of defendants having three or four different defense attorneys on their Class A felony cases due to attorney departures. Staffing changes can cause case delays and can result in defendants remaining in custody longer. Lack of experienced attorneys may also be a barrier to successful plea negotiations.

Retaining experienced attorneys is also a challenge. A large number of experienced attorneys have recently left PAO, complicating staffing of serious cases. DPD notes that its 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.

²⁴ Washington State Standards for Indigent Defense CrR 3.1 [[LINK](#)].

- **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.²⁵ DAJD hired 57 corrections officers and lost 97 officers in 2022. As of April 20, 2023, DAJD has hired 30 corrections officers and lost 19. Vacancies lead to increased overtime and associated staff burnout. Increased training academy requirements and limited spots for King County officers have increased the onboarding time for new employees. DAJD has shifted population from the downtown facility to the MRJC to balance workload and mitigate challenges related to vacancies.
- **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 is in the process of converting a permanent position to a career service Spanish interpreter, in addition to the CLFR-funded TLT.
- **Higher volume of trials causing resource constraints in non-trial activities:** As of March 31, 2023, Superior Court is running more trials per week on average compared to pre-pandemic times – now typically eight to 10 criminal trials are in session per week in Seattle and seven to eight at the MRJC, compared to six to seven per week in Seattle and five to six per week at the MRJC in 2019. The increased trial volume is due to the longer average length of trials, compared to pre-pandemic years, and causes resource issues in other areas.

Continued effect of the pandemic on operations

As of March 31, 2023, the direct effects of the pandemic have lessened, but operational effects of potential future COVID surges continue to be a risk.

- **Social distancing measures:** Superior Court Emergency Order 37 made face coverings optional beginning March 20, 2023, though judicial officers may require masking at their discretion. About 80 percent of civil trials were conducted remotely in 2022. DJA no longer limits the number of people waiting in the lobby and most DJA employees are working onsite the majority of the time.
- **Absences for illness and isolation:** Employees absent due to COVID infection or isolation requirements have disrupted operations.

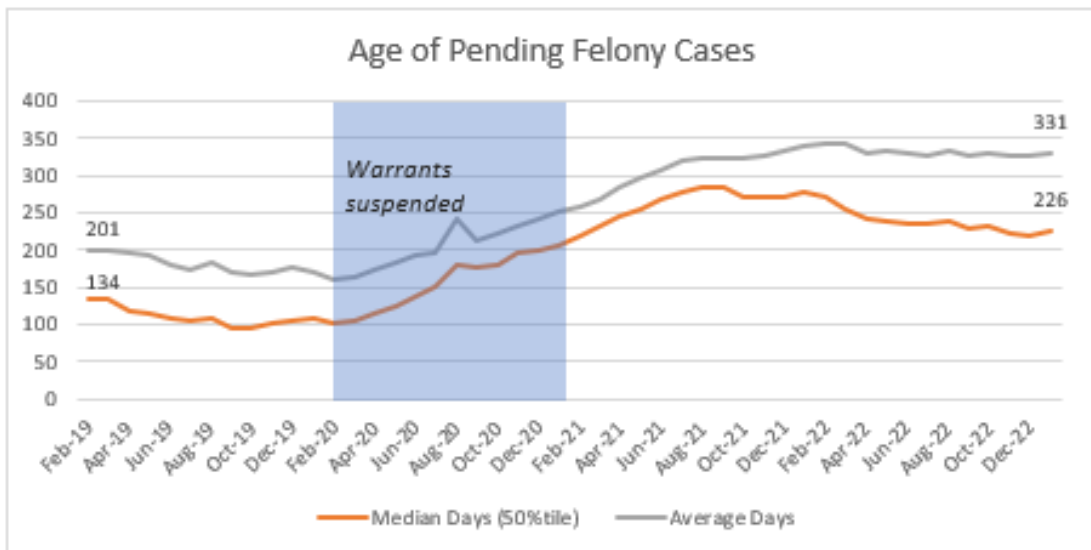
²⁵ Information from the Department of Adult and Juvenile Detention (DAJD).

Challenges of addressing backlogged criminal cases in Superior Court

As of March 31, 2023, the felony pandemic-related backlog remained higher than in pre-pandemic years, particularly for the most serious cases. Typically, the most serious cases are more likely to go to trial and to require significantly more resources to resolve. Despite additional trial resources funded by CLFR, fewer cases are going to trial and fewer trial resolutions are occurring than in 2019.

The median age of pending felony cases remains longer than 2019, though decreased in 2022 as shown in Figure 1.²⁶ 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 from March 20, 2020, to February 19, 2021.²⁷ PAO does include this time in their reports of age to disposition. Graphs of both DJA and PAO data are included below. Excluding time on warrant status, the median age of pending cases declined in 2022.

Figure 1: Age of pending felony cases, days (DJA)

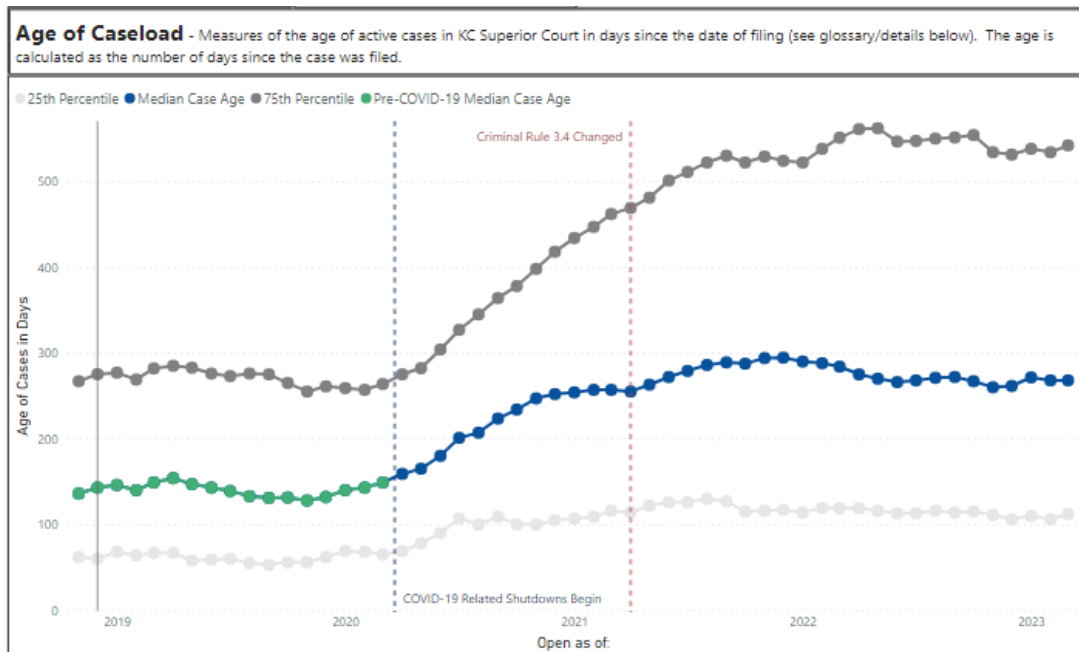


Source: DJA

²⁶ Average time to resolution was affected by dismissals of Blake cases in 2021.

²⁷ Washington State Supreme Court Order No. 25700-B607 [\[LINK\]](#) and Washington State Supreme Court Order No. 25700-B658 [\[LINK\]](#).

Figure 2: Age of pending felony cases, days (PAO)



Source: PAO

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

- **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 include:
 - Cases are more likely to go to trial, or resolve at a late 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
 - Criminal legal system partners have different and sometimes competing priorities

- **Changes in appearance requirements:** Criminal Rule 3.4²⁸ changed the requirements for appearing in person for court hearings and the consequences for failure to appear. While King County Superior Court implements this rule as requiring no defendant appearances ahead of trial, other jurisdictions continue to require some defendant appearances ahead of trial.²⁹ There is not a consensus among agencies on the effects of this rule change as it relates to case resolution times. The rule change means Failure to Appear (FTA) warrant patterns have likely changed, as defendants are no longer required to appear in Court before trial. Detailed data

²⁸ Washington State Court Rules [[LINK](#)].

²⁹ PAO collected the following examples: Kitsap County's Superior Court developed a checklist to identify hearings where defendants are required to appear. Whitman County requires attendance before issuing summons for jurors to appear. Ferry County and Greys Harbor require in person attendance at most hearings. Pierce County's Superior Court requires one in person, physical appearance by a defendant between arraignment and trial – at the first omnibus hearing.

analysis to establish connections between CrR 3.4 and changes in guilty plea rates and warrants has not been completed.

- From the PAO’s perspective, one disadvantage of CrR 3.4 is that PAO attorneys unknowingly continue to work on cases where a defendant is no longer a participating party. Prior to CrR 3.4, an absent defendant would have resulted in a bench warrant and a move off the court’s active caseload early on in the process. PAO reports it is now common to expend resources on a case and only determine near the trial date that the defendant has absconded. PAO staff also believe the rule change contributes to lower guilty plea rates. The PAO is supportive of alternative ways of appearance such as phone, video, or other less disruptive methods than physical appearance.
 - DPD highlights that this rule change allows people accused of crimes who are out of custody to travel to court less often, reduces the risk of job loss 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. DPD notes that the numerous court appearances required pre-CrR 3.4 contributed to “process-fatigue” pleas, a phenomenon in which individuals are willing to give up trial rights to speed the end of involvement in the legal system.³⁰ DPD therefore sees any connection between a reduction in plea rates and CrR 3.4 as a positive change and contends the best way to achieve higher plea rates is through more beneficial PAO plea offers.
 - While detailed analysis of CrR 3.4’s impact on warrant patterns has not been completed, Superior Court notes this would reduce law enforcement, DAJD, and Court resource use on warrant enforcement.
- **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, indicators suggest serious violent crime and workload related to violent crime is higher as of Q1 2023³²:
 - Pending Class A felony cases increased from 500 cases to 900 cases in last two years, an increase of 80 percent.
 - Pending violent offenses increased from 1,000 to over 1,600 in last two years, an increase of 60 percent.
 - Pending Sexual Assaults increased by 50 percent.
 - Shots fired incidents increased 54 percent in 2021, compared to the previous four-year average.
 - There are more than 240 homicide cases pending in the system.

³⁰ *The Process is Punishment* [[LINK](#)]

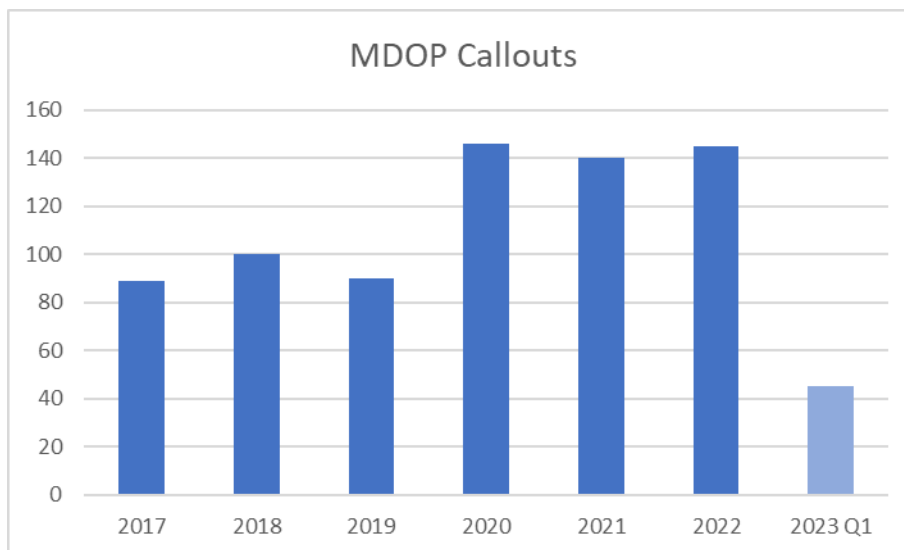
³¹ This process was described in detail in a previous proviso response Appendix A: COVID-19 Legal System Backlog - Report 3 November 2022 [[LINK](#)]

³² Statistics from PAO.

While still higher than pre-pandemic levels, some indicators showed improvement in 2022. The PAO's Crime Strategies Unit reports the number of shooting victims and the number of fatal shooting victims was down slightly from 2021.

Violent crime, even when it does not result in arrest or criminal filing, creates additional workload for Senior Deputies in the PAO. The PAO's Most Dangerous Offender Project (MDOP) team is comprised of Senior Deputies who are available seven days a week, 24 hours a day, to respond to every homicide scene in King County. The responding deputy works as part of an investigation team, which includes the detectives, the medical examiner, and forensic scientists. The deputy responding to the homicide scene assumes immediate responsibility for the prosecution -- preparing search warrants, coordinating the efforts of law enforcement and forensic scientists, and offering legal advice to investigators. This deputy's responsibility includes the charging decision and extends to all subsequent legal proceedings from arraignment through trial to sentencing. MDOP callouts increased sharply in 2020 and have remained much higher than pre-pandemic volume (see Figure 3 below).

Figure 3: 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 629 warrants in 2022. The increase occurred despite a number of 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 541 in 2022).³³

³³ Data from PAO.

- **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 2017.³⁴ Implementation of body worn cameras in the King County Sheriff's Office in 2023 will contribute 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 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.
- **Delays in arraignment due to physical infrastructure limitations:** As of March 31, 2023, PAO reports that 224 cases are awaiting arraignment scheduling in Seattle. Delays are due in part to the logistical setup of the space where arraignments are heard. Currently, in-custody defendants appear via video from room 1201 of the Seattle Courthouse, while judges and prosecutors are located on the 9th floor. This arrangement is due to space constraints in room 1201 and COVID precautions. Fewer arraignments can be heard on the calendar due to operational complexities. The Court, PAO, and DPD are working to bring all the parties back to room 1201.
- **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 proposal is under discussion to move competency returns to a motions calendar to mitigate this issue.
- **Longer trials:** According to PAO data, average trial days in 2019 was 8.8 days. In 2022, it was 12 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.³⁵

Challenges and barriers to addressing eviction cases

As eviction moratoriums have lifted, increasing numbers of unlawful detainer (eviction) cases have been filed in Superior Court, though monthly filings remain far below pre-pandemic volume. Total pending cases have increased, and exceed pre-pandemic levels as of March 31, 2023. Superior Court and DJA report the following challenges in addressing eviction cases:

³⁴ Data on investigative court orders from PAO Special Operations Unit. 245 orders in 2017 and 529 in 2021.

³⁵ 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.

- **Commissioners for unlawful detainers:** Per the State Constitution³⁶, 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.
- **Additional procedural steps required by SB 5160:** SB 5160³⁷ 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.
- **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 disabilities. Moreover, remote hearings create an inherent barrier to access for litigants who are not “technology literate,” thereby exacerbating delay and potentially creating the need for additional court events.
- **Insufficient staffing on unlawful detainer cases:** Best practices recommend courts utilize case management to prescreen each case file for issues such as: whether there has been adequate service 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 will only increase with the return of in-person matters coupled with continuation of virtual proceedings.
- **Space constraints:** The Court is currently experiencing higher numbers 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.

³⁶ Section 33 of Washington State Constitution [\[LINK\]](#).

³⁷ Engrossed Second Substitute Senate Bill 5160 [\[LINK\]](#).

- **DJA staff constraints:** DJA has many touchpoints with unlawful detainees, including docketing, receipting, calendaring, and Ex Parte via the Clerk (EPVC) submissions. Increased cases have strained capacity.

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;

The Executive oversees crucial criminal justice facilities such as the County jail; however the State Constitution, the County Charter, and applicable ordinances grant the Executive no authority over criminal legal operations of the courts, the Prosecuting Attorney's Office, and the Department of Public Defense. Through this Proviso report and the workgroup process, the Executive attempted to build consensus among these agencies toward improved operation of the criminal justice system, however, the Executive cannot force consensus.

Rather than presenting a unified plan for how to address the felony criminal backlog, this section will describe the recommendations and agency viewpoints where they differ.

Voluntary settlement conference

Several jurisdictions throughout the country³⁸ have had success with a voluntary settlement conference process used when a client has declined the plea and wants to proceed to trial. The participating judicial officer is not the trial judge and there is agreement that statements made by the defendant during the settlement conference would not be admissible for any purpose including impeachment. Settlement judges stress to the defendant that the purpose of a conference is not to force the defendant to enter into a plea, which would be highly improper. Instead, the purpose is to give the defendant information.

Maricopa County Superior Court has been holding criminal settlement conferences since 1996. They implemented a voluntary settlement conference process after noting that many criminal cases that should have resulted in pleas were instead going to trial. In addition, they had a backlog of criminal cases waiting for trial.³⁹ Maricopa County settlement conference judges each handle 30 – 70 settlement conferences per month, and the settlement rates have consistently averaged 64 percent to 78 percent.

Superior Court will encourage parties to engage in meaningful discussions, but as a separate branch, the Court will not host a settlement conference pilot. The Court believes its involvement would be inappropriate. If the parties ask for time to hold a settlement conference, the Court will seriously consider such requests. DPD does not foresee participating in a voluntary settlement conference pilot. Given the importance of Superior Court as the neutral party and their unwillingness to host a pilot, and DPD's decision to not participate, this recommendation cannot be implemented.

³⁸ These include Florida, District of Columbia, Michigan, Arizona, Kentucky, Delaware, Montana, and Connecticut (PAO research).

³⁹ Settlement Conference in Criminal Court by Hon. Robert L. Gottsfield and Mitch Michkowsky, Ph.D., Arizona Attorney, April 2007 [\[LINK\]](#)

Value in having client, defense, and prosecutor together in one place at one time

Criminal Rule 3.4 changed the requirements for appearing in person for court hearings and the consequences for failure to appear. Generally, the defendant is not required to appear in court between arraignment and trial. This rule change allows people accused of crimes who are out of custody to travel to court less often, reducing the need for childcare and time off work. However, it may be causing delays in getting cases to trial, as described in Section D. The time to resolution is significantly slower than before the pandemic, and the system cannot afford to waste resources by having parties work on cases where the defendant may no longer be a participant. Failing to require meaningful participation from defendants in adjudicating their own cases threatens the ability of the courts to process these cases.

There is value in bringing the client, defense attorney, and prosecutor together in one place at one time. While there is not consensus among the County's criminal legal partners, the Executive and PAO recommend that the Court require the defendant to appear one time prior to trial, to bring the parties together and to require meaningful participation from defendants. If traveling to court presents a burden, the Court could consider allowing alternative avenues for a court appearance, such as by phone or video.

The Court could decide that there is cause to require personal presence for a single hearing before moving the case to the trial track. Or the Court could further define in its practice rules what it means for the defendant to appear "through counsel," for example, that counsel has had actual contact with their client about the specific continuance they are seeking.⁴⁰

DPD opposes this recommendation, believing imposition of additional required court hearings runs contrary to the County's commitment to equity and social justice, and is contrary to the court rule. Superior Court opposes this recommendation, believing that the rule change eliminating the requirement for defendants to appear for hearings has reduced the number of Failures to Appear and has resulted in fewer bookings and less time incarcerated while waiting for the case to either go to trial or resolve.

Convene criminal legal coordinating council

The Justice Management Institute and the National Association of Counties⁴¹ emphasize the importance of a criminal legal coordinating council convened by the Court. Characteristics of a successful criminal legal coordinating council include the ability to acquire and use system operational data, stable membership representing key partners in the criminal legal system, and a culture of collaboration and trust building.

Superior Court has agreed to regularly convene the criminal legal coordinating council with leadership representatives from all relevant agencies to plan and coordinate initiatives holistically as a system,

⁴⁰ Other Washington jurisdictions require more appearances post-CrR3.4 than King County. PAO research found: Kitsap County's Superior Court developed a checklist to identify hearings where defendants are required to appear. Whitman County requires attendance before issuing summons for jurors to appear. Ferry County and Greys Harbor require in person attendance at most hearings. Pierce County's Superior Court requires one in person, physical appearance by a defendant between arraignment and trial – at the first omnibus hearing.

⁴¹ Justice Management Institute reports include National Survey of Criminal Justice Coordinating Councils [\[LINK\]](#) and National Association of Councils [\[LINK\]](#).

address both specific and systemic issues and find solutions, and evaluate mutually agreed upon backlog metrics.

Case management

Superior Court is committed to active case management, generally when the case has been pending for 15 to 18 months. The Court's Criminal Manual indicates that parties may keep a case in the pre-trial track to allow for meaningful negotiations and potential settlement conferences. When the case is more than 12 months since arraignment, the case will move to the trial track with active case management by the Court. This active case management at 12 months is balanced against the many contributing factors causing delays, including attorney vacancies, lack of experienced attorneys, and expert services delays. Active court involvement will be considered earlier in the pendency of a case when warranted.

Manage continuances and hearings

The National Center for State Courts and Effective Criminal Case Management collected a standardized set of case-level data from 1.2 million felony and misdemeanor cases from more than 136 courts in 21 states (including King County) and analyzed the data to determine the factors most directly shaping criminal case processing time.⁴² The conclusion is straightforward: hold the right number of court events and reduce continuance events. According to the study, on average each continuance increased case duration by three weeks, while each hearing increased duration by two weeks. While there are events outside of the system's control leading to delay (witness schedules, attorney attrition, crime lab delays, state Department of Social and Health Services (DSHS) delays), reducing the need for continuances will achieve better felony case flow management. Scheduling can be time consuming, and the order of witness interviews is important. The case management system being implemented in DPD may open up a more efficient scheduling process. The amount of attrition in both DPD and PAO requires files to be transferred to attorneys who are new to the case. Both agencies will evaluate the quality of the file transfer process and documentation standards. They will actively manage their attorneys so that if a file transfer is necessary, then the receiving attorney will pick up a file that allows them to quickly move the case forward. More efficient scheduling and file transfer may reduce the need for continuances.

Trial calendar

As noted in Section D, a limited number of defense attorneys and prosecutors are qualified and available to try serious felony cases. This results in cases getting continued from the trial calendar because the prosecutor or defense attorney is in another trial. Experienced attorneys are a valuable resource, and their retention must be prioritized. Employee burnout prevention strategies and consideration for employee retention were discussed at the summit. A workgroup will be formed including representatives from Superior Court, PAO, and DPD to study these topics, including building in a short recess for trials that last 6 weeks or longer, and communication with the Court if an attorney has been in back-to-back trials and needs a short break before starting another trial.

Transporting people in custody to court

There are a significant number of cancelled court transports affecting the Department of Adult and Juvenile Detention (DAJD). Court transports may be cancelled because a plea was reached, or a hearing was rescheduled. Some of these court appointments are canceled just before or after the scheduled time, requiring DAJD to perform unnecessary work getting inmates dressed out and transported to the

⁴² [Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf \(ncsc.org\)](#) [\[LINK\]](#)

courthouse. Superior Court, with assistance and data provided by DAJD, will investigate the cause of short notice court transport cancellations, and evaluate any opportunities to revise the transport process. Reducing unnecessary court transports will reduce staffing challenges in DAJD and may prevent instances where DAJD is unable to staff needed transports, which result in continuances.

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

As noted in Section C, the pending felony cases are unlikely to return to 2019 levels within the next several years, regardless of funding strategy. Funding options are limited to federal CLFR resources.

Additional federal funds: The 2023-2024 Biennial Budget included \$22.3 million in CLFR funding for legal system agencies to reduce or prevent backlogs. This represents roughly half of agency requested funding in the 2023-2024 budget process, based on pooled anticipated CLFR underspend in 2021-2022.

While all King County CLFR funds were fully allocated in the 2023-2024 budget, PSB expects underspend in some programs. The COVID 10 Supplemental Budget will disappropriate funds that are unlikely to be spent, and in some cases allocate additional CLFR funds to new or existing programs. This is expected to be the only opportunity for additional funding to address the felony backlog in the current biennium.

The Executive expects to transmit the COVID 10 Supplemental Budget to the Council on June 1, 2023. Agencies submitted nominations to PSB on April 14, 2023. As of April 25, 2023, it is not clear how much CLFR funding will be reallocated and how much funding for the legal system will be included in the Executive Proposed COVID 10 Supplemental Budget.

Nominations proposed to PSB are noted below. They generally fund current CLFR resources through the end of 2024, considering expected vacancies.

Table 4: Agency-nominated CLFR supplemental requests

Agency	COVID 10 Nominated Amount	Notes
District Court	\$0	Backlog has been addressed. Current CLFR funds will be used to address access to justice expenses.
DJA	\$2.4 million	
PAO	\$6.2 million	
DPD	\$0	In 2021-2022, DPD charged eligible felony costs to CLFR. If this practice continues, DPD could utilize increased CLFR revenue in 2023-2024, up to approximately \$17.3 million. Given hiring challenges, current appropriation will allow current staffing through the end of 2024.
Superior Court	\$3.7 million	
Total	\$12.3 million	

General Fund: Additional General Fund allocated to address the felony backlog is unlikely to be an option. The County’s General Fund budget will face a shortfall after the end of the 2023-2024 biennium. The principal cause of the deficit is the 1 percent revenue growth limit on property taxes that has been in place since 2002. Executive Constantine has announced that reductions will begin in a phased approach in 2024 due to the failure of the state Legislature to address this arbitrary limit. Specific reductions have not been identified as of April 25, 2023. Reductions in base General Fund budgets in 2024 would likely lead to increases in the number of pending felony cases.

Other funding sources: No other funding sources have been identified.

G. 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 backlog⁴³ is the number of pending cases exceeding pre-pandemic volume. All active cases,⁴⁴ 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.⁴⁵ 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 reported separately from filed backlog.

⁴³ 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.

⁴⁴ Cases are active if they do not have a disposition and they are not in an inactive status (for example on warrant).

⁴⁵ The pre-pandemic reference period is not intended to represent an ideal number of pending cases.

Serious felonies backlog measures are reported separately.⁴⁶ 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 to 35 percent of cases are represented by private attorneys.⁴⁷ 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.⁴⁸ 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 March 31, 2023 for Q1 2023.

1. Pending caseload for all criminal cases

Table 5: Felony pending caseload

	2019 Average	Q1 2023	Difference from 2019
Criminal Filed Pending Cases ⁴⁹	3,435	4,681	1,246
Pending Unfiled Criminal Cases	1,800	2,190	390
Total pending cases	5,235	6,871	1,636

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 particularly slow. These cases require the most system resources to resolve.

⁴⁶ See Appendix A for specific homicide and sex crime offenses.

⁴⁷ Parity between the PAO and DPD Proviso Response, 2019 [\[LINK\]](#).

⁴⁸ PAO Data Dashboard [\[LINK\]](#).

⁴⁹ Includes RALJ (appeals from limited jurisdiction courts).

Table 6: Most serious pending caseload

	2019 Average	Q1 2023	Difference from 2019
Most Serious Felonies Pending Cases ⁵⁰	948	1,568	620

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

Table 7: Felony case resolutions

	2019 Average	Q1 2023	Difference from 2019*
Criminal Total Resolved (includes Most Serious)	1,447	1,273	-174
<i>Resolved by Jury Trial</i>	3.0%	2.3%	-0.7%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.1%	-0.3%
<i>Resolved by Guilty Plea</i>	77.1%	66.5%	-10.6%
<i>Dismissal</i>	19.1%	31.7%	12.6%
<i>Others</i>	0.5%	0.2%	-0.3%

Cases that resolve through trial require substantially more resources, though they make up a small fraction of overall resolutions. Despite additional CLFR resources, 12 percent fewer cases resolved overall in Q1 2023 compared to average quarterly resolutions in 2019, and 38 percent fewer cases resolved through trial.⁵¹

A lower proportion of cases were resolved through guilty pleas in Q1 2023, compared to 2019 resolutions. A higher proportion of cases were dismissed in Q1 2023, despite Blake dismissals, which were a significant factor in 2021 and are no longer a significant factor in 2023.

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 in Q1 2023 was 26 percent lower in Q1 than the average in 2019, an indicator of the challenges described in Section D and their effects on the most serious case types.

Progress on the most serious felonies is slower than other types of cases because these cases require the most system resources to resolve, including complicated expert testimony, the number of witnesses who investigate the case, and the availability of qualified attorneys.

⁵⁰ 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.

⁵¹ Based on 2019 average of 49 trial resolutions per quarter and Q1 2023 trial resolutions of 31.

Table 8: Most serious case resolutions

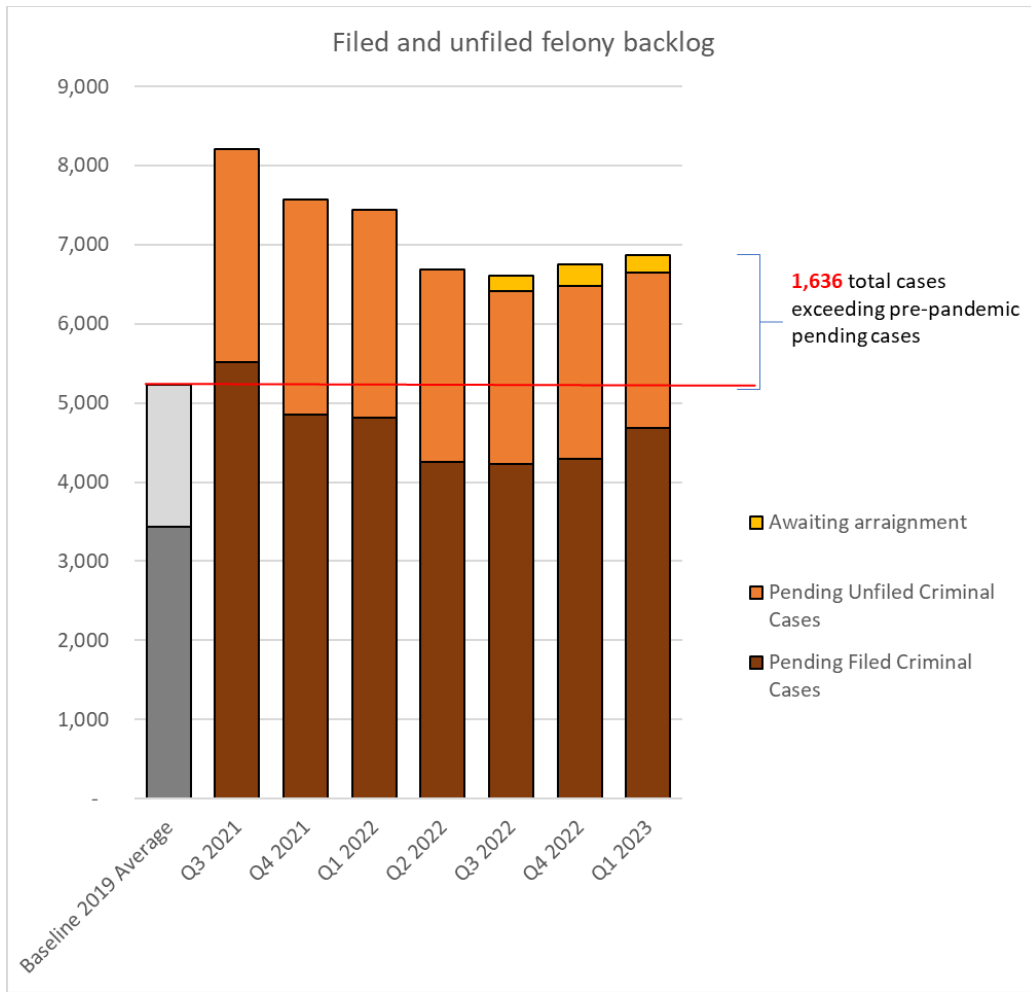
	2019 Average	Q1 2023	Difference from 2019
Most Serious Felonies Resolved ⁵²	365	268	-97
<i>Resolved by Jury Trial</i>	6.4%	6.0%	-0.4%
<i>Resolved by Non-Jury Trial</i>	0.1%	0.4%	0.3%
<i>Resolved by Guilty Plea</i>	78.9%	79.1%	0.2%
<i>Dismissal</i>	14.0%	14.6%	0.6%
<i>Others</i>	0.6%	0.0%	-0.6%

Discussion of felony backlog measures over time:

As of March 31, 2023, total pending felony cases including filed and unfiled cases are 6,871, or 1,636 above the 2019 average.

⁵² Homicides, sex crimes, Robbery 1, Assault 1 and 2, also included in Criminal, above.

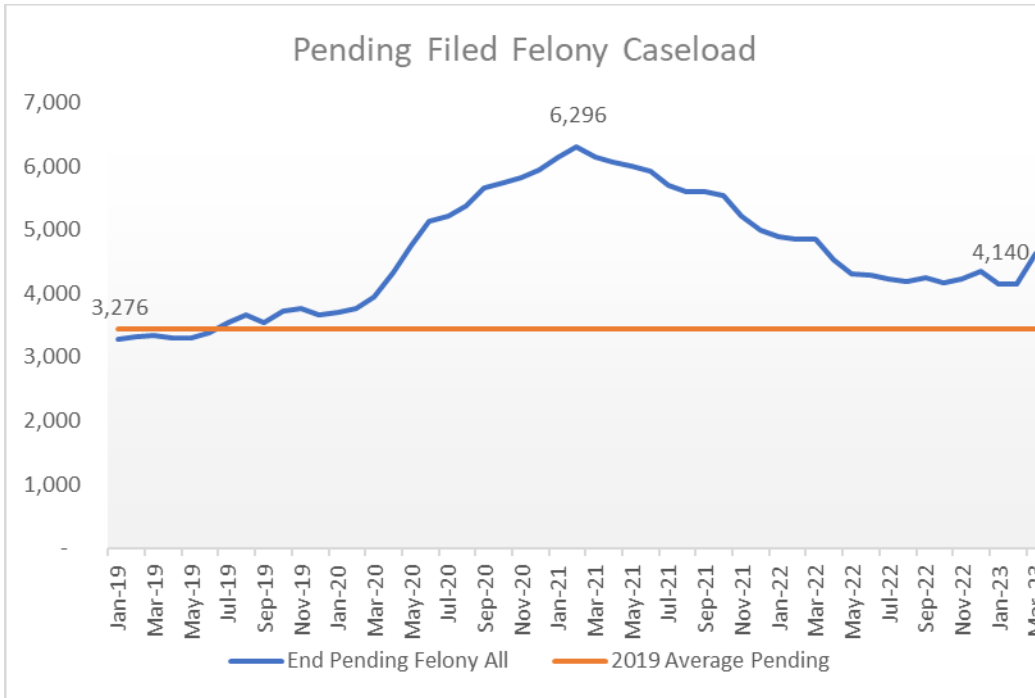
Figure 4: Filed and unfiled felony backlog



Sources: DJA and PAO

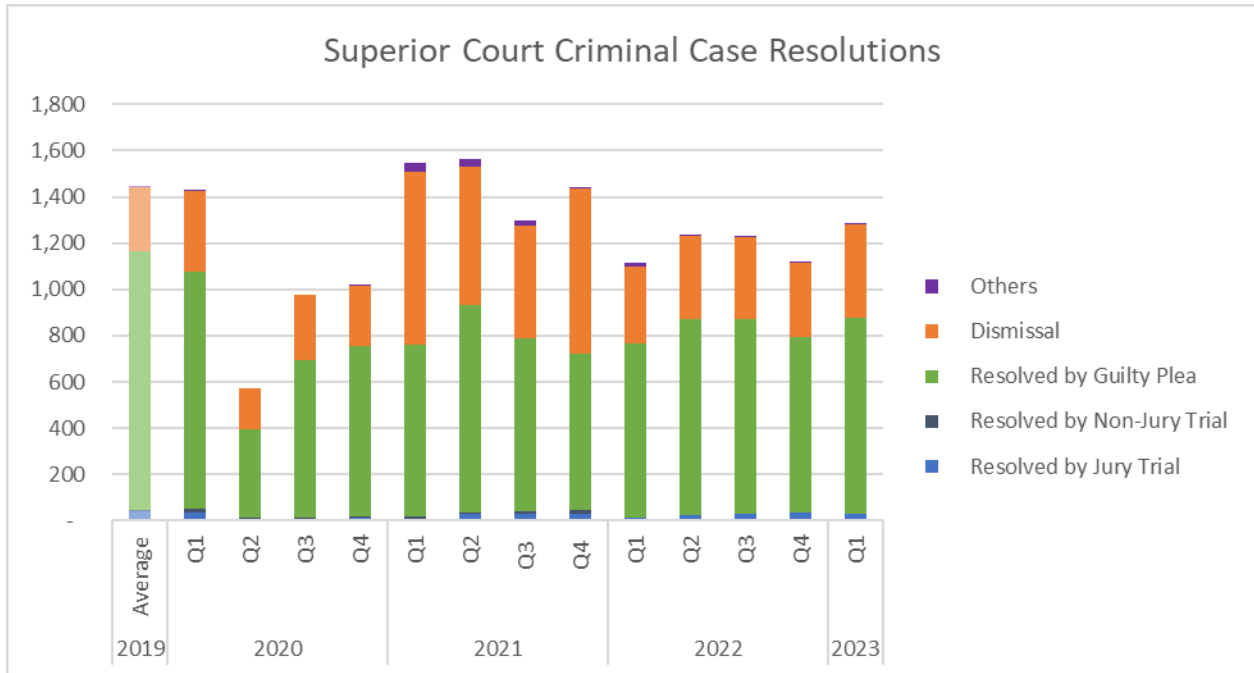
While considerable progress was made on reducing the backlog in 2021 and early 2022, some of the progress was due to changes in warrant status patterns and Blake decision dismissals. The volume of pending cases increased in Q4 2022 for the most serious cases and increased for both most serious and other felony cases in Q1 2023. Figure 5 below shows the pending filed monthly caseload only from January 2019.

Figure 5: Pending filed caseload



Even with increased resources, fewer felony cases are being resolved than the pre-pandemic average, as shown in Figure 6, though there were more felony resolutions in Q1 2023 than in Q4 2022.

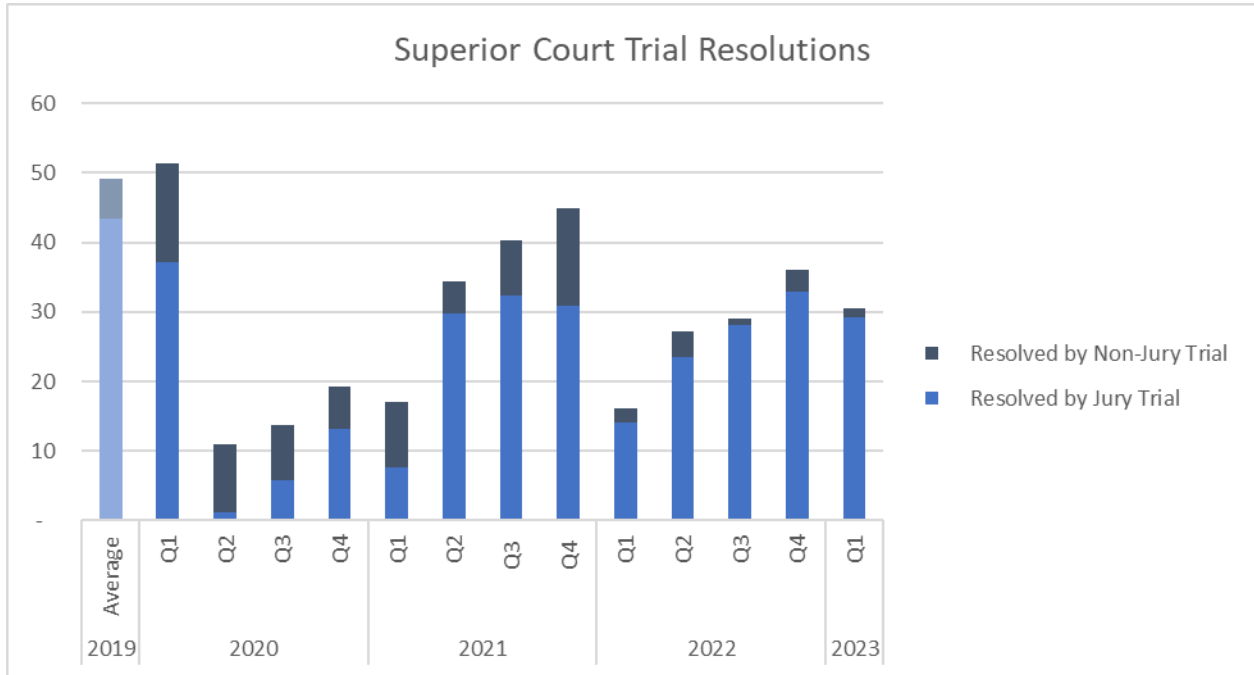
Figure 6: Felony case resolutions



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 7, 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.

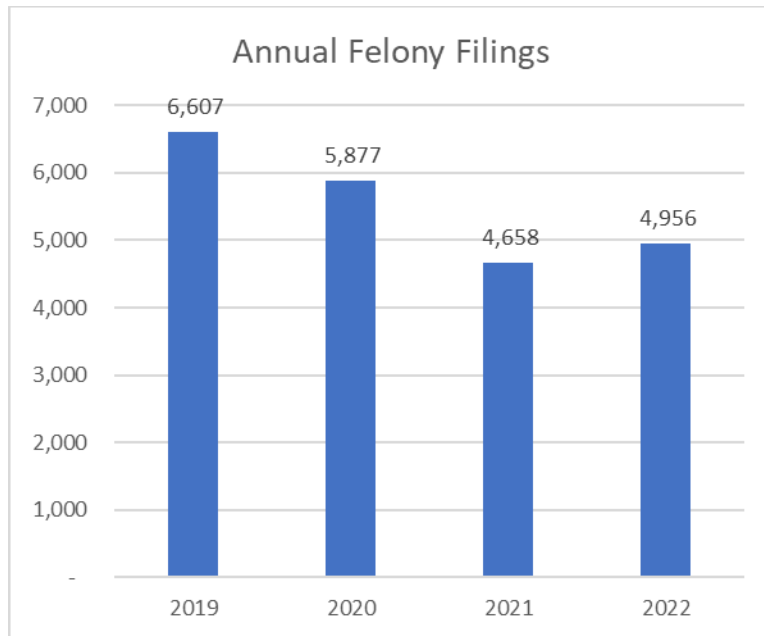
Figure 7: Felony trial resolutions



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 -2022. While 2022 annual filings increased from 2021, filings remain below 2019 volume.

Figure 8: Annual felony filings 2019-2022



Source: DJA

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

Table 9: Unlawful detainers

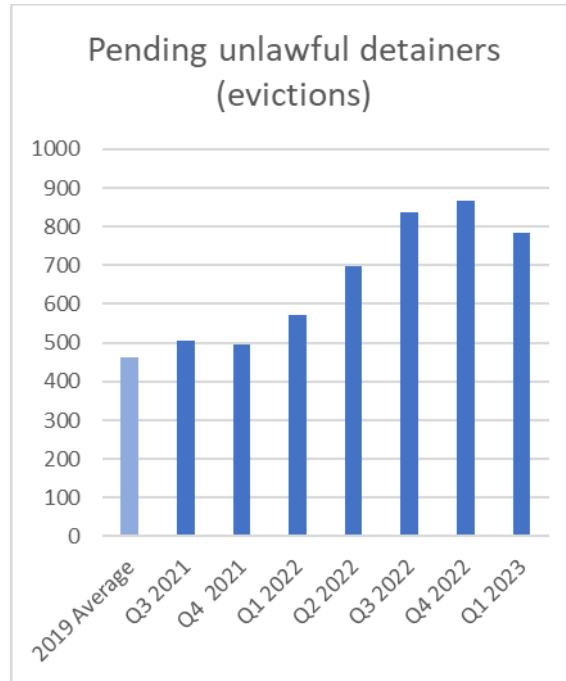
	2019 Average	Q1 2023	Difference from 2019
Pending unlawful detainer (evictions) ⁵³	461	785	324
Quarterly filings	1,156	532	-624

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.

Unlawful detainer filings are higher in 2023 than in 2020 and 2021 but remain lower than pre-pandemic volume and declined in Q1 2023. Pending unlawful detainer cases exceed pre-pandemic levels due to challenges described in Section D.

⁵³ Also included in Civil.

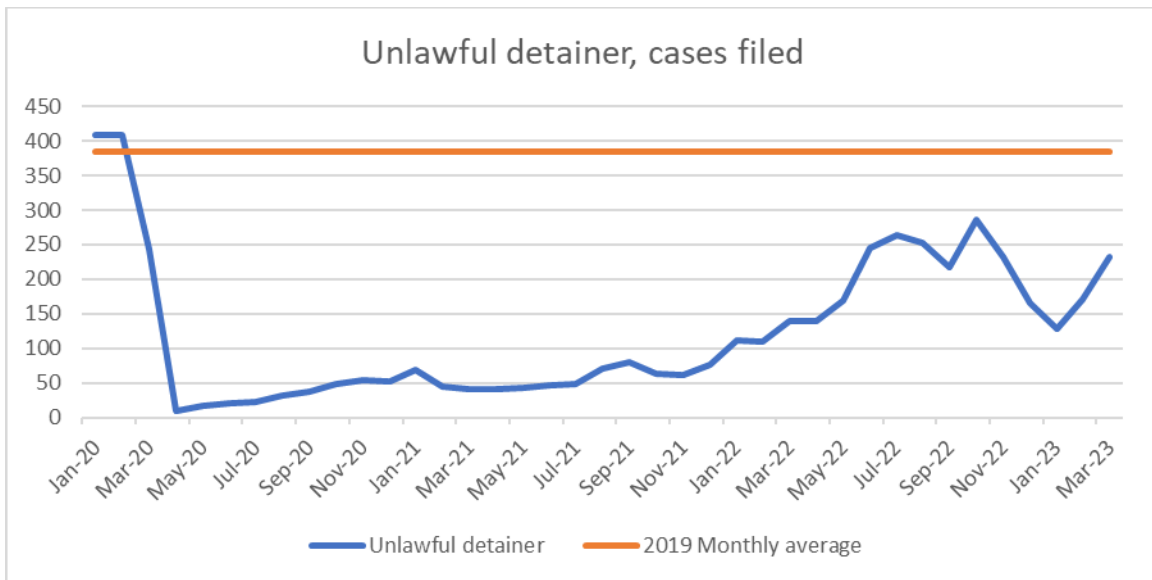
Figure 9: Unlawful detainers pending cases



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, but remain below pre-pandemic volume.

Figure 10: Unlawful detainer (evictions) cases filed January 2020 through March 2023



Source: DJA

H. 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 March 21, 2023, there were roughly 2,500 unfiled District Court cases. These include cases that will be declined due to exceeding the statute of limitations for filing.

Table 10: Unfiled misdemeanors

	2019 Average	Q1 2023	Difference from 2019
Unfiled District Court PAO Backlog ⁵⁴	830	2,500	1,670

VI. Conclusion

District Court has resolved all pandemic-related filed backlogs. Substantial progress was made on addressing Superior Court felony backlogs in 2021 and early 2022, though pending felony cases have increased in recent quarters. Continuing challenges with recruitment, hiring, and retention; high violent crime rates; and slower time to resolution have resulted in continued felony backlogs. In particular, the backlog for the most serious felonies remains high. These serious cases more frequently go to trial and require disproportionate resources to resolve. Given current barriers and challenges, pending felony cases are not expected to return to pre-pandemic levels over the next several years.

The 2023-2024 Biennial Budget includes \$22.6 million⁵⁵ in reappropriations of CLFR funding to address the backlog and to increase access to justice. This appropriation funds roughly half of resources requested by agencies. Additional funding may be appropriated in the COVID 10 Supplemental Budget to be transmitted to the Council on June 1, 2023. While additional resources can mitigate potential increases in the number of backlogged cases, pending felony cases are unlikely to return to pre-pandemic volume under any plausible funding scenario within the next several years.

Agencies will implement plans described in Section E in the coming months, though recommendations that did not have consensus will not be implemented. Notably, the Executive does not have authority over the criminal legal operations of Superior Court, PAO, or DPD and thus cannot determine operational changes without consensus agreement. Implementation of the recommendations is not expected to facilitate a return to 2019 levels of pending felony cases within the next few years. Additional policy or operational changes may be identified by the criminal legal coordinating council, which is expected to convene agency leadership regularly to collaboratively plan and coordinate initiatives, or in other forums.

⁵⁴ PAO estimates. Data limitations prevent precise reporting.

⁵⁵ Includes \$200,000 in the Executive Proposed first supplemental, not adopted by the Council as of 4/25/23.

The Office of Performance, Strategy and Budget will provide an update on the legal system backlog by September 16, 2024, in the second of two reports required by Ordinance 19546, Section 17, Proviso P4.

VII. 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 Ordinance 19546

Total positions

Agency	Total filled positions	Total vacant positions
District Court	5	0
DJA	12	11
DPD	27	0.5
Superior Court	27	5
PAO	56	0
Total positions	127	16.5

List of Positions

Agency	Job Type	Position #	Hire date	Vacant (Y/N)	Notes
DPD	Public Defense Investigator	01048606	12/6/2021		FTE
DPD	Public Defense Investigator	01048607	1/3/2022		FTE
DPD	Public Defense Attorney I	01048579	10/25/2021		FTE
DPD	Public Defense Paralegal	01048580	10/4/2021		FTE
DPD	Public Defense Interpreter	01053486	6/8/2022		TLT
DPD	Public Defense Attorney I	01048620	10/11/2022		FTE
DPD	Public Defense Attorney I	01048621	10/11/2022		FTE
DPD	Public Defense Attorney I	01048613	10/3/2022		FTE

DPD	Public Defense Attorney I	01048612	10/4/2022		FTE
DPD	Public Defense Investigator	01048605	12/28/2021		FTE
DPD	Public Defense Attorney I	01048619	10/11/2022		FTE
DPD	Public Defense Mitigtn Spc II	01048581	10/4/2021		FTE was reclassified from PD Investigator
DPD	Legal Assistant	01048642	12/21/2022		FTE
DPD	Public Defense Attorney I	01048618	10/11/2022		FTE
DPD	Legal Assistant	01048583	11/8/2021		FTE
DPD	Public Defense Attorney I	01048614	10/11/2022		FTE
DPD	Public Defense Paralegal	01048608	5/1/2021		FTE
DPD	Legal Assistant	01048640	12/15/2022		FTE
DPD	Public Defense Attorney I	01048611	10/3/2022		FTE
DPD	Public Defense Attorney I	01048622	10/11/2022		FTE
DPD	Human Resource Associate	01052275	2/10/2022		TLT
DPD	Public Defense Attorney I	01048615	10/11/2022		FTE
DPD	Public Defense Attorney I	01048623	10/11/2022		FTE
DPD	Public Defense Attorney I	01048617	10/11/2022		FTE

DPD	Public Defense Attorney I	01048616	11/1/2022		FTE
DPD	Public Defense Paralegal	01048610	10/17/2022		FTE
DPD	Public Defense Paralegal	01048609	1/3/2023		FTE
DPD	Legal Assistant	01048641		Yes	0.5 FTE
PAO	Paralegal II	01055490	11/12/2022		FTE
PAO	Deputy Prosecuting Attorney	01054718	10/17/2022		TLT
PAO	Paralegal II	01051590	10/3/2022		FTE
PAO	NIBIN Analyst - PAO	01054504	10/3/2022		TLT
PAO	Paralegal II	01054964	10/1/2022		FTE
PAO	Deputy Prosecuting Attorney	01054974	9/19/2022		TLT
PAO	Deputy Prosecuting Attorney	01054970	8/22/2022		TLT
PAO	Project/Program Manager II-PAO	01051122	8/22/2022		FTE
PAO	Paralegal II	01050405	8/22/2022		FTE
PAO	Deputy Prosecuting Attorney	01054971	8/22/2022		TLT
PAO	Deputy Prosecuting Attorney	01054966	8/22/2022		TLT
PAO	Deputy Prosecuting Attorney	01054972	8/22/2022		TLT
PAO	Deputy Prosecuting Attorney	01054973	8/22/2022		TLT
PAO	Deputy Prosecuting Attorney	01054984	8/22/2022		TLT

PAO	Deputy Prosecuting Attorney	01054031	8/8/2022		TLT
PAO	Deputy Prosecuting Attorney	01054968	8/8/2022		TLT
PAO	Deputy Prosecuting Attorney	01054967	8/8/2022		TLT
PAO	Paralegal II	01054023	7/9/2022		FTE
PAO	Project/Program Mgr III-PAO	01053978	6/25/2022		FTE
PAO	Desktop Support Spec - PAO	01051879	4/18/2022		FTE
PAO	Victim Advocate	01051292	4/18/2022		TLT
PAO	Deputy Prosecuting Attorney	01055161	3/28/2022		FTE
PAO	Paralegal II	01051217	2/28/2022		FTE
PAO	Victim Advocate	01052494	2/28/2022		TLT
PAO	Public Records Spec - PAO	01052722	2/19/2022		FTE
PAO	Paralegal II	01050404	1/10/2022		FTE
PAO	Paralegal II	01053726	1/10/2022		FTE
PAO	Deputy Prosecuting Attorney	01051853	1/10/2022		FTE
PAO	Project/Program Mgr III-PAO	01053715	1/10/2022		FTE
PAO	Deputy Prosecuting Attorney	01055165	9/17/2022		FTE
PAO	Victim Advocate	01051526	12/13/2021		TLT
PAO	Paralegal II	01052857	12/3/2021		FTE
PAO	CIPS Analyst - PAO	01054700	11/8/2021		FTE

PAO	Deputy Prosecuting Attorney	01053245	9/17/2022		FTE
PAO	Deputy Prosecuting Attorney	01055597	3/19/2022		FTE
PAO	Deputy Prosecuting Attorney	01017710	3/19/2022		FTE
PAO	Paralegal I	01053193	10/18/2021		FTE
PAO	Deputy Prosecuting Attorney	01025224	9/17/2022		FTE
PAO	Legal Services Supv III - PAO	01052411	9/27/2021		FTE
PAO	Paralegal II	01056695	9/20/2021		TLT
PAO	Legal Services Supv II - PAO	01051052	9/18/2021		FTE
PAO	Deputy Prosecuting Attorney	01055163	9/17/2022		FTE
PAO	Deputy Prosecuting Attorney	01055595	7/30/2021		FTE
PAO	Victim Advocate	01049507	7/23/2021		TLT
PAO	Deputy Prosecuting Attorney	01054202	8/22/2022		FTE
PAO	Deputy Prosecuting Attorney	01004965	8/8/2022		FTE
PAO	Deputy Prosecuting Attorney	01005585	3/19/2022		FTE
PAO	Deputy Prosecuting Attorney	01004998	3/19/2022		FTE
PAO	Deputy Prosecuting Attorney	01055596	10/13/2021		FTE

PAO	Deputy Prosecuting Attorney	01006500	3/19/2022		FTE
PAO	Deputy Prosecuting Attorney	01010618	3/19/2022		FTE
PAO	Deputy Prosecuting Attorney	01009550	9/17/2022		FTE
PAO	Deputy Prosecuting Attorney	01027482	3/19/2022		FTE
PAO	Deputy Prosecuting Attorney	01006444	9/17/2021		FTE
PAO	Deputy Prosecuting Attorney	01054055	7/20/2022		TLT
PAO	Legal Administrative Prof II	01051295	11/1/2022		TLT
DJA	Application Developer - Senior	01050914	1/10/2022		
DJA	Court Clerk II	01051209		Yes	
DJA	Court Clerk II	01051210	11/1/2021		
DJA	Court Clerk II	01048828	9/4/2021		
DJA	Court Clerk II	01050879		Yes	Recently vacated
DJA	Court Clerk II	01050881		Yes	
DJA	Court Clerk II	01048826	4/19/2021		
DJA	Court Clerk II	01048827		Yes	Recently vacated
DJA	Court Clerk II	01048822		Yes	
DJA	Court Clerk II	01051204		Yes	
DJA	Court Clerk II	01048829		Yes	Recently vacated
DJA	Customer Service Specialist III	01050889		Yes	Recently vacated

DJA	Customer Service Specialist III	01050882	9/20/2021		
DJA	Customer Service Specialist III	01051557	12/13/2021		
DJA	Customer Service Specialist III	01051015	10/4/2021		
DJA	Customer Service Specialist III	01051354	11/15/2021		
DJA	I T Systems specialist - Jry	01050913	10/18/2021		
DJA	Occupational Educ & Training Coord	01051096	10/18/2021		
DJA	Customer Service Specialist III	01049528	6/1/2021		
DJA	Customer Service Specialist III	01049532	11/1/2021		
DJA	Customer Service Specialist III	01049529		Yes	Recently vacated
DJA	Customer Service Specialist III	01051016		Yes	
DJA	Customer Service Specialist III	01051207		Yes	
District Court	IT System Specialist	011271	Hired in 2022		
District Court	IT System Specialist	0110993	Hired in 2022		
District Court	Training Coordinator	01053151	Hired in 2022		
District Court	IT System Specialist	01052829	Hired in 2022		

District Court	Training Coordinator	01053150	Hired in 2022		
Superior Court	Commissioner - Plea Court	01051311	10/11/2021		
Superior Court	Ex parte Admin Tech	01051944	1/13/2022		
Superior Court	Bailiff	01050992	10/4/2021		
Superior Court	Sr. Desktop Support Tech	01053097	4/25/2022		
Superior Court	Human Resources Tech	01052807	3/21/2022	Yes	Turnover. Recruitment in progress
Superior Court	Commissioner - Trials	01050911	10/11/2021		
Superior Court	Bailiff	01050910	9/27/2021		
Superior Court	Bailiff	01050472	9/13/2021		
Superior Court	Family Law Facilitator	01050293	8/16/2021		
Superior Court	Commissioner - Ex parte	01050299	8/2/2021		
Superior Court	Bailiff	01050470	12/13/2021		
Superior Court	Commissioner - Trials	01050912	10/18/2021		
Superior Court	Ex parte Admin Tech	01053484	1/24/2022		
Superior Court	Jury Technician	01055607	1/17/2023		
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		
Superior Court	Jury Technician	01051059	10/18/2021		
Superior Court	Ex parte Admin Tech	01050909	9/27/2021		
Superior Court	ERCM Assistant	01050908	10/25/2021		
Superior Court	Ex parte Admin Tech	01049669	7/26/2021		
Superior Court	Bailiff	01050991	10/17/2022		
Superior Court	Courtroom IT Trainer	01052683	7/6/2021		
Superior Court	IT Systems Specialist	01053495	5/28/2022		

Superior Court	Ex parte Admin Tech	01051501	2/17/2023		
Superior Court	Plea Court Coordinator	None - STT	9/19/2022		Being done by an STT, fewer hours
Superior Court	Sr. Systems Engineer	None		Yes	Open recruitment
Superior Court	Sr. Desktop Support Tech	None		Yes	Recruitment in progress
Superior Court	Interpreter - Spanish	01053315	5/31/2022	Yes	Will use contracted interpreters instead of a TLT
Superior Court	Sr. Desktop Support Tech	01051409	11/22/2021		
Superior Court	Bailiff	01050473	9/20/2021	Yes	Turnover. Recruitment in progress
Superior Court	Commissioner - Plea Court	01052685	10/25/2021		

Certificate Of Completion

Envelope Id: F1CABEC2A2424A2E940CC16022B2A8F6	Status: Completed
Subject: Complete with DocuSign: Motion 16441.docx, Motion 16441 Attachment A.docx	
Source Envelope:	
Document Pages: 3	Signatures: 2
Supplemental Document Pages: 54	Initials: 0
Certificate Pages: 5	Envelope Originator:
AutoNav: Enabled	Cherie Camp
Envelopeld Stamping: Enabled	401 5TH AVE
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

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Signer Events

Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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Signature Adoption: Uploaded Signature Image
Using IP Address: 67.160.80.216


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Signed: 10/11/2023 8:39:44 AM

Electronic Record and Signature Disclosure:

Accepted: 10/11/2023 8:39:29 AM
ID: f9e8c9f9-d554-43bb-bb99-83840fe16ebe

Melani Hay
melani.hay@kingcounty.gov
Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

DocuSigned by:

8DE1BB375AD3422...
Signature Adoption: Pre-selected Style
Using IP Address: 198.49.222.20

Sent: 10/11/2023 8:39:46 AM
Viewed: 10/11/2023 12:13:31 PM
Signed: 10/11/2023 12:13:35 PM

Electronic Record and Signature Disclosure:

Accepted: 9/30/2022 11:27:12 AM
ID: 639a6b47-a4ff-458a-8ae8-c9251b7d1a1f

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	10/10/2023 3:47:16 PM
Certified Delivered	Security Checked	10/11/2023 12:13:31 PM
Signing Complete	Security Checked	10/11/2023 12:13:35 PM
Completed	Security Checked	10/11/2023 12:13:35 PM

Payment Events	Status	Timestamps
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