

# County Operations



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The urgency of adapting County operations to create a safe environment for staff and residents following CDC and Public Health guidance had a major impact on the timeliness of work. The County made substantial modifications to operations to maintain services to the extent possible. Addressing the legal system case backlog, refining hybrid work technology, and improving access to health and public information through language and disability access are focuses for pandemic recovery to improve service delivery for King County residents. Approximately \$154 million has been allocated toward County Operations programs.

## Investment Areas

- 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.
- King County Superior Courts implementation of remote jury selection has allowed nearly 700 jury trials to move forward during the pandemic. Engaging a wider range of jurors through the remote selection process has many benefits including more diverse jury panels.
- King County is focusing on improving access to culturally and linguistically appropriate health information and improved access to public-facing programs, services, and activities through the Language Access and Disability Access Grants.

## Backlog

Funding will help address the backlog in King County courts, support victims, and maintain critical court services such as family law and eviction cases. This covers costs to provide staffing and materials to reduce the backlog of cases and provide services created by COVID-19 public health emergency. In addition, this funding will support domestic violence protection orders, DUI diversion, local services permitting, and restitution for victims of property crimes.

The criminal justice system has faced negative impacts in the face of the pandemic as COVID-19 has reduced access to courthouses and led to disruption of jury trials in King County and nationally. An uptick in violent crimes, court closures, and operational challenges and disruptions have thus resulted in a large backlog of criminal cases and criminal trials involving serious charges such as homicide, sexual assault, and assault with a weapon. The courts are using CLFR funds for wages, salaries, overtime, and covered benefits of temporary limited staff and judicial officers. Such additional help supports jury, clerical, and management staff to expand trial capacity, resume other services, and address IT needs and training to reduce the backlog of cases.

For example, the Department of Judicial Administration (DJA) COVID Backlog and COVID Recovery program specifically covers costs to hire additional term limited temporary staff to support additional judicial officers, handle the increased customer service demand, support expanded electronic services, update and maintain new technology (which facilitates increased volume and remote services to judges and customers), and provide training for new and existing staff utilizing new technology and practices.

## Future of Work

King County is building on what it has learned about working remotely and serving customers during a pandemic to reimagine its workspaces, physical and carbon footprint, and service delivery models in a post-pandemic environment.

Future of Work investments include workstation leases and application licenses to support the County's emergency response to COVID-19. Improved conference room technology or telecommute driven changes to workspaces were implemented, in partnership with the King County Department of Information Technology (KCIT), technology and trainings were developed to use Assistive Technology.

For example, the Future of Work Response program funds employees training, works on out-of-state work legal review, digitizes human resources records, acquires digital tools for on-boarding and off-boarding employees, digitizes performance management and grievance tracking, and monitors and supports the overall workforce transition. Another example is the Cube Reservation Technology program which enables employees working from home to have a reliable means to reserve an office workspace when they come into the office to work.

## Grant Support

King County is launched a number of new grant programs; CLFR funding will help support new staff to administer the grant programs and provide compliance support. A few examples of CLFR-funded grant support include Language Access and Disability Access Internal Grant Programs, Grant & Accounting Support and Legal Funding, Strategic Communications, the Office of Equity and Social Justice (OESJ) Internal Operations, and the Coalition Against Hate and Bias Grants.

The Language Access and Disability Access Internal Grant Programs consists of two separate grantmaking processes: Language Access Grants and Disability Access Grants. The Language Access (LA) Grant programs include administrative support to increase methods of access to culturally and linguistically appropriate health information (such as offering services in multiple languages and providing notices of language assistance online in advertisements and at all points of service). In addition, LA contracts with entities qualified to provide language assistance using different types of

media (e.g., telephonic interpretation and video remote interpreting), and disseminating translated COVID-19 and related public health information in a variety of formats (e.g., online, television, and social media) through targeted outreach with community and faith-based organizations that can reach limited English proficiency communities and individuals with disabilities. The Disability Access Internal Grant program will provide improved access to public-facing programs, services, and activities in compliance with Title II of the Americans with Disabilities Act through the completion of self-assessments, transition plans, improvement plans, and equity reviews.

The Office of Equity and Social Justice (OESJ) Internal Operations program provides administrative support toward language access, coalition staff, technology assistance and capacity-building, and strategic communications. Support will equitably increase awareness of and access to the broad spectrum of King County CLFR programs, grants, and contracts within communities and sectors experiencing most negative economic impacts combined from systemic racism and COVID-19.

In response to the dramatic rise in anti-Asian bias and hate incidents, exacerbated by COVID-19, King County convened the Coalition Against Hate and Bias (CAHB) as a community-led initiative. The Coalition's goal is to collect reliable data and promote community-based safety, thereby strengthening and connecting communities who experience racist and bigoted treatment and all forms of oppression. The Coalition Against Hate and Bias Grants program increases the Coalition's opportunity to expand the idea that targeted outreach based on community relationships is much more effective than traditional law enforcement or anonymous reporting. Coalition members meet at least once a month to share progress and best practices. They are also collecting data from their own communities to actively track the metrics of hate and bias public health and safety issues—a model for community-led reporting for matters and incidents that are largely unreported to law enforcement authorities.

## Other County Operations Investments

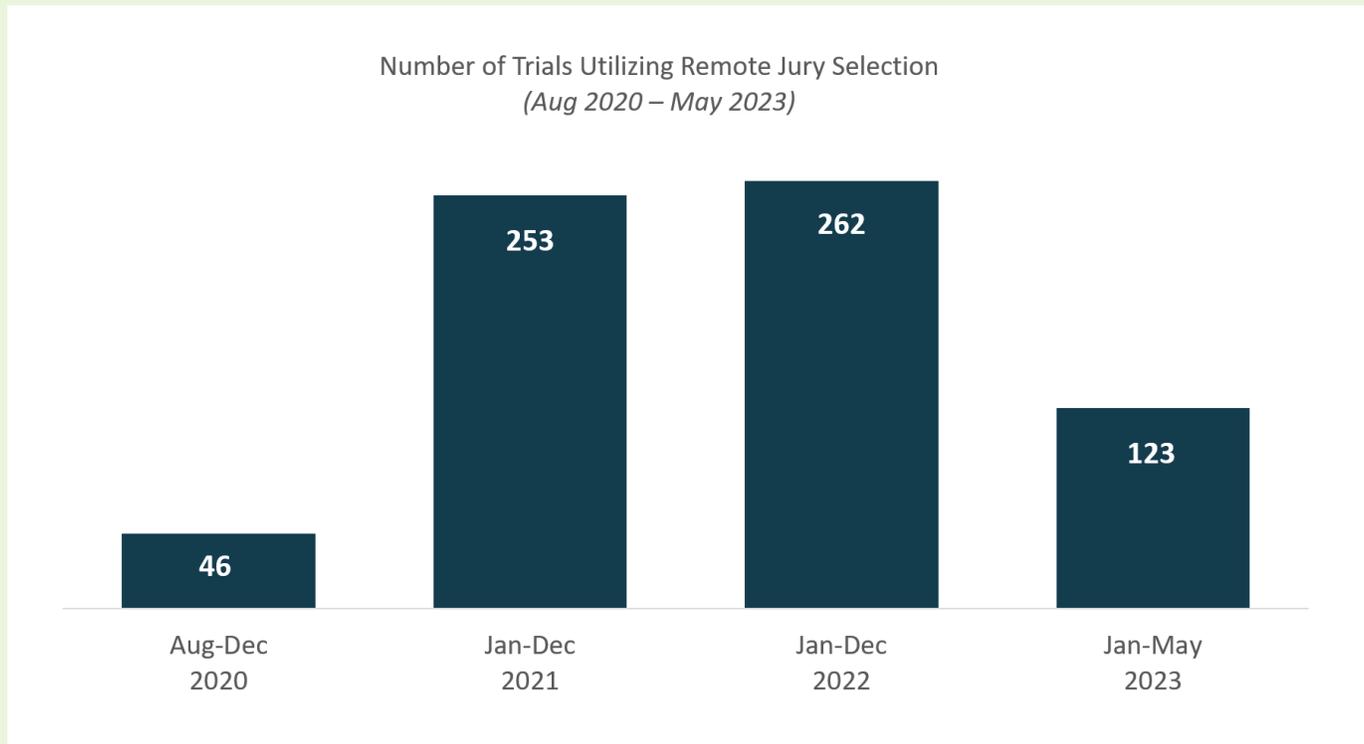
King County continues to support other county operations through investments including revenue replacement for spending on government services and providing additional deployed staff. For example, the Courthouse Security program provides funding to support Sheriff Courthouse perimeter patrols that the City of Seattle is unable to perform through personnel overtime. There has been an ongoing increase with security and safety concerns in and around the King County Courthouse (KCCH) as a direct result of the COVID-19 public health emergency. These security and safety concerns necessitated increased law enforcement intervention through emphasis patrols to ensure the safety of King County employees, jurors, courthouse visitors, and others in the vicinity of the KCCH. Additional support also has been necessary to enforce mask mandates and maintain physical distancing and other public health measures to prevent or reduce the transmission of COVID-19 as people enter and exit the courthouse.

“COVID has not stopped King County citizens from keeping the justice system running.”<sup>1</sup>

## CASE STUDY

### Remote Jury Selection

Prior to the start of the pandemic, King County Superior Court (KCSC) assembled approximately 350 jurors three times a week to provide courts with individuals for jury selection. The pandemic forced innovation to keep pace with the need to continue jury trials. Starting in August of 2020, KCSC’s Jury Department developed new processes using the existing jury management system, which allowed trials to safely resume using remote jury selection.



**Figure 1: Number of KCSC trials that were able to move forward because of remote jury selection.**

As described in an ongoing update to the King County Council on addressing the legal system backlog,<sup>2</sup> the initial process for virtual jury selection includes a robust questionnaire for each participant that includes necessary COVID-related information prior to jurors reporting in-person to hear the criminal

<sup>1</sup> Seattle Times Opinion by Melinda Young and Matthew Williams - <https://www.seattletimes.com/opinion/king-county-jurors-are-the-heroes-keeping-the-justice-system-running/>.

<sup>2</sup> This process was described in detail in a previous proviso response *Appendix A: COVID-19 Legal System Backlog - Report 3 November 2022* - <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=5934892&GUID=200172EA-4B99-48A4-91DE-BEB137ABCF43&Options=Advanced&Search=>.

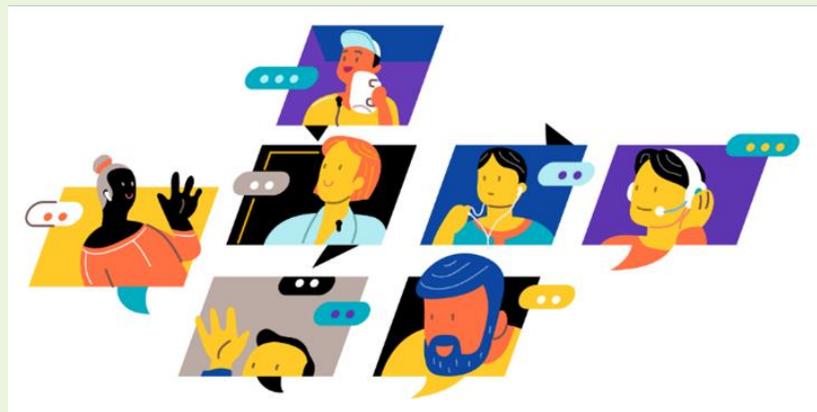
and civil cases. The questionnaire is electronically sent to jurors. The court reviews completed questionnaires and addresses hardship and other excusals before starting jury selection. Jurors who respond to their summons are given 24-48 hours to complete the jury screening questionnaire. This takes an average of 25-minutes to complete pending case complexity and typically yields a very high (90%) response rate back to the court.

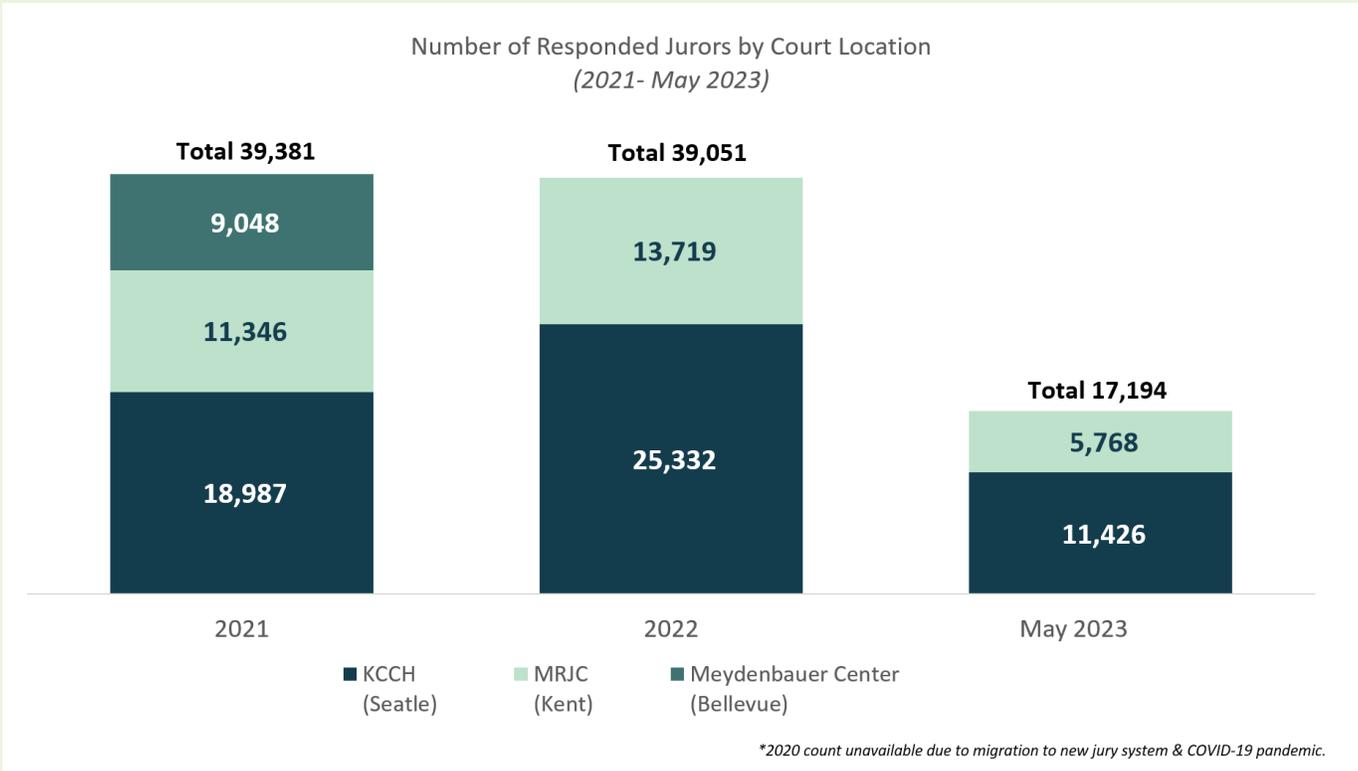


**Figure 2: Summary information about remote jury selection questionnaire turnaround time and responsiveness.**

Virtual jury selection allows a larger group of jurors to be called for a particular trial because no physical space constraints exist. To provide a sense of scale, in 2021 approximately 274,250 jurors were summoned to KCSC, 39,381 responded which is just over 14%. In 2022 approximately 340,000 jurors were summoned, 39,051 responded which is just over 11%. Figure 3 provides more information about the number of confirmed jurors by courthouse location.

Jurors who move forward in virtual jury selection are broken up into groups for *voir dire* questioning rather than questioning the entire group at once. This ensures individuals with limited internet connectivity or internet access can still participate remotely because the bandwidth needed for 25 participants is much lower than the 50 participants (plus the in-court additional participants such as the judge, counsels, the defendant, court clerk, and bailiff) that would normally be sent to jury selection in person. This results in several rounds of jury selection where parties question prospective jurors.





**Figure 3: Number of responded jurors by courthouse location.** The 2020 count is unavailable due to migration to new jury system & COVID-19 pandemic. 2021 approximately 274,250 jurors were summoned to KCSC, 39,381 responded which is just over 14%. In 2022 approximately 340,000 jurors were summoned, 39,051 responded which is just over 11%.

Although remote jury selection takes slightly longer than in person selection (two to three days versus one to two days for in person selection) there are many advantages.<sup>3</sup> The process is much more accessible, equitable, and overall makes it easier for citizens to engage. Anyone with a smart phone can participate in the jury selection process without traveling downtown to the courthouse,<sup>4</sup> which is a major advantage in a jurisdiction that covers over 2,100 square miles (twice the land area size of Rhode Island). With many barriers removed, Judges antidotally say they are seeing more diverse jury pools using the remote selection process. The diversity of remote jury trials is currently being studied by courts throughout Washington State.<sup>5</sup>

*Engaging a wider range of jurors through the remote selection process has many benefits including more diverse jury panels.*

Remote jury selection is a promising practice that has emerged out of the COVID-19 pandemic. KCSC Judges have proposed a new rule in Washington State for continued use of remote jury selection beyond

<sup>3</sup> This process was updated in a previous proviso response Appendix A: COVID-19 Legal System Backlog - Report 4 May 2023 - <https://mkkclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=6207223&GUID=9568F7D3-40F6-404E-92B1-8EA6154115D7&Options=Advanced&Search=>.

<sup>4</sup> Seattle Times Opinion by Roger Rogoff - <https://www.seattletimes.com/opinion/covid-19-couldnt-stop-12-jurors-and-a-felony-trial/>. Of note, reporting in-person to the courthouse is still an option for those who wish to do so.

<sup>5</sup> NPR. *As Jury Trials Move Online Courts See Pros and Cons*. Reporting by Hou Jingnan. March 18, 2022. <https://www.npr.org/2022/03/18/1086711379/as-jury-trials-move-online-courts-see-pros-and-cons>.

the existing emergency order.<sup>6</sup> This new rule is awaiting Washington State Supreme Court determination.

## Related Media

[Justice delayed: COVID-19's staggering criminal-case backlog | The Seattle Times](#)<sup>7</sup>

[King County Superior Court suspends all in-person jury trials | The Seattle Times](#)<sup>8</sup>

[King County Superior Court to resume holding jury trials | The Seattle Times](#)<sup>9</sup>

[King County jury duty summons more than doubling this year \(mynorthwest.com\)](#)<sup>10</sup>

[King County Superior Court to resume holding jury trials | king5.com](#)<sup>11</sup>

[Q&A: Seattle judge shares experiences of Zoom jury trials | Secondary Sources | National | Westlaw Today](#)<sup>12</sup>

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<sup>6</sup> Washington Courts [https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.proposedRuleDisplay&ruleId=5838](https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=5838).

<sup>7</sup> <https://www.seattletimes.com/opinion/justice-delayed-covid-19s-staggering-criminal-case-backlog/>.

<sup>8</sup> <https://www.seattletimes.com/seattle-news/crime/king-county-superior-court-suspends-all-in-person-jury-trials/>.

<sup>9</sup> <https://www.seattletimes.com/seattle-news/king-county-superior-court-to-resume-holding-jury-trials/>.

<sup>10</sup> <https://mynorthwest.com/2974018/king-county-jury-duty-increasing/>.

<sup>11</sup> <https://www.king5.com/article/news/local/king-county-superior-court-to-resume-holding-jury-trials/281-a07ec5be-194f-4e60-a20e-54859af4e4a4>.

<sup>12</sup> <https://today.westlaw.com/Document/I199cc77586fb11ebbea4f0dc9fb69570/View/FullText.html>.

# PERFORMANCE REPORT

## Legal System Backlog

*Note: The following is an excerpt from the executive summary of a larger, ongoing, reporting effort to the King County Council on addressing the COVID-19 Legal System Backlog. 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 status and challenges addressing the backlog. The next scheduled report is June 2024. The full report is available online [COVID-19 Legal System Backlog 2023-2024 Report 1, May 2023](#).*

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.

<sup>13</sup> 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.

### How much?

**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.

Agency	March 31, 2023	
	Total filled positions	Total vacant positions
District Court	5	0

<sup>13</sup> Other King County legal system agencies (the Department of Adult and Juvenile Detention, King County Sherriff’s Office) and social service agencies (Department of Community and Human Services and King County Public Health) are indirectly affected by the case backlog but are out of scope for this and subsequent reports.

DJA	12	11
DPD	27	0.5
Superior Court	27	3
PAO	56	0
Total	127	14.5

**Table 1: Positions supported by CLFR revenues.**

**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 <sup>14</sup>	2023-2024 CLFR appropriation <sup>15</sup>	2023-2024 CLFR expenditures through 3/31/23	Total CLFR expended	Total CLFR appropriated <sup>16</sup>
<b>District Court</b>	6,878,000	3,500,000	3,253,000	1,380,000	142,000	3,395,000	4,633,000
<b>DJA</b>	4,652,000	3,000,000	2,234,000	2,571,000	336,000	2,570,000	4,805,000
<b>PAO</b>	14,199,000	7,699,000	7,957,000	6,847,000	1,676,000	9,632,000	14,804,000
<b>DPD</b>	10,807,000	4,952,000	10,363,000	6,265,000	730,000	11,093,000	16,628,000
<b>Superior Court</b>	13,179,000	8,205,000	8,468,000	5,496,000	1,004,000	9,472,000	13,965,000
<b>Total</b>	<b>49,715,000</b>	<b>27,356,000</b>	<b>32,275,000</b>	<b>22,559,000</b>	<b>3,888,000</b>	<b>36,162,000</b>	<b>54,835,000</b>

**Table 2: Appropriation expended as of March 31, 2023.**

**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.

<sup>14</sup> DPD includes \$5 million approved for CLFR that was not included in PSB assumptions for CLFR underspend at the time of budget development.

<sup>15</sup> DJA includes \$200k in the Executive Proposed omnibus, not adopted by Council as of 4/25/2023.

<sup>16</sup> 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.

- 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.

## How Well?

**Superior Court backlog:** Superior Court’s pandemic-related case backlog<sup>17</sup> is the number of pending cases exceeding pre-pandemic volume. All active cases,<sup>18</sup> 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 <sup>19</sup>	3,435	4,681	1,246
Pending Unfiled Criminal Cases	1,800	2,190	390

<sup>17</sup> 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.

<sup>18</sup> Cases are active if they do not have a disposition and they are not in an inactive status (for example, on warrant).

<sup>19</sup> Includes RALJ (appeals from limited jurisdiction courts).

Total Pending Cases	5,235	6,871	1,636
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Table 3: 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;

	2019 Average	Q1 2023	Difference from 2019
Most Serious Felonies Pending Cases <sup>20</sup>	948	1,568	620

Table 4: Pending caseload for the most serious felonies.

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%

Table 5: Total resolutions for all criminal cases.

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 <sup>21</sup>	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%

Table 6: Resolutions for the most serious felony cases.

<sup>20</sup> 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.

<sup>21</sup> Homicides, sex crimes, Robbery 1, Assault 1 and 2, also included in Criminal, above.

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

	2019 Average	Q1 2023	Difference from 2019
Pending Unlawful detainer (evictions) <sup>22</sup>	461	785	324
Quarterly filings	1,156	532	-624

**Table 7: Pending cases and filings.**

**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 <sup>23</sup>	830	2,500	1,670

**Table 8: PAO Unfiled Backlog.**

**Is anyone better off?**

**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.

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 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.

<sup>22</sup> Also included in Civil.

<sup>23</sup> PAO estimates. Data limitations prevent precise reporting.