

GAO Highlights

Highlights of [GAO-23-105942](#), a report to congressional requesters

Why GAO Did This Study

The federal judiciary consists of a system of courts that is responsible for ensuring the fair administration of justice. The Administrative Office of the U.S. Courts provides support services (e.g., legal, IT) to federal courts.

The judiciary's fraud, waste, and abuse investigation program is intended to help hold judiciary staff responsible for their conduct as government officials and for the management of public resources. Management of this program is decentralized, with the Administrative Office and components throughout the judicial branch (e.g., courts) having various responsibilities.

GAO was asked to review the federal judiciary's policies for addressing fraud, waste, and abuse. This report evaluates the extent to which the judiciary's policies for addressing fraud, waste, and abuse align with leading investigative guidance, among other things. To do so, GAO assessed documentation and interviewed Administrative Office officials to compare judicial policies against leading investigative practices identified by the Council of the Inspectors General on Integrity and Efficiency.

What GAO Recommends

GAO is making eight recommendations, including that the Administrative Office establish an independent office to carry out the judiciary's fraud, waste, and abuse program. The Administrative Office said it would consider the recommendations as part of its efforts to further develop the program. As discussed in the report, GAO maintains the recommendations are appropriate and necessary.

View [GAO-23-105942](#). For more information, contact Carol C. Harris at (202) 512-4456 or HarrisCC@gao.gov.

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U.S. COURTS

The Judiciary Should Improve Its Policies on Fraud, Waste, and Abuse Investigations

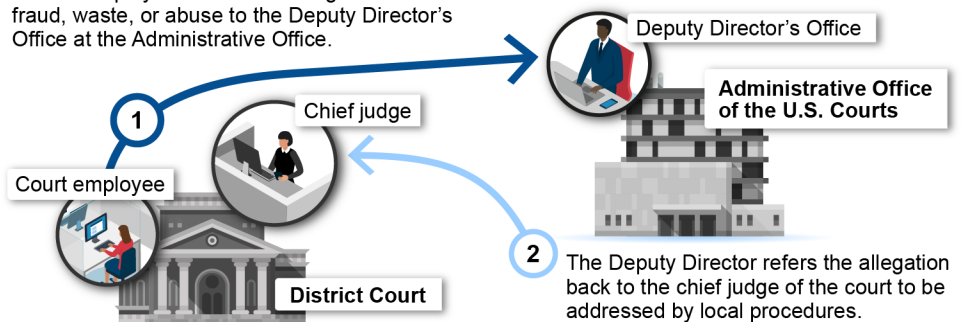
What GAO Found

The federal judiciary's policies for addressing allegations of fraud, waste, and abuse do not fully align with leading investigative guidance on establishing documented procedures and ensuring independence. For example:

- **The judiciary's policies do not require all components with responsibility for addressing fraud, waste, and abuse allegations to establish relevant documented procedures.** The policies encourage, but do not require, court units and federal public defender organizations to establish a process for resolving fraud, waste, and abuse allegations. The policies also do not require these components to document the process they establish. Officials in the Administrative Office of the U.S. Courts attributed the lack of a requirement to document these processes to the chief judge of a court having the authority and responsibility for ensuring that such allegations are appropriately addressed. However, the lack of such a requirement increases the likelihood that components are not documenting their processes and that process inconsistencies exist among components.
- **The judiciary's policies do not ensure independence in investigations.** By policy, the Administrative Office is to refer allegations to the component from which they originated (e.g., allegations about a court are to be referred to the chief judge of the court and addressed by local procedures). In such instances, nothing in documented policy prohibits individuals from being assigned to investigate employees with whom they have a close relationship, which raises concerns about independence in the investigations.

The Judiciary's Referral Process for a Court Employee's Fraud, Waste, or Abuse Allegation

A court employee submits an allegation of fraud, waste, or abuse to the Deputy Director's Office at the Administrative Office.



Source: GAO analysis of Administrative Office of the U.S. Courts data; images: partyvector/stock.adobe.com, elenabsl/stock.adobe.com. | GAO-23-105942

Establishing an independent entity to carry out the judiciary's fraud, waste, and abuse program would help to address threats to independence in such investigations. However, Administrative Office officials stated that the judiciary believes establishing such an entity would interfere with the internal governance and independence of the judicial branch. Such an entity would not have to interfere with this branch's independence. Instead, the entity—which could be an office—could be located within the Administrative Office but outside of its reporting structure. This would help to reduce threats to its independence and help ensure accountability over the judiciary's operations.