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Summary:

IT Support in the Judicial Chain

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Judicial Chain

Summary

The Swedish National Audit Office (NAO) has examined how well agencies in the judicial chain have handled known flaws in their IT support and whether the Government's control mechanisms have provided the agencies with sufficient prerequisites to expand and improve IT support.

Background to the audit

Motivation An integral part of a well-functioning and efficient criminal process is smooth exchange of both intra-agency and interagency information in the judicial chain. The Government is subjecting the judicial system to stricter requirements when it comes improving their efficiency, reducing the number of pending cases and shortening throughput times in the criminal process. The Government has had an explicit objective over the past 15 years of ensuring fully computerised, structured interagency information exchange in the judicial chain within the framework of the efforts of the Information Exchange in the Judicial Chain (RIF) Council. Judicial agencies launched a comprehensive effort in the late 1990s to modernise IT support in the judicial chain and improve information exchange. However, the project has suffered from inertia and few concrete results have been achieved. The agencies also need to reduce their operating and administrative costs in order to create financial scope for developing new IT support. Outdated systems and IT support that do not provide adequate efficiency gains and that drive costs higher have not been phased out or modernised at the requisite pace. In brief, this complex of problems justifies an audit of IT support in the judicial chain.

Purpose: The purpose of the audit is to examine the measures that the Government and agencies have collectively taken to ensure that IT support contributes to efficient case flow in the judicial chain.

Overall question

Have the Government and agencies created the prerequisites for developing efficient IT support in the judicial chain?

Sub-questions

- Have the agencies conducted coordinated needs analyses to ensure that their IT support is developed in line with their needs and the requirements of the Government?
- Have the agencies conducted coordinated risk analyses of their IT operations and the development of new IT support?
- Do the agencies have realistic long-term plans to phase out existing systems while developing IT support and information exchange within the judicial chain?
- Have the agencies secured the acquisition of personnel with the requisite skills to develop IT support?
- Do the agencies have realistic budgets and long-term forecasts for financing IT support?

Scope: The audit covers the National Police Board, Swedish Prosecution Authority, National Courts Administration and Prison and Probation Service. The audit also covers the Government's control mechanisms in the area. The focus is on IT support for the activities of the agencies that are part of the criminal process and judicial chain. The audit does not include administrative IT support – such as time reporting or payroll and accounting systems – of the agencies. Nor does the audit examine the possible impact of new IT support or follow-up of measures to remedy specific flaws in IT support.

Points of departure: Statements by the Riksdag and Government

- The overarching goal of the judicial system is to ensure due process and legal certainty for individual citizens. The Government stresses that the judicial system consists of a chain of cooperating agencies that must be assessed, evaluated and developed with an eye to efficient resource utilisation.
- The Government argues that proper functioning of the judicial system and interagency cooperation requires efficient information exchange. The Government's objective is fully computerised intra-agency and interagency case management in the judicial chain. The Government has also stated that the agencies must take advantage of the opportunities offered by new technologies in order to operate more cost-effectively.
- Overall efficiency in the judicial chain requires that the agencies assume responsibility for their share of the criminal process and facilitate each other's efforts in various ways.
- The Government Agencies Ordinance (Swedish Code of Statutes 2007:515), Ordinance on Internal Management and Control (Swedish Code of Statutes 2007:603), Ordinance on Information Exchange by Government Agencies (Swedish Code of Statutes 2003:770) and other applicable regulations subject the agencies to strict requirements with respect to efficiency, management of financial resources, cooperation, management and control, as well as monitoring and reporting their activities. The IT operations of the agencies are covered by these regulations.

Results of the audit

The overall conclusion of the NAO is that, despite some clear improvements and initiatives, the Government and agencies have not yet collectively created adequate conditions for developing efficient IT support in the judicial chain. The NAO finds that there are still significant flaws that must be remedied and that they altogether pose a risk that costs for IT operations in the judicial chain will increase and that new IT support will not be developed at the requisite pace.

Total costs for the IT operations of the agencies are substantial and have been rising year by year. Estimates and forecasts by the agencies point to total budgeted IT costs in the judicial chain of approximately SEK 2.26 billion for 2011. The National Police Board accounts for almost 70 per cent of the costs. Old and outdated systems and obsolete infrastructure, particularly at the National Police Board and Prison and Probation Service, must be phased out if new systems and IT support are to be developed as operating and administrative costs are reduced. The NAO notes that the National Police Board has taken measures since 2009 to improve financial management procedures and plans for its IT operations. However, the NAO believes that there is a danger that phasing out old systems and IT support will be delayed or take too long due to the complexity associated with large projects of this type, particularly the high level of integration between the systems. The delays may cause costs to rise further and essential projects to be put off.

The NAO finds that the RIF effort has achieved few concrete results so far and that planning for future stages remains unclear. The NAO notes that the first stage of the RIF effort is currently a year behind schedule. The audit shows that many critical IT projects at the agencies have been delayed or have grown more expensive. Nevertheless, the NAO stresses the value of the Government and agencies in the judicial chain having strengthened the RIF effort and the Government having appropriated special funds for it in 2010-2012. Since the Ministry of Justice took over the chairmanship, the RIF Council has exerted greater pressure on the agencies to develop their IT operations in a more focused manner.

The register statutes of the agencies do not provide a sufficient basis for developing IT support in the judicial chain

The register statutes of the agencies govern the extent to which information can be exchanged in the judicial chain. The NAO concludes that the register statutes of the agencies do not provide a sufficient basis for developing IT support in the judicial chain. The agencies have called the need for legislative changes to the attention of the Government on a number of occasions. However, the NAO notes that stages one and two of the RIF effort would not require any changes. The conditions under which stage three and those that follow are to be carried out remain unclear. The Government has not yet

performed an overall analysis of the legislation. As a result, the NAO sees a risk that the agencies will not be able to take advantage of the opportunities offered by new technologies, which may cause their IT support to be less efficient than it would have been otherwise.

The Government does not have a long-term plan for the RIF effort after the first stage

The audit shows the Government has not yet drawn up a long-term plan for the RIF effort after the first stage has been completed. The question of when the objectives of the RIF effort are to be achieved remains unresolved as well. The NAO concludes that the absence of a plan for the RIF effort makes it more difficult for the agencies to plan development of their IT operations and other essential projects that are not related first and foremost to RIF. Even though the RIF effort has been better coordinated since the Ministry of Justice took over the chairmanship of the council in 2009, the NAO believes that the allocation of responsibilities between the Government and agencies is still unclear in certain respects. During the course of the audit, several agencies stressed that the various task forces have difficulty reaching consensus.

Moreover, the Government wants to increase the number of agencies active in the RIF effort as soon as possible. However, the NAO feels that it is risky to involve more agencies before the main flow of information in the judicial chain is functioning properly. If the expansion occurs too soon, the RIF effort may become less efficient.

Uncertain financial basis and risk that essential conversion projects will be delayed

The NAO finds that the agencies have difficulty phasing out old systems, carrying out projects and planning various long-term initiatives. Among the obstacles are the problems inherent to assessing the complexities associated with IT support for integrated systems, the lack of experience with similar projects and insufficient human resources. The National Police Board faces a major task of phasing out old systems, replacing technical platforms and developing up-to-date IT support. Given that the Police Board accounts for 70 per cent of budgeted IT costs, these initiatives will have a major impact on overall IT support in the judicial chain. The Prison and Probation Service also needs to phase out old systems and the National Courts Administration needs to expand its operational support.

The NAO's overall conclusion is that there is a risk that the conversion efforts of the agencies will not start or be completed on time, which may increase costs and delay the implementation of new IT support. Another conclusion is that it is difficult to form an opinion about how realistic the IT budgets and long-term forecasts of the agencies actually are. The issues to be addressed are what needs to be done, how it is to be done, and when the various initiatives can be carried out. The NAO finds

that efforts by the agencies to put together IT strategies, action plans, budgets and long-term forecasts for their IT operations are at different stages. The NAO notes that the National Police Board has improved financial management procedures for its IT operations in recent years, as well as drawn up long-term forecasts and action plans until 2015. But the NAO believes there is a risk that the total project portfolio of the Police Board is overly optimistic in view of the delays and cost increases that have already been identified. The other agencies have not crafted similar procedures and plans to the same extent. If the agencies are going to implement action plans for their IT operations, the various initiatives must not suffer constant delays and the projects must be staffed with personnel who have the requisite skills. The audit shows, however, that all of the agencies are having trouble carrying out plans for the audited IT projects.

In order to improve control and transparency, agencies in the judicial chain must expand their effort to perform needs and risk analyses

Needs and risk analyses are key prerequisites for obtaining a realistic view of future IT initiatives and their proper timing. The NAO concludes that the agencies have not cooperated sufficiently in analysing their IT support needs and associated risks. Analyses of this type provide a firmer foundation for making relevant assessments and setting priorities among various initiatives. The agencies are at different stages when it comes to developing needs and risk analyses. The NAO notes that the National Police Board and National Courts Administration have completed documented analyses of their current IT support needs and the associated risks. Neither the Swedish Prosecution Authority nor the Prison and Probation Service have carried out similar analyses. The NAO feels that both agencies need to expand their effort to develop needs and risk analyses, primarily in cooperation with the other two agencies in the judicial chain, so that they all gain greater insight into each other's activities and can perform better assessments and set more informed priorities among various initiatives, as well as evaluate risks more accurately.

The audit also shows that the risk analyses performed by the National Police Board, National Courts Administration and Prison and Probation Service based on the Ordinance on Internal Management and Control (Swedish Code of Statutes 2007:603) did not include the risk of flaws in internal management and control of IT operations as a risk associated with the effort to develop their core activities. The NAO believes that the question is integral to raising awareness about management and control of IT operations.

Inadequate planning and procedures for IT projects

If IT support is to be improved and modernised, IT projects must be completed successfully and according to plan. The NAO concludes that the effort of the agencies to realistically plan, budget and implement IT projects still suffers from certain flaws.

The NAO audit shows that flaws in financial management procedures compromise the reliability of planning by the agencies, as well as the ability of the judicial chain to implement IT projects at a reasonable cost. All of the audited IT projects have been subject to delays and cost increases. The audit shows that the agencies collectively exceeded the total original budget of approximately SEK 250 million for five of the six audited projects by approximately SEK 75-100 million. Among the recurring problems in IT projects are underestimates of the complexity involved in IT support and the acquisition of personnel with the requisite skills. The agencies are also having difficulty meeting the requirements for decision making data in connection with investment projects. Both the National Courts Administration and the Prison and Probation Service have frequently overplanned and overbudgeted for their ID development in view of available human resources. As a result, the agencies need to improve financial management procedures for their IT operations, for example by raising the quality of the decision making data for their investment projects, in order to properly assess how profitable and realistic their IT projects actually are.

Skills acquisition is a critical factor

The audit shows that the agencies have obvious problems acquiring personnel with requisite skills for their IT operations, particularly when it comes to competencies that are specific to the area of IT, and that they are highly dependent on consultants. The NAO notes that some IT consulting services lack government framework agreements, which makes it difficult for the agencies to carry out coordinated procurement projects in the area. The NAO concludes that skills acquisition is a critical factor that the agencies have not been able to secure among customers and personnel in either the short or long term. The NAO notes that the National Police Board has an up-to-date sourcing strategy to acquire skilled personnel for its IT operations. None of the other agencies have drawn up similar documents so far. The NAO also finds that the agencies have not cooperated sufficiently to carry out joint procurement projects or to establish procedures for optimum utilisation of each other's skills.

Recommendations of the NAO

Recommendations to the Government

The Government should consider what resources it has at its disposal to ensure clearer and more efficient long-term management and coordination of the RIF effort once the first stage has been completed. In that connection, the Government should also examine whether the current structure and mandate of the RIF Council needs to be modified in order to promote greater coordination.

- To ensure the development of up-to-date, efficient IT support in the judicial chain, the Government should:
  - draw up a long-term plan for the ongoing RIF effort once the first stage has been completed
  - secure well-functioning information exchange in the main flow of the judicial chain before more agencies become active participants in the RIF effort
  - explore the need to amend current register statutes for future stages of the RIF effort
- The Government should regularly, and on a long-term basis, monitor the efforts and planning of the agencies to phase out and redesign old systems and IT support.

- The Government should demand greater interagency cooperation in the attempt to develop needs and risk analyses, as well as to acquire personnel with requisite skills, by means of joint procurement projects for IT services, better coordination of human resources and similar measures. The Government should also monitor how well such cooperation is working.
- The Government should see to it that procurement projects aimed at modernising IT support in the judicial chain are well coordinated among the various agencies.

Recommendations to the audited agencies

Based on needs and identified flaws, the agencies should clarify and improve management and control of their IT operations by

- developing, and obtaining internal backing for, their needs analysis for IT support
- ensuring that there is a clear correlation between their IT strategy and the development of their core activities
- improving long-term planning of various IT initiatives with respect to action plans, phaseout of systems and technical platforms, budget forecasts and financing plans
- reviewing their risk analysis based on the Ordinance on Internal Management and Control (Swedish Code of Statutes 2007:603) with respect to management and control of IT operations
- enhancing financial management routines for control of IT operations, particularly IT projects
- drawing up a strategy and plan for skills acquisition and cooperating with each other to consider joint solutions, such as procurement of IT consultants and more efficient interagency utilisation of existing IT competencies