

COVID-19 Legal System Backlog: Report 1

November 2021



King County

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Proviso Text

P4 PROVIDED FURTHER THAT:

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

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

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

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

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

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

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

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

¹ Ordinance 19318 [\[LINK\]](#)

Executive Summary

In accordance with Proviso 4 in the Office of Performance, Strategy and Budget in Ordinance 19318, this is the first of three reports on legal system progress toward addressing the legal system case backlog related to the COVID-19 pandemic.

Background

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

Despite these efforts, court closures and a variety of other factors directly and indirectly related to the pandemic have resulted in backlogs in several case types in both Superior and District Courts. Eviction moratoriums dramatically reduced eviction filings (unlawful detainers), but those restrictions are in the process of being lifted, which could cause an influx in cases. King County's Eviction Prevention and Rental Assistance Program (EPRAP) is designed to minimize this risk.

In order to address the backlog of cases (defined below), PAO, DPD, Superior Court, DJA, and District Court requested funding in Ordinance 19318. The King County Council appropriated \$42,460,000 total in one-time funding backed by federal pandemic relief funds to these agencies in July 2021.

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

Resources are available through the end of 2022. Agencies predict it will take at least three years to resolve backlogged cases and additional temporary resources may be requested in the 2023-2024 budget. Resources allocated in Ordinance 19318 are not intended to address ongoing needs in the legal system agencies and are only intended to address backlogs developed during the pandemic.

At the time of the adoption of Ordinance 19318 in July 2021, COVID vaccines were readily available to the adult population and COVID cases in King County were low. Restrictions and public health recommendations were loosened, and some public services were returning to pre-pandemic operations. In August, the Delta variant caused a new surge in cases² and restrictions were reimplemented or never relaxed. As of October 30, 2021, social distancing requirements and recommendations remain in place and the pandemic continues to disrupt normal legal system operations.

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

Report methodology

The Office of Performance, Strategy and Budget (PSB) coordinated with PAO, DPD, Superior Court, DJA, and District Court to develop a single definition of pandemic-related backlog and to determine measures that will:

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

DJA, District Court, and PAO provided measures for the report and all the above agencies provided feedback and review of the report contents.

Report requirements

This first report provides a definition of the pandemic-related backlog and describes quarterly measures reported in this and subsequent reports to assess progress addressing the backlog. The pandemic-related legal system backlog is defined as:

Excess pending cases above pre-pandemic levels affecting PAO, DPD, Superior Court, DJA, and District Court operations.³

Cases filed or to be filed in Superior Court

Pending felony criminal cases exceed pre-pandemic levels for both filed and unfiled cases. Other case-types filed in Superior Court do not have backlogs that exceed pre-pandemic levels. This and subsequent reports include quarterly measures of criminal and all other case types to assess progress on backlogs and also to monitor whether the other case types remain at or below historical backlog levels. Criminal backlogs affect PAO, DPD, Superior Court, and DJA. Eviction cases affect Superior Court and DJA.

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

Table 1: Key Superior Court backlog measures

Superior Court Backlog Measures	2019 Average	Q3/21	Difference from 2019
Total active pending caseload ⁴	22,869	21,128	-1,741
Criminal active pending caseload ⁵	3,435	5,510	2,075

³ This definition is used for the purposes of this and subsequent reports, specifically in the context of the COVID-19 pandemic. Legal agencies use the term “backlog” in different ways. DJA and Superior Court only use “backlog” in the context of criminal cases.

⁴ Includes RALJ (appeals cases).

⁵ Excludes RALJ (appeals cases).

Total resolutions ⁶	12,945	11,619	-1,326
Criminal ⁷ total resolutions	1,447	1,298	-149
<i>Resolved by Jury Trial</i>	3.0%	2.5%	-0.5%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.6%	0.2%
<i>Resolved by Guilty Plea</i>	77.1%	57.6%	-19.5%
<i>Dismissal</i>	19.1%	37.4%	18.3%
<i>Others</i>	0.5%	1.9%	1.4%
PAO unfiled pending cases	1,800	2,700 ⁸	900
Pending evictions (unlawful detainer)	461	505	44

Cases filed or to be filed in District Court

Due to data limitations and case complexity,⁹ District Court reports it cannot provide complete data on all of its backlogged cases and backlog measures cannot be quantitatively compared to pre-pandemic volume. Infraction and small claims cases that are on hold that were filed from March 20, 2020 to the start date of District Court special backlog calendars are considered pandemic-related backlogged cases, as well as the number of civil trials awaiting scheduling. PAO has provided quarterly numbers of unfiled District Court criminal cases. Unfiled cases can be compared to pre-pandemic (average 2019) levels.

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

Table 2: District Court backlog measures

	Pre-pandemic	Q3 2021	Pandemic-related Backlog
Small claims backlog	N/A	2,043	2,043
Infractions backlog	N/A	4,021	4,021
Civil trials awaiting scheduling	N/A	55	55
Suspended Failure to Appear (FTA) warrants	N/A	3,823	3,823
Unfiled District Court criminal backlog (PAO)	830	3,000 ¹⁰	2170

Next steps

As of October 30, 2021, pandemic-related public health concerns and restrictions are ongoing. PAO, DPD, DJA, Superior Court, and District Court are recruiting and hiring staff, developing and implementing backlog operational plans, and working to address pending cases while maintaining safe operating procedures. Each agency will track spending, positions hired, and progress addressing the backlog.

⁶ Excludes matters Filed with Clerk.

⁷ Excludes RALJ (appeals) cases.

⁸ Estimate as of the end of Q3 2021. Data limitations prevent precise reporting.

⁹ Challenges to reporting total backlog numbers include case management system constraints, as well as operational practices that differ from judge to judge.

¹⁰ Estimate as of the end of Q3 2021. Data limitations prevent precise reporting.

PSB will compile the upcoming progress reports for the Executive to submit to the Council by May 16, 2022 and November 14, 2022. These reports will include quarterly updates on backlog measures, as well as a list and description of positions supported by Ordinance 19318, tracking of expenditures, and identification and discussion of barriers or system challenges to addressing the backlog or addressing new convictions, as required by the Council.

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

Alleviating delays in the legal system during and after the COVID-19 pandemic with temporary federal resources is consistent with the Executive Branch's True North and Values and aligns with the County's priorities for allocation of federal and state COVID-19 funds, as adopted by the King County Council in Motion 15816¹¹.

¹¹ MOTION 15816 [[LINK](#)]

Background

The pandemic-related backlog of cases in the King County legal system directly affects operations in PAO, DPD, Superior Court, DJA, and District Court.¹² Resources to address the backlog were appropriated to these five agencies in Ordinance 19318.

Department Overview:

The Office of Performance, Strategy and Budget Overview

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

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

Prosecuting Attorney's Office Overview

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

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

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

Department of Public Defense Overview

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

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

¹² 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
- Mental illness and involuntary commitment matters

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

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

Department of Judicial Administration Overview

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

- Maintaining the official case files, records and indexes necessary to enable the efficient administration of the court, indefinitely;
- Facilitating the public's right to record inspection;
- Managing funds deposited in the registry of the court; handling all fees, fines and other monies and performing the accounting functions related to all funds related to superior court cases.

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

King County District Court Overview

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

- Misdemeanor and gross misdemeanor criminal cases
- Domestic violence, stalking, and anti-harassment protection orders
- First appearance felony bookings
- Civil cases (up to \$100,000 per claimant)
- Small claims cases (up to \$10,000)

- Name changes
- Impound hearings
- Traffic and other civil infractions
- Parking cases
- Search warrant authorizations.

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

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

Context:

Factors contributing to the legal system backlog during the COVID-19 pandemic:

Beginning in late February 2020, the COVID-19 pandemic has had substantial impacts (both direct and indirect) on the legal system nationally¹³ and in King County. This report and subsequent reports do not attempt to attribute causation to specific contributing factors for any particular delayed legal case or to determine the extent each individual factor contributes to backlogs or reductions in pending caseloads.

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

- Public health recommendations and orders directly and indirectly impacting court operations.¹⁴
- State and local judicial orders directly closing or modifying court operations.¹⁵
- Increases in serious crime (homicide, assaults with firearms/deadly weapons, sexual assaults, and domestic violence).¹⁶

¹³ Thomas Reuters Institute. The Impacts of the COVID-19 Pandemic on State & Local Courts Study 2021. [\[LINK\]](#); Baldwin, J.M., Eassey, J.M. & Brooke, E.J. Court Operations during the COVID-19 Pandemic. *Am J Crim Just* 45, 743–758 (2020). [\[LINK\]](#)

¹⁴ Recommendations and orders issued by Public Health Seattle & King County, the Washington State Department of Public Health, and the Centers for Disease Control.

¹⁵ The State Supreme Court Order Regarding Court Operations provides guidance for all courts on prioritization, use of video and other remote hearings, and where courts can exercise discretion. As of October 30, 2021, the most recent order was the fourth revised and extended order issued October 13, 2020. [\[LINK\]](#). The Supreme Court State of Emergency allows individual courts to set safety guidelines and protocols and encourages consistency with State and local public health guidance. King County Superior Court has issued numerous emergency court orders describing operations during the pandemic, available on the Court’s website [\[LINK\]](#). King County District Court’s emergency orders are available on their website. [\[LINK\]](#).

¹⁶ The number of pending more serious offenses (homicide, rape, domestic violence, robbery, shootings) increased from 1,700 such cases pre-COVID to an estimated 2,700 in June 2021. [\[LINK\]](#). Additionally, PAO reports the total number of shots fired incidents in Q1-Q3 2021 (1,036) was up around 48% and the number of overall shooting

- Work from home policies, social distancing, and mask requirements.¹⁷
- Employee leave and staff turnover related to pandemic health concerns, childcare responsibilities, or other pandemic-related considerations.¹⁸
- Societal and individual behavior changes occurring during the pandemic (workplace closures, social isolation, school closures, economic disruption, etc.) that may have influenced civil filings, family law filings, and criminal referrals and filings.¹⁹
- Changes in patterns of law enforcement activity and referrals and prosecutor filing decisions directly or indirectly related to the pandemic, including prioritization of some case types given limited capacity, reduced law enforcement capacity, and new police accountability bills that went into effect in July 2021.²⁰
- Policy and operational changes in legal system agencies (both direct adjustments to adapt to social distancing requirements, such as increased use of video court, and changes that may have occurred regardless of the pandemic). These changes increased access to the legal system in some circumstances and decreased it in others.
- Legal changes including, but not limited to, the Blake decision,²¹ which found the state law that made it a felony to possess illegal drugs unconstitutional.²²
- National, State, and local eviction moratoriums and implementation of programs to support landlords and renters.²³

Pandemic operations: challenges and adaptations

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

The King County legal agencies carry out numerous legal responsibilities for the residents of King County. There are many civil and criminal case types, each with their own set of processes, which may vary based on individual characteristics of the case and the parties involved. Case types with pandemic-related backlogs are: Superior Court felony cases; District Court misdemeanor and expedited felony cases, infractions, small claims, and civil cases. Additionally, unlawful detainer cases (evictions), which are filed in Superior Court, were largely suspended during the pandemic and may see a large influx of filed cases as eviction moratoriums and other restrictions are lifted. King County's Eviction Prevention and Rental Assistance Program is intended to prevent this.

victims (356) was up 76 percent over the four-year average for Q1-Q3 2017-2020. (2021 Q1-Q3 King County Firearm Violence Report).

¹⁷ Executive Branch staff was mandatory work from home from March 3, 2020 to July 5, 2021.

¹⁸ Expanded Paid Administrative Leave was available to King County employees from April 2020 to June 2021. *King County Coalition of Unions COVID MOA January 6, 2021.*

¹⁹ For a review of patterns of criminal incidents and arrests early in the pandemic see COVID and crime: An Early Empirical Look [\[LINK\]](#).

²⁰ H.B. 1310 [\[LINK\]](#) and H.B. 1054 [\[LINK\]](#)

²¹ State of Washington v. Shannon B. Blake [\[LINK\]](#).

²² The Blake decision resulted in dismissal of cases in early 2021, reducing overall criminal backlog. Resources to address the additional workload of vacations, resentencing, and Legal Financial Obligation refunds were appropriated in PAO, DPD, Superior Court, DJA, and District Court budgets in Ordinance 19319.

²³ See Washington Law Help for a summary of current Washington State rental protections. [\[LINK\]](#).

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

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

Superior Court

Superior Court follows State Supreme Court Emergency Orders²⁴ and has consulted with University of Washington epidemiologists in determining operational processes and policies during the pandemic. Public health considerations resulted in complete trial shutdown of the Superior Court criminal department twice, for a combined period of over nine months. With the exception of emergency functions, most Court operations ceased in March 2020. Starting in July 2020, the Court implemented radical changes in business practices, partly made possible through federal resources allocated to the Court's budget.

Implementation of new processes and installation of video equipment allowed the court to hold dependency, family law and civil trials remotely. The Court has received national recognition for holding civil trials during the pandemic, including civil jury trials,²⁵ which were held at the Meydenbauer Convention Center to allow for socially distanced operations from August 2020 to July 2021. As a result of adaptations to operations and filing trend changes due to pandemic conditions, most Superior Court civil case types do not have a backlog relative to pre-pandemic volumes of pending cases.

While operational changes and investments in new technology allowed many court functions to resume operating remotely, criminal hearings and trials mostly remained in-person. All parties must agree to video court for criminal proceedings. The result of closures and limited capacity under new business practices is a large backlog of thousands of criminal trials with serious charges such as homicide, sexual assault, and assaults with a weapon. Without additional resources,

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

Felony criminal cases

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

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

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

Unlawful Detainers (Evictions)

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

²⁴ Washington State Supreme Court Emergency Order 25700-B-607.

²⁵ Law 360 Demystifying the Virtual Civil Jury Trial Experience. [\[LINK\]](#)

Superior Court could only address the criminal backlog by diverting resources from the Court's Civil and Family Law Departments to try only criminal cases, thereby limiting access for those who seek justice for things like discrimination, personal injury, dissolution, or child custody.

Ordinance 19318 funds temporary staff and other resources in Superior Court to increase criminal capacity for trials, as well as dedicated training and IT resources and permanent virtual training and standardization solutions to ensure staff can successfully implement new practices enacted during the pandemic.²⁶

DJA

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

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

PAO

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

At the time Ordinance 19318 was adopted, the PAO reported trial attorneys and support staff were carrying more than twice the case load compared to pre-pandemic caseloads.

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

DPD

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

DPD operates using a staffing model that incorporates caseload standards that dictate the number of cases an attorney may be assigned within a rolling year and/or have open at any given time; through

²⁶ Superior Court is working on a State Justice Institute-funded grant-funded study with a nationally recognized consultant to document and assess pandemic-related operational changes in order to determine which practices should be maintained post-pandemic.

application of those formulas, biennial predictions of case filings determine DPD's attorney staffing level, and non-attorney staffing levels are determined by attorney:staff ratios developed in reference to Washington State Court Rules, Washington State Bar Association guidelines, labor agreements, and DPD practice standards. The PAO's intention to file and prosecute new and existing "backlogged" cases and Superior Court's temporary increase in trial capacity mean that DPD will also need to increase its resources and staffing to adjust to the increased workload. Funding in Ordinance 19318 is intended to allow DPD to staff appropriately to meet the increased workload as PAO and Superior Court move a greater volume of cases forward.

Additional system funding could result in more cases being filed, which disproportionately impacts Black, Indigenous, and People of Color (BIPOC) communities,

As of October 30, 2021, DPD reports significant challenges recruiting and hiring skilled and experienced staff, which are necessary given the serious nature of the cases they will be staffing.

District Court

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

Like Superior Court, District Court implemented new operational procedures to conduct as much business as possible given social distancing requirements and other restrictions on normal operations. All District Court courtrooms have equipment to conduct remote or partially remote hearings via video. The Court has prioritized addressing criminal cases²⁷ and handling caseload for its 12 contract cities. Given limited capacity, the PAO has not prioritized filing District Court cases during the pandemic and there is a sizable backlog of unfiled District Court cases.

²⁷ The PAO has prioritized filing District Court cases that involve DUIs, Domestic Violence, and non-property crimes against persons.

Overview of District Court case types with pandemic backlogs

Misdemeanor and expedited felony criminal cases

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

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

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

Infractions

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

Small Claims

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

Civil Cases

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

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

There have been no civil jury trials since March 2020 or small claims hearings for cases filed since March 2020. Small claims cases are mediated by the Dispute Resolution Center, whose contract has been suspended since January 2021 due to funding constraints exacerbated by court challenges in processing new claims. District Court must add additional calendars to address the backlog of infractions and small claims cases.

District Court has also increased workload for the jury summons process. District Court is summoning 72,000 jurors per year during the pandemic compared to 14,000 per year pre-pandemic. This is due partly to the Superior Court no longer handling some summons and partly to the reduced yield of summons due to the pandemic.

District Court funding in Ordinance 19318 will be used to expand the Court's capacity to address its backlog running courthouse locations in the evening and expanding hearings. This will require temporary staff and judicial officers, overtime costs for existing staff, and security and other overhead expenses. The Court will also bring back the Dispute Resolution Center to conduct the mandatory mediation for small claims.

Federal resources

King County received federal funds to respond to the COVID-19 pandemic from the 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act, which funded the Coronavirus Relief Fund (CRF), and the 2021 American Rescue Plan Act (ARPA)²⁸, which funded the Coronavirus Local Fiscal Recovery Fund (CLFR).

CARES was signed into law on March 27, 2020. Section 5001 of CARES created the Coronavirus Relief Fund (CRF) providing relief to state and local governments. The Consolidated Appropriations Act was signed into law on December 27, 2020, continuing and expanding programming.²⁹ King County was allocated \$530 million of CRF to navigate the impact of the COVID-19 outbreak.³⁰

ARPA was signed into law on March 11, 2021. Section 9901 of ARPA amended Title VI of the Social Security Act (the Act) to add section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (CLFR). King County was provided a CLFR distribution directly by the U.S. Treasury and is empowered to utilize this funding for costs associated with responding to the COVID-19 public health emergency and its negative economic impacts.³¹

²⁸ H.R. 1319 – 117th Congress. [\[LINK\]](#)

²⁹ U.S. Department of the Treasury About the CARES Act and the Consolidated Appropriations Act. [\[LINK\]](#)

³⁰ King County Performance, Strategy & Budget COVID-19 Response and Recovery Budget Webpage. [\[LINK\]](#)

³¹ U.S. Department of the Treasury. Coronavirus State and Local Fiscal Recovery Funds Webpage. [\[LINK\]](#)

Previous Federal resources for legal system

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

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

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

Total federal relief amounts appropriated prior to Ordinance 19318, by agency:³²

Table 3: Federal pandemic funding prior to Ordinance 19318

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

Ordinance 19318 resources

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

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

The Council appropriated resources as follows:

³² Amounts are the appropriated amounts, not necessarily the expended totals. Expenditures are generally backed by federal revenue from ARPA and CARES, but actual funding sources vary slightly depending on eligibility and timing. These figures do not include grants received by Superior Court, DJA, and District Court from the Administrative Office of the Courts. Superior Court includes costs for Meydenbauer budgeted in the Facilities Management Division. See Ordinance 19120 [\[LINK\]](#), Ordinance [\[LINK\]](#), Ordinance 19191 [\[LINK\]](#), Ordinance 19265 [\[LINK\]](#), and Ordinance 19289 [\[LINK\]](#).

Table 4: Summary of Ordinance 19318 legal system funding

Agency	Description	Amount
SUPERIOR COURT	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic. Support a total of 4 judicial officers for trials, 2 judicial officers for plea courts, 1 judicial officer for the impending rush of evictions post moratorium, the positions to support the new judicial officers, more jurors, and more interpreters for a larger number of courts, positions to support technology, technology training and usage standardization for new officers, space in Kent for Family Law judges, and important website modifications to provide better communication to the public. This would also add support for family law and pro se litigants including 1 family law commissioner, 1 family law coordinator, and positions to provide additional services in family law facilitators, family court services, contracted dependency CASA attorneys and early resolution case management, and 0.40 TLT equivalent evictions officer in Kent. It would also provide funding to redesign intranet and SharePoint sites for training needs.	\$10,896,000
JUDICIAL ADMINISTRATION	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic. Support additional judicial officers, IT positions to assist with new technology, a position to train new and existing staff on new technology and standardize practice, and customer triage and assistance in navigating new and changed processes to court litigants and domestic violence victims. This would also support the positions needed to support 6 judicial officers for trials and plea court, 1 judicial officer for Ex Parte, and continued family law support. This would also support positions to support the new technology, funding for software for exhibit handling, funding for increasing network capacity/speed on the sixth floor, a trainer to assist with training new and existing staff on new technology and new procedures and processes implemented and customer service staff to assist customers in using new services/methods, including domestic violence victims and a virtual protection order office.	\$3,643,000
DISTRICT COURT	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic. Support night courts in Bellevue, Shoreline, and Burien three night per week, hire 6 judicial officers and the support staff, hire TLT jury management staff, process small claims cases, fund the Dispute Resolution Center, offer protection orders in night court, and fund overtime as required by collective bargaining agreements. It would also provide funds to support additional facilities and security costs.	\$4,398,000

PROSECUTING ATTORNEY	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic.	\$12,862,000
PUBLIC DEFENSE	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic.	\$10,661,000

Resources are available through the end of 2022. Specific uses of funds will likely change as agencies develop operational plans to best address the backlog while adhering to ongoing public health restrictions and recommendations. Agencies predict it will take at least three years to resolve backlogged cases and additional temporary resources may be requested in the 2023-2024 budget.

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

Current operations:

At the time of the adoption of Ordinance 19318 in July 2021, COVID vaccines were readily available for adults and COVID cases in King County were low. Restrictions and public health recommendations were loosened, and some public services were returning to pre-pandemic operations. In August, the Delta variant caused a new surge in cases³³ and restrictions were reimplemented or never relaxed. As of October 30, 2021, social distancing requirements and recommendations remain in place and the pandemic continues to disrupt normal legal system operations.

Report methodology:

PSB staff coordinated with staff and leadership in PAO, DPD, DJA, and Superior Court to define Superior Court case backlog and identify relevant measures. District Court provided content on District Court backlog. PSB drafted the report. All agencies had the opportunity to review, comment on, and edit content.

Data for backlog measures was provided by DJA, PAO, and District Court. Financial and staffing data in the second and third reports will be provided by all agencies and compiled by PSB.

Report Requirements

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

Baseline backlog definition

Pandemic-related legal system backlog is defined as:³⁴

³³ King County COVID-19 Data Dashboards [\[LINK\]](#)

³⁴ This definition is used for the purposes of this and subsequent reports, specifically in the context of the COVID-19 pandemic. Legal agencies use the term “backlog” in different ways. DJA and Superior Court only use “backlog” in the context of criminal cases.

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

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

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

Superior Court case pandemic-related backlog measures³⁵

Superior Court case pandemic-related backlog is the number of pending cases filed in Superior Court exceeding pre-pandemic volume. All active cases³⁶, regardless of filing date, are counted from the time of filing to the time of reporting. The pre-pandemic reference period is 2019 (average of four quarters).³⁷

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

Data shows that there are significantly more pending felony criminal cases as of Q2 2021 compared to pre-pandemic volume. In contrast, data shows most civil cases are at or below pre-pandemic levels and do not have a backlog. Juvenile cases do not have a pandemic-related backlog and are not the focus of this or subsequent reports.

Filed criminal felony cases reflect workload for PAO, DPD, DJA, and Superior Court. Unfiled cases reflect workload for the PAO. While most defendants are represented by DPD attorneys, the PAO estimates ten

³⁵ Includes adult felony referrals and adult criminal and civil filed in Superior Court. Does not include expedited felonies addressed in District Court.

³⁶ Cases are active if they do not have a disposition and they are not in an inactive status (for example on warrant).

³⁷ The pre-pandemic reference period is not intended to represent an ideal number of pending cases.

to 35 percent of cases are represented by private attorneys.³⁸ Criminal backlog numbers do not disaggregate private counsel cases. Most civil cases reflect workload in Superior Court and DJA only.³⁹ PAO reports statistics for specific criminal case types on their publicly available data dashboard with a comparison to pre-pandemic averages using slightly different calculations than Superior Court statistics.⁴⁰

The initial measures of backlog reported below are values as of Q3 2021 (September 30, 2021). The second report to Council will include quarterly values through Q1 2021 (March 31, 2021) and will be transmitted to Council May 16, 2022. The third report will include values through Q3 2022 (September 30, 2022) and will be transmitted to Council November 14, 2022.

Monthly evictions (unlawful detainer) case filings are reported beginning January 2020. Trends in these cases will be assessed relative to the end of state and local eviction moratoriums and other restrictions.⁴¹

Superior Court cases backlog measures:

1. **Active pending caseload,**⁴² by case type, reported by quarter, compared to pre-pandemic volume

Table 5: Superior Court active pending caseload

Reporting Category	2019 Average	Q3 2021	Difference in Pending from 2019
Total ⁴³	22,869	21,128	-1,741
Criminal ⁴⁴	3,435	5,510	2,075
Civil	8,674	6,974	-1,700
Domestic	4,477	4,526	49
Probate	1,237	1,285	48
Guardianship	388	491	103
Adoption	196	269	73

³⁸ Parity between the Prosecuting Attorney’s Office and the Department of Public Defense Proviso Response, 2019. [\[LINK\]](#)

³⁹Parentage and Involuntary Treatment Act cases are civil cases and DPD and PAO attorneys staff those case types.

⁴⁰ PAO Data Dashboard. [\[LINK\]](#)

⁴¹ While the statewide eviction moratorium ended on June 30, 2021, on September 21, Jay Inslee extended the state eviction moratorium “bridge” through October 31, 2021 (Emergency Proclamation by the Governor Amending Proclamations 20-05 and 21-09: 21-09.01 Tenancy Preservation – A Bridge to E2SSb5160. [\[LINK\]](#) and Mayor Jenny Durkan extended the City of Seattle’s moratorium on residential, small business, and non-profit commercial tenants through January 15, 2022 (Executive Order 2021-07:COVID Civil Emergency0 Extension of City Closures and Relief Measures. [\[LINK\]](#)

⁴² Filed cases. Data as reported in Table 4 of the King County Superior Court Quarterly Statistical Reports. Full statistics available on the DJA website. [\[LINK\]](#) Note that PAO also reports open pending cases on its data dashboard. [\[LINK\]](#) Those numbers differ slightly from DJA numbers due to slightly different criteria used to define open cases.

⁴³ Includes RALJ (appeals cases).

⁴⁴ Excludes RALJ (appeals cases).

Reporting Category	2019 Average	Q3 2021	Difference in Pending from 2019
Parentage	248	258	10
Involuntary Treatment Act ⁴⁵	235	428	193
Juvenile Dependency	563	249	-314
Juvenile Termination	257	278	21
Other Juvenile ⁴⁶	109	109	0
Juvenile Truancy	2,306	361	-1,945
Juvenile Offender	570	319	-251
Unlawful detainer (evictions) ⁴⁷	461	505	44

While overall pending caseload is lower than baseline levels, the number of criminal pending cases is up 60 percent compared to baseline levels. These are time-intensive cases that require work from all legal system agencies.

2. **Number of cases resolved and resolution category,**⁴⁸ by case type, reported by quarter, compared to pre-pandemic volume

Criminal cases have significant backlogs and are reported below. Resolutions for all case types is available on the DJA website.⁴⁹

Table 6: Superior Court criminal cases resolved and resolution category

Reporting Category	2019 Average	Q3 2021
Total Resolutions ⁵⁰	12,945	11,619
Criminal ⁵¹ Total Resolved	1,447	1,298
<i>Resolved by Jury Trial</i>	3.0%	2.5%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.6%
<i>Resolved by Guilty Plea</i>	77.1%	57.6%
<i>Dismissal</i>	19.1%	37.4%
<i>Others</i>	0.5%	1.9%

⁴⁵ Civil commitment.

⁴⁶ Juvenile At Risk Youth, Child in Need of Service, others.

⁴⁷ Unlawful detainers are also included in civil counts.

⁴⁸ Data as reported in Table 2 of the King County Superior Court Quarterly Statistical Reports. Full statistics available on the DJA website. [\[LINK\]](#)

⁴⁹ [\[LINK\]](#)

⁵⁰ Excludes matters Filed with Clerk.

⁵¹ Excludes RALJ (appeals) cases.

3. Unlawful detainer cases filed

Evictions are formally known as Unlawful Detainer matters in the court system. These matters have been restricted from being filed by federal, state, and local moratoriums during the pandemic. This and subsequent reports include the monthly number of new unlawful detainer cases filed compared to pre-pandemic monthly filing averages.

Table 7: Unlawful detainer cases filed

	2019 Average	Sep-21
Unlawful detainer cases, monthly filings	385	80

See appendix A for historical monthly unlawful detainer filings.

4. Total number of unfiled felony cases referred to PAO,⁵² reported by quarter, compared to pre-pandemic volume

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

Table 8: Unfiled felony cases

	2019 Average	Q3 2021
Pending Unfiled Criminal Cases	1,800	2,700

District Court case pandemic-related backlog measures⁵³

Due to data limitations and case complexity,⁵⁴ District Court reports it cannot provide complete data on all backlogged cases and most backlog measures cannot be quantitatively compared to pre-pandemic volume. Infraction and small claims cases filed during the pandemic that are on hold are considered pandemic-related backlogged cases, as are the number of civil trials awaiting scheduling. PAO provides numbers of unfiled District Court criminal cases and comparison to pre-pandemic unfiled cases in also provided.

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

The PAO is prioritizing the most serious criminal cases, and as capacity constraints allow, they may file older District Court cases. Depending on the pace of PAO filing of these cases, calendars for these cases could be delayed. Cases filed after the start of special calendars will not be tracked.

⁵² Source: PAO. PAO reports that unfiled felonies were high in 2019 due to other factors.

⁵³ District Court cases also include expedited felonies.

⁵⁴ Challenges to reporting total backlog numbers include case management system constraints, as well as operational practices that differ from judge to judge.

The initial measures of backlog reported below are values as of Q3 2021 (September 30, 2021).

District Court cases backlog measures:

- 1. Cases filed between 3/20/2020 and the start date of special calendars that are on hold.** No small claims cases have been heard during the pandemic. Subsequent reports will include data on when these cases are heard by the court for a hearing and moved out of on hold status.⁵⁵

Processing of infractions has been substantially slowed during the pandemic. Subsequent reports will include data on when these cases are heard by the court.

Table 9: District Court small claims and infractions pandemic-related backlog

	Pre-pandemic	Q3 2021
Small Claims	N/A	2,043
Infractions	N/A	4,021

- 2. Civil trials awaiting scheduling.** No civil trials have occurred during the pandemic. These will begin when District Court begins special evening calendars.

Table 10: District Court civil trials awaiting scheduling

	Pre-pandemic	Q3 2021
Civil trials awaiting scheduling	Unavailable	55

- 3. Report of Suspended Failure to Appear (FTA)/ Bench Warrants.** These are criminal cases that have been in a suspended status due to restrictions on issuing warrants.⁵⁶

Table 11: Suspended failure to appear warrants

	Pre-pandemic	Q3 2021
FTA Report	Unavailable	3,823

- 4. PAO unfiled backlog.** Cases under PAO review that have not been filed. Data from the PAO. In subsequent reports, District Court may be able to provide additional criminal backlog data (dependent on when the state begins filing and dates of violations for those cases).

⁵⁵ Cases may have multiple hearings.

⁵⁶ The Emergency Orders of the Washington Supreme Court placed restrictions on issuing warrants for defendants that did not appear for hearings. As of October 30, 2021, some limitations on warrants remain. These cases must all be reset.

Table 12: Unfiled misdemeanors

	2019 Average	Q3 2021
Unfiled District Court PAO Backlog	830	3,000 ⁵⁷

Next Steps

As of October 30, 2021, pandemic-related public health concerns and restrictions are ongoing. PAO, DPD, Superior Court, DJA, and District Court are recruiting and hiring staff, developing and implementing backlog operational plans, and working to address pending cases while maintaining safe operating procedures. Each agency will track spending, positions hired, and progress addressing the backlog to be submitted to Council in subsequent reports.

PSB will compile progress reports for the Executive to transmit to the Council by May 16, 2022 and November 14, 2022.

Subsequent reports will include the following:

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

⁵⁷ Estimate as of the end of Q3 2021. Data limitations prevent precise reporting.

The COVID-19 pandemic resulted in unprecedented operational challenges and backlogs in the legal system. Temporary resources allocated in Ordinance 19318 will be used to reduce the number of pending cases in the legal system, reduce pandemic-related delays, and provide access to justice to King County residents.

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

The judicial system. In-person access to the judicial system has been limited due to social distancing requiring an increase in conducting businesses virtually. Such practices restrict the courts' ability to effectively administer cases and have exacerbated inequities in accessing the judicial system, particularly for residents with limited digital access and proficiency, disabilities and limited English proficiency. Providing support for equitable access to the judicial system and ensuring the justice system can operate fairly and equitably should be prioritized.⁵⁸

⁵⁸ MOTION 15816 [[LINK](#)]

Appendix A: Supplemental measures and data

Superior Court measure 3: King County Superior Court Unlawful Detainer Cases Filed⁵⁹

Table 13: Unlawful detainer cases filed

Unlawful detainer filings	Year		
	2019	2020	2021
Month			
Jan	508	409	69
Feb	386	409	44
Mar	397	244	41
Apr	358	10	41
May	427	16	43
Jun	384	21	47
Jul	413	22	48
Aug	312	31	70
Sep	278	38	80
Oct	432	49	
Nov	355	54	
Dec	375	53	

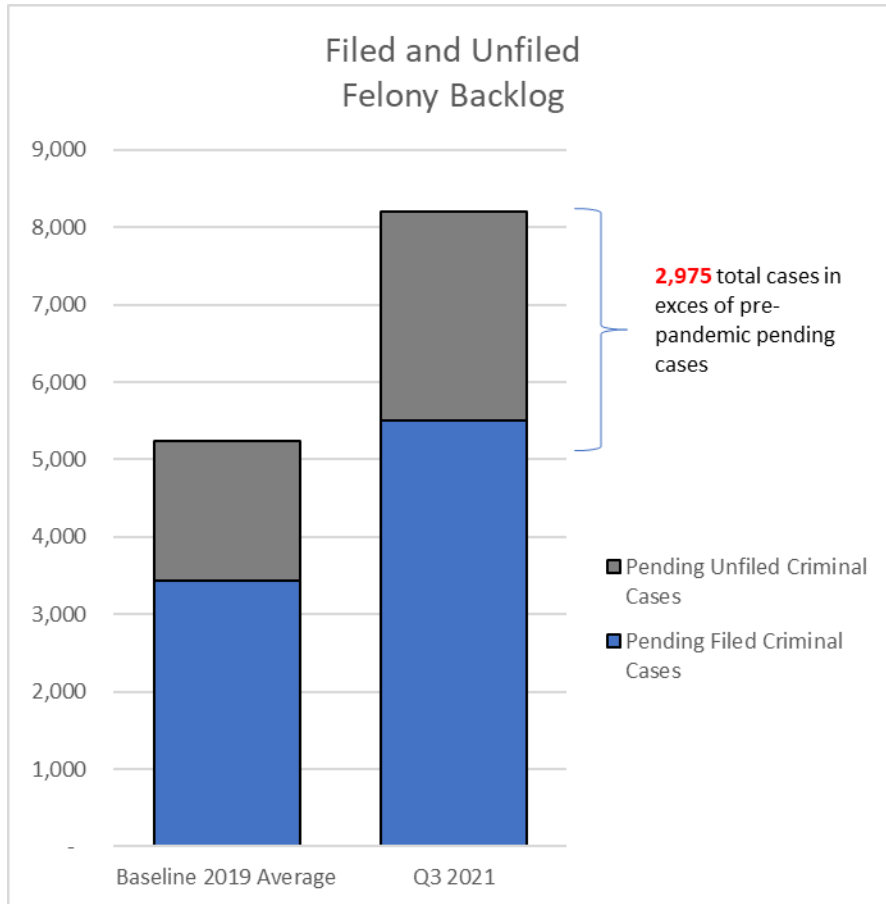
Supplemental charts

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

⁵⁹ Provided by DJA.

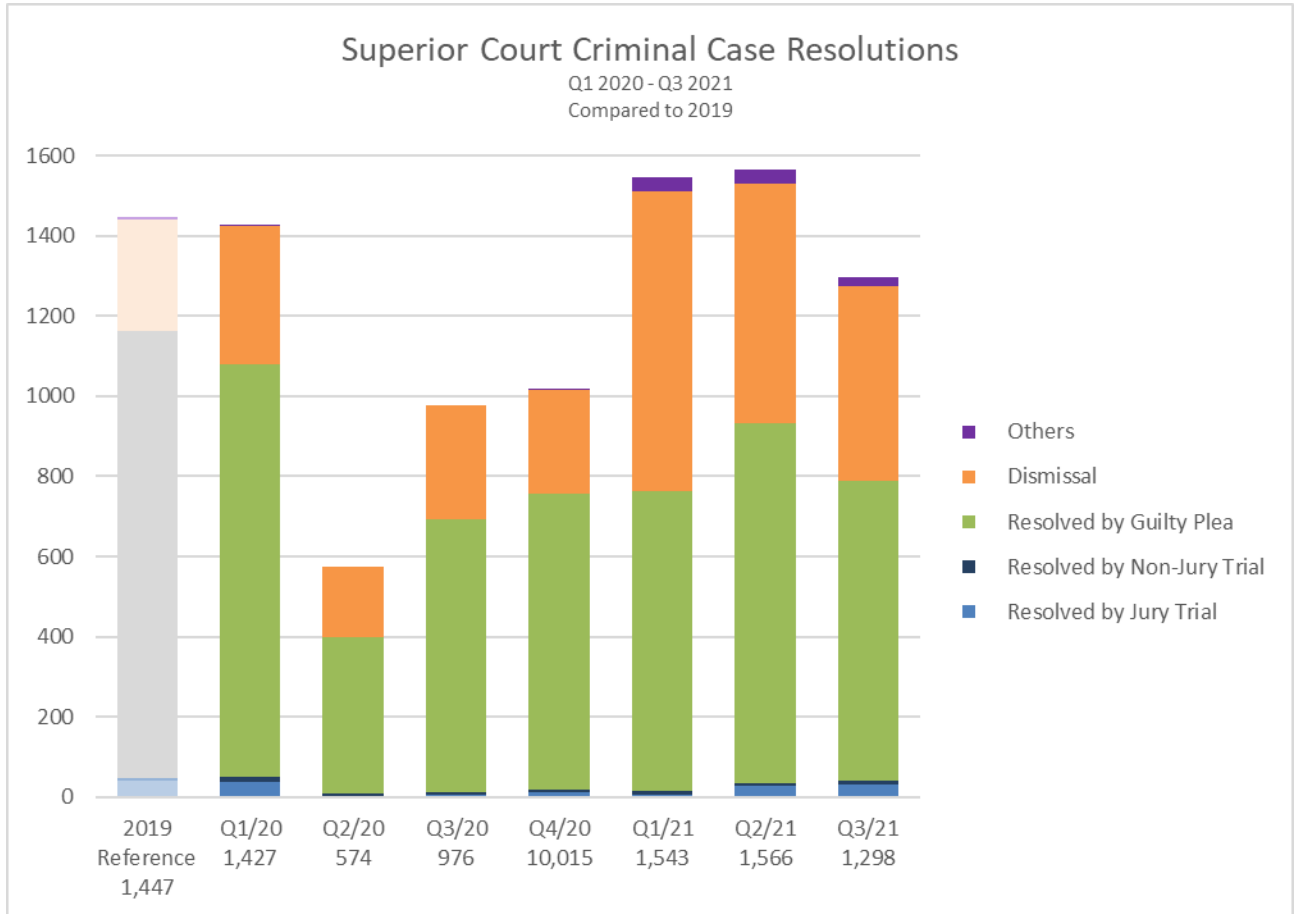
Superior Court filed and unfiled felony backlog

All pending felony cases, including filed and unfiled cases, exceed pre-pandemic volume by about 3,000 cases (shown in the chart below).



Superior Court criminal case resolutions Q1 2020 – Q3 2021 compared to 2019 average:

Criminal case resolutions dropped sharply in Q1 2020, as shown in the chart below. Some of the increase in dismissals in 2021 is related to the Blake decision.



Monthly evictions cases filed January 2020 – Spetember 2021

As shown in the chart below, unlawful detainer cases dropped dramatically in late winter/spring 2020, after eviction moratoriums were issued.

Figure 3: Unlawful detainer (evictions) cases filed January 2020 to September 2021

