



January 2022

FEDERAL COURTHOUSE CONSTRUCTION

Judiciary Should Refine Its Methods for Determining Which Projects Are Most Urgent

Accessible Version



A Century of Non-Partisan Fact-Based Work

GAO Highlights

Highlights of [GAO-22-104034](#), a report to congressional requesters

Why GAO Did This Study

Major federal courthouse construction, expansion, and renovation projects usually cost hundreds of millions of dollars and can be controversial as federal judicial districts and circuits vie for limited funding. By 2020, the judiciary's AMP process had assessed and scored 385 federal courthouses to generate urgency ratings and rankings that allow the judiciary to prioritize courthouse projects and funding.

GAO was asked to review the AMP process. This report assesses: (1) what the judiciary's assessment scores show about the conditions of federal courthouses; (2) the extent to which the AMP process ensures the accuracy of its courthouse assessment scores it produces; and (3) the extent to which the AMP's scoring methodology is meeting AMP goals. GAO reviewed policies and analyzed the judiciary's 2020 facility assessment and urgency data; selected a non-generalizable sample of 10 courthouses based on courthouse assessment scores and urgency ratings; and interviewed officials about the AMP process.

What GAO Recommends

GAO is making three recommendations to the Judicial Conference of the United States to update assessment scores when appropriate, and ensure that the methodology's effects align to the AMP goals and are transparent to judiciary decision makers. The Administrative Office of the U.S. Courts agreed to work with the Judicial Conference to consider ways to better document its decisions and evaluate how its methodologies affect courthouse rankings.

View [GAO-22-104034](#). For more information, contact Catina Latham at (202) 512-2834 or LathamC@gao.gov.

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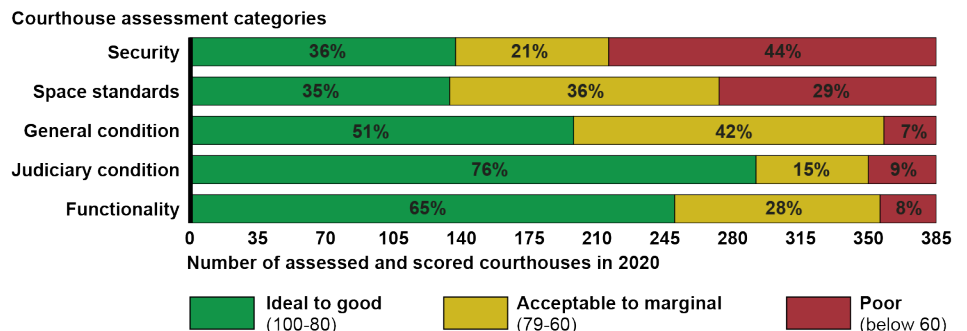
FEDERAL COURTHOUSE CONSTRUCTION

Judiciary Should Refine Its Methods for Determining Which Projects Are Most Urgent

What GAO Found

The judiciary created its Asset Management Planning (AMP) process to prioritize construction projects. As part of that process, the judiciary assesses courthouse conditions. The 2020 assessment results showed that security was the largest concern, with 44 percent of courthouses receiving a poor score. Courthouses' adherence to space standards, such as the size or accessibility of courtrooms, had more balanced scores. The physical condition of the judicial spaces performed the best with more than three-fourths of all courthouses receiving ideal to good ratings (see figure).

Judiciary's 2020 Courthouse Assessment Category Scores and Percentages for 385 Federal Courthouses



Source: GAO analysis of judiciary data. | GAO-22-104034

Accessible Data for Judiciary's 2020 Courthouse Assessment Category Scores and Percentages for 385 Federal Courthouses

Courthouse assessment categories	Ideal to good (100-80)	Acceptable to marginal (79-60)	Poor (below 60)
Security	137	79	169
Space standards	134	139	112
General condition	198	160	27
Judiciary condition	292	58	35
Functionality	250	106	29

By following the AMP process and coordinating with other federal agencies, the judiciary ensured that courthouse assessment scores were accurate at the time they were completed. However, the judiciary did not always update assessment scores, when appropriate, to reflect major changes in courthouses' operating status. For example, one courthouse was destroyed by a hurricane in 2018, and another had a mold problem. Both were required to close. We found that the judiciary did not update these courthouses' assessment scores, an update that would have had an important effect on the urgency ratings—a later part of the AMP process. By updating courthouse assessment scores to reflect major changes in operating status, the judiciary can provide more accurate and reliable information to decision makers.

The judiciary's scoring methodology could amplify or diminish the scores of courthouses and cities in ways that were not always aligned with AMP's goals. For example, the methodology made it more likely that smaller courthouses would receive the worst scores compared to larger, multifaceted courthouses. Also, the judiciary capped certain values within the scoring process in ways that were not always repeatable or consistent due to a lack of documented guidelines for using the caps. This approach could lead to nontransparent and inconsistent results that could affect how projects are prioritized for funding. Absent an analysis of the methodology's effects on the AMP goals, the judiciary cannot have full confidence that the rankings were objective and consistent. This lack of transparency and objectivity could lead the judiciary to inadvertently recommend projects for further study and funding that may not represent the cities with the most urgent space and condition needs.

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Abbreviations

AMP	Asset Management Planning
AOUSC	Administrative Office of the United States Courts
FPS	Federal Protective Service
GSA	General Services Administration

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January 5, 2022

The Honorable Thomas R. Carper
Chairman
Committee on Environment and Public Works
United States Senate

The Honorable Benjamin L. Cardin
Chairman
Subcommittee on Transportation and Infrastructure
Committee on Environment and Public Works
United States Senate

Major federal courthouse construction, expansion, and renovation projects cost hundreds of millions of dollars. As such, few projects can be funded at any one time, and the annual selection of courthouse projects can become controversial as federal district courts compete to receive funding. In 2008, the U.S. Judiciary created the Asset Management Planning (AMP) process with its goal to be an objective and consistent system for ensuring a “worst-first” prioritization process for addressing courthouse space needs. The AMP process implemented a previous GAO recommendation, and we reported in 2013 that it represented progress in aligning the judiciary’s capital-planning process with leading practices.¹ The AMP process is an ongoing, multi-step evaluation process. It includes preparing a detailed long-range facilities plan, and depends on accurately assessing and consistently scoring each courthouse’s current physical conditions in four categories (security, space standards, building condition, and space functionality).² The

¹GAO, *Federal Courthouses: Recommended Construction Projects Should Be Evaluated under New Capital-Planning Process*, [GAO-13-263](#) (Washington, D.C.: Apr. 11, 2013).

²Long-range facilities plans are comprehensive reports summarizing the state of each courthouse, district and circuit, including any operational deficiencies identified within each court space during a physical evaluation. Each plan provides courthouse assessment scores, the number of judges’ chambers and courtrooms needed, the number of judges and projected caseloads, as well as the recommended courthouse housing strategy—to build a new courthouse, expand with an annex, or renovate—to address any deficiencies identified.

process leads to an annual scoring and ranking of each U.S. city that has federal courthouses by the most urgent space needs nationwide.

Through the AMP process, the judiciary has assessed and scored 385 facilities³ across 94 judicial districts and 12 regional circuits.⁴ These courthouses represented 92 percent of the judiciary's courthouse inventory, as of 2020.⁵

You asked us to review the judiciary's AMP process. This report assesses (1) what the judiciary's AMP courthouse assessment scores show about the conditions of federal courthouses, (2) the extent to which the AMP process ensures the accuracy of the courthouse assessment scores it produces, and (3) the extent to which the AMP scoring methodology is meeting AMP goals.

To assess what the AMP assessment scores showed about the condition of courthouses across the country, we obtained courthouse assessment data on the 385 federal courthouses that had a completed assessment and were on an urgency evaluation results list, as of February 2020.⁶ We analyzed and summarized the judiciary's data for courthouses nationwide to show overall courthouse assessment scores and scores across four categories: security, space standards, building condition, and space functionality as defined in the AMP evaluation process.⁷ We conducted interviews with judiciary officials to understand the data reliability and

³The number of federal courthouses can vary based on each federal agency's courthouse counting methodology. For the purposes of this report, we refer to a facility that contains at least one courtroom of any type (e.g. district, magistrate, or bankruptcy courtroom) as a federal courthouse.

⁴The 94 federal judicial districts include at least one for each state, the District of Columbia, and four U.S. territories.

⁵We used the judiciary's 2020 AMP dataset that assessed and scored 385 of the 420 (92 percent) federal courthouses in the judiciary's inventory, as the courthouse population in our analysis. According to judiciary officials, the number of courthouses can change over time. They explained that under the AMP process, each courthouse within a given federal district or circuit is assessed at the same time as long as a courthouse is occupied. Therefore, any courthouses that were not assessed under the AMP process were opened after the district or circuit they are located in was assessed.

⁶For the purposes of this report, we refer to the judiciary's Facility Benefit Assessment as a courthouse assessment.

⁷The judiciary's building condition category score is an average of an equally weighted general building condition assessment score and a judiciary space condition assessment score.

steps taken to determine the assessment scores. We found the courthouse assessment data to be reliable for providing a descriptive summary of the overall scores and four assessment categories and the overall nationwide condition of assessed courthouses at the point-in-time they were assessed.

In addition, we identified examples of courthouse deficiencies as shown in the courthouse assessment data among courthouses nationwide. We selected 10 courthouses to serve as illustrative examples based on a range of courthouse assessment scores, and other factors. Among those, we conducted four virtual courthouse site visits with federal agency subject-matter experts and district judiciary officials to observe and discuss courthouse conditions, and to learn about their participation in and perspectives on the AMP evaluation scoring process.⁸ These courthouse examples are not representative of all courthouses, but provide insight into stakeholders' perspectives on the AMP process.

To assess the extent to which the AMP process ensures the accuracy of the courthouse assessment scores it produces, we reviewed AMP documentation including guidance for collecting, assessing, and ensuring quality and complete data. Three other agencies—the General Services Administration (GSA); the United States Marshals Service; and the Federal Protective Service (FPS)—also conduct their own courthouse assessments and act as federal partners with the judiciary in managing and protecting federal courthouses. We reviewed how the judiciary, these federal partners, and other stakeholders coordinated in the AMP process and participated to verify or approve the accuracy of each AMP assessment at the time it was completed.

Additionally, we analyzed information collected by these other agencies' during their respective courthouse assessments. We compared that information to the judiciary's assessment information and long-range facilities plans. We also conducted interviews with the judiciary and federal partners to understand each agency's assessment factors, how they identified and reconciled any data discrepancies, the reason for and frequency of their assessments, and how various assessments overlapped or complemented each other and could be used to support the AMP process.

⁸For the purposes of this report, we refer to district judiciary officials whom we interviewed at our selected courthouse locations as "federal judges" and "court clerks."

To assess the extent to which the evaluation scoring methodology met the AMP's goals, we reviewed the goals, purpose, and steps of the AMP evaluation process. We also reviewed judiciary documents such as the *AMP Business Rules*, long-range facilities planning documents, and methodology briefings.⁹ We identified and analyzed the methodological steps taken to calculate scores and ratings for courthouses and cities. We obtained and analyzed the judiciary's AMP evaluation scoring data from 2020 that included other data elements that contributed to calculating courthouse assessment scores, citywide scores, urgency evaluation ratings, and data showing the needs for each city's judges' chambers, courtrooms, and caseload projections. We reviewed judiciary's processes to ensure the completeness and reliability of the information and data and determined the data were sufficiently reliable for the purposes of describing the scoring methodology and how it may affect ranking of courthouse needs. In the three main parts of the scoring methodology, we analyzed how the scoring steps produce final scores and ratings, how the methodology creates scores, and how rankings align with the AMP's goals. We discussed with judiciary officials the AMP evaluation process to verify the completeness and accuracy of the steps they took in the scoring methodology. Further details on our scope and methodology can be found in appendix I.

We conducted this performance audit from January 2020 to January 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

⁹Judicial Conference of the United States, *Asset Management Plan (AMP) Business Rules*, Rev. September 2019.

The Roles of Federal Agencies

Managing, operating, and securing 420 federal courthouses in the judiciary's inventory is a responsibility shared among the judiciary, GSA, the Marshals Service, and FPS. These courthouses are located across the country and vary in size from a single courtroom to more than 50 courtrooms and range in age from 1 year old to almost 170 years old. The judiciary sets the standards for courthouse design and construction in the *U.S. Courts Design Guide*.¹⁰ The judiciary provides a priority list of courthouse construction projects to GSA. GSA has the primary responsibility for meeting facilities standards to support the operations of the judiciary, including constructing, leasing and operating federal courthouses.¹¹ The Marshals Service and FPS share security responsibilities at courthouse facilities. Generally, the Marshals Service is responsible for and controls access to judiciary space and judicial movement, while FPS is primarily responsible for perimeter security.¹² The judiciary and its federal partners evaluate courthouse conditions specific to their missions.¹³

The AMP Three-Part Evaluation Process

The AMP process includes a multi-part evaluation scoring process that was developed to consistently and objectively assess current and future courthouse space needs and rank those needs nationwide to select new courthouse construction and expansion projects for funding. It has three

¹⁰Judicial Conference of the United States, *U.S. Courts Design Guide*, 2007 (Rev. March 2021). The *Design Guide* translates requirements of the federal judiciary into criteria for the design and construction of court facilities.

¹¹GSA, *PBS-P100 Facilities Standards for the Public Buildings Service* (Washington, D.C.: July 2018).

¹²It is the primary role and mission of United States Marshals Service to provide for the security of the federal judiciary including judicial officers, court employees, and judicial facilities. 28 U.S.C § 566 (a). For buildings under the custody and control of GSA, FPS, as designated by the Secretary of Homeland Security, is primarily responsible for the protection of such buildings and the performance of law-enforcement-related duties, including enforcing federal laws and regulations for the protection of persons and property, making arrests, serving warrants and conducting investigations. See also 40 U.S.C. § 1315.

¹³Although these federal partners play important roles to support the judiciary and conduct evaluations, the focus of our review is on the judiciary's AMP process and how it evaluated and prioritized courthouse space needs.

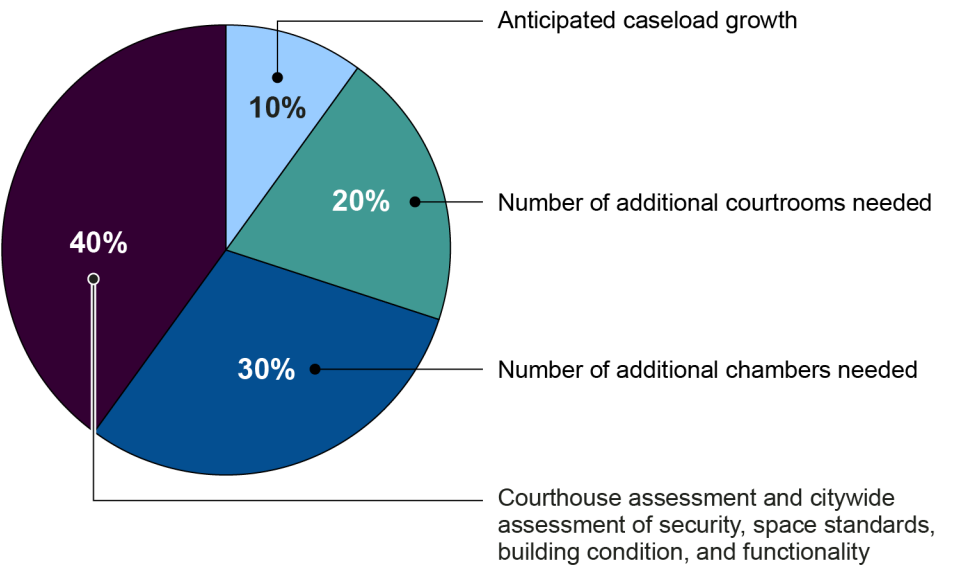
main parts: a courthouse assessment, a citywide assessment, and an urgency evaluation rating for its courthouse needs. The courthouse assessments evaluate how well each courthouse meets the operational requirements in the judiciary's *Design Guide*. The judiciary uses courthouse assessments to develop long-range facilities plans for each federal court district. Courthouse assessment scores range from 0 to 100 based on 311 factors that carry initial weights¹⁴ in four categories: security, space standards, building condition, and functionality.¹⁵ The courthouse assessment score is designed to indicate how well a courthouse's existing conditions and physical space support its operations. Ranges of 100 to 80 are "Ideal to Good," 79 to 60 are "Acceptable to Marginal," and scores below 60 are considered "Poor." Under the AMP process, the judiciary aims to have each courthouse undergo a comprehensive physical courthouse assessment every 5 to 7 years.

Scores from the courthouse assessments are then factored into the final two parts of the AMP process. Specifically, the judiciary combines all of the courthouse assessment scores within a city using a weighted average calculation to create a citywide assessment score. Following that, the judiciary combines the citywide score with the identified need in that city for additional courtrooms, chambers, and anticipated caseload growth. The resulting number is called the city's urgency evaluation rating (see fig. 1). The judiciary uses these urgency evaluation ratings to compare needs across cities.

¹⁴Higher weights represent more important functions. If the weight of a factor is 1.0 and the factor receives a letter grade of "A", then the full "credit" of 1.0 would be attributable to the overall courthouse score.

¹⁵The categories are weighted as follows: 25 percent for security, 15 percent for space standards, 15 percent each for general building condition and judiciary space condition, and 30 percent for space functionality.

Figure 1: Parts of a City’s Urgency Evaluation Rating for Courthouse Needs



Source: GAO analysis of judiciary data. | GAO-22-104034

Accessible Data for Figure 1: Parts of a City’s Urgency Evaluation Rating for Courthouse Needs

Category	Percentage
Anticipated caseload growth	10%
Number of additional courtrooms needed	20%
Number of additional chambers needed	30%
Courthouse assessment and citywide assessment of security, space standards, building condition, and functionality	40%

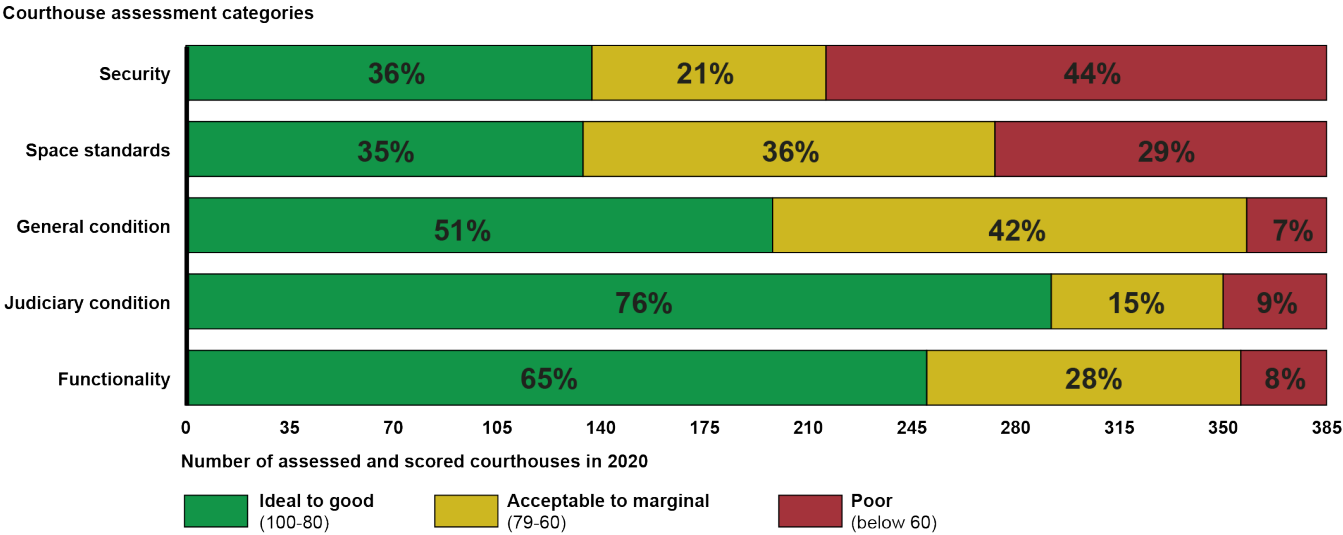
The Judicial Conference of the United States, the federal judiciary’s principle policy-making body, reviews the AMP’s urgency evaluation ratings. The ratings are ranked using a “worst-first” nationwide listing of cities with the most urgent needs for courthouses. The Judicial Conference along with its Committee on Space and Facilities then uses these ratings and rankings to prioritize courthouse construction projects on a national basis. The Judicial Conference considers the rankings and

recommends projects to GSA, which evaluates the needs and estimates the project costs.¹⁶

Courthouse Condition Assessments Showed Security Was the Most Significant Challenge

According to the judiciary’s 2020 courthouse assessment data, the assessments of courthouse conditions showed that security was the largest concern, with 44 percent of courthouses receiving a poor score. Courthouses’ adherence to space standards, such as the size or accessibility of courtrooms, had more balanced scores. The building condition (i.e., physical condition) of the judiciary spaces performed the best with more than three-fourths of all courthouses receiving ideal to good ratings (see fig. 2).

Figure 2: Judiciary’s 2020 Courthouse Assessment Category Scores and Percentages for 385 Federal Courthouses



Source: GAO analysis of judiciary data. | GAO-22-104034

¹⁶Recommended projects undergo a GSA Phase I Feasibility Study that evaluates all viable options (e.g., new construction, repair and alterations, and leasing) for meeting the judiciary’s space needs. Ultimately, GSA identifies a preferred alternative in its Phase II Feasibility Study and estimates the costs for the project. GSA uses this information to request funding from Congress based on judiciary priorities for new construction or repair and alterations.

Accessible Data for Figure 2: Judiciary's 2020 Courthouse Assessment Category Scores and Percentages for 385 Federal Courthouses

Courthouse assessment categories	Ideal to good (100-80)	Acceptable to marginal (79-60)	Poor (below 60)
Security	137	79	169
Space standards	134	139	112
General condition	198	160	27
Judiciary condition	292	58	35
Functionality	250	106	29

Security. Viewed collectively, courthouses scored the worst in the security category, with 44 percent of courthouses rating “Poor” in meeting 66 security factors. Security factors included whether a courthouse had separate circulation patterns for judges, prisoners, and the public; secured on-site parking for judges; building setbacks; and prisoner transport elevators and holding areas.¹⁷

Space Standards. Courthouses had about equally distributed scores related to space standards with 35 percent rated “Ideal to Good,” 36 percent rated “Acceptable to Marginal,” and 29 percent rated “Poor” in meeting the 89 space standards factors. Space standards include how much space should be devoted to certain courthouse elements such as the size of courtrooms and jury assembly and meeting areas, and the number of seats required in different types of courtrooms. They also include certain federal accessibility requirements within a courthouse,

¹⁷A setback is defined as the distance from the façade to any point where an unscreened or otherwise unauthorized vehicle can travel or park.

such as having wheelchair accessible ramps, witness stands, and jury boxes.¹⁸

Building Condition. Most courthouses received good scores related to their building condition across 73 factors.¹⁹ For judicial-specific spaces, 76 percent of courthouses were rated “Ideal to Good,” having no leaks, mold, or other water and millwork damage in areas like courtrooms and judges’ chambers. In more general-use spaces, 51 percent of courthouses rated “Ideal to Good” in building conditions, which focused both on operating equipment and building systems such as lighting, temperature control, and plumbing, and non-judiciary-specific spaces like loading docks, lobbies, elevators, stairways, and exterior walkways.

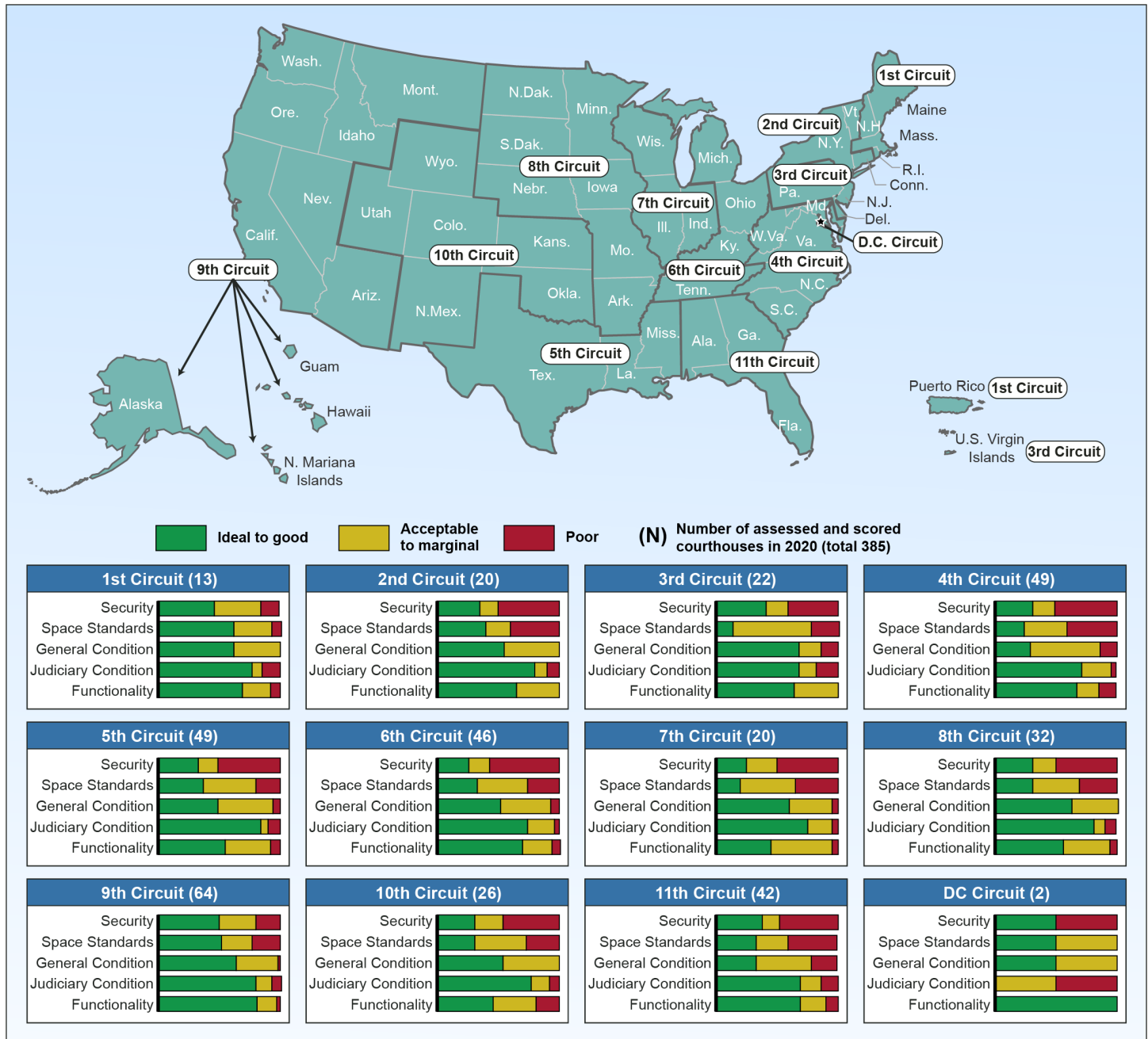
Functionality. Almost two-thirds of courthouses were rated as “Ideal to Good” in meeting 83 functional factors that determined if courthouses had the functional spaces needed for court components to properly operate such as including the proper layout of and access to various spaces (e.g., courtrooms, chambers, offices, and corridors) and whether judges had the required number of courtrooms.

According to the judiciary’s 2020 courthouse assessment data, the security, space standards, building condition, and functionality scores varied across the 12 judicial circuits covering 385 courthouses (see fig. 3).

¹⁸According to the *U.S. Courts Design Guide*, development of which was directed by the Judicial Conference, the federal courts are required to conform to the standard of the act commonly known as the Architectural Barriers Act of 1968 (Pub. L. No. 90-480, 82 Stat. 718 (1968)) (codified as amended at 42 U.S.C. §§ 4151-4156) for accessibility in new construction and renovation of existing facilities. The ABA’s associated *Architectural Barriers Act Accessibility Standards*, established collectively by GSA, the Department of Defense, the Department of Housing and Urban Development, and the United States Postal Service, contains scoping technical requirements for the implementation of the Architectural Barriers Act and its accessibility requirements. For the purposes of this report, references to federal accessibility requirements are to the *Architectural Barriers Act Accessibility Standards*, as reflected in the accessibility provisions in the *U.S. Courts Design Guide*, and, unless stated otherwise, information on the extent to which courthouse spaces meet such accessibility requirements refer to assessments conducted by the judiciary during courthouse assessments.

¹⁹The 25 general building condition factor scores and 48 judiciary space condition factor scores are averaged to obtain an overall building condition score that is used in the facility assessment score. However, for the purposes of this report section, we provided the general building and judiciary space condition scores to show the different condition assessments results.

Figure 3: Judiciary's 2020 Courthouse Assessment Category Scores for Security, Space Standards, Building Condition, and Functionality by Judicial Circuit



Source: GAO analysis of judiciary data and Map Resources. | GAO-22-104034

Accessible Data for Figure 3: Judiciary's 2020 Courthouse Assessment Category Scores for Security, Space Standards, Building Condition, and Functionality by Judicial Circuit

Circuit	States and US territories	Number of assessed and scored courthouses in 2020 (total 385)	Ratings range	Security	Space Standards	General Condition	Judiciary Condition	Functionality
1 st Circuit	Maine, New Hampshire, Massachusetts, Rhode Island, Puerto Rico	13	Ideal to good	46	62	62	77	69
1 st Circuit	Maine, New Hampshire, Massachusetts, Rhode Island, Puerto Rico	13	Acceptable to marginal	38	31	38	8	23
1 st Circuit	Maine, New Hampshire, Massachusetts, Rhode Island, Puerto Rico	13	Poor	15	8	0	15	8
2 nd Circuit	Vermont, New York, Connecticut	20	Ideal to good	35	40	55	80	65
2 nd Circuit	Vermont, New York, Connecticut	20	Acceptable to marginal	15	20	45	10	35
2 nd Circuit	Vermont, New York, Connecticut	20	Poor	50	40	0	10	0
3 rd Circuit	Pennsylvania, New Jersey, Delaware, U.S. Virgin Islands	22	Ideal to good	41	14	68	68	64
2 nd Circuit	Pennsylvania, New Jersey, Delaware, U.S. Virgin Islands	22	Acceptable to marginal	18	64	18	14	36
2 nd Circuit	Pennsylvania, New Jersey, Delaware, U.S. Virgin Islands	22	Poor	41	23	14	18	0
4 th Circuit	Maryland, DC, Virginia, West Virginia, North Carolina, South Carolina	49	Ideal to good	31	24	29	71	67

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Circuit	States and US territories	Number of assessed and scored courthouses in 2020 (total 385)	Ratings range	Security	Space Standards	General Condition	Judiciary Condition	Functionality
4 th Circuit	Maryland, DC, Virginia, West Virginia, North Carolina, South Carolina	49	Acceptable to marginal	18	35	57	24	18
4 th Circuit	Maryland, DC, Virginia, West Virginia, North Carolina, South Carolina	49	Poor	51	41	14	4	14
5 th Circuit	Texas, Louisiana, Mississippi	49	Ideal to good	33	37	49	84	55
5 th Circuit	Texas, Louisiana, Mississippi	49	Acceptable to marginal	16	43	45	6	37
5 th Circuit	Texas, Louisiana, Mississippi	49	Poor	51	20	6	10	8
6 th Circuit	Tennessee, Kentucky, Ohio, Michigan	46	Ideal to good	26	33	52	74	70
6 th Circuit	Tennessee, Kentucky, Ohio, Michigan	46	Acceptable to marginal	17	41	41	22	24
6 th Circuit	Tennessee, Kentucky, Ohio, Michigan	46	Poor	57	26	7	4	7
7 th Circuit	Indiana, Illinois, Wisconsin	20	Ideal to good	25	20	60	75	45
7 th Circuit	Indiana, Illinois, Wisconsin	20	Acceptable to marginal	25	45	35	20	50
7 th Circuit	Indiana, Illinois, Wisconsin	20	Poor	50	35	5	5	5
8 th Circuit	North Dakota, South Dakota, Minneapolis, Nebraska, Iowa, Missouri, Arkansas	32	Ideal to good	31	31	63	81	56

Letter

Circuit	States and US territories	Number of assessed and scored courthouses in 2020 (total 385)	Ratings range	Security	Space Standards	General Condition	Judiciary Condition	Functionality
8 th Circuit	North Dakota, South Dakota, Minneapolis, Nebraska, Iowa, Missouri, Arkansas	32	Acceptable to marginal	19	38	38	9	38
8 th Circuit	North Dakota, South Dakota, Minneapolis, Nebraska, Iowa, Missouri, Arkansas	32	Poor	50	31	0	9	6
9 th Circuit	Washington, Montana, Idaho, Oregon, Nevada, California, Arizona, Alaska, Hawaii, Guam, N. Mariana Islands	64	Ideal to good	50	52	64	80	81
9 th Circuit	Washington, Montana, Idaho, Oregon, Nevada, California, Arizona, Alaska, Hawaii, Guam, N. Mariana Islands	64	Acceptable to marginal	30	25	34	13	16
9 th Circuit	Washington, Montana, Idaho, Oregon, Nevada, California, Arizona, Alaska, Hawaii, Guam, N. Mariana Islands	64	Poor	20	23	2	8	3
10 th Circuit	Wyoming, Utah, Colorado, Kansas, Oklahoma, New Mexico	26	Ideal to good	31	31	54	77	46
10 th Circuit	Wyoming, Utah, Colorado, Kansas, Oklahoma, New Mexico	26	Acceptable to marginal	23	42	46	15	35

Circuit	States and US territories	Number of assessed and scored courthouses in 2020 (total 385)	Ratings range	Security	Space Standards	General Condition	Judiciary Condition	Functionality
10 th Circuit	Wyoming, Utah, Colorado, Kansas, Oklahoma, New Mexico	26	Poor	46	27	0	8	19
11 th Circuit	Alabama, Georgia, Florida	42	Ideal to good	38	33	33	69	69
11 th Circuit	Alabama, Georgia, Florida	42	Acceptable to marginal	14	26	45	17	21
11 th Circuit	Alabama, Georgia, Florida	42	Poor	48	40	21	14	10
DC Circuit	District of Colombia	2	Ideal to good	50	50	50	0	100
DC Circuit	District of Colombia	2	Acceptable to marginal	0	50	50	50	0
DC Circuit	District of Colombia	2	Poor	50	0	0	50	0

Note: The Asset Management Planning process' courthouse assessments evaluated courthouse conditions in four categories: security; space standards; building condition, which is comprised of a general building and judiciary space condition; and functionality. Each category received scores within "Ideal to Good," "Acceptable to Marginal" and "Poor" as reflected by courthouse conditions at the time of their assessment.

For more information on specific security, space standards, building condition, and functionality challenges at courthouses, including illustrative examples, see appendix II.

Judiciary Took Steps to Ensure Courthouse Assessment Scores Were Accurate When Completed but Did Not Always Update Scores to Reflect Major Changes

Judiciary Conducted Inspections, Coordinated with Partners, and Validated Results to Ensure Assessment Scores Were Accurate When Completed

In implementing the AMP process, the judiciary took steps to ensure the accuracy of courthouse security, space standards, building condition, and

functionality assessment scores at the time each courthouse was physically evaluated. Using the *Design Guide*, the judiciary established a list of 311 individual assessment factors that align with each of the four assessment categories. The judiciary also established a set of procedures and used contract architects to ensure that the courthouse assessment methodology and factors were consistently applied and assessed. The contract architects inspected courthouse conditions and summarized their courthouse assessment, which is incorporated into a comprehensive long-range facilities plan that is developed for each judicial district and circuit.

Separate from the judiciary's AMP courthouse assessments, federal partners also conduct their own independent assessments. At the start of each AMP assessment, GSA and the Marshals Service provide their courthouse assessments, discuss operational issues, and may physically inspect courthouses with the judiciary. Judiciary officials said that they also coordinate with FPS officials and obtain their facility security assessments, as needed.

- **GSA's Condition Assessments.** According to GSA officials, GSA assesses the condition of half of its federally owned buildings each year, which includes federal courthouses.²⁰ GSA's Building Assessment Tool has about 176 performance factors that are organized within 38 building system areas. Although the GSA tool is organized by major building system and the AMP's courthouse assessment is organized by court function, we found that the two assessments covered similar things. Specifically, we found that 63 of the 73 building condition factors in the AMP assessments are similar to performance factors assessed by GSA. For example, both evaluate the condition of courthouse areas and the adequacy of building systems, such as lighting, heating, ventilation, and air-conditioning.
- **Marshals Service's Security Assessments.** According to Marshals Service officials, they conduct an annual judicial security inspection of the interior and exterior of federal courthouses using a 200-question

²⁰GSA does not conduct condition assessments of leased facilities because the owner is responsible for maintaining the condition of those buildings. Therefore, GSA does not assess 95 federally leased courthouses or USPS-owned buildings that are assessed as part of the AMP process.

inspection survey.²¹ It evaluates various security system factors such as if courtroom holding cells meet the same security requirements as the cellblocks and if there is a functioning fixed camera surveilling all entrance and exit lanes, parking areas, and judicial paths to building entrances and elevators. Similar interior and exterior factors are also covered in the AMP assessments.

- **FPS's Security Assessments.** According to FPS officials, they generally assess the exterior security of federal courthouses at least once every 3 years using an assessment tool containing over 4,000 variables.²² FPS conducts security assessments outlined by the Interagency Security Committee standard.²³ FPS evaluates, among other things, physical security areas including perimeter fences, gates, parking areas, exterior walls, doors, and windows. For example, specific physical-security evaluation questions include what types of locks and technology are in place to control access and whether barriers are in place to mitigate vehicular approach. Similar exterior security factors are also covered by the AMP assessments.

The AMP process provides the opportunity for judiciary officials at the district and national levels, among others, to review the resulting draft long-range facilities plans and verify the accuracy of the AMP courthouse assessments. Additionally, the Chief Judge of each district is required to review and approve the long-range facilities plan before it is finalized. The final plan is provided to GSA and the Marshals Service, as well as other key entities. For our courthouse case studies, the GSA, Marshals Service, FPS, and district judiciary officials who were familiar with the courthouse conditions at the time that the AMP's courthouse assessment was completed said that the scores were generally accurate.

²¹U.S. Marshals Service, Publication 64, *Volumes I and II: Requirements and Specifications for Special Purpose and Support Space Manual* (2014 Edition) and U.S. Marshals Service, Publication 64, *Volume III: Judicial Security Systems Requirements and Specifications* (2005).

²²FPS uses the Modified Infrastructure Survey Tool to standardize the collection and reporting of facility security information to support informed decisions regarding security measures and inventory management.

²³The Interagency Security Committee, established by executive order in 1995, is a Department of Homeland Security-chaired interagency organization comprised of senior level executives from 64 federal departments and agencies, has issued a set of standards for physical security at federal facilities. Interagency Security Committee, *The Risk Management Process: An Interagency Security Committee Standard*, 3rd Edition (2021).

AMP Assessments Can Become Outdated and Changes in the Operating Status of Courthouses Can Have an Important Effect on Urgency Ratings

AMP assessments were not conducted frequently, an approach that can result in courthouse condition information becoming outdated. In extreme cases, such as a courthouse closure, this outdated information could affect the urgency ratings for a city. At the time of our review, the judiciary's 2020 data used to support its annual urgency rankings indicated that over one-third of the total courthouse assessments were at least 7 years old. The assessments from our ten selected courthouses ranged between 2 and 12 years old.

Federal partners said that courthouse assessments conducted years ago can become outdated over time. For example, federal security partners explained that security conditions could have incremental improvements through upgrades or, conversely, conditions could erode if there is not reinvestment in systems such as camera and badge entry systems. They also noted that security standards can evolve over time, leading systems to become outdated.

Judiciary officials, however, said that more frequent AMP courthouse assessments or reassessments are not practical. They said that AMP courthouse assessments are not conducted more frequently because they are scheduled as a part of the more involved long-range facilities planning process and can take about a year or more to complete and involve many stakeholders. Judiciary officials told us that they take steps to ensure that important changes that are likely to affect urgency ratings are considered. For example, the judiciary annually updates information on courtroom needs, chamber needs, and caseload projections. Judiciary officials said that space needs can change quickly and represent the most important components of the final urgency ratings. In addition, judiciary officials said that they update security scores after a courthouse completes a Courthouse Security Program project.²⁴ Judiciary officials emphasized that courthouse assessment scores make up a smaller part of the final urgency rating than space needs—defined as courtroom and

²⁴The judiciary, reported that since fiscal year 2012, the judiciary, the courts, GSA, and the Marshals Service collaborated on the judiciary's Capital Security Program to identify and prioritize security improvement projects that address serious security deficiencies in existing courthouse buildings where physical renovations are viable in lieu of constructing a new courthouse.

chamber needs and caseload projections—and are therefore not as important to update.

We found that two of our 10 courthouses used for illustrative examples had incremental project improvements occur but these changes affecting their courthouse assessment scores did not have a large effect on the citywide scores. For example, GSA conducted incremental improvements over a period of 10 years at one courthouse that included replacing the roof, windows, and boilers, among other improvements. Although one courthouse had updated assessment scores, its incremental changes only increased its overall assessment score by about 1 percent based on the AMP methodology.²⁵ This example indicates it may be unlikely that incremental changes in courthouse conditions would have a large effect on citywide scores. However, we found that major changes in a courthouse's operating status can have enough of an impact on its assessment scores to cause important changes in a city's urgency rating. Two of the 10 courthouses described below experienced major events that caused their closures, which should have affected the urgency rating and ranking, but the judiciary did not update relevant AMP scores.

- **Courthouse in Panama City, Florida.** The judiciary's 2020 urgency rating used courthouse assessment information that was completed in March 2016. The AMP's courthouse assessment rated the courthouse with a "poor" score for building condition and an "acceptable to marginal score" for space standards, functionality, and security—all leaning toward marginal. However, a hurricane destroyed this courthouse in October 2018 but the assessment scores were not updated. According to judiciary officials, as a temporary solution, courthouse operations were distributed among other courthouses in the district, with one being over 100 miles away and to a leased site near Panama City. We found that because outdated courthouse assessment and citywide assessment scores were used in the 2020 urgency ratings, this city's courthouse ranking decreased in urgency from 2018 to 2020 by three spots even though the courthouse had been destroyed. If this courthouse's overall assessment score had been updated to receive 0 out of 100 after the courthouse was destroyed, the city's 2020 urgency ranking would have increased from 82 to 15 nationwide. Figure 4 below shows a portion of this courthouse that was destroyed.

²⁵These renovation improvements applied to the "general building condition" performance factors within the AMP's courthouse assessment, which represents 15 percent of a building condition assessment score.

Figure 4: A Law Library at the Federal Courthouse in the Panama City, Florida, Shows Severe Damage to the Roof, Windows, and Exterior Walls After a Hurricane



Source: District Court Clerk. | GAO-22-104034

- **Courthouse in Aberdeen, Mississippi.** The judiciary's 2020 urgency rating used courthouse assessment information that was completed in April 2012. The AMP's courthouse assessment rated the courthouse with a "poor" score for security and space standards, an "acceptable to marginal score" for general building condition and space functionality, and a "good" score for judiciary space conditions in that assessment. This courthouse developed a mold problem and the judiciary vacated this location in 2018. According to judiciary officials, court operations were relocated to two different leased spaces in or near Aberdeen and to another federal courthouse location about 80 miles away. The officials also said that, GSA did not have the funding or a plan to house court operations in Aberdeen and the District Court did not have a permanent space in which to operate in Aberdeen.²⁶ In 2020, the urgency ranking of this courthouse's city increased from 164 to 2 from the prior year because the judiciary updated its increased

²⁶During the course of our review, this courthouse was authorized to receive about \$24 million to address major repairs and alterations –such as mold remediation and heating, ventilation and air-conditioning, window, and roof replacements.

need for courtrooms and chambers.²⁷ However, the judiciary did not update the courthouse's score to reflect the major changes to the courthouse's conditions and operational status. If this courthouse's overall assessment score had been updated to receive 0 out of 100 to reflect its current operational status, the city's 2020 urgency ranking would have increased from 2 to 1 nationwide.

Judiciary officials said that emergent, emergency situations that can affect a courthouse, like hurricanes, are uncommon and are addressed separately from the AMP's long-term planning process. Judiciary officials told us that it was securing a new leased space in Panama City prior to the hurricane emergency and had used the alternate process to address the emergency situation in Aberdeen. However, we found that the judiciary kept both courthouses, and their cities, on the 2020 urgency ratings and ranking list. In addition, the judiciary updated the courtroom and chamber needs in Aberdeen to reflect the loss of the courthouse, but our analysis shows that both cities' urgency ratings would have increased more if the judiciary had also updated their courthouse assessment scores. Officials stated that keeping Panama City on the list was an error because funding had already been secured.

While courthouse assessment scores represent a smaller share of the final urgency rating, events that affect a courthouse's operating status could be significant enough that they would cause important changes to their city's urgency rating and ranking. Providing urgency ratings based, in part, on outdated information to decision makers runs counter to leading practices and *Standards for Internal Control in the Federal Government*.²⁸ *Standards for Internal Control in the Federal Government* instructs agencies to use quality information to achieve the entity's objective by using information that is appropriate, accurate, current, and complete to inform and support better decisions. In addition, we have underscored the importance for agencies to, consistent with leading practices in real property management, collect and use reliable real property data to support informed decisionmaking.²⁹ By updating a

²⁷In the 2020 urgency data, the judiciary identified this courthouse location to have current needs for courtrooms and chambers to support district, senior district, and magistrate judges.

²⁸GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

²⁹GAO, *High-Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas*, [GAO-19-157SP](#) (Washington, D.C.: Mar. 6, 2019).

courthouse's assessment score when a major change in a courthouse's operating status occurs, the judiciary can improve the accuracy and reliability of key information it provides to decision makers.

Aspects of Judiciary's Assessment Methodology Lack Transparency and Consistency and Risk Not Achieving the AMP's Goals

Judiciary's AMP Process Uses a Three-Part Scoring Methodology but Certain Aspects Lack Transparency and Consistency

Our analysis of the judiciary's AMP evaluation process found that the process lacked transparency and consistency, which may risk not achieving the AMP evaluation's goals. As discussed earlier, the judiciary created the AMP evaluation process with the goals to 1) objectively and consistently assess and score the physical conditions at courthouses and 2) rank which cities with courthouses have the most urgent operational space needs on a "worst-first" basis, with the city having the most urgent operational needs as the top priority. The outcome of the AMP process is an urgency rating for each city, which is intended to help the judiciary understand each city's operational space needs relative to other cities and is used to rank the cities in priority for new construction projects.

The evaluation process applies a three-part scoring methodology that: (1) assesses courthouses to create a courthouse score; (2) combines assessments into citywide score; and (3) adds courtroom, chambers, and caseload growth data to rank cities by need (see table 1). We describe in further detail the steps taken to calculate the courthouse score, citywide score, and urgency rating in appendix III. The judiciary's AMP evaluation process is a key tool used by the judiciary to meet its large task of assessing the physical conditions and space needs of 385 federal courthouses, in more than 300 cities nationwide.

Table 1: Judiciary's Asset Management Planning Three-Part Evaluation Scoring Process for Courthouses

Part 1: Courthouse Score	Part 2: Citywide Score	Part 3: Citywide Urgency Rating and Urgency Ranking	Outcome: Judiciary's Urgency Ranking
Judiciary assesses a courthouse's space to create a courthouse score (0-100). A higher score, approaching 100, means better conditions.	Judiciary combines the scores of all assessed courthouse in a city using a weighted average to create a single citywide score (0-100). A higher score, approaching 100, means better conditions.	Judiciary combines the citywide score with the identified need in that city for additional courtrooms and chambers and anticipated caseload growth to create an urgency rating for each city (0-100). A higher rating, approaching 100, means more urgent needs. Then, the judiciary uses the urgency ratings to create a nationwide urgency ranking of cities that have the most urgent needs.	Judiciary uses the nationwide urgency ranking to select which court locations should be prioritized next for study and funding of a new courthouse, addition, or annex.

Source: GAO analysis of judiciary data. | GAO-22-104034

We found that elements of the AMP scoring methodology could amplify or diminish the scores of certain courthouses and cities in ways that were not always transparent and, hence, not clearly aligned to the AMP evaluation goal of conducting an objective and consistent evaluation. For each part of the AMP evaluation, we describe how the methodology could raise questions about the consistency of final rankings. The Judicial Conference of the United States uses the final rankings to decide which cities and courthouses to recommend for funding. Without fuller transparency, the judiciary could inadvertently prioritize projects that do not have the most urgent space or condition needs.

Smaller Courthouses Received the Worst Courthouse Assessment Scores

The courthouse assessment part of the scoring methodology affects a courthouse's score in ways that may not always be transparent or related to a courthouse's conditions or needs. Courthouses can house different types of judiciary spaces, such as different types of courtrooms (e.g., circuit, district, magistrate, and bankruptcy) and other spaces, such as libraries and administrative offices. Not every courthouse has every type of judicial space. For the purposes of our report, we defined courthouses

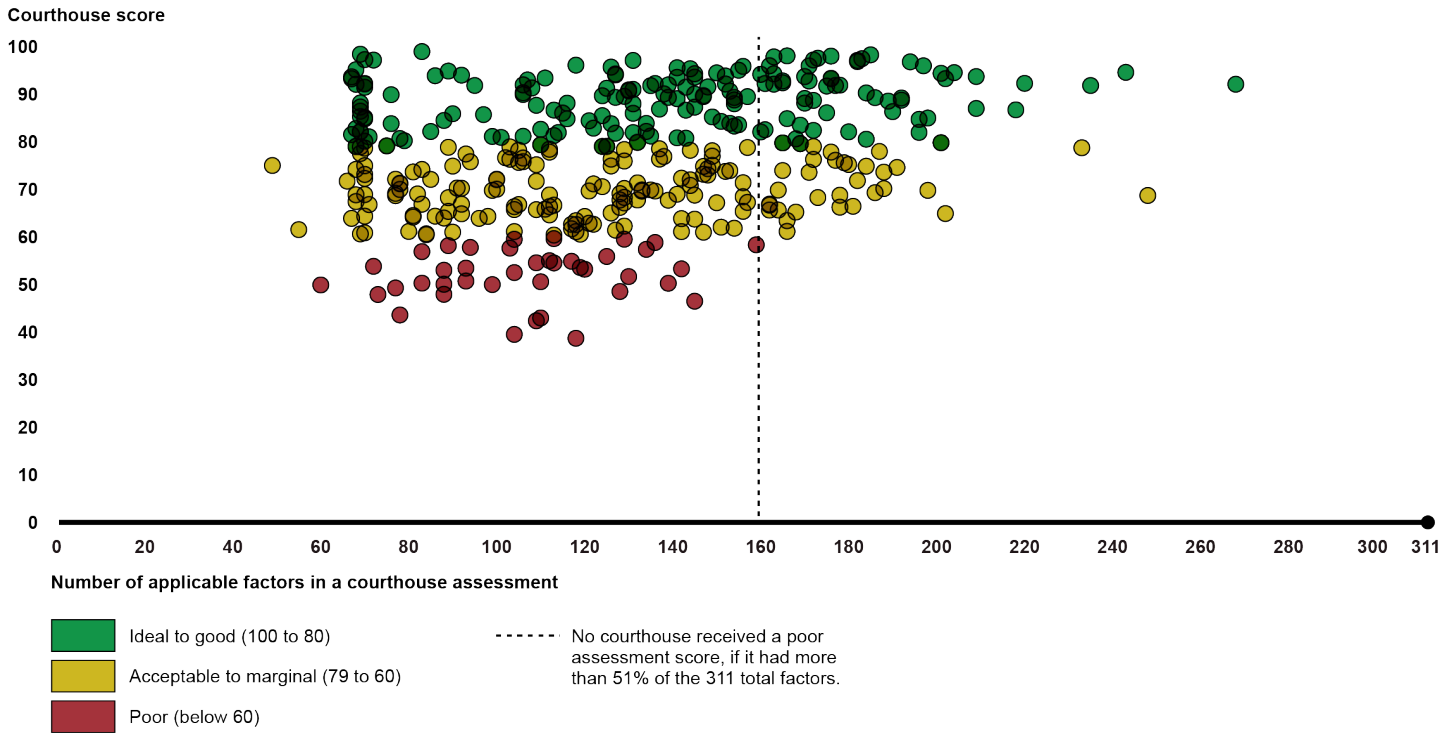
that have fewer or more types of judicial spaces as “small” or “large” courthouses, respectively.³⁰

In the courthouse assessment methodology, each courthouse only receives grades on the types of judicial space it contains. To ensure that all courthouses have a score ranging from 0 to 100, the judiciary grades each type of judicial space in the courthouse and then redistributes the weights of the factors that did not receive grades to the factors that received grades, thereby increasing their importance to the courthouse’s final score. This approach amplifies the impact of grades for smaller courthouses and diminishes the individual grades for the spaces in multifaceted courthouses. As a result, one poor grade in a courthouse with fewer types of spaces has a larger relative effect on its overall courthouse score than one poor grade in a courthouse with more types of spaces.

The effect of the judiciary’s approach shows in the courthouses’ final courthouse assessment scores. Our analysis of judiciary data found that judiciary’s methodology for redistributing the weights across factors contributed to smaller courthouses with fewer judicial space types, in general, scoring worse. Small courthouses had a wide range of courthouse assessment scores ranging from 38 to 98 out of 100. However, all 40 courthouses with scores in the “Poor” range (below 60 out of 100) received grades on a relatively few number of factors—on average they received scores on about one-third of the possible factors (107 of the 311 total assessment factors). Conversely, larger, multifaceted courthouses that received grades in more types of judicial spaces appeared, from the scores, to be in better condition. Our analysis showed that none of the courthouses that received grades on 51 percent or more of the assessment’s factors received a “Poor” courthouse score (see fig. 5).

³⁰In the context of our analysis, we are not using the term “small” or “large” to refer to a courthouse’s actual size as measured by square footage.

Figure 5: Judiciary's 2020 Courthouse Assessment Scores and the Number of Applicable Factors for 385 Federal Courthouses



Source: GAO analysis of judiciary data. | GAO-22-104034

Accessible Data for Figure 5: Judiciary's 2020 Courthouse Assessment Scores and the Number of Applicable Factors for 385 Federal Courthouses

Ideal to good (100-80)		Acceptable to marginal (79-60)		Poor (below 60)	
Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment
80.11	70	60.389	113	38.697	118
80.219	79	60.466	84	39.509	104
80.533	184	60.565	119	42.373	109
80.614	168	60.621	69	42.973	110
80.675	78	60.648	84	43.596	78
80.75	143	60.853	70	46.485	145
80.823	141	60.985	147	47.891	73
80.911	101	60.999	90	47.929	88
81.024	71	61.091	118	48.526	128

Letter

Ideal to good (100-80)		Acceptable to marginal (79-60)		Poor (below 60)	
Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment
81.106	99	61.106	142	49.273	77
81.144	106	61.125	104	49.904	60
81.189	135	61.143	80	49.985	99
81.297	113	61.148	166	50.053	88
81.506	67	61.42	127	50.256	139
81.794	127	61.529	55	50.279	83
81.934	131	61.696	117	50.576	110
81.937	114	61.823	154	50.714	93
81.958	196	62.042	151	51.665	130
82.053	160	62.278	129	52.505	104
82.074	69	62.604	118	52.999	88
82.08	180	62.645	117	53.206	120
82.129	69	62.652	122	53.285	142
82.153	85	62.87	121	53.439	93
82.162	134	63.415	118	53.558	119
82.384	172	63.421	166	53.809	72
82.53	161	63.736	145	54.527	113
82.611	110	63.848	142	54.56	109
82.762	68	63.892	67	54.875	117
82.844	122	63.895	96	55.006	112
83.285	154	63.962	88	55.886	125
83.494	169	64.164	81	56.903	83
83.579	155	64.298	120	57.382	134
83.793	126	64.309	98	57.635	103
83.806	76	64.347	70	57.785	94
83.86	134	64.356	86	58.159	89
83.873	153	64.493	81	58.338	159
84.275	151	64.623	112	58.826	136
84.411	121	64.845	92	59.498	104
84.47	88	64.905	202	59.512	129
84.708	196	65.028	126	59.635	113
84.8	70	65.215	168		
84.817	116	65.36	89		
84.856	166	65.373	156		
84.984	198	65.637	162		

Letter

Ideal to good (100-80)		Acceptable to marginal (79-60)		Poor (below 60)	
Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment
85.082	70	65.65	164		
85.207	149	66.193	128		
85.273	69	66.239	178		
85.483	124	66.359	112		
85.703	97	66.364	104		
85.885	90	66.429	181		
85.972	131	66.656	113		
86.021	115	66.682	162		
86.093	175	66.795	71		
86.317	190	66.808	105		
86.424	69	66.871	83		
86.631	143	66.875	92		
86.646	113	66.889	162		
86.704	218	67.142	129		
86.856	137	67.178	150		
86.991	209	67.247	157		
87.26	145	67.421	68		
87.294	69	67.705	139		
87.654	109	67.745	132		
87.978	154	67.761	128		
87.98	131	68.246	89		
88.107	116	68.274	173		
88.114	170	68.302	129		
88.146	69	68.445	156		
88.548	189	68.671	77		
88.692	172	68.705	248		
88.735	192	68.765	178		
88.777	154	68.771	145		
89.049	141	68.838	112		
89.089	170	68.859	68		
89.197	192	68.901	70		
89.262	186	68.969	141		
89.303	154	69.038	82		
89.316	127	69.091	128		
89.316	139	69.156	77		

Letter

Ideal to good (100-80)		Acceptable to marginal (79-60)		Poor (below 60)	
Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment
89.479	157	69.299	186		
89.489	147	69.631	136		
89.53	129	69.635	133		
89.655	124	69.644	121		
89.674	147	69.776	99		
89.887	76	69.78	198		
89.92	106	69.843	164		
90.02	145	69.848	133		
90.057	138	69.874	135		
90.259	184	69.974	78		
90.285	106	70.012	100		
90.629	153	70.148	188		
91.241	125	70.231	92		
91.307	108	70.277	91		
91.441	70	70.552	124		
91.464	143	70.815	144		
91.523	148	71.149	122		
91.698	175	71.18	78		
91.783	135	71.263	78		
91.811	177	71.37	132		
91.815	235	71.398	156		
91.823	95	71.697	109		
91.89	178	71.719	66		
91.948	106	71.835	182		
91.956	139	72.001	144		
92.068	68	72.046	100		
92.083	268	72.082	85		
92.092	163	72.123	77		
92.132	152	72.129	100		
92.144	70	72.286	70		
92.228	161	72.343	142		
92.242	136	72.998	148		
92.243	70	73.129	70		
92.267	220	73.165	147		
92.381	165	73.565	171		

Letter

Ideal to good (100-80)		Acceptable to marginal (79-60)		Poor (below 60)	
Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment
92.769	171	73.62	188		
92.782	165	73.657	81		
92.996	107	73.773	152		
93.237	67	73.933	153		
93.244	202	73.95	165		
93.252	176	74.179	83		
93.339	176	74.186	68		
93.389	111	74.342	148		
93.522	141	74.597	191		
93.571	145	74.82	147		
93.632	67	74.855	184		
93.692	170	74.877	90		
93.701	209	74.897	126		
93.827	152	74.959	70		
93.871	86	75.009	49		
93.992	92	75.023	149		
94.035	127	75.166	109		
94.164	160	75.21	180		
94.234	127	75.584	179		
94.275	163	75.641	105		
94.289	145	75.785	94		
94.385	201	75.802	106		
94.483	150	75.941	129		
94.529	204	76.09	177		
94.58	243	76.277	172		
94.852	89	76.321	103		
95.019	155	76.345	137		
95.141	68	76.349	126		
95.345	144	76.577	106		
95.558	141	76.636	102		
95.69	126	76.882	138		
95.841	156	76.963	149		
95.917	171	77.433	93		
95.965	197	77.535	69		
95.965	162	77.811	112		

Letter

Ideal to good (100-80)		Acceptable to marginal (79-60)		Poor (below 60)	
Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment	Courthouse score	Number of factors in a courthouse assessment
96.094	118	77.836	176		
96.792	194	77.961	187		
96.835	182	78.111	149		
97.09	131	78.2	144		
97.099	182	78.2	105		
97.162	72	78.364	129		
97.196	172	78.428	112		
97.252	70	78.525	137		
97.447	183	78.664	70		
97.547	173	78.734	233		
97.835	163	78.79	157		
97.996	176	78.834	89		
98.047	166	78.918	103		
98.266	185	78.94	69		
98.403	69	78.988	172		
98.948	83	79.007	68		
79.007	68	79.013	124		
79.013	124	79.034	125		
79.034	125	79.133	75		
79.133	75	79.359	110		
79.359	110	79.601	169		
79.601	169	79.754	165		
79.754	165	79.795	201		
79.795	201	79.86	132		
79.86	132				

We asked judiciary officials whether the methodology appropriately scored smaller courthouses with the worst scores. Judiciary officials said they were aware that the methodology's use of weight redistribution across factors could have different types of effects on courthouse

scores.³¹ In our review of AMP documentation, we found that a smaller courthouse receiving a lower score was not documented as a possible effect of the scoring methodology. As this analysis shows, the scoring methodology could be unintentionally related to the number of graded factors, which is not fully transparent to decision makers or aligned to the AMP evaluation goals.

The Citywide Conversion Formula Dilutes Courthouse Scores For Cities That Have Multiple Courthouses

The second step of the scoring methodology combines all of a city's courthouse scores using a complex formula to calculate a single citywide score. The judiciary does not take a simple average of the courthouse scores in a city. It weighs different types of courthouses differently³² and then multiplies the average by a "fragmentation" factor if court operations are spread across multiple buildings within a city.³³ The result is a single score from 0 to 100 that represents all courthouse conditions and space needs within each city. The higher the citywide score, the better the city's collective court conditions and operations. Judiciary officials said they chose this approach to ensure that the judiciary considered cost-effective, city-wide approaches for identifying potential solutions to space needs with the assumption that a space shortage at one courthouse could be filled by available space at another courthouse in the city.

³¹Judiciary officials said they believed the age of the courthouse was more closely related to a courthouse's score than the number of grades received in the assessment, with older courthouses scoring worse. We analyzed the relationship between both the number of factors receiving grades and age with courthouse scores and found both were independently and significantly associated with courthouse scores. However, courthouse age does not factor into the judiciary's scoring methodology and the size of courthouses does in terms of the number of graded factors.

³²Specifically, each courthouse is assigned a building ownership weight, which ranges from 0 to 1.0. A courthouse that has the most district courtrooms in the city and operates in a federally owned building, for example, receives a higher ownership weight compared to other "secondary" courthouses in the city. And federally owned buildings receive a higher ownership weight than buildings owned by the U.S. Postal Service and private companies. For each courthouse, the courthouse assessment score is multiplied by the building's ownership weight.

³³The fragmentation factor, a value between 0 and 1, is designed to increase the priority of cities that have more fragmented court operations. The factor lowers a city's citywide score the more its court operations, such as district courtrooms are spread across multiple buildings in the city.

While this methodology allows the judiciary to consider space needs at a citywide level, it does not work for areas of need that are not fungible across courthouses. Specifically, the good building condition or security of one courthouse cannot offset the poor building condition or security of a nearby courthouse in the same way that available space at one courthouse could offset the need for a courtroom at another courthouse. Our analysis of the scoring process showed that the way courthouse scores are combined into citywide scores can dilute poor courthouse assessment scores in cities that have multiple courthouses. For a city with multiple courthouses, a “Poor” courthouse score would be offset when combined with a better performing courthouse located in the same city.³⁴ In this way, a relatively good citywide courthouse score can disguise an individual courthouse with poor conditions, making its needs seem less urgent (see table 2).

Table 2: Actual Scoring Outcomes Comparing Cities with Single and Multiple Courthouses in the Judiciary’s 2020 Citywide Assessment Scoring Process

Courthouse	Courthouse Scores (0-100: higher scores, approaching 100, mean better conditions)	Converting Courthouse Scores to Citywide Scores	Citywide Score^a (0-100: higher scores, approaching 100, mean better conditions)	Urgency Rating^b (0-100: higher ratings, approaching 100, mean more urgent needs)
Courthouse A (single courthouse)	Courthouse Score: 60.6	Since Courthouse A is the only courthouse in the city, its courthouse score is also the citywide score.	60.6 (acceptable to marginal score)	27.3 rating
Courthouse B (one of two courthouses in a city)	Courthouse Score: 60.6	Courthouse B score is combined with the score of the other courthouse in the city (94.5) and the fragmentation multiplier is applied.	83.2 (ideal to good score)	11.6 rating
Courthouse C (single courthouse)	Courthouse Score: 59.6	Since Courthouse C is the only courthouse in the city, its courthouse score is also the citywide score.	59.6 (poor score)	28.0 rating

³⁴A “Poor” courthouse score can be offset by a better performing courthouse in the city if the better performing courthouse is the main courthouse in the city with a higher ownership weight. Conversely, if the “Poor” performing courthouse is the main courthouse in the city with a higher ownership weight, the “Poor” performing courthouse prevents the better performing courthouse score from inflating the citywide score.

Courthouse	Courthouse Scores (0-100: higher scores, approaching 100, mean better conditions)	Converting Courthouse Scores to Citywide Scores	Citywide Score ^a (0-100: higher scores, approaching 100, mean better conditions)	Urgency Rating ^b (0-100: higher ratings, approaching 100, mean more urgent needs)
Courthouse D (one of two courthouses in a city)	Courthouse Score: 60.3	Courthouse D score is combined with the score of the other courthouse in the city (94.2) and the fragmentation multiplier is applied.	81.7 (ideal to good score)	13.1 rating

Source: GAO analysis of judiciary data. | GAO-22-104034

Note: The actual courthouse examples in the table above shows that cities with one courthouse compared to cities with multiple courthouses are scored differently and can disguise an individual courthouse that has poor conditions.

Fragmentation is the degree to which court operations, such as courtrooms, chambers, and prisoner movement, are separated or split across multiple courthouses within a city, except by court policy. Minimal fragmentation is close to 1.0.

^aAll courthouses in one city receive the same citywide score and urgency rating.

^bThis column shows part of the urgency rating resulting from the citywide score. The other urgency rating components include chamber needs, courtrooms needs, and caseload growth.

Our analysis indicates that some of the courthouses with the most significant needs nationwide had their citywide scores, and part of their urgency ratings, diluted because their city had other courthouses that were in better condition.³⁵ We analyzed the judiciary's 2020 data for the top 20 cities with the highest urgency ratings and found citywide scores were improved for 10 of those courthouses when their courthouse scores were combined with other better performing courthouses in the city. Generally, only a few cities with the highest urgency ratings are considered for funding every year, therefore, this method of scoring could have caused some cities containing the poorest scoring courthouses to be left off the list recommended for funding. This issue grows particularly acute as cities with multiple courthouses are considered for funding on the same urgency evaluation ranking as cities with only one courthouse.

The dilution taking place in the second part of the scoring process is not transparent and could have unintended consequences on the evaluation's objectivity. In these examples, poor courthouse scores, and the poor conditions that were documented in the courthouse assessment, were no longer reflected at the same level in the citywide score. Judiciary officials said that in addition to accounting for all available space in a city, the citywide score conversion creates a balancing effect for a city with a

³⁵This dilution occurs only in the city's citywide score, which as we show below, represents one of the four urgency rating components.

courthouse in poor condition and a newly built courthouse. By putting the scores through the conversion, officials pointed out, one city does not get multiple courthouse construction projects in a short period of time. While the conversion may be achieving that purpose, our analysis shows that the methodology's treatment of cities similarly despite having one or multiple courthouses results in stronger citywide scores disguising some courthouses with poor scores. Problems that are specific to a building, like condition and security, are not accounted for in the scoring conversion. As a result, the methodology's approach is not fully transparent or fully accounting for a courthouse's conditions.

The Inconsistent Placement of Caps on Each Component Affected Urgency Ratings and Lacked Transparency

The third part of the AMP scoring process, assigning an urgency rating to each city with a courthouse consists of four weighted components that represent a different type of court need— a city's citywide score³⁶, courtroom needs, chamber needs, and caseload projections. For further detail see appendix IV. The four rating components are combined to get a final urgency rating total—from 0 to 100—with a higher rating indicating a more urgent need for space in a city's courthouses.³⁷ The judiciary then creates one list to rank cities nationwide by their rating. The urgency rating and ranking information is the main supporting rationale provided to judiciary's decision makers for their consideration in approving construction projects and funding.

In each of the four rating components, the scoring methodology sets a cap or limit that is the maximum number or score a city can get for the component. Judiciary officials said they set caps for two main purposes: (1) to prevent high outlier values from skewing the ratings and (2) to ensure that larger cities with a larger potential need for courtrooms and chambers do not dominate the urgency rankings. Officials acknowledged that they do not have formal or documented criteria for determining where to set caps but rather said they set a cap by observing the highest calculated needs and placing a cap where natural breaks in the data

³⁶The judiciary takes the citywide score and subtracts the score from 100. The resulting citywide value is designed to give an indication of how close a city's courthouse operation is from an ideal state of operation, or a score of 100.

³⁷The urgency rating applies to all courthouses within a city. As the urgency rating approaches 100, the needs of the courthouses within the associated city becomes more urgent.

begin to occur. For an example of how the cap works for the component of courtroom needs see table 3.

Table 3: Example of Effect of Caps on Judiciary's Calculation of Urgency Ratings

City	Number of courtrooms needed	Cap set for number of courtrooms needed	Maximum rating that can be achieved for courtrooms	City's rating applied to the urgency rating
City A	0	2	20	0
City B	1	2	20	10
City C	2	2	20	20
City D	4	2	20	20

Source: GAO analysis of judiciary data. | GAO-22-104034

Setting caps is an important decision because a cap's placement can make a city's need appear more or less urgent depending on where a cap is positioned for the rating calculation. Any score above the cap reduces the perceived importance of that need because it is not counted. For example, as shown in table 3, a city that needs four courtrooms would receive the same score as a city that needs two courtrooms if the cap was set at two courtrooms for that component.

In our review, we found that the cap setting process was not repeatable, making the rating calculation and results appear less objective and transparent. Specifically, we could not identify a clear basis for why the judiciary placed caps where it did, including any formal criteria to determine if a cap sufficiently achieved the goals for using caps. For example, we analyzed each cap selection the judiciary made for the urgency rating components and found one component had a cap placed at the highest possible need value (which in effect means there was no cap) while other components had caps placed several points from the highest need value, which, depending on the placement of the caps could raise or lower a city's scoring potential.³⁸

We also found the extent to which the caps met the judiciary's purpose of controlling for outliers and protecting small cities varied. For instance, the judiciary placed a cap for projected caseload below the ratings of a few cities that had significantly larger projected caseload increases than the

³⁸To conduct this analysis, we used judiciary's formula for calculating the urgency rating components and applied the judiciary's needs data to calculate each of the urgency rating components for every city that has a federal courthouse. Then, using our analysis and judiciary documentation, we analyzed the cap selections judiciary made in 2020 for each urgency rating component based on the steps judiciary officials said they take when selecting caps.

vast majority of cities. In this instance, the cap helped the judiciary achieve one of the purposes of the caps by not allowing high outliers to significantly diminish the ratings for all of the other cities. However, the cap on the number of judge chambers needed was set in such a way that it contradicted the judiciary's stated purpose for the caps by diminishing the rating potential of one smaller-sized city that had the largest need nationwide.³⁹ Specifically, Aberdeen, Mississippi, (population 5,300) needed the most judge chambers after one of its two courthouses was closed indefinitely due to severe water damage. In the rating calculation, a cap was set at a value below what Aberdeen needed for chambers, which diminished Aberdeen's ability to earn a higher chambers rating in this component relative to other cities. In 2020, had the judiciary set the cap for judge's chamber need at Aberdeen's number, Aberdeen would have received the top urgency ranking position nationwide, up from the second highest urgency position.

Without transparent and consistent guidelines for placing caps, there is no guarantee that the order in which cities' needs are prioritized are based on a consistent and objective process. In addition, using a nontransparent and inconsistent process for setting caps may fail to achieve the stated purposes for which the caps are applied.

Judiciary Has Not Fully Analyzed How the AMP's Methodology Affects Prioritization

We found the judiciary's AMP methodology affects scores and ratings in ways that are not fully transparent or aligned with the AMP's goals, but the judiciary has not fully analyzed these affects. Judiciary officials said they have studied certain aspects of the AMP's methodology such as the effects of moving and consolidating factors within the courthouse assessment; the effect of the categorical weights within the courthouse score; and the effects of certain caps related to space needs. However, based on our analysis of the AMP's scoring methodology, the judiciary's analyses have not fully helped the judiciary ensure that the effects are transparent and objective, and in alignment with the AMP's goals.

Federal standards for internal control require that management should identify, analyze, and respond to risks related to achieving the defined

³⁹We refer to the cities as "smaller-sized" as their average populations are about 18,000 people.

objectives and require management to design control activities to achieve objectives and respond to risks.⁴⁰ Absent a comprehensive analysis of how the scoring methodology's effects align with the AMP evaluation's goals, the judiciary cannot have full confidence that the final rankings were created using an objective and consistent evaluation scoring process. This approach could raise concerns regarding the accuracy of the rankings. By not fully understanding and responding to these possible risks, the judiciary may inadvertently recommend cities for further study and funding that do not represent the cities with the most urgent courthouse needs.

Conclusions

There are over 400 federal courthouses nationwide but only a few are recommended for new construction projects each year, making those choices potentially controversial. Over many years, the judiciary has made strides in improving its capital-planning process, including developing and improving the AMP process, which it uses to score and rank the most urgent space needs nationwide. While the judiciary is careful to ensure that the courthouse assessment scores are accurate when they are initially completed, it does not always update the scores to reflect important changes in a courthouse's operating status before it provides the final urgency list to the Judicial Conference. By updating information that could have a meaningful impact on the citywide assessment score and urgency rating, the judiciary could help ensure that decision makers have the most accurate and reliable information on which courthouse projects are the most urgent—a fundamental goal of the AMP process.

In addition, the AMP's methodology affects courthouse scores in ways that are not always transparent, objective, or documented and do not have the most urgent space or courthouse condition needs. In the absence of additional improvements, the judiciary risks its ability to fully achieve the AMP's goals. Judiciary has studied some aspects of AMP's methodology, but further analyzing the methodology's effects could assist the judiciary in ensuring its scoring steps fully align with the AMP's goals. In addition, the judiciary's use of caps in making urgency rating decisions without clearly documented guidelines for placing caps creates a risk of nontransparent and inconsistent results. Addressing these risks would

⁴⁰[GAO-14-704G](#).

help support the soundness of the methodology's results. As a result of these methodological issues, the judiciary could inadvertently recommend courthouses for construction projects that are not actually those with the most urgent needs.

Recommendations for Executive Action

We are making the following three recommendations to the Judicial Conference of the United States:

The Director of the Administrative Office of the U.S. Courts should update assessment scores, as appropriate, to reflect major changes in a courthouse's operating status. (Recommendation 1)

The Director of the Administrative Office of the U.S. Courts should evaluate the AMP's scoring methodology's three-part process, to ensure its effects align to the AMP's goals and are made transparent to judiciary decision makers, and make revisions where needed. (Recommendation 2)

The Director of the Administrative Office of the U.S. Courts should better document for judiciary decision makers the criteria the judiciary applies for the placement of caps. (Recommendation 3)

Agency Comments and Our Evaluation

We provided a draft of this report to the judiciary, the General Services Administration, the Department of Justice, and the Department of Homeland Security for review and comment. The Administrative Office of the U.S. Courts (AOUSC) and the General Services Administration provided technical comments, which we incorporated as appropriate. AOUSC provided additional comments in a letter indicating that the judiciary, including the Judicial Conference of the United States, would fully consider the recommendations. AOUSC's complete letter is contained in appendix V.

Regarding the first recommendation to update assessment scores for courthouses that experience a change in operating status, AOUSC said that it would work with the Judicial Conference to evaluate and consider ways to better document situations in which buildings are materially impacted by emergencies. Regarding our second recommendation to

reevaluate the AMP's scoring methodology, AOUSC said that it would evaluate data anomalies raised in the report but reiterated that it believes its analysis is transparent. Regarding our third recommendation to improve the documentation related to caps, AOUSC said that it will consider and analyze other methods of identifying and implementing the caps. We continue to believe that the methodological issues we identified could risk what is otherwise a thorough, comprehensive process and support AOUSC's efforts to improve the objectivity, transparency, and consistency of the AMP process.

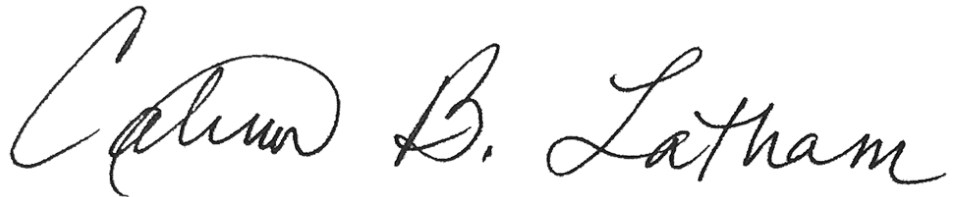
In addition, regarding our assessment of the citywide approach to calculate courthouse assessment ratings, AOUSC said a space solution for a city should consider how all courthouses function within it collectively. Further, the AOUSC said that considering courthouses individually would result in courthouses within the same city competing against each other. To clarify, our report indicates that space can be shared between courthouses but that courthouse conditions are not fungible. Poor conditions of one courthouse in a city are not offset by good conditions at another courthouse in the city in the same way that excess space could be. As a result, averaging scores for multiple courthouses dilutes poor courthouse assessment scores for an individual courthouse making its needs seem less urgent. We continue to believe that the judiciary can improve the AMP process by evaluating if diluting poor condition assessment scores in cities with multiple courthouses is consistent with the judiciary's "worst-first" goal and making changes where appropriate.

Regarding our observation about how small courthouses score in the AMP process, AOUSC said there is little correlation between the number of factors and courthouse scores and suggested that the age of the building may provide a better explanation of the results we observed. Our report acknowledges that small courthouses had a wide range of courthouse assessment scores ranging from 38 to 98 out of 100. Also, our report shows that all of the 40 scores in the "Poor" range (below 60 out of 100) were given to small courthouses (those that received grades on a relatively few number of factors). Consequently, we continue to believe that the judiciary could improve the AMP by further studying this relationship and making changes where appropriate.

We are sending copies of this report to the appropriate congressional committees, the Director of the Administrative Office of the United States Courts, the Administrator of GSA, the Attorney General, and the

Secretary of Homeland Security. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff members have any questions about this report, please contact me at (202) 512-2834 or LathamC@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VI.

A handwritten signature in black ink that reads "Catina B. Latham". The signature is written in a cursive style, with the first name "Catina" being more prominent and the last name "Latham" following it. The middle initial "B." is written in a smaller, more formal script.

Catina Latham
Director, Physical Infrastructure

Appendix I: Objectives, Scope, and Methodology

GAO was asked to review whether the judiciary's Asset Management Planning (AMP) process provided an objective process for meeting its goals. In this report, GAO assesses: (1) what the judiciary's AMP courthouse assessment scores show about the conditions of federal courthouses; (2) the extent to which the AMP process ensures the accuracy of the courthouse assessment scores it produces; and (3) the extent to which the AMP scoring methodology is meeting AMP goals.

To assess what the AMP assessment scores showed about the condition of courthouses across the country, we used the judiciary's 2020 AMP dataset that assessed and scored 385 of the 420 federal courthouses (92 percent) in the judiciary's inventory, as the courthouse population in our analysis.¹ These assessments were used for its 2020 rankings of cities with courthouses across 94 judicial districts and 12 regional circuits.²

We analyzed 311 courthouse factors used to evaluate the 385 courthouses under the AMP process. We analyzed each factor and summarized the judiciary's data for courthouses nationwide to show the individual and overall courthouse scores across four courthouse assessment categories: security, space standards, building condition, and space functionality as defined in the AMP evaluation process.³ Specifically, there are 66 security factors; 89 space standard factors; 73 building condition factors that are comprised of 25 general building and 48 judicial condition factors; and 83 functionality factors. We used the

¹The number of federal courthouses can vary based on each federal agency's courthouse counting methodology. For the purposes of this report, we refer to a facility that contains at least one courtroom of any type as a federal courthouse. According to judiciary officials, the number of courthouses can change over time. They explained that under the AMP process, each courthouse within a given federal district or circuit is assessed at the same time as long as a courthouse is occupied. Therefore, any courthouses that were not assessed under the AMP process were opened after the district or circuit they are located in was assessed.

²There are 94 federal judicial districts—at least one for each state, the District of Columbia, and four U.S. territories.

³The judiciary's building condition category score is an average of an equally weighted general building condition assessment score and a judiciary space condition assessment score.

AMP’s scoring scale of 100, ranging from “Ideal to Good” being 100 to 80; “Acceptable to Marginal” being 79 to 60; and “Poor” being below 60 to score and summarize percentages used in examples.

We conducted interviews with judiciary officials to understand the data reliability and steps taken to determine the assessment scores. We found the courthouse assessment data to be reliable for reporting a descriptive summary of the overall scores and four assessment categories and the overall nationwide condition of courthouses at the point-in-time they were assessed. To better understand the factors within each assessment category and how they were applied in the AMP process, we reviewed judiciary documents such the *U.S. Courts Design Guide* and *AMP Business Rules*, and briefings on the AMP process’s methodology and implementation, and how results were used.⁴

To assess the extent to which the AMP process ensures the accuracy of its courthouse assessment scores it produces, we reviewed AMP documentation including guidance for collecting, assessing, and ensuring quality and complete data. Three other agencies—the General Services Administration (GSA); the United States Marshals Service; and the Federal Protective Service (FPS)—also conduct their own courthouse assessments and act as federal partners with the judiciary in managing and protecting federal courthouses. We reviewed how the judiciary, these federal partners, and other stakeholders coordinated in the AMP process and participated to verify or approve the accuracy each assessment at the time it was completed.

Additionally, we analyzed information collected by these other agencies’ during their respective courthouse assessments. We analyzed each agency’s role and responsibilities at federal courthouses, including understanding what performance factors the agencies inspect for and collect and what assessments they complete to meet their mission requirements at federal courthouses. We analyzed federal partners’ courthouse assessment information and reports for the same courthouses and compared their assessment results to the judiciary’s assessment results and long-range facilities plans that described the courthouse operational deficiencies and housing alternatives to address deficiencies, among other things. We also obtained information on how these federal

⁴Judicial Conference of the United States, *U.S. Courts Design Guide*, 2007 (Rev. March 2021) and Judicial Conference of the United States, *Asset Management Plan (AMP) Business Rules*, Rev. September 2019.

partners participated and what documentation and support they provided to the judiciary to support the AMP process. We reviewed our prior work to identify limitations, if any, in GSA, the Marshals Service, and FPS information collection and courthouse assessments to determine how those limitations might affect their potential use in the AMP process.⁵

Using the federal standards for evaluation and management guides, we evaluated if the judiciary: worked with its federal partners in meeting standards set forth for conducting courthouse assessments, coordinated to share information, and used information that is appropriate, accurate, current, and complete.⁶ We also evaluated leading practices in real property management for collecting and using reliable real property data to support informed decisionmaking.⁷ We compared the judiciary's AMP factors with those used by partner agencies when evaluating courthouses to identify similarities and differences. We considered the different purposes for which each federal stakeholder designed its courthouse assessment factors to assess aspects of a facility to meet their different mission goals and how they tailored their factors for their purposes.

Our analysis of the judiciary's courthouse assessment factors was limited to describe only those same or similar aspects of the spaces and buildings that affect court operations. We also identified and evaluated potential federal partner data that could be leveraged by the judiciary to support the AMP process. We conducted interviews with the judiciary and federal partners to understand the extent to which each agency's assessment factors, the purpose and frequency of agencies' evaluations,

⁵GAO, *Federal Courthouses, Actions Needed to Enhance Capital Security Program and Improve Collaboration*, [GAO-17-215](#) (Washington, D.C.: Feb. 16, 2017); GAO, *Homeland Security, FPS and GSA Should Strengthen Collaboration to Enhance Facility Security*, [GAO-16-135](#) (Washington, D.C.: Dec. 16, 2015); GAO, *Federal Courthouses, Better Planning Needed Regarding Reuse of Old Courthouses*, [GAO-14-48](#) (Washington, D.C.: Nov. 7, 2013); GAO, *Federal Courthouses, Recommended Construction Projects Should Be Evaluated under New Capital-Planning Process*, [GAO-13-263](#) (Washington, D.C.: Apr. 11, 2013); and GAO, *Federal Courthouse Construction, Better Planning, Oversight, and Courtroom Sharing Needed to Address Future Costs*, [GAO-10-417](#) (Washington, D.C.: Jun. 21, 2010).

⁶GAO, *Fragmentation, Overlap, and Duplication: An Evaluation and Management Guide*, [GAO-15-49SP](#) (Washington, D.C.: Apr. 14, 2015); GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C. Sept. 27, 2012); and GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

⁷GAO, *High-Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas*, [GAO-19-157SP](#) (Washington, D.C.: Mar. 6, 2019).

and how various assessments overlapped or complemented each other and can be used to support the AMP process.

To assess the extent to which the evaluation scoring methodology met the AMP's goals, we reviewed previous GAO reports on judiciary's courthouse planning process.⁸ We reviewed the judiciary's current goals, purpose, and steps of the AMP's evaluation process, including its raw and summarized 2020 dataset conducted for courthouse assessment, citywide, and urgency evaluation scores and rankings. We reviewed judiciary documents including the *Design Guide*, *AMP Business Rules* and scoring methodology, *Courthouse Project Priorities* lists, and long-range facilities planning reports.

We identified the methodological steps and scoring calculations taken to produce scores and ratings for courthouses and cities. Specifically, we analyzed: (1) how individual courthouses are assessed and scored in a courthouse assessment; (2) how courthouse scores are calculated and converted to a citywide assessment score; and (3) how the final urgency ratings are calculated for cities with courthouses. We obtained and analyzed judiciary's AMP evaluation scoring data from 2020. The scoring data included assessment grades for each courthouse with a completed assessment to date, data elements that contributed to calculating, courthouse assessment scores, citywide scores and urgency ratings, and data showing the needs for each city's judges' chambers, courtrooms, and caseload projections. We reviewed judiciary's processes to ensure the completeness and reliability of the information and data and determined the data were sufficiently reliable for the purposes of describing the scoring methodology and ways the methodology may affect rankings. We assessed this information against federal internal control standards.⁹

- **Courthouse scores.** For the courthouse assessment scoring process, we analyzed the factors used in the assessment, a grading template showing the possible grades and performance measures for each factor, the corresponding default weights for each factor, and a breakdown of how each factor fits within the facility categories of security, space standards, general building and judiciary space conditions, and space functionality. We analyzed how the courthouse assessment's factor grades are calculated for each factor, and how

⁸GAO-17-215, GAO-14-48, GAO-13-263, and GAO-10-417.

⁹GAO-14-704G.

the factor weights within each assessment category contributes to the final courthouse score. We analyzed how courthouse factor weights are redistributed to factors that are present in a courthouse and how the weight redistribution affects courthouse scores. For the purpose of this analysis, we define courthouses that have fewer types of judicial spaces such as courtroom types (e.g., circuit, district, magistrate, and bankruptcy) as smaller courthouses and courthouses with more types of judicial spaces as larger courthouses. To examine the relationship between the number of factors receiving grades for a courthouse and courthouse scores, we conducted a regression analysis while controlling for the age of the courthouse. We used the original year the building was constructed; however, our findings did not change using the most recent year a renovation was completed.

- **Citywide scores.** For the citywide scoring process, we analyzed how building ownership weights and fragmentation multipliers are applied, and how the score is calculated for cities with one courthouse and multiple courthouses. We analyzed how the citywide scoring process differs for cities that have one courthouse compared to cities that have multiple courthouses to understand any effects on courthouse scores, citywide scores, and urgency ratings. For the urgency rating process, we analyzed how the weighted need area values are calculated for the urgency rating's components including the citywide gap value (that is, the inverse of the citywide score), judge chamber needs, judge courtroom needs, and caseload growth projections.
- **Urgency ratings.** We analyzed the urgency rating weighted areas to understand which areas are prioritized in the rating. To evaluate how the judiciary uses caps or a limit that sets the maximum number a city can get for an urgency rating component, we identified the judiciary's rationale for using cap limits, how cap limits are applied in urgency rating calculations, and whether the application of the cap limits aligned with the goal of the AMP evaluation process. To evaluate whether the cap selection process was repeatable and met the caps stated purposes for using caps, we used judiciary's documentation on the urgency rating formula and applied judiciary's 2020 scoring and needs data to the formula to replicate urgency ratings and rankings for each city with a federal courthouse. With this analysis, we broke out the ratings by urgency rating component and analyzed the judiciary's cap selections for each of the urgency rating components. We followed judiciary's stated steps for selecting caps and reviewed whether the cap selections were repeatable and if they aligned with their stated purposes of using caps. We discussed the AMP evaluation process with judiciary staff to verify the completeness and accuracy of the steps taken in the scoring methodology, to reconcile

the AMP’s intended priorities to its results, and to further understand the rationale and decisionmaking that was involved for using the methodology.

In addition, we identified and summarized selected examples of courthouse deficiencies within each courthouse assessment category and amongst courthouses nationwide. We selected 10 courthouses to serve as illustrative examples based on a range of courthouse assessment scores, citywide scores, urgency ratings, estimated population of the city in which the courthouse was located, and the number of judges’ courtrooms and chambers needed. Among those, we conducted four virtual courthouse site visits with federal agency subject-matter experts and district judiciary officials –such as judges and court clerks to observe and discuss courthouse conditions, learn about their participation and information-sharing in the AMP process, and to obtain perspectives on the AMP evaluation scoring process. Three of these virtual site visits consisted of live video tours; for the last, we were provided with a PowerPoint “walk through” of the courthouse with pictures because that building was too large to reasonably cover in a live video tour. All virtual site visits included interviews with district judiciary officials. These federal courthouse examples are not representative of all courthouses but provide insight into stakeholders’ perspectives on the AMP process (see table 4).

Table 4: Selected Courthouse Locations within These Judicial Districts		
Judicial District	City	State
Central District of California	Riverside	California
District of Connecticut ^a	New Haven	Connecticut
District of Maine	Portland	Maine
Northern District of Florida ^a	Gainesville	Florida
Northern District of Florida	Panama City	Florida
Northern District of Georgia	Atlanta	Georgia
Northern District of Mississippi	Aberdeen	Mississippi
Northern District of Texas ^a	Dallas	Texas
Western District of Kentucky ^a	Bowling Green	Kentucky
Western District of Michigan	Marquette	Michigan

Source: GAO analysis of judiciary information. | GAO-22-104034
^aVirtual site visits conducted at these four locations.

We conducted this performance audit from January 2020 to January 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain

sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Judiciary's 2020 Courthouse Assessment Categories and Selected Courthouse Illustrations

Table 5 describes the judiciary's Asset Management Planning process' four courthouse assessment categories (i.e., security, space standards, building condition, and space functionality), the number of factors associated with each assessment category, and a general description of what was assessed under each category.

Table 5: Courthouse Assessment Category Descriptions and Number of Category Factors in the Judiciary's Asset Management Planning Process

Categories	Number of factors	Description
Security	66	Security assesses safety features, circulation patterns, and prisoner movement such as whether a courthouse has adequate building setback and separate circulation patterns for judges, court clerks, prisoners, jury members.
Space Standards	89	Space standards assesses whether a courthouse's space meets various size and configuration requirements per the <i>U.S. Courts Design Guide</i> standards, which includes federal accessibility requirements.
Building Condition	73 ^a	Building condition assesses whether a courthouse's general building systems and spaces, including general and judiciary space conditions are in good repair.
Space Functionality	83	Functionality assesses whether a courthouse has the proper adjacencies and flow of internal layout to support district judiciary officials and its operations.

Source: GAO analysis of judiciary information. | GAO-22-104034

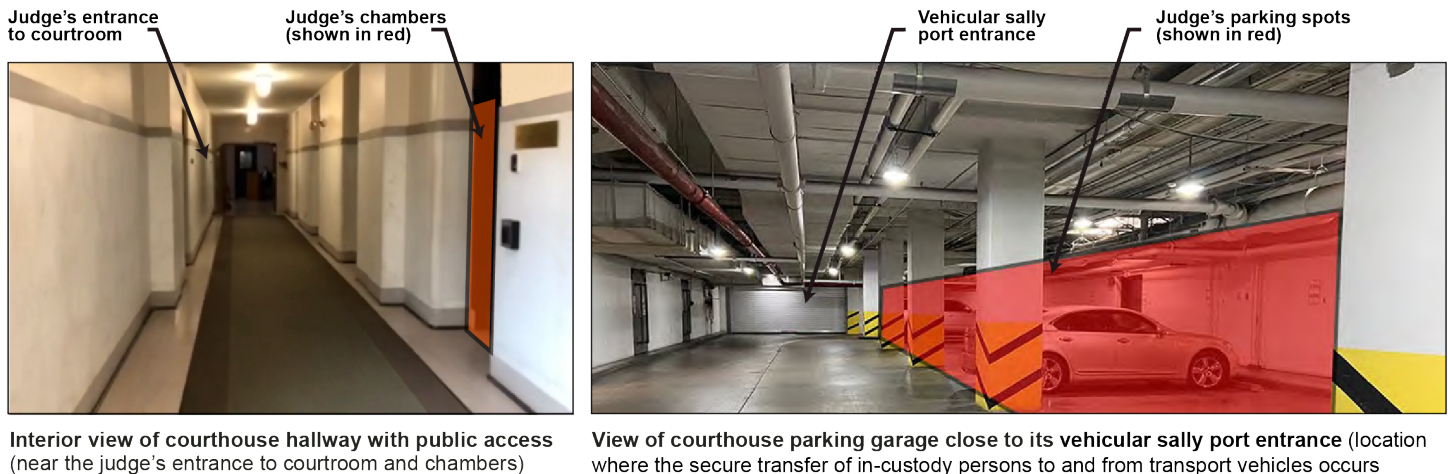
^aThe building condition category has 25 general condition factors and 48 judicial condition factors.

Many Courthouses Lack Key Security Features, Such as Separate Circulation Paths for Judges, Prisoners, and the Public

On average, courthouses scored 65 out of 100 in security, a score that is in the lower half of the "Acceptable to Marginal" rating. Judiciary officials said that courthouse security deficiencies remain a widespread and longstanding challenge. For example, 267 courthouses (69 percent) lacked fully separate circulation paths for the public, prisoners, and

judges in all hallways, elevators and stairways.¹ Officials we interviewed at four courthouses described the consequences of lacking adequate separation. One judge described how on more than one occasion the Marshals Service escorting prisoners and judges entered the courthouse through the same door at the same time from the only secured parking lot. Another judge described a situation where an unhappy litigant confronted a judge as the judge was walking in a public corridor from the courtroom to her chambers. According to security agency officials, the actual courtroom should be the only area where the public, judges, and prisoners could come into contact. Figure 6 shows poor security features in court spaces identified by federal and district judiciary officials.

Figure 6: Depicting Courthouse Security Deficiencies



Sources: GAO and a District Court Clerk. | GAO-22-104034

Officials from the judiciary, FPS, and the Marshals Service explained that a complicating factor is that security improvement projects must be coordinated and funded by the appropriate federal agency. Since fiscal year 2012, the judiciary and its security partners have collaborated on the judiciary's Capital Security Program to identify and prioritize security

¹We refer to applicable courthouses, as the number of courthouses that received a grade on the assessed factor.

improvement projects for courthouses.² These projects were primarily designed to improve the separation of circulation.³ Many security deficiencies are more common in older and historic courthouses that were designed and built prior to the development of security standards. We reported in 2013 that many old courthouses could not easily be reconfigured to meet some current security standards, such as separate circulation paths.⁴ Federal officials said that building a new courthouse is the only possible solution to correct some security deficiencies. Table 6 describes examples of the percentages of applicable courthouses that were assessed and received the lowest grades for selected security issues in 2020.

Table 6: Percentage of Applicable Courthouses Receiving the Lowest Grades in Selected Security Issues for 385 Courthouses in the Judiciary's Asset Management Planning Process

Category	Category Information
Restricted access	<ul style="list-style-type: none"> 49% of courthouses were found to lack a path of restricted travel from the building entrance to chambers for all Judges 47% of District Court Clerks' Offices public intake counters do not have break-resistant glazing 41% of courthouses have Magistrate Judge Chambers without restricted access and 36% of courthouses have District Judges' Chambers without restricted access 33% of courthouses were found with hallways, elevators, and stairways that do not provide any separation of public, restricted, and secure circulation
Prisoner movement	<ul style="list-style-type: none"> 47% of courthouses do not have an adequate number of prisoner holding cells provided for any Magistrate Judge Courtrooms according to U.S. Marshals Service standards 39% of courthouses do not have a secure entryway for the loading and unloading of prisoners 38% of courthouses do not have a central cellblock that is connected to the prisoner sally port^a through secure prisoner circulation 35% of courthouses do not have secure circulation between the prisoner holding cells and any of the courtrooms 29% of courthouses do not have an adequate number of prisoner holding cells for any of the District and Senior District Courtrooms according to U.S. Marshals Service standards

²According to the fiscal year 2021 GSA Summary Prospectus, since fiscal year 2012, GSA has received about \$128.9 million supporting 12 projects under the Capital Security Program. This program is funded as a Special Emphasis Program within the GSA's Federal Buildings Fund and provides funding to address serious security deficiencies in existing courthouse buildings where physical renovations are viable in lieu of constructing a new courthouse.

³GAO, Federal Courthouses: *Actions Needed to Enhance Capital Security Program and Improve Collaboration*, [GAO-17-215](#) (Washington, D.C.: Feb. 16, 2017).

⁴GAO, Federal Courthouses, *Better Planning Needed Regarding Reuse of Old Courthouses*, [GAO-14-48](#), (Washington, D.C.: Nov. 7, 2013).

**Appendix II: Judiciary's 2020 Courthouse
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Category	Category Information
Central mail room	<ul style="list-style-type: none"> 52% of courthouses do not have a central mail room that meets the Mail Standards for the Federal Judiciary 23% of facilities do not have x-ray equipment and a magnetometer to screen mail at the loading dock or directly entering the mail room
Facility exterior	<ul style="list-style-type: none"> 92% of court facility shells do not incorporate progressive collapse 60% of courthouses do not have certain types of exterior physical barriers 59% of court facility shells are not resistant to blasts 42% of courthouses have adjacent facilities with sight lines into restricted court areas 38% of courthouses lack secured parking for all judges on-site 23% of courthouses have no sides of the building meeting setback requirements from the property line in accordance with the <i>Interagency Security Committee Security Design Criteria Manual</i> 24% of courthouses have ventilation ducts and other utility entrances that are not properly secured

Source: GAO analysis of judiciary data. | GAO-22-104034

Note: These are selected security factors with the percentage of the number of courthouses' that received the lowest grades for the operational issue described. Each assessed factor is assigned a performance letter grade, typically ranging from "A" as the best grade to "F" as the worst grade. For some factors, the lowest grade that can be achieved may be a "C", "D", or "E" grade. We used the judiciary's 2020 Asset Management Planning dataset that assessed and scored 385 federal courthouses, however, certain operational issues did not always apply to all the courthouses. Therefore, the percentages are based on the lowest grades for all the applicable courthouses.

^aA vehicle sally port is a secure entryway for the loading and unloading of prisoners.

Spaces within Some Courthouses Were Undersized or Did Not Meet Current Accessibility Standards

Several space standards deficiencies identified in the judiciary's 2020 facility assessment data were among those that we observed or were raised by the Marshals Service and federal and district judiciary officials during our virtual site visits. For example, 175 of the 240 courthouses (73 percent) had at least one magistrate judge courtroom that was undersized based on judiciary standards. Officials we interviewed at four courthouses that had undersized courtrooms and other spaces such as hallways, security-screening areas, and lobbies said that as a result, in some criminal cases defendants charged with a crime are standing almost "shoulder-to-shoulder" with the victim's family. In another cited instance, about 40 people arrived at a magistrate courtroom that could only hold five people, leading to an overflow in the hallway. Figure 7 shows examples of undersized areas in various court spaces identified by federal and district judiciary officials.

Figure 7: Depicting Courthouse Space Standards Deficiencies Related to Size



Undersized magistrate courtroom



Undersized security screening area



Undersized lobby

Sources: District Court Clerks and GAO. | GAO-22-104034

Also, our analysis of judiciary space standards data validated the judiciary's findings that many courtrooms were found to not meet certain accessibility requirements. For example, at least one magistrate judge courtroom in 168 of 241 applicable courthouses (70 percent) and at least one district judge and senior district judge courtroom in 181 of 265 applicable courthouses (68 percent) did not fully meet accessibility requirements. According to judiciary officials, accessibility issues were more common in older or historic courthouses. For example, there were few options to make monumental stairways or small elevators appropriate for people with mobility challenges or emergency responders. Historic preservation standards can present additional limitations to reconfiguring courthouses to meet modern design requirements. Figure 8 shows inadequate accessibility in courthouse spaces identified by federal and district judiciary officials. Table 7 describes examples of the percentages of applicable courthouses that were assessed and received the lowest grades for selected space standards issues in 2020.

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Figure 8: Depicting Courthouse Space Standards Deficiencies Related to Accessibility



A staircase that does not meet accessibility requirements in a historic courthouse



The lack of accessibility in a courtroom witness stand



The lack of accessibility in a courtroom jury box

Sources: GAO and a District Court Clerk. | GAO-22-104034

Table 7: Percentage of Applicable Courthouses Receiving the Lowest Grades in Selected Space Standards Issues for 385 Courthouses in the Judiciary's Asset Management Planning Process

Category	Category Information
Accessibility requirements	<ul style="list-style-type: none"> 57% of courthouses have District and Senior District Judge Courtrooms that do not meet accessibility requirements 57% of courthouses have Magistrate Judge Courtrooms that do not meet accessibility requirements and 55% of courthouses have Bankruptcy Judge Courtrooms that do not meet accessibility requirements 28% of courthouses have trial jury suite areas that do not meet accessibility requirements
Proper size	<ul style="list-style-type: none"> 33% of courthouses have Magistrate Judge courtrooms that are not sized to meet or are within 10% of the federal courthouse standards for proper proportions, height, and acoustics
Judge conference rooms, attorney-witness conference rooms, trial preparation suite	<ul style="list-style-type: none"> 67% of courthouses do not have a trial preparation suite of offices provided in the courthouse when the Federal Public Defender Office is located outside a courthouse 46% of courthouses where a District and Senior District Judge conference room is required do not have the required judge conference room or do not meet standards 40% of courthouses have Magistrate Judge Courtrooms that do not have the required two attorney-witness conference rooms that meet <i>Design Guide</i> standards 35% of courthouses have Bankruptcy Judge Courtrooms that do not have the required two attorney-witness conference rooms that meet <i>Design Guide</i> standards 29% of courthouses have District and Senior District Judge Courtrooms do not have the required two attorney-witness conference rooms that meets <i>Design Guide</i> standards
Jury assembly areas, grand jury suites	<ul style="list-style-type: none"> 56% of courthouses have jury assembly areas that are not sized and configured to meet <i>Design Guide</i> standards, including a lounge, toilets, and acoustics 29% of courthouses have grand jury suites that do not meet <i>Design Guide</i> standards for size and proportion

Source: GAO analysis of judiciary data. | GAO-22-104034

Note: These are selected space standards factors with the percentage of the number of courthouses' that received the lowest grades for the operational issue described. Each assessed factor is assigned a performance letter grade, typically ranging from "A" as the best grade to "F" as the worst grade. For some factors, the lowest grade that can be achieved may be a "C", "D", or "E" grade. We used the

judiciary's 2020 Asset Management Planning dataset that assessed and scored 385 federal courthouses, however, certain operational issues did not always apply to all the courthouses. Therefore, the percentages are based on the lowest grades for all the applicable courthouses.

Most Courthouses Had Ideal to Good Building Conditions, Particularly in Judiciary Spaces

Most courthouses were rated in good condition, making even the most frequently identified deficiencies uncommon. For example, 20 of 189 courthouses (11 percent) that have Bankruptcy Court Clerk's offices and 46 of 285 courthouses (16 percent) that have District Court Clerk's Offices had some level of water damage, water leaks, mold, or damaged millwork in the office spaces. For example, we observed through videos and photos cracked terrazzo flooring, peeling paint, moisture-damaged vinyl wallpaper, deteriorating exterior window frames, flooded clerk office spaces, and deteriorating air ventilation boxes. Figure 9 shows examples of poor building conditions in courthouses identified by federal and district judiciary officials. Table 8 describes examples of the percentages of applicable courthouses that were assessed and received the lowest grades for selected building condition issues in 2020.

Figure 9: Depicting Courthouse General Building and Judiciary Condition Deficiencies



Deteriorated exterior window frame



Moisture damage resulting in peeling vinyl wallpaper



Flood damage in a bankruptcy clerk's office

Sources: GAO and a District Court Clerk. | GAO-22-104034

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Table 8: Percentage of Applicable Courthouses Receiving the Lowest Grades in Selected Building Condition Issues for 385 Courthouses in the Judiciary's Asset Management Planning Process

Category	Category Information
General building systems	<ul style="list-style-type: none"> 32% of facilities do not have an emergency generator that adequately supports the court facility 22% of courthouse facilities do not have a fire sprinkler system 14% of courthouses do not have water supply and plumbing systems sufficient to support court operations
General building adjacency and circulation	<ul style="list-style-type: none"> 25% of courthouses have an entry lobby that is not sized to accommodate the required volume of public and court personnel traffic, sufficient queue space, and the required security equipment 15% of courthouses that have public waiting areas outside the courtroom are not appropriately sized to accommodate participants and spectators
Restricted and public access areas	<ul style="list-style-type: none"> 49% of courthouses do not have a freight elevator with access to the loading dock 29% of courthouses do not have a loading dock or a service entrance 10% of courthouses do not have parking available for jurors and the public 10% of courthouses do not have adequate public elevators to accommodate the needs of the court
Jury areas	<ul style="list-style-type: none"> 21% of courthouses' having District Courts with building systems such as lighting, temperature control, heating, ventilation and air-conditioning do not adequately service the jury assembly areas 10% of courthouses have jury assembly areas that are not in good repair (e.g., no water damage, water leaks, mold, damaged millwork, etc.)

Source: GAO analysis of judiciary data. | GAO-22-104034

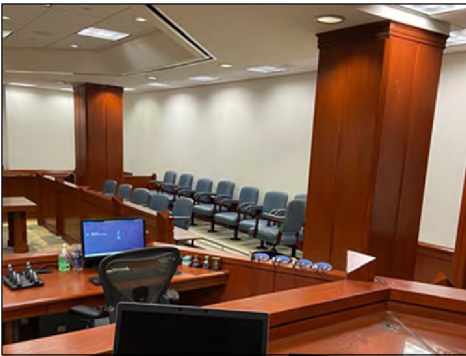
Note: These are selected building condition factors with the percentage of the number of courthouses' that received the lowest grades for the operational issue described. Each assessed factor is assigned a performance letter grade, typically ranging from "A" as the best grade to "F" as the worst grade. For some factors, the lowest grade that can be achieved may be a "C", "D", or "E" grade. We used the judiciary's 2020 Asset Management Planning dataset that assessed and scored 385 federal courthouses, however, certain operational issues did not always apply to all the courthouses. Therefore, the percentages are based on the lowest grades for all the applicable courthouses.

Most Courthouses Had the Functional Spaces Needed to Operate Well

While few courthouses received poor overall functionality scores, the 2020 assessment data did identify some functionality deficiencies at courthouses. Of the 240 courthouses that had magistrate judge courtrooms, 117 courthouses (49 percent) had at least one courtroom that was found by the judiciary to not meet *Design Guide* standards in some way, such as not having an appropriate courtroom layout to view key court areas or not having appropriate spectator seating. Officials we interviewed at all four of our selected courthouses described some challenges mostly associated with tight or poorly configured courtroom spaces. For example, judges and court clerks at two courthouses said the placement of large structural columns in the middle of the courtrooms precluded judges, U.S. Marshals, attorneys, and jurors from obtaining a clear view of court proceedings. Judges said that having an unobstructed view in courtrooms is important for several reasons, including enabling

judges to see all parties in the courtroom, jurors to assess the credibility of witnesses, and helping to ensure courtroom security. Figure 10 shows examples of functional challenges in courthouse spaces identified by federal and district judiciary officials. Table 9 describes examples of the percentages of applicable courthouses that were assessed and received the lowest grades for selected space functionality issues in 2020.

Figure 10: Depicting Courthouse Space Functionality Deficiencies



Structural columns blocking the judges and U.S. Marshals view to jury box and gallery



A grand jury suite that lacks tiered seating and dedicated witness room(s) and restrooms



A poor layout of a district courtroom where the jury must enter and exit the courtroom in front of the judge's bench and clerk's bench to access the jury box

Sources: District Court Clerks. | GAO-22-104034

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Table 9: Percentage of Applicable Courthouses Receiving the Lowest Grades in Selected Space Functionality Issues for 385 Courthouses in the Judiciary's Asset Management Planning Process

Category	Category Information
Existence, location, and layout of courtrooms and chambers	<ul style="list-style-type: none"> • 25% of courthouses with a Senior District Judge have no courtrooms to accommodate all Senior District Judges per Judicial Conference policy • 19% of courthouses have Magistrate Judge Courtrooms that are not appropriately located relative to judges' chambers, holding cells, public access, and jury deliberation facilities • 10% of courthouses have District and Senior District Judge Courtrooms that are not appropriately located relative to judges' chambers, holding cells, public access, and jury deliberation facilities • 17% of courthouses have Magistrate Courtrooms with a layout that does not accommodate the required number of court personnel, attorneys, litigants, jurors, and spectators (e.g., sight lines, well area, spectator seating, and circulation) • 12% of courthouses have Bankruptcy Courtrooms with a layout that does not accommodate the required number of court personnel, attorneys, litigants, jurors, and spectators (e.g., sight lines, well area, spectator seating, and circulation) • 10% of courthouses have Magistrate Judge Chambers with layouts that are not contiguous and does not accommodate the judge, law clerks, and reception area
Grand jury suite layout and visibility, trial jury suite location, and jury assembly area location	<ul style="list-style-type: none"> • 30% of courthouses have Grand Jury Suites with a layout that does not accommodate the required number of attorneys, court personnel, witnesses, and jurors (e.g., proper sight lines and internal circulation patterns) • 10% of courthouses have trial jury suites that are not located adjacent to their related courtrooms or are proximate and accessible by restricted circulation • 10% of courthouses have jury assembly areas that are not located conveniently to public access for prospective jurors
Office location and access	<ul style="list-style-type: none"> • 84% of courthouses have a Federal Public Defender Office that is not located in the facility • 21% of courthouses' District Court Clerk's Office and 16% of courthouses with a Bankruptcy Court Clerk's Office have no appropriate access to any of the courtrooms and chambers

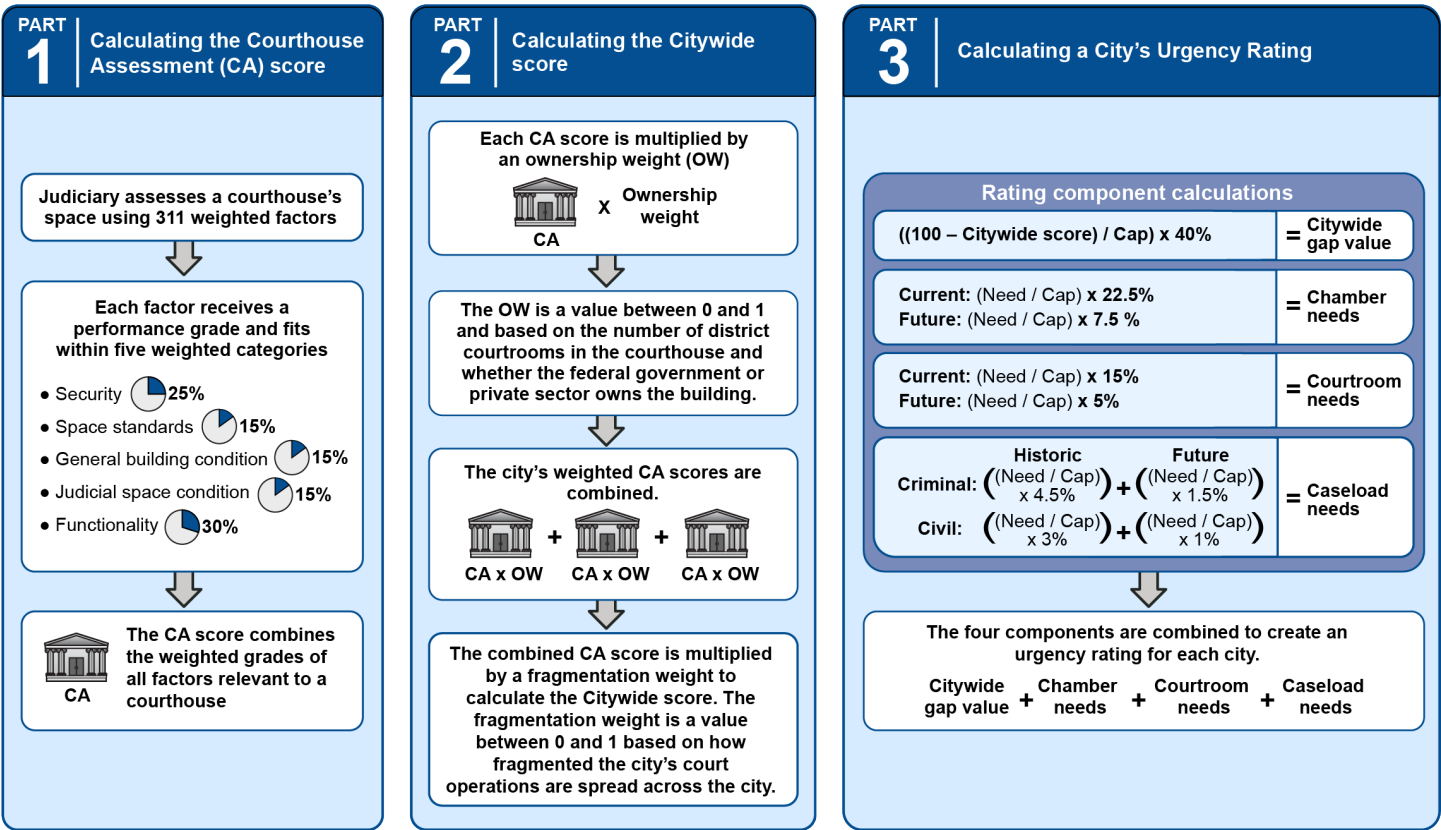
Source: GAO analysis of judiciary data. | GAO-22-104034

Note: These are selected space functionality factors with the percentage of the number of courthouses' that received the lowest grades for the operational issue described. Each assessed factor is assigned a performance letter grade, typically ranging from "A" as the best grade to "F" as the worst grade. For some factors, the lowest grade that can be achieved may be a "C", "D", or "E" grade. We used the judiciary's 2020 Asset Management Planning dataset that assessed and scored 385 federal courthouses, however, certain operational issues did not always apply to all the courthouses. Therefore, the percentages are based on the lowest grades for all the applicable courthouses.

Appendix III: Judiciary's Asset Management Planning Process Evaluation Scoring Steps

Figure 11: Three-Part Evaluation Scoring Steps for Courthouses in the Judiciary's Asset Management Planning Process

The evaluation calculates scores for courthouses individually, combines a city's courthouse scores into a single citywide score, and then calculates an urgency rating for each city that ranges between 0 to 100, with a higher rating representing a more urgent need for a city's court operations.



Appendix IV: Judiciary's Asset Management Planning Process Urgency Rating Components

Table 10: Urgency Rating Components in the Judiciary's Asset Management Planning Evaluation Process

Urgency Rating Components	Percentage of the Urgency Rating	How the Need Areas Are Calculated
Citywide score	40 percent	The formula converts the citywide score from the second part of the AMP evaluation into a citywide gap value. The gap value is an inverse of the citywide score as it that gives an indication of how far a city's courthouse operation is from an ideal state of operation.
Insufficient number of judge's chambers	30 percent	The need for judge's chambers is divided into a current need (22.5 percent) and a future need (7.5 percent). To determine this value, the judiciary annually assesses data from judicial districts to identify whether space shortages exist and whether anticipated changes may occur, including judges being elevated to a higher court, retirements, or newly constructed chambers.
Insufficient number of courtrooms	20 percent	The need for courtrooms is divided into a current need (15 percent) and a future need (5 percent). To determine this need, the judiciary annually assesses data from judicial districts to identify whether shortages exist and whether courtrooms are being appropriately shared among judges as per judiciary policy.
Estimated caseload growth	10 percent	The need for caseload growth is divided into historic civil filings (3 percent), projected civil filings (1 percent), historic criminal filings (4.5 percent) and projected criminal filings (1.5 percent). To determine this need, the judiciary annually assesses data from judicial districts on past and projected caseload trends.

Source: GAO analysis of judiciary data. | GAO-22-104034

Taken collectively, a city's courtroom and chamber space needs have the greatest impact on its urgency rating at a combined 50 percent of the rating, as described in table 10. The citywide score accounts for the next largest share of the rating at 40 percent, which includes a city's courthouse scores that assess the physical aspects of courthouses. Consequently, a courthouse's physical aspects such as building condition or security have a lower impact individually on the urgency rating compared to courtroom and chamber needs. For example, in a city that has one courthouse, a courthouse's security score accounts for 10 percent of the urgency rating, the same weight assigned to projected

caseload growth.¹ Judiciary officials said that the AMP scoring methodology prioritizes the need for courtrooms and chambers to ensure that courts have sufficient and functional space to perform essential court functions.

¹We analyzed the scoring steps and weights assigned in each part of the AMP evaluation. In a scenario where a city has one courthouse, the courthouse score would be directly equivalent to the citywide score because no ownership or fragmentation adjustment would occur. Then, the process takes the inverse of the citywide score, which accounts for 40 percent of the urgency rating. In this scenario, a courthouse's category scores are combined to determine the courthouse score. Therefore, the actual courthouse score category effect on the final urgency rating includes building condition at 12 percent, functionality at 12 percent, space standards at 6 percent, and security at 10 percent.

Appendix V: Comments from the Administrative Office of the U.S. Courts



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

HONORABLE ROSLYNN R. MAUSKOPF
Director

WASHINGTON, D.C. 20544

December 2, 2021

Ms. Catina Bradley Latham
Acting Director, Physical Infrastructure
U.S. Government Accountability Office
441 G. Street, N.W.
Washington, DC 20548

Dear Ms. Latham:

The Federal Judiciary acknowledges receipt of the Government Accountability Office's (GAO) draft report entitled, *FEDERAL COURTHOUSE CONSTRUCTION: Judiciary Should Refine Its Methods for Determining Which Projects Are Most Urgent* (GAO-22-104034).

We are pleased to see the report recognizes that the Asset Management Planning (AMP) process is a comprehensive and objective process, carefully focused on planning for Judiciary space needs. We also note that the report highlights that many courthouses continue to have serious security issues and challenges. Judicial security remains of paramount concern to us.

We appreciate the three recommendations set forth in the report. The Administrative Office of the United States Courts (AO) will examine and evaluate those recommendations and work with the Judicial Conference of the United States and its Committee on Space and Facilities to ensure their full consideration. The Committee on Space and Facilities oversees the Judiciary's planning processes for space and facilities. The implementation of any recommendations requiring a change to Judicial Conference policies will need to be considered by the Conference upon the recommendation of the Committee.

This response addresses those recommendations and provides important context and clarification to highlight that the AMP process incorporates rigorous and consistent methodology to ensure that objective and reliable data underlies Judiciary decision making.

A TRADITION OF SERVICE TO THE FEDERAL JUDICIARY

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Development and Continuous Improvement of the Asset Management Planning (AMP) Process

The AMP process, approved by the Judicial Conference in 2008, remains a comprehensive facility planning tool designed to identify the Judiciary's most urgent space needs, address cost-containment concerns, and incorporate applicable industry best practices. The AMP process incorporates rigorous facility assessments and applies standards that support several of the objectives in the *Strategic Plan for the Federal Judiciary*. Each courthouse nationwide is assessed to determine current and future space needs, identify preliminary housing solutions as needed, and calculate the relative urgency of need compared to other courts nationwide. Factors considered include building condition, building functionality, security, compliance with judiciary space standards, courtroom and chambers needs, and caseload and personnel growth.

The resulting data and analysis are compiled in a long-range facilities plan (LRFP) for each judicial district. In addition, an Urgency Evaluation (UE) Results List that ranks relative space urgency by court location on a "worst first" basis is developed. The Judiciary relies on the UE results and LRFP recommended preliminary housing solutions in selecting which projects should begin a GSA Phase I feasibility study, completion of which is a prerequisite to a location being considered for placement on the *Federal Judiciary's Courthouse Project Priorities (CPP)* list. UE ratings are refreshed each year to capture changes in courtroom needs, chambers needs, and caseload growth, and as a result, a project's place in the prioritization of CPP Part II projects may change to reflect those changes in space needs.

The current AMP program is the product of a careful, iterative development process. The AO has sought to make continual improvements to the AMP process, consulting as needed with internal Judiciary advisory groups as well as the Committee on Space and Facilities Committee.

GAO has studied the Judiciary's courthouse facilities planning process numerous times over the past 20 years. Most recently in 2013, GAO recognized that there had been material improvements in the AMP process but made several recommendations for improvement. Subsequently GAO concluded that the Judiciary had accomplished the recommended steps to further improve the AMP, finding that "[g]iven the additional information that the judiciary provided to Congress along with the project information contained in the General Services Administration (GSA) prospectus, together these actions meet the intent of GAO's recommendation." *As a result, Congress and decision makers now have access to the information they need to weigh current-year budget decisions within the context of projects' expected future costs, spur discussion and debate*

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about actions to address them, and put the judiciary's requests in context with other federal spending. See, <https://www.gao.gov/products/gao-13-263>.

GAO also noted that in 2015 the Judiciary issued the *CPP* list that assessed all projects under the AMP process and ranked the recommended projects according to their urgency and concluded that “*by applying the improved AMP process, the judiciary ensured that it requested funding for its most urgent courthouses projects.*” See, <https://www.gao.gov/products/gao-13-263>.

Thus, GAO has previously concluded that the AMP process overall is sufficient to provide both Congress and Judiciary decision makers with the information they need regarding the Judiciary’s most pressing space needs and the current state of the facilities portfolio. The current report focuses primarily on a small number of new – and in the Judiciary’s view – relatively minor methodological issues. We offer the following context and observations about the particular concerns GAO is now raising.

Relevant Context for GAO’s Findings and Recommendations

Courthouse Operating Status - GAO makes an observation about updating data regarding the operating status of courthouses where, due to weather events or other exigent circumstances, a building has been materially impacted. In considering this observation, it is important to understand that such situations are extremely limited and anomalous. For example, in 2020, there were just two such locations out of the total 385 courthouses on the UE Results List – Aberdeen, MS, and Panama City, FL. These two locations, representing 0.5% of the total data set, were among the 10 facilities that GAO considered and relied upon as a basis for a finding and recommendation. That those two courthouses happened to be among GAO’s sample data set of 10 locations perhaps created a false impression that there were potentially many more. This is not the case.

More importantly, the treatment of these two instances in terms of their place on the UE list had no impact on either how the Judiciary responded to the two specific emergency situations nor its decision making regarding these nor any other building for the purposes of the UE list. The AMP and *CPP* are not intended to deal with emergency situations where a courthouse is rendered unoccupiable. Instead, these situations are effectively addressed through a separate process managed by GSA.

The decisions being made using UE data – identification of GSA Phase I feasibility study locations (which is done in conjunction with the LRF preliminary housing strategy recommendation) and prioritization of projects on Part II of the *CPP* after they have already been added to the list – are entirely separate. GSA’s process is the appropriate method for dealing with emergencies that render a facility unoccupiable.

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In an emergency situation, the Judiciary works with GSA directly to deal effectively and immediately with the situation; it cannot and does not wait for the UE to be updated or the *CPP* to go to Congress.

Any inference that the Judiciary does not update UE information essential to the Judiciary's decision making is incorrect. The UE's methodology does capture the sudden change in condition by updating and documenting the resulting increase in courtroom and chambers needs, which in turn, increases the location's UE score (often significantly) and achieves the goal of elevating such locations with an urgent space need. The UE scores are updated annually. In addition, these special circumstances are generally captured in the annual UE Results List summary document which is distributed to decision makers.¹

However, the AO recognizes the importance of documentation and is always interested in increasing the transparency of its processes. The AO will work with the Conference and Committee to evaluate and consider ways to better document situations in which buildings are materially impacted by emergencies to clarify for decision makers that they are being addressed through a separate process and review.

Citywide Approach - GAO questions the use of a citywide approach to calculate the courthouse assessment ratings that are in turn one of the four criteria used in calculating UE ratings. Considering a city holistically, however, allows the Judiciary to consider how to optimize existing space and cost-efficiency. Each individual courthouse does not function in isolation, which is the rationale behind the city-wide model. Caseloads do not just impact a single courthouse. A space solution for a city should consider how all courthouses function within it collectively. Further, separating courthouses in a city could result in buildings within the same city competing against each other in the UE, thus contradicting the holistic housing strategy approach.

Smaller Courthouses - GAO raises an issue about the impact of the data analysis on smaller courthouses theorizing that because they have fewer factors to analyze they receive the worst courthouse assessment scores. In our view, GAO's assertion is questionable and not definitively proven, and in fact it is entirely plausible that there is

¹The UE summary document is used to capture buildings that are added and removed from the UE list each year and locations that show significant changes in UE rating and ranking. For the 2020 UE summary document Aberdeen was captured twice (buildings added and locations with significant changes). Panama City was not mentioned because a new leased situation was already funded and in progress before the hurricane hit in October 2019; that the hurricane destroyed the current leased building had no effect on the long-term housing solution in Panama City or the city's UE score. Locations are generally removed from the UE once they progress to Part I of the *CPP* or if a new leased location has been approved by the Committee on Space and Facilities and funded. Keeping Panama City on the 2020 UE was an oversight. It was removed from 2021's UE list and documented in the 2021 UE summary.

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another explanation for these scores. Our analysis thus far indicates that there appears to be little correlation between the number of factors and courthouse scores for the majority of all courthouses assessed, and in fact, the age of the building may actually provide a better explanation of these results.

We will continue to evaluate these minor data anomalies, but we want to reiterate that we are transparent in all these analyses. For example, we do mention the impact of the fewer factors for smaller courthouses; it is made explicit in communication with judges and others when explaining the city-wide facility benefit assessment (FBA) scores. In addition, the completed FBA files and scores are shared with the court throughout the planning process so that court staff can review every factor and rating in every courthouse in their district and provide feedback if they choose. The draft UE results are reviewed with each Assistant Circuit Executive for Space and Facilities and, if needed, the AO will rerun the draft results.

Caps - Finally, GAO raises concerns relating to the imposition of caps in certain instances, asserting that these caps could impact UE ratings. There is a sound, methodological rationale for using caps. They are used in the UE process to keep outlier values from overly influencing UE scores, especially temporary outliers such as a short-term increase in civil filings from multi-district litigation cases. Using the caps also prevents larger courts from always ranking higher than smaller courts, helping to spread out the range of UE scores.

It is important to remember that our use of caps does not negate the value of the careful and objective underlying work done to assess and analyze each courthouse before the imposition of the caps; these are the solid and objective foundations of the UE ratings. However, since the caps are set through a combination of analysis and manual data review by Judiciary statisticians and other subject matter experts, the AO will consider and analyze other methods of identifying and implementing cutoff levels.

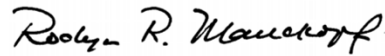
Conclusion

The Judiciary's Asset Management Planning process is comprehensive and follows stringent standards for assessing, documenting, and analyzing large amounts of data. The process involves experts and stakeholders from across the AO and the courts including facility planners, architects, building engineers, and statisticians, as well as judges, court staff, and court executives. The process and its outcomes are communicated and clarified for decision makers every step of the way. We work closely and share information with our partners at GSA, the United States Marshals Service, and the Federal Protective Service.

Ms. Catina Bradley Latham
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Effective space planning is critical to ensuring that courthouse needs are identified, analyzed, and prioritized accurately and objectively. The AO is committed to continue working with the Judicial Conference and its Committee on Space and Facilities to consider and evaluate ways to further develop and improve the AMP program.

Sincerely,

A handwritten signature in black ink, reading "Roslynn R. Mauskopf". The signature is written in a cursive, flowing style.

Roslynn R. Mauskopf
Director

Accessible Text for Appendix V: Comments from the Administrative Office of the U.S. Courts

December 2, 2021

Ms. Catina Bradley Latham
Acting Director, Physical Infrastructure
U.S. Government Accountability Office
441 G. Street, N.W.
Washington, DC 20548

Dear Ms. Latham:

The Federal Judiciary acknowledges receipt of the Government Accountability Office's (GAO) draft report entitled, **FEDERAL COURTHOUSE CONSTRUCTION: Judiciary Should Refine Its Methods for Determining Which Projects Are Most Urgent** (GAO-22-104034).

We are pleased to see the report recognizes that the Asset Management Planning (AMP) process is a comprehensive and objective process, carefully focused on planning for Judiciary space needs. We also note that the report highlights that many courthouses continue to have serious security issues and challenges. Judicial security remains of paramount concern to us.

We appreciate the three recommendations set forth in the report. The Administrative Office of the United States Courts (AO) will examine and evaluate those recommendations and work with the Judicial Conference of the United States and its Committee on Space and Facilities to ensure their full consideration. The Committee on Space and Facilities oversees the Judiciary's planning processes for space and facilities. The implementation of any recommendations requiring a change to Judicial Conference policies will need to be considered by the Conference upon the recommendation of the Committee.

This response addresses those recommendations and provides important context and clarification to highlight that the AMP process incorporates rigorous and consistent methodology to ensure that objective and reliable data underlies Judiciary decision making.

Development and Continuous Improvement of the Asset Management Planning (AMP) Process

The AMP process, approved by the Judicial Conference in 2008, remains a comprehensive facility planning tool designed to identify the Judiciary's most urgent space needs, address cost-containment concerns, and incorporate applicable industry best practices. The AMP process incorporates rigorous facility assessments and applies standards that support several of the objectives in the Strategic Plan for the Federal Judiciary. Each courthouse nationwide is assessed to determine current and future space needs, identify preliminary housing solutions as needed, and calculate the relative urgency of need compared to other courts nationwide. Factors considered include building condition, building functionality, security, compliance with judiciary space standards, courtroom and chambers needs, and caseload and personnel growth.

The resulting data and analysis are compiled in a long-range facilities plan (LRFP) for each judicial district. In addition, an Urgency Evaluation (UE) Results List that ranks relative space urgency by court location on a "worst first" basis is developed. The Judiciary relies on the UE results and LRFP recommended preliminary housing solutions in selecting which projects should begin a GSA Phase I feasibility study, completion of which is a prerequisite to a location being considered for placement on the Federal Judiciary's Courthouse Project Priorities (CPP) list. UE ratings are refreshed each year to capture changes in courtroom needs, chambers needs, and caseload growth, and as a result, a project's place in the prioritization of CPP Part II projects may change to reflect those changes in space needs.

The current AMP program is the product of a careful, iterative development process. The AO has sought to make continual improvements to the AMP process, consulting as needed with internal Judiciary advisory groups as well as the Committee on Space and Facilities Committee.

GAO has studied the Judiciary's courthouse facilities planning process numerous times over the past 20 years. Most recently in 2013, GAO recognized that there had been material improvements in the AMP process but made several recommendations for improvement. Subsequently GAO concluded that the Judiciary had accomplished the recommended steps to further improve the AMP, finding that "[g]iven the additional information that the judiciary provided to Congress along with the project information contained in the General Services Administration (GSA) prospectus, together these actions meet the intent of GAO's recommendation." As a result, Congress and decision makers now have access to the information they need to weigh current-year budget decisions within the context of projects' expected future costs, spur discussion and debate about actions to address them, and put the judiciary's requests in context with other federal spending. See, <https://www.gao.gov/products/gao-13-263>.

GAO also noted that in 2015 the Judiciary issued the CPP list that assessed all projects under the AMP process and ranked the recommended projects according to their urgency and concluded that “by applying the improved AMP process, the judiciary ensured that it requested funding for its most urgent courthouses projects.” See, <https://www.gao.gov/products/gao-13-263>.

Thus, GAO has previously concluded that the AMP process overall is sufficient to provide both Congress and Judiciary decision makers with the information they need regarding the Judiciary’s most pressing space needs and the current state of the facilities portfolio. The current report focuses primarily on a small number of new – and in the Judiciary’s view – relatively minor methodological issues. We offer the following context and observations about the particular concerns GAO is now raising.

Relevant Context for GAO’s Findings and Recommendations

Courthouse Operating Status - GAO makes an observation about updating data regarding the operating status of courthouses where, due to weather events or other exigent circumstances, a building has been materially impacted. In considering this observation, it is important to understand that such situations are extremely limited and anomalous. For example, in 2020, there were just two such locations out of the total 385 courthouses on the UE Results List – Aberdeen, MS, and Panama City, FL. These two locations, representing 0.5% of the total data set, were among the 10 facilities that GAO considered and relied upon as a basis for a finding and recommendation. That those two courthouses happened to be among GAO’s sample data set of 10 locations perhaps created a false impression that there were potentially many more. This is not the case.

More importantly, the treatment of these two instances in terms of their place on the UE list had no impact on either how the Judiciary responded to the two specific emergency situations nor its decision making regarding these nor any other building for the purposes of the UE list. The AMP and CPP are not intended to deal with emergency situations where a courthouse is rendered unoccupiable. Instead, these situations are effectively addressed through a separate process managed by GSA.

The decisions being made using UE data – identification of GSA Phase I feasibility study locations (which is done in conjunction with the LRFP preliminary housing strategy recommendation) and prioritization of projects on Part II of the CPP after they have already been added to the list – are entirely separate. GSA’s process is the appropriate method for dealing with emergencies that render a facility unoccupiable.

In an emergency situation, the Judiciary works with GSA directly to deal effectively and immediately with the situation; it cannot and does not wait for the UE to be updated or the CPP to go to Congress.

Any inference that the Judiciary does not update UE information essential to the Judiciary's decision making is incorrect. The UE's methodology does capture the sudden change in condition by updating and documenting the resulting increase in courtroom and chambers needs, which in turn, increases the location's UE score (often significantly) and achieves the goal of elevating such locations with an urgent space need. The UE scores are updated annually. In addition, these special circumstances are generally captured in the annual UE Results List summary document which is distributed to decision makers.¹

However, the AO recognizes the importance of documentation and is always interested in increasing the transparency of its processes. The AO will work with the Conference and Committee to evaluate and consider ways to better document situations in which buildings are materially impacted by emergencies to clarify for decision makers that they are being addressed through a separate process and review.

Citywide Approach - GAO questions the use of a citywide approach to calculate the courthouse assessment ratings that are in turn one of the four criteria used in calculating UE ratings. Considering a city holistically, however, allows the Judiciary to consider how to optimize existing space and cost-efficiency. Each individual courthouse does not function in isolation, which is the rationale behind the city-wide model. Caseloads do not just impact a single courthouse. A space solution for a city should consider how all courthouses function within it collectively. Further, separating courthouses in a city could result in buildings within the same city competing against each other in the UE, thus contradicting the holistic housing strategy approach.

Smaller Courthouses - GAO raises an issue about the impact of the data analysis on smaller courthouses theorizing that because they have fewer factors to analyze they receive the worst courthouse assessment scores. In our view, GAO's assertion is questionable and not definitively proven, and in fact it is entirely plausible that there is another explanation for these scores. Our analysis thus far indicates that there appears to be little correlation between the number of factors and courthouse scores for the majority of all courthouses assessed, and in fact, the age of the building may actually provide a better explanation of these results.

¹The UE summary document is used to capture buildings that are added and removed from the UE list each year and locations that show significant changes in UE rating and ranking. For the 2020 UE summary document Aberdeen was captured twice (buildings added and locations with significant changes). Panama City was not mentioned because a new leased situation was already funded and in progress before the hurricane hit in October 2019; that the hurricane destroyed the current leased building had no effect on the long-term housing solution in Panama City or the city's UE score. Locations are generally removed from the UE once they progress to Part I of the CPP or if a new leased location has been approved by the Committee on Space and Facilities and funded. Keeping Panama City on the 2020 UE was an oversight. It was removed from 2021's UE list and documented in the 2021 UE summary.

We will continue to evaluate these minor data anomalies, but we want to reiterate that we are transparent in all these analyses. For example, we do mention the impact of the fewer factors for smaller courthouses; it is made explicit in communication with judges and others when explaining the city-wide facility benefit assessment (FBA) scores. In addition, the completed FBA files and scores are shared with the court throughout the planning process so that court staff can review every factor and rating in every courthouse in their district and provide feedback if they choose. The draft UE results are reviewed with each Assistant Circuit Executive for Space and Facilities and, if needed, the AO will rerun the draft results.

Caps - Finally, GAO raises concerns relating to the imposition of caps in certain instances, asserting that these caps could impact UE ratings. There is a sound, methodological rationale for using caps. They are used in the UE process to keep outlier values from overly influencing UE scores, especially temporary outliers such as a short-term increase in civil filings from multi-district litigation cases. Using the caps also prevents larger courts from always ranking higher than smaller courts, helping to spread out the range of UE scores.

It is important to remember that our use of caps does not negate the value of the careful and objective underlying work done to assess and analyze each courthouse before the imposition of the caps; these are the solid and objective foundations of the UE ratings. However, since the caps are set through a combination of analysis and manual data review by Judiciary statisticians and other subject matter experts, the AO will consider and analyze other methods of identifying and implementing cutoff levels.

Conclusion

The Judiciary's Asset Management Planning process is comprehensive and follows stringent standards for assessing, documenting, and analyzing large amounts of data. The process involves experts and stakeholders from across the AO and the courts including facility planners, architects, building engineers, and statisticians, as well as judges, court staff, and court executives. The process and its outcomes are communicated and clarified for decision makers every step of the way. We work

closely and share information with our partners at GSA, the United States Marshals Service, and the Federal Protective Service.

Effective space planning is critical to ensuring that courthouse needs are identified, analyzed, and prioritized accurately and objectively. The AO is committed to continue working with the Judicial Conference and its Committee on Space and Facilities to consider and evaluate ways to further develop and improve the AMP program.

Sincerely,

Roslynn R. Mauskopf
Director

Appendix VI: GAO Contact and Staff Acknowledgments

GAO Contact

Catina B. Latham, (202) 512-2834 or LathamC@gao.gov

Staff Acknowledgments

In addition to the individual named above, the following staff made key contributions to this report: Keith Cunningham (Assistant Director); Aisha Cabrer (Analyst-in-Charge); and Michael Sweet. Also contributing to this report were Lori Rectanus; Geoff Hamilton; Janet Temko-Blinder; Suzanne Kaasa; Mariel Alper; Elizabeth Wood; Jeff Tessin; Delwen Jones; Malika Rice; Alwynne Wilbur; Kathryn Bolton; Tonnye Conner-White; Gretta Goodwin; Terence Lam; Steven Putansu; Justin Snover; Patricia Powell; Sarah Veale; and Alexandra Edwards.

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