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COMPTROLLER GENERAL OF THE UNITED STATES
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JUNE 21, 1979

The Honorable William E. Foley
Director, Administrative Office
of the U.S. Courts

The Honorable A. Leo Levin
Director, Federal Judicial
Center

We have completed a survey of the acquisition of automatic data processing (ADP) resources by the Federal Judicial Center and by the Administrative Office of the U.S. Courts. The resources are for use in both research and court case management.

In our survey we noted that for various reasons the Federal Judicial Center claimed exemption from established Federal acquisition policies and procedures when acquiring ADP equipment and services. We also noted that the criminal case flow management segment of the COURTRAN II system, which would help facilitate compliance with the Speedy Trial Act of 1974, has not been widely implemented in the U.S. courts. Lastly, we noted that automation of the fiscal operation in the U.S. courts was being considered for only one U.S. District Court. Such a decision might not result in competitive acquisition of a standard system for use nationally.

Our work on COURTRAN II will continue; however, we are providing this interim report to you so that you may have the opportunity to consider our observations in making future decisions.

This report contains recommendations to you. As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the Senate Committee on Governmental Affairs and the House Committee on Government Operations not later than 60 days after the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

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APPLICABILITY OF THE BROOKS ACT
TO AUTOMATIC DATA PROCESSING
PROCUREMENTS BY THE FEDERAL
JUDICIAL CENTER

In connection with the ongoing development of COURTRAN II--an automated management information system designed to address various areas of court operations--the Federal Judicial Center acquired five large computers, peripheral equipment (such as storage devices and terminals), and contractual services. Although the Center acquired only the first large computer competitively, it acquired all of the computers, peripheral equipment, and services without complying with the General Services Administration's approval process established under Public Law 89-306 (the Brooks Act) ^{1/} or with Federal procurement regulations regarding ADP procurements. Such procurement actions could result in higher overall costs to the Government.

The Center maintained that it was exempt from the requirements of the Brooks Act and the Federal procurement regulations. In the Center's view, the legislative history of the Center indicated congressional intent that the Center be established and remain an independent organization and be exempt from the Brooks Act in order to carry out its statutory responsibilities. In addition, the Center believed that it could not meet its responsibility under the Speedy Trial Act of 1974 if it were not free from requirements to coordinate with the General Services Administration and to follow its regulations concerning automated data processing procurements.

We reviewed the legislative histories of the Center and the Speedy Trial Act and could not find support for the Center's conclusions. We believe that the Center is, as defined in the Brooks Act, a Federal agency within the judicial branch and therefore is not exempt from the legislation. This view is formally expressed in the Comptroller General's Decision of March 27, 1979, (B-193861) which held that the Federal Judicial Center must comply with

^{1/}Public Law 89-306 is intended to provide for the economic and efficient purchase, lease, maintenance, operation, and use of ADP equipment by Federal agencies. The Brooks Act also authorizes and directs the General Services Administration to coordinate and provide for the purchase, lease, and maintenance of automatic data processing equipment by Federal agencies.

the Brooks Act and the General Services Administration's implementing regulations in all ADP equipment and services procurement.

COURTRAN II AND THE
SPEEDY TRIAL ACT OF 1974

COURTRAN was the name given to a management information system which incorporated various segments of court operations. The experimental version of this system was called COURTRAN I, and it operated on time rented from commercial computers using batch processing. COURTRAN II was developed in 1974 by the Federal Judicial Center as a preliminary design of a minicomputer-based court management information and research system. Presently COURTRAN II is a partially operational, on-line, interactive, management information system which continues to incorporate various segments of court operations, including the criminal case-flow segment which automates information on criminal cases.

The importance of COURTRAN II's criminal case-flow segment was increased with the passage on January 3, 1975, of Public Law 93-619, commonly referred to as the Speedy Trial Act of 1974. The law was enacted to make the sixth amendment right to a speedy trial effective in Federal criminal cases. Since passage of the law, the Federal Judicial Center has stressed the urgency of accelerating installation of COURTRAN II in the Nation's courts. According to Center officials, without COURTRAN II's criminal case-flow segment, the U.S. courts cannot comply with their statutory responsibilities under the Speedy Trial Act.

In 1974, the Center's initial plan for implementing COURTRAN II was to acquire and install minicomputers in 25 U.S. District Courts and 40 terminal stations in other surrounding district courts. The result would be 65 U.S. courts with COURTRAN II capability. However, in 1975 the Center decided that by combining two or three large regional computers with terminal stations in every court, COURTRAN II service could be provided more economically to the 65 district courts. Despite this decision, the Center acquired five large computers and has installed them all in Washington D.C. The Center has not yet furnished the information we requested on either the regional computer concept or the Center's decision for centralizing all five computers in Washington.

Costs of developing and operating COURTRAN II

During the fiscal 1976 appropriations hearings, the Federal Judicial Center requested immediate appropriations of about \$7 million to accelerate procurement of ADP equipment and expand COURTRAN II development for the U.S. courts. The following schedule indicates the total dollars spent on the COURTRAN program, including the 4 years since those appropriations hearings and the enactment of the Speedy Trial Act. Also shown are the amounts appropriated for COURTRAN II for fiscal 1979 and requested for fiscal 1980.

<u>Fiscal year</u>	<u>Equipment and supplies</u>	<u>Other services</u>	<u>Rent/Communications maintenance</u>	<u>Salaries</u>	<u>Total</u>
1972	\$ -	\$ 28,920	\$ 597	\$ 82,000	\$ 111,517
1973	708	81,370	63,443	107,000	252,521
1974	164,251	36,343	43,902	168,000	412,496
1975	1,034,476	79,414	68,054	291,000	1,472,944
1976	4,129,222	244,605	297,977	601,000	5,272,804
1977	2,820,050	352,895	381,755	744,000	4,298,700
1978	<u>369,023</u>	<u>435,592</u>	<u>957,937</u>	<u>916,000</u>	<u>2,678,552</u>
	8,517,730	1,259,139	1,813,665	2,909,000	14,499,534
1979	690,000	583,000	1,048,000	1,182,000	3,503,000
1980	<u>455,000</u>	<u>378,000</u>	<u>1,318,000</u>	<u>1,182,000</u>	<u>3,333,000</u>
Total	<u>\$9,662,730</u>	<u>\$2,220,139</u>	<u>\$4,179,665</u>	<u>\$5,273,000</u>	<u>\$21,335,534</u>

Although the Center has received substantial appropriations to implement COURTRAN II, only a few of the planned 65 U.S. courts will have the criminal case-flow segment installed when the 100-day criminal case processing rule of the Speedy Trial Act takes effect in July of this year. However, pending legislation may modify this date.

Current status of criminal
case-flow segment implementation

On March 5, 1979, the Federal Judicial Center testified before the Senate Appropriations Subcommittee that

"the Criminal Caseflow Management application is currently being tested in eleven district courts which represent approximately one-third of the national criminal caseload. This application has been given top priority because of the enormous record-keeping requirements of the Speedy Trial Act of 1974."

In March 1977, the Federal Judicial Center stated to the Congress that the criminal case-flow segment had been initially developed, tested, implemented, and declared operational in the U.S. District Court, Chicago. Center officials state that although the criminal case-flow information is standard and the segment is operational, the operation of each U.S. court is unique. Therefore, the standard criminal case-flow segment must be individually developed, tested, and implemented in each court.

If, as indicated, the criminal court case information is essentially standard throughout the courts, then in our opinion, any problems in automating this information should have been corrected before the segment was declared operational. Also, variations in local operating procedures should have no significant impact on the implementation of a standard operational system. The criminal case-flow segment as stated by the Center, has been operational for over 2 years, and we question why it has not been extended to more than 11 courts.

We recognize that the Federal Judicial Center has attempted to improve judicial administration in the U.S. courts by automating a number of areas of court operations. However, we question whether the Center has carried out its responsibilities in accordance with the commitments made in presentations to the Congress. Specifically, it has provided the automated criminal case-flow segment to only a few of the courts, although it indicated that this action was essential for courts to meet the requirements of the Speedy Trial Act.

The Congress has also shown concern about the delays in the implementation of COURTRAN II. In its report 96-247 of June 7, 1979, the Subcommittee on State, Justice, Commerce,

and Judiciary stated that

"with the amount of money that has been spent on COURTRAN II, it seems that the system should be further along than it is and that more than ten of the District Courts should have the automated capability to process court information. The Committee believes that this project is of high priority and that the Director of the Judicial Center should reallocate resources to the extent necessary to implement and install this system in the courts on a more timely basis."

As a result of these unresolved issues, we have initiated further examination of COURTRAN II.

AUTOMATION OF FISCAL OPERATIONS IN THE COURTS

In October 1977 the responsibility for disbursing funds appropriated for the operation and maintenance of the U.S. courts was transferred from the U.S. Marshals to the Clerks of the U.S. District Courts. As a result of this increase in financial activity, the need to automate fiscal operations in the U.S. courts became apparent. Although other District Courts had recognized the need to automate, the Clerk's Office in the U.S. District Court, Los Angeles was the first. The court staff in Los Angeles reviewed the manual fiscal operations and considered potential methods of automation. The staff concluded that whatever equipment and software application was acquired for automating the fiscal operations, it must be compatible with the court's existing NCR Corporation electronic cash registers.

Although several vendors could have provided equipment to automate a court's fiscal operation, the court staff in Los Angeles believed that the NCR Corporation was the only company that was able to meet all of its fiscal requirements. The court clerk requested approval from the Administrative Office of the U.S. Courts to acquire an NCR 8230 minicomputer and associated software to provide a comprehensive automated financial system.

Administrative Office officials indicated that the financial system should be standardized in all U.S. courts. To insure such standardization, they stated that the financial system of U.S. courts should be automated nationwide

at all courts with sufficient volume to warrant automation. Although other U.S. District Courts had expressed a desire to automate their fiscal operations, the Administrative Office approved only the automation of the fiscal program for the District Court, Los Angeles. This approval was for the lease of, with an option to buy, NCR equipment and software.

We expressed our concern to Administrative Office officials about the decision to automate only the Los Angeles Court's fiscal operation. Our concern was based on two points. The proposed sole-source acquisition of equipment and software appeared to be in conflict with the Federal procurement regulations regarding competitive procurements. Also, other U.S. District Courts had indicated interest in automating their fiscal operations, and the Administrative Office had stated that fiscal operations should be standardized nationwide.

Although plans to automate only the Los Angeles Court's operation continued, in an effort to assure competition and conform to the applicable Federal procurement regulations, the Administrative Office conducted a further review of the proposed procurement. Plans to develop new specifications were initiated, and the automation of the fiscal operation for the U.S. District Court, Los Angeles, was expected to be announced for competitive procurement in the Department of Commerce Business Daily.

We are still concerned about automating the fiscal operation in only one court. If each U.S. court conducts a separate, fully competitive procurement to automate its own fiscal operation, the probability of standardizing fiscal operations nationwide becomes remote. Under separate procurements, unless specifications are so rigid that only one vendor can meet them, there is no guarantee that the same vendor will receive the award for each court. And even so, such rigid specifications do injury to the competitive process. Because different vendors' computers vary considerably, separate procurements would likely result in a nonstandard system.

The Administrative Office should initiate the development of a standard fiscal system design concept. Such a concept could be privately developed by competitive procurement or, after considering relative priorities and costs, could be developed in-house by the Federal Judicial Center.

Once the system design concept is developed, the Administrative Office could competitively acquire minicomputers for the courts to support their fiscal operations. Or, if found to be more cost effective, the fiscal operations could be processed on the existing large computers within the Federal Judicial Center.

RECOMMENDATION

We recommend that the Director of the Administrative Office, working with the Director of the Federal Judicial Center, conduct a study to determine the most cost effective method of implementing a standard fiscal operation system in all U.S. courts where automation is warranted.

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We are sending copies of this report to the Director, Office of Management and Budget; the Chairmen, House and Senate Committees on the Judiciary; and the Administrator of General Services.


Comptroller General
of the United States