

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 issue of backlog for permits and the legal system is a focus for pandemic recovery to improve service delivery for residents of King County. Approximately \$109 million has been allocated toward County Operations programs.

Investment Areas

- CLFR funds enabled Department of Local Service Permitting to dramatically reduce the backlog of applications awaiting review ranging from 52%-90% for high-volume permit types.
- Pending felony criminal cases continue to exceed pre-pandemic levels for both filed and unfiled cases and criminal resolutions remain below 2019 levels. Pending eviction cases also exceed pre-pandemic levels. Most other case-types filed in Superior Court do not have backlogs that exceed pre-pandemic levels.

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 canceled jury trials in King County and nationally. Court closures and trial cancellations 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.

Support is also provided to other departments facing a severe backlog. The King County Permitting Division provides land use, building, and fire, regulatory, and operating permits, code enforcement, and a limited number of business licenses in unincorporated areas of the county. Since the pandemic, the division has experienced a large backlog of building permit applications—a direct result of COVID-19 social distancing policies. Operational changes such as shifting staff to remote work, and logistical conversion of many paper-based permit application processes into an online tool was successful but slow. The conversion required several months to complete, but unanticipated staff attrition in 2020 due to COVID-19 further reduced permit review capacity. In response, the Permitting Backlog program was developed to provide additional resources for temporary staff, overtime for existing staff, hiring of consultants, and the purchase of workflow management software to increase productivity, the building permit backlogs will continue and slow the economic recovery initially caused by the public health emergency.

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 launching 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-supported 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 outside of LEA, 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.

PERFORMANCE REPORT

Department of Local Services Permitting Backlog

Note: The following measurements of service delivery and performance improvements include only the outputs and outcome funded by CLFR between June 1, 2021, and July 1, 2022. This report does not include measurement of conditions and mitigations implemented between February 2020 and May 2021, prior to the authorization to use CLFR funding. The information below is an interim draft subject to revision. The County anticipates doing a more comprehensive report on this topic when the CLFR funded work is complete.

On May 25, 2021, King County Council passed Ordinance 19289 related to COVID-19 amending the original biennial budget, which included language 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” which includes an additional allocation of \$4,125,000, for the King County Department Local Services to reduce the building permit backlog and streamline the permitting process by purchasing workflow software, hiring additional labor, and obtaining consultant support. Since this authorization, the DLS Permitting Division (DLSP) has spent CLFR funding to hire 26 temporary staff, pay \$194,000 in overtime compensation to its permanent staff, pay \$1.14 million to plan review consultants, and pay \$98,000 on software. The outputs and outcomes obtained by July 1, 2022, are summarized in this report.

How much?

Outputs, measured by permit applications reviewed

In the 13-month period from June 1, 2021 to July 1, 2022, DLSP reviewed 3,124 permit applications. Of that total, 1,372 applications were reviewed partly or completely by resources paid with CLFR funds (44% of the total). The 1,372 permit applications are summarized by permit type in the following table:

Type of Permit Application	Qty
Residential Building Permits	370
Residential Sprinkler or Tank Permits	231
Boundary Line Adjustments	34
Cellular Antennas	63
Critical Area Designations*	490
All Other	184
Total	1,372

*Estimated quantity

Figure 1: Permit applications by permit type

How Well?

Outputs, measured by backlog reduction

The additional applications processed with the use of CLFR funds enabled DLSP to dramatically reduce the backlog of applications awaiting review. Reduction of the high-volume backlogs is summarized by permit type in the following table:

Permit Type	Backlog: 6/1/2021	Backlog: 7/1/2022	Reduction: Qty	Reduction: Pct
Residential Building Permits: Complex	231	83	148	64%
Residential Building Permits: Simple	99	10	89	90%
Wetland Designations	79*	23	56	71%
Fire Sprinkler or Tank Permits	88*	42	46	52%

*As of October 22, 2021

Figure 2: Reduction of the high-volume backlogs

Is anyone better off?

Outcomes, measured by wait time for permit review

The backlog reductions funded by CLFR enabled DLSP to dramatically reduce the time lost by applicants waiting for the County to begin review of their applications. The reduction of wait times for high-volume application types is summarized in the following table:

Permit Type	Weeks from Complete Submittal to Begin Review			
	June 1, 2021	July 1, 2022	Reduction: Qty	Reduction: Pct
Residential Building Permits: Complex	15	4	11	73%
Residential Building Permits: Simple	10	< 1	10	100%
Wetland Designations	16	3	13	81%
Fire Sprinkler or Tank Permits	9	3	6	67%

Figure 3: Reduction of wait times in weeks for high-volume application types

PERFORMANCE REPORT

Legal System Backlog

Note: The following is an excerpt from 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, 2022, and to report on status and challenges addressing the backlog. The next scheduled report is November 2022.

During the pandemic, the 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 have 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. Backlog is defined as excess pending cases above pre-pandemic levels affecting PAO, DPD, DJA, Superior Court, and District Court operations.

To address the backlog of cases 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 have added staff and capacity with resources from Ordinance 19318, but substantial backlogs remain as of March 31, 2022. 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.

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

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 cases¹ and restrictions were reimplemented or never relaxed. While cases receded in the fall of 2021, the Omicron surge in late 2021 and early 2022 led to suspension of in-person Superior Court trials from December 28 to

¹ King County COVID-19 Data Dashboards. See <https://kingcounty.gov/depts/health/covid-19/data.aspx>.

February 11 and District Court jury trials from December 29 to February 7. As of early spring, 2022, most state and local restrictions have been lifted. COVID cases began rising in late March from a low baseline. Future COVID rates and any accompanying restrictions are highly uncertain.

How much?

Positions supported by Ordinance 19318

Ordinance 19318 supported 135 filled positions as of March 31, 2022. An additional 67 positions were vacant. Some positions have been filled intermittently, as agencies have experienced challenges with retention and employees hired in temporary positions have moved on to permanent positions. Agencies are also hiring for regular vacant positions open through normal attrition.

Agency	Total Filled Positions	Total Vacant Positions
District Court	10	3
DJA ²	25	3
DPD	15	30
Superior Court	36	10
PAO	49	21
Total	135	67

Figure 4: Positions supported by Ordinance 19318

How Well?

Appropriation expended as of March 31, 2022

Agencies spent a total of \$4.7 million as of March 31, 2022, or 11 percent of the total amount appropriated in ordinance 19318. Spending has been lower than planned, primarily due to hiring and retention challenges.

Agency	Amount Expended (7/27/21 to 3/31/22)
District Court	\$ 307,796
DJA	\$ 549,914
DPD	\$ 631,426
Superior Court ³	\$ 2,469,351
PAO	\$ 738,522
Total	\$ 4,697,009

Figure 5: Appropriation expended as of March 31, 2022

² Includes 14 filled positions currently funded by Ordinance 19289.

³ Includes costs expending in May and June 2022.

Cases filed or to be filed in Superior Court

Pending felony criminal cases continue to exceed pre-pandemic levels for both filed and unfiled cases and criminal resolutions remain below 2019 levels. Pending eviction cases also exceed pre-pandemic levels. Most other case-types filed in Superior Court do not have backlogs that exceed pre-pandemic levels. This report includes quarterly measures of criminal and all other case types to assess progress on backlogs and to monitor whether the other case types remain at or below historical backlog levels. The most serious cases (homicides, sex crimes, robbery 1, assault 1 and 2) are the most resource intensive and statistics are reported separately for these cases at the request of Council.⁴ Criminal backlogs affect PAO, DPD, Superior Court, and DJA. Eviction cases affect Superior Court and DJA. The PAO prioritizes violent and repeat offenses and felony-level property crime.

Reporting includes quarterly data 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 DJA.

	2019 Average	Q3/21	Q4/21	Q1/22	Q1/22 Difference from 2019
Total active pending caseload⁵	22,869	21,128	19,567	19,610	-3,259
Criminal active pending caseload⁶	3,435	5,510	4,849	4,808	1,373
Most serious felony pending caseload⁷	948	1,532	1,478	1,501	553
Total resolutions⁸	12,945	11,619	10,755	10,300	-2,645
Criminal⁹ total resolutions	1,447	1,298	1,441	1,103	-344
<i>Resolved by Jury Trial</i>	3.0%	2.50%	2.15%	1.09%	
<i>Resolved by Non-Jury Trial</i>	0.4%	0.60%	0.97%	0.18%	
<i>Resolved by Guilty Plea</i>	77.1%	57.60%	47.12%	67.54%	
<i>Dismissal</i>	19.1%	37.40%	49.27%	29.74%	
<i>Others</i>	0.5%	1.90%	0.49%	1.45%	
PAO unfiled pending cases¹⁰	1,800	2,700	2,720	2,630	830
Pending evictions (unlawful detainer)	461	505	496	571	110

Figure 6: Key Superior Court backlog measures

⁴ At the 2/23/22 Budget and Fiscal Management Committee, Council requested separate reporting on Class A felonies. DJA does not have the ability to track the category of Class A felonies but does report regularly on the most serious felonies (homicides, sex crimes, robbery 1, assault 1, and assault 2). These are the cases that require the most resources to adjudicate, and statistics can be compared to overall Superior Court criminal cases. This report includes separate measures on these most serious felonies. See Appendix C for specific homicide and sex crime offenses.

⁵ Includes RALJ (appeals cases).

⁶ Excludes RALJ (appeals cases).

⁷ Homicides, sex crimes, robbery 1, assault 1 and 2. See Appendix C for list of homicide and sex offenses. Also included in criminal.

⁸ Excludes matters Filed with Clerk.

⁹ Excludes RALJ (appeals) cases.

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

Cases filed or to be filed in District Court

Due to data limitations and case complexity, 11 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 March 1, 2022, when District Court began additional backlog calendars are considered pandemic-related backlogged cases, as well as the number of civil trials awaiting scheduling. PAO provided quarterly numbers of unfiled District Court criminal cases. Unfiled cases can be compared to pre-pandemic (average 2019) levels.

District Court has made progress on civil backlogged cases and on moving cases out of suspended status. Infractions and small claims backlogs have grown since Q3 2021. PAO unfiled cases have also grown, as the PAO continues to prioritize serious felony cases.

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

	Pre-pandemic	Q3 2021	Q4 2021	Q1 2022	Pandemic-related Backlog
Small claims backlog	N/A	2,043	N/A	2,519	2,519
Infractions backlog	N/A	4,021	N/A	6,924	6,924
Civil trials awaiting scheduling	N/A	55	N/A	40	40
Suspended Failure to Appear (FTA) warrants	N/A	3,823	N/A	77	77
Unfiled District Court criminal backlog (PAO)	830	3,000 ¹²	3,700	4,000	3,170

Figure 7: Key District Court backlog measures

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 addressing criminal cases, including continued increases in violent crime

Is anyone better off?

As of March 31, 2021, courts are continuing to adjust operations based on the pandemic and working to expand capacity to work through backlog cases.

Superior Court has additional judicial capacity and more criminal trials are occurring on a weekly basis than prior to the pandemic. District Court has also expanded judicial capacity and began hearing additional calendars on March 1, 2022.

As the work to reduce the backlog continues, COVID-19 safety protocols remain in place in both courts. These include mask requirements, social distancing, remote jury selection in Superior Court,

¹¹ Challenges to reporting total backlog numbers include case management system constraints, as well as operational practices that differ from judge to judge.

¹² Estimate as of the end of Q3 2021. Data limitations prevent precise reporting.

enhanced ventilation in all court locations, and proper communication with jurors about their health and the court's protocols.

Resources appropriated in Ordinance 19318 are available through the end of 2022. Agencies predict it will take until at least 2025 to resolve backlogged cases and additional temporary resources will be requested in the 2023-2024 budget.

PSB will compile an additional progress report for the Executive to submit to the Council by November 14, 2022. Like this report, the November 14 report 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 are being 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, even as the legal system continues to grapple with operational challenges caused directly and indirectly by the pandemic. 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 15816¹³.

¹³ MOTION 15816 can be found at:

<https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=4793683&GUID=62605133-7060-4189-B1E1-2F1915274BB3&Options=Advanced&Search=>