Project Management Lapses and Planning Failures Delayed Court Technology Improvements

PROGRAM EVALUATION DIVISION
NORTH CAROLINA GENERAL ASSEMBLY

**Final Report to the Joint Legislative
Program Evaluation Oversight Committee**

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The Program Evaluation Division 2007-2008 Work Plan, approved December 5th, 2007, directed the Program Evaluation Division to evaluate the effectiveness of the Administrative Office of the Courts management of information technology resources. This study sought to determine if funds have been used to improve delivery of information services to meet stakeholder needs. The study also examined the organizational processes that affect the development and implementation of projects within the Administrative Office of the Courts.

I would like to thank the Administrative Office of the Courts for their cooperation with our evaluators during the evaluation.

Sincerely,

John W. Turcotte
Director

Project Management Lapses and Planning Failures Delayed Court Technology Improvements

Summary

The Joint Legislative Program Evaluation Oversight Committee directed the Program Evaluation Division to evaluate the effectiveness of the Administrative Office of the Courts (AOC) management of information technology resources. Several anticipated projects with total expenditures of $18,683,201 (see table below) since Fiscal Year 2000-01 have been partially implemented or delayed for several years, frustrating court personnel and other stakeholders in need of the technology.

AOC Technology Project	Expenditures Through FY 2007-08	Initial Projected Implementation	Current Projected Implementation
NCAWARE	$ 13,002,895	7/2004	9/2010
CCIS-Clerk	2,578,268	6/2007	Underway
CCIS-DA	811,451	6/2009	10/2010
Discovery Automation	1,609,763	6/2007	Undetermined
eFiling	545,864	9/2008	Undetermined
ePayment	134,960	7/2009	Undetermined
Total Expenditures	$ 18,683,201		

Note: CCIS-Clerk is implementing in stages or iterations, and iteration 3 of 14 is implemented. Discovery Automation, eFiling, and ePayment are awaiting vendor process development.

Evaluation findings identified administrative shortcomings. The AOC Technology Services Division set priorities in a top-down manner and failed to obtain and incorporate early and sufficient input from the stakeholders most informed about technology needs and most dependent upon technology. Poor communication continues to hinder development of applications that support best business practices. Project management lapses and inadequate reporting hampered tracking of progress toward project goals. These shortcomings have contributed to project delays; for example, NCAWARE—a statewide warrant repository system—was slated for statewide implementation in July 2004 but was not introduced until June 2008, and then as only a pilot project in one county.

The North Carolina General Assembly should consider increasing AOC's accountability by requiring

- the Judicial Council to establish a more formal process for gathering stakeholder input on technology projects, to set priorities, and to report project progress in an annual report;
- AOC to submit bi-annual status reports on technology projects in development to the Legislative Information Technology Oversight Committee through project implementation; and
- AOC to consult with the State Office of Information Technology Services on future information technology projects.

Scope

The North Carolina General Assembly's Joint Legislative Program Evaluation Oversight Committee directed[1] the Program Evaluation Division to evaluate the effectiveness of the Administrative Office of the Courts (AOC) management of information technology resources.

AOC spent $18,683,201 on court technology project development from Fiscal Year 2000-01 through 2007-08. This evaluation sought to determine if these funds have been used to improve delivery of information services to meet stakeholder (e.g., district attorneys, judges, clerks, magistrates, advocacy groups, and other criminal justice agencies) needs for access, user functionality, breadth and timeliness of data, and links to other appropriate systems.

The Program Evaluation Division also examined
- overall technology infrastructure and organizational processes that affect the development and implementation of projects within the Technology Services Division; and
- new system development projects, including NCAWARE, Criminal Court Information System-Clerk Component, Criminal Court Information System-District Attorney Component, Discovery Automation Project, eFiling, and ePayment (described in Exhibit 1). These highly anticipated projects have been in development for several years, creating concern among court personnel and other stakeholders who reported an urgent need for the technology.

The Program Evaluation Division analyzed data from
- AOC management;
- AOC Technology Services Division staff;
- AOC field staff including Clerks of Superior Court, district attorneys, magistrates, and judges;
- contracted planning documents by Gartner Group and MTG Management Consultants;
- internal AOC project planning documents;
- demonstrations of NCAWARE, CCIS-Clerk, and CCIS-DA; and
- stakeholders in other criminal justice agencies.

The Program Evaluation Division received cooperation from AOC management. However, often times data requests were not fulfilled in a timely manner. In addition, multiple versions of documents were supplied on several occasions, and these documents contained conflicting information.

Background

The unified court system in North Carolina has been in place since the late 1960s. Prior to court reform in North Carolina from 1955 through 1970, courts were decentralized and most were locally operated. There were differences in methods for selecting judges, rules for courts, costs charged, and other operating procedures. In 1962, the Constitution of North Carolina was amended to create a unified statewide General Court of Justice that was operational by the late 1960s.

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[1] The Joint Legislative Program Evaluation Oversight Committee establishes the Program Evaluation Division's work plan in accordance with N.C. Gen. Stat. § 120-36.13.

Today, the state courts include two levels of trial courts (District and Superior), the Court of Appeals, and the Supreme Court.[2] The North Carolina General Assembly appropriates funds for the court system's annual operating costs, and each county is responsible for providing facilities and equipment (e.g., courthouse and furniture). All 6,934 staff positions in the unified court system are filled by state employees,[3] including 672 staff positions within the Administrative Office of the Courts (AOC). AOC provides support to this statewide system with an overall annual budget of over $450 million in Fiscal Year 2008-09.

Beginning in the late 1990s, state law allowed counties and cities to provide additional funding to local courts. In some counties, local funding has been used to develop technology for automating functions that AOC had intended to implement statewide, but, for reasons discussed in this evaluation, implementation was delayed or only partially completed. In some cases, the resulting overlap between locally funded and AOC technology applications has complicated AOC efforts to provide adequate and interconnected technological support to all 100 counties and has stressed the working relationships between local system representatives and AOC staff.

There is widespread recognition of the important role of technology in the courts. For example, the National Center for State Courts provides assistance to all state courts in areas including technology. The 2008 national standards for court technology[4] suggest that systems should address

- automated case management,
- electronic filing,
- electronic payment,
- electronic document management,
- warrant repository,
- integrated justice systems, and
- online access to case information.

The importance of technology for North Carolina court operations was first recognized in a 1995 North Carolina Criminal Justice Information Network study that emphasized the importance of information sharing through a statewide integrated fingerprint system, magistrate system, identification index, criminal history repository, and warrant repository. [5] These technology projects would speed flow of information, improve efficiency, and reduce data entry errors.

In recent years, AOC has developed an enterprise architecture infrastructure for technology in the courts. [6] It has developed standards for technology development to move towards a JAVA framework, as the Gartner Group suggested was an essential step in modernizing the system

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[2] Commission for the Future of Justice and the Courts in North Carolina. (1996, December). *Without Favor, Denial or Delay: A Court System for the 21st Century.*
[3] North Carolina is the only state unified court system that includes District Attorney offices in the system.
[4] National Center for State Courts. Technology Section. (2008, September). Retrieved from http://www.ncsconline.org/.
[5] State of North Carolina. (1995, April). *Criminal Justice Information Network Study.*
[6] A conceptual blueprint that defines the structure and operation of the agency to most effectively achieve its current and future objectives.

during a strategic planning contract with the agency. The complete vision for the new Court Information System is presented in Appendix A.

This evaluation focused on six projects under development. Exhibit 1 provides a description of current technology systems used in the court system and new projects in development. All of the new projects utilize a browser-based interface with the mainframe to create a user-friendly, integrated system, while the old systems are green screen, terminal-based applications. Shown at the top of Exhibit 1, NCAWARE will replace the AOC Magistrate System which began in 1997 as a commercial off-the-shelf application on a client-server platform. AOC assumed ownership of the Magistrate System from the vendor for maintenance and further development in 2001. Currently, this system is used in 97 counties.[7] All county magistrate offices will implement NCAWARE over the next couple of years.
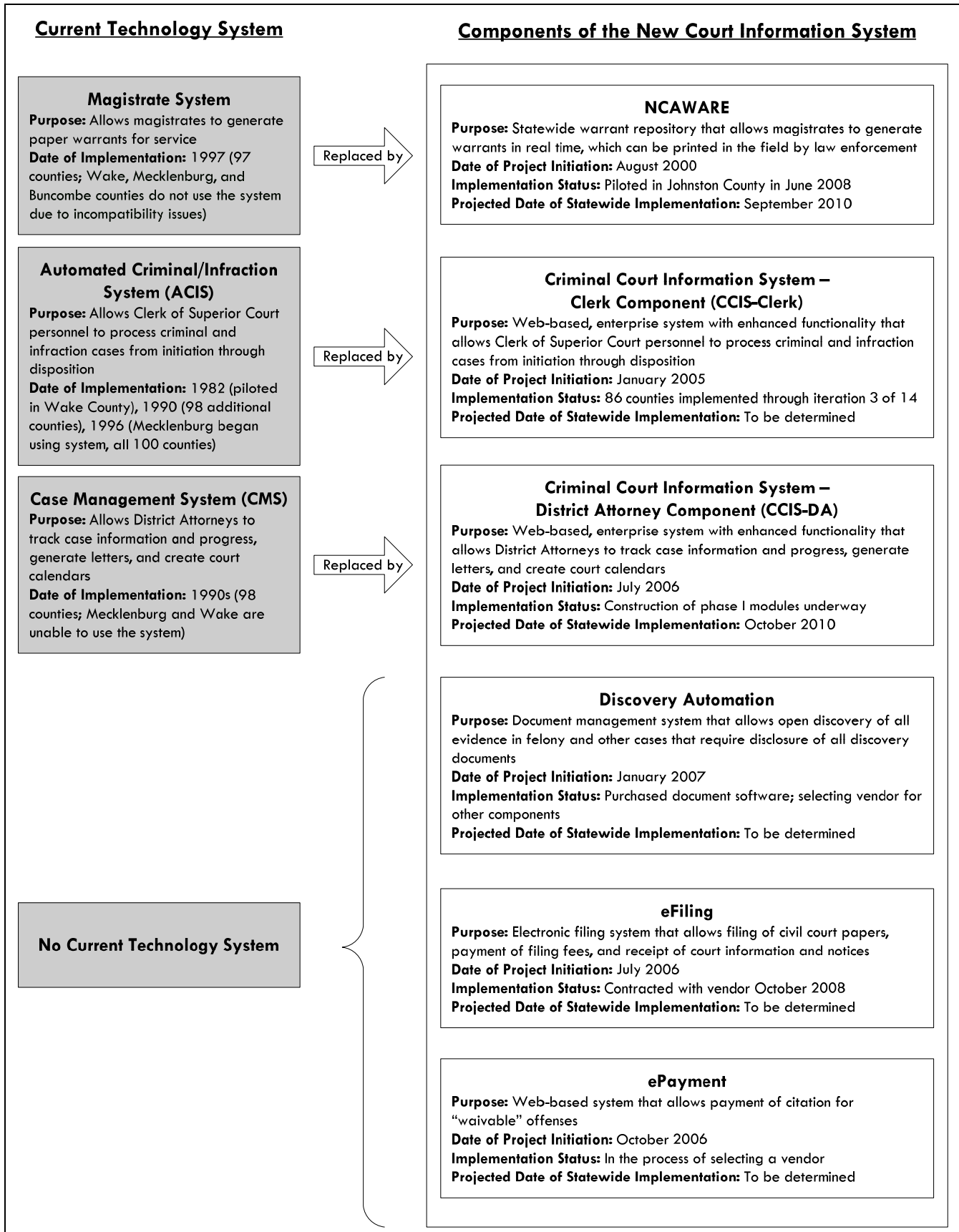
The Automated Criminal/Infraction System (ACIS) currently tracks cases in North Carolina courts. Clerks of Superior Court personnel enter information to process criminal and infraction cases from initiation through disposition. ACIS was established in 1982 and was implemented in 99 counties by 1990.[8] The criminal module can also receive information electronically from the AOC Magistrate System or other agency interfaces such as the Department of Transportation's Division of Motor Vehicles.

When ACIS was first introduced in 1982, it was an improvement to the all-paper system it replaced. However, the ACIS interface is not user-friendly by today's standards. The court system processes a large number of cases, and presently there is a backlog of case data entry for clerk offices. As shown in Exhibit 1, the Criminal Court Information System-Clerk Component (CCIS-Clerk) that will replace ACIS is a modern, web-based application that will decrease data entry time and increase the efficiency of the clerking process. This project is being implemented in 14 iterations, or phases; as of October 2008, iteration 3 had been implemented in 86 counties.

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[7] Wake County chose not to use the system; Mecklenburg and Buncombe counties use different computer systems in their magistrate offices largely due to lack of interface between the Magistrate System, their jails, and local law enforcement systems.
[8] Mecklenburg adopted ACIS in 1996.

Exhibit 1: Current and Future Court Technology Systems

Current Technology System   **Components of the New Court Information System**

Magistrate System
Purpose: Allows magistrates to generate paper warrants for service
Date of Implementation: 1997 (97 counties; Wake, Mecklenburg, and Buncombe counties do not use the system due to incompatibility issues)

Replaced by →

NCAWARE
Purpose: Statewide warrant repository that allows magistrates to generate warrants in real time, which can be printed in the field by law enforcement
Date of Project Initiation: August 2000
Implementation Status: Piloted in Johnston County in June 2008
Projected Date of Statewide Implementation: September 2010

Automated Criminal/Infraction System (ACIS)
Purpose: Allows Clerk of Superior Court personnel to process criminal and infraction cases from initiation through disposition
Date of Implementation: 1982 (piloted in Wake County), 1990 (98 additional counties), 1996 (Mecklenburg began using system, all 100 counties)

Replaced by →

Criminal Court Information System – Clerk Component (CCIS–Clerk)
Purpose: Web-based, enterprise system with enhanced functionality that allows Clerk of Superior Court personnel to process criminal and infraction cases from initiation through disposition
Date of Project Initiation: January 2005
Implementation Status: 86 counties implemented through iteration 3 of 14
Projected Date of Statewide Implementation: To be determined

Case Management System (CMS)
Purpose: Allows District Attorneys to track case information and progress, generate letters, and create court calendars
Date of Implementation: 1990s (98 counties; Mecklenburg and Wake are unable to use the system)

Replaced by →

Criminal Court Information System – District Attorney Component (CCIS-DA)
Purpose: Web-based, enterprise system with enhanced functionality that allows District Attorneys to track case information and progress, generate letters, and create court calendars
Date of Project Initiation: July 2006
Implementation Status: Construction of phase I modules underway
Projected Date of Statewide Implementation: October 2010

Discovery Automation
Purpose: Document management system that allows open discovery of all evidence in felony and other cases that require disclosure of all discovery documents
Date of Project Initiation: January 2007
Implementation Status: Purchased document software; selecting vendor for other components
Projected Date of Statewide Implementation: To be determined

No Current Technology System

eFiling
Purpose: Electronic filing system that allows filing of civil court papers, payment of filing fees, and receipt of court information and notices
Date of Project Initiation: July 2006
Implementation Status: Contracted with vendor October 2008
Projected Date of Statewide Implementation: To be determined

ePayment
Purpose: Web-based system that allows payment of citation for "waivable" offenses
Date of Project Initiation: October 2006
Implementation Status: In the process of selecting a vendor
Projected Date of Statewide Implementation: To be determined

Source: Program Evaluation Division based on AOC documents.

One recent improvement in the infraction module of ACIS is the ability to receive data electronically through eCitation®[9]—a program that allows law enforcement officers to create a case on the computer in their patrol car, print a copy of the charge for the recipient, and submit data electronically for non-arrest criminal and traffic citations. This real-time entry of case data eliminates duplicate data entry of citations. In 2007, 65% of the 1,207,167 citations issued were generated through eCitation®.

As shown in Exhibit 1, the current District Attorney Case Management System (CMS) was created in the 1990s to track case information and progress, generate letters, and create court calendars. The use of CMS varies among district offices in the state; some AOC staff told the Program Evaluation Division they view CMS as a critical tool for their operations, whereas others only use certain functions such as assigning attorneys or creating letters and court calendars. Wake and Mecklenburg counties are not able to use any functions of the system because their large caseloads overwhelm the CMS system and create unacceptable processing time.[10] The new Criminal Court Information System-District Attorney Component (CCIS-DA) will have the necessary capacity for all districts in North Carolina and will provide a real-time interface with the system's clerk component.

Together, the components in production promise to provide the courts with an integrated and timely court information system. Each component has a unique role within the court system, and data is intended to flow between them with real-time updates. The information that the magistrate, clerk, district attorney, and judge see in the system will be identical and up-to-date.

In sum, the proposed changes have strong potential to improve court technology in North Carolina. They address national standards for court technology identified by the National Center for State Courts (see page 3 of this report). Further, the increased functionality of the web-based, user-friendly applications will increase efficiency in all areas of the courts.

Findings

Finding 1. None of the new court information technology projects have been implemented according to initial planning documents.

Each project under development exceeded the initially projected time for development in the planning phase, and planning documents were difficult to interpret. Specific types of development delays were recorded in impact logs for each project, but none of the impact logs account for the total duration of delays on any given project. In addition, there was a great deal of variation in the format and content of impact logs from project-to-project. For example, some logs estimated the effect of the delay on project timelines, and others did not. Despite these challenges to collecting and analyzing this information, the Program Evaluation Division summarized

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[9] eCitation® received a 2007 Recognition Award for Outstanding Achievement in the Field of Information Technology in State Government in the category of "Digital Government: Government to Government" by the National Association of Chief Information Officers.
[10] According to users and AOC Technology Services Division staff.

data from impact logs and interviews with staff at the Administrative Office of the Courts (AOC), Technology Services Division. The resulting explanations of development delays are presented in Exhibit 2.

Inadequate staff resources were sources of delay for projects. An essential aspect of new project development was replacing existing legacy applications with new programs written with current, web-based industry standards. For example, the Automated Criminal/Infraction System was developed in the 1980s and written in now-outdated software language. Understandably, this transition meant Technology Services Division staff needed extensive computer programming training before they could develop new projects; however, the impact of the staff's steep learning curve on development timeframes was underestimated by Technology Services Division management. Although investing in the skill development of staff will ultimately yield better technology products in the long run, current projects suffered from a lack of adequate planning and management to account for training needs.

Development of six projects requires coordination of staff resources across projects and throughout the division. The potential negative impact of staff absences, turnover, and reassignment on timely project development was not accounted for in planning. This oversight resulted in inadequate resource management. Changes in staff resources essentially halted projects while programmers were reassigned and/or new hires became familiar with project specifics. In addition, there was a great deal of staff reassignment to complete specific portions of development or to support non-project specific teams such as testing. The development of both the Clerk and District Attorney components of Criminal Court Information System (CCIS) suffered several months of impact as a result of staff reassignments to NCAWARE.

Inadequate project management led to delays in development and implementation of projects. Given the challenges inherent in developing six projects using new technology, coordinating across them to ensure adequate resources and planning is critical. Whereas the AOC Technology Services Division keeps information on each discrete project, this information is in different formats for different projects. There are no common project documentation standards and practices across projects for crucial components such as planning documents, impact logs, and status reports.[11]

Issues with status reports illustrate the problem. Reports were created in word-processing (i.e., not project management) software, and report format and information varied from project to project. The status reports do not contain sufficient information (e.g., project progression, next steps) to determine how to manage resources within or across projects. AOC provided the Program Evaluation Division with status reports as the main source for tracking projects over time. The information provided in status reports is insufficient to alert project and division management of scope creep—uncontrolled changes during project development that result from inadequate project definition and documentation. Without adequate
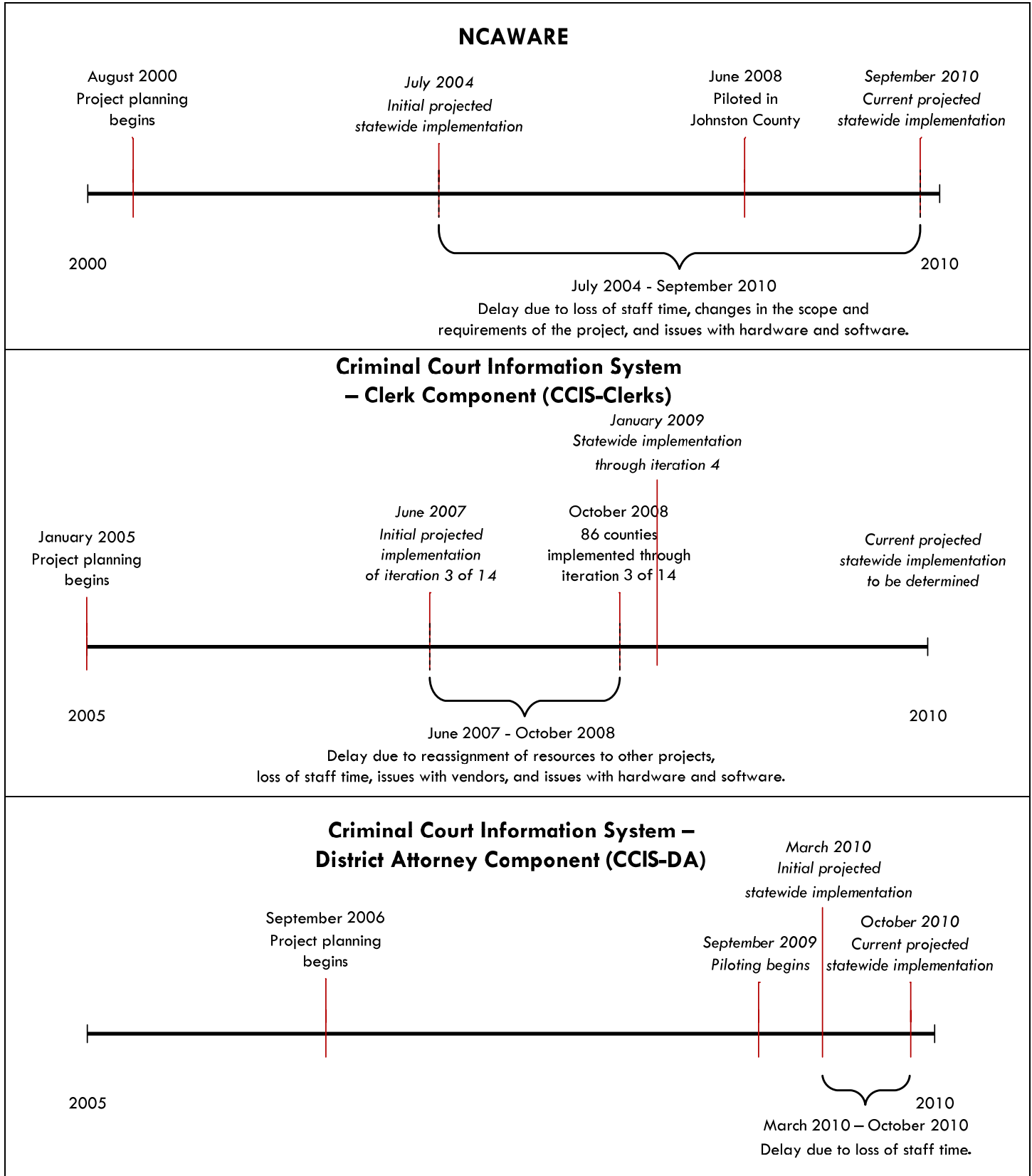
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[11] The 2008 MTG Management Consultants report also noted continuing shortcomings in project management. AOC administrators state they are working to implement suggestions from the report to "increase monitoring, tracking and oversight of project plans."

project management and documentation with dynamic status reporting, administrators cannot adequately allocate resources across multiple projects, particularly when long-term projects are in development.

The lack of common standards for record keeping across projects reflects a lack of overall planning and management. It is difficult to predict exactly how an *a priori* vision and planning process would have affected project development, but information collected for this evaluation suggest the lack of vision and planning process contributed to delays in implementation. In addition, scope creep also appears to have played a role in delays. AOC administrators have argued that the changes in NCAWARE were in essence a broadening of the project specifications to increase functionality to court and law enforcement users. At the same time, project specifications changed over time to include development of an updated architecture and database for the entire court processing system. However, the impact on individual project timelines as well as on other projects in development has compounded delays.

Despite shortcomings in planning, AOC has moved towards the modernization needed since the original technology plan completed by the Gartner Group in 1999. Updates to and assessments of the 1999 plan were completed by Gartner Group and MTG Consulting. MTG Consulting also completed a management review in May 2008. Some of the strengths of AOC and the Technology Services Division are noted in this recent report, (as compared to industry standards) including consolidation of AOC staff into one building (the Judicial Center); availability and reliability of existing applications; infrastructure and network; extensive disaster recovery plan; implementation of eCitation®; and introduction of the enterprise framework and the new practice of release cycles for new applications.
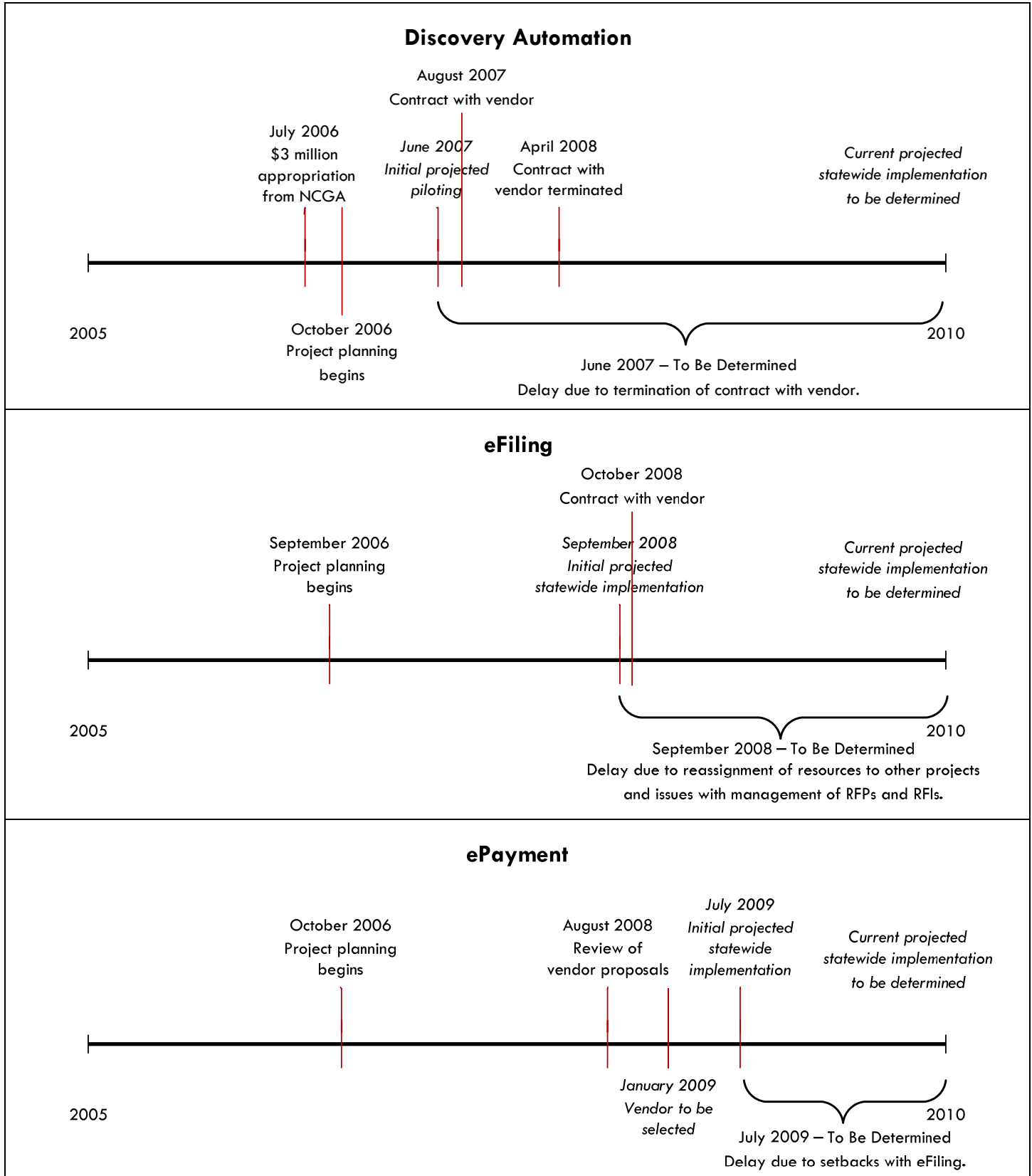
Exhibit 2: Court Information Technology Project Timelines

NCAWARE

August 2000
Project planning
begins

July 2004
Initial projected
statewide implementation

June 2008
Piloted in
Johnston County

September 2010
Current projected
statewide implementation

2000

2010

July 2004 - September 2010
Delay due to loss of staff time, changes in the scope and
requirements of the project, and issues with hardware and software.

Criminal Court Information System
— Clerk Component (CCIS–Clerks)

January 2009
Statewide implementation
through iteration 4

June 2007
Initial projected
implementation
of iteration 3 of 14

October 2008
86 counties
implemented through
iteration 3 of 14

Current projected
statewide implementation
to be determined

January 2005
Project planning
begins

2005

2010

June 2007 - October 2008
Delay due to reassignment of resources to other projects,
loss of staff time, issues with vendors, and issues with hardware and software.

Criminal Court Information System —
District Attorney Component (CCIS–DA)

March 2010
Initial projected
statewide implementation

September 2006
Project planning
begins

September 2009
Piloting begins

October 2010
Current projected
statewide implementation

2005

2010

March 2010 – October 2010
Delay due to loss of staff time.

Note: Italicized text denotes projected dates. It is important to note the timeline for NCAWARE, which began in 2000, is longer than the timelines for any of the other projects, which began in 2005 or later. NCAWARE and CCIS are in-house development projects.

Source: Program Evaluation Division based on AOC documents.

Exhibit 2 (continued): Court Information Technology Project Timelines

Discovery Automation

August 2007
Contract with vendor

July 2006
$3 million
appropriation
from NCGA

June 2007
Initial projected
piloting

April 2008
Contract with
vendor terminated

Current projected
statewide implementation
to be determined

2005

October 2006
Project planning
begins

2010

June 2007 – To Be Determined
Delay due to termination of contract with vendor.

eFiling

October 2008
Contract with vendor

September 2006
Project planning
begins

September 2008
Initial projected
statewide implementation

Current projected
statewide implementation
to be determined

2005

2010

September 2008 – To Be Determined
Delay due to reassignment of resources to other projects
and issues with management of RFPs and RFIs.

ePayment

October 2006
Project planning
begins

August 2008
Review of
vendor proposals

July 2009
Initial projected
statewide
implementation

Current projected
statewide implementation
to be determined

2005

January 2009
Vendor to be
selected

2010

July 2009 – To Be Determined
Delay due to setbacks with eFiling.

Note: Italicized text denotes projected dates. Discovery Automation, eFiling, and ePayment all involve vendor contracts and are subject to vendor development process in addition to the internal AOC planning and development process.

Source: Program Evaluation Division based on AOC documents.

Although AOC, Technology Services Division management has suggested lack of funding has contributed to delays in development for new projects, funding issues should have played a central role in project planning and management. The Gartner Group raised the issue of funding in its 1999 report: "Project planning and estimation practices need to be strengthened. If funding is inadequate, then projects should not be started."[12] There was no consistent annual budget for information technology in the courts until Fiscal Year 2006-07. NCAWARE relied on grant funding from the Governor's Crime Commission from Fiscal Year 2000-01, when it began, through Fiscal Year 2004-05, when $500,000 was appropriated for the project. In Fiscal Year 2006-07, AOC began receiving a recurring appropriation of more than $5 million, which was the first appropriation dedicated to technology.

Exhibit 3 portrays the estimated expenditures of these recurring funds for new initiatives under development. For this evaluation, the Program Evaluation Division requested fiscal information for each project from the Technology Services Division and Financial Services. An AOC financial services manager told evaluation staff that AOC does not keep fiscal information uniformly, or on a project-by-project basis. Consequently, Technology Services Division management provided budget tracking documents for each project but warned the Program Evaluation Division the amounts shown were, at best, estimates.

Exhibit 3: Estimated Expenditures for Court Technology Projects Under Development

Project	Fiscal Year								Project Total
	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	
NCAWARE									
State Funds	$ 72,328	$ 339,651	$ 653,589	$ 873,398	$1,386,013	$1,873,518	$2,382,926	$ 1,271,831	**$ 8,853,254**
Grant Funds	541,800	266,667	935,232	1,433,724	972,218				**4,149,641**
Subtotal	614,128	606,318	1,588,821	2,307,122	2,358,231	1,873,518	2,382,926	1,271,831	13,002,895
CCIS-Clerk					72,477	308,477	926,496	1,270,818	**2,578,268**
CCIS-DA							312,223	499,228	**811,451**
Discovery Automation							155,550	1,454,213	**1,609,763**
eFiling							184,740	361,124	**545,864**
ePayment								134,960	**134,960**
Total	$614,128	$606,318	$1,588,821	$2,307,122	$2,430,708	$2,181,995	$3,961,935	$4,992,174	$18,683,201

Note: AOC estimated expenditures by estimating personnel costs based on salary midpoints, hourly salary costs, and/or contracted hourly rates.

Source: Program Evaluation Division based on AOC documents.

Because no systematic budget data were kept on projects, some estimates shown in Exhibit 3 were derived differently from others. For example, NCAWARE estimates were calculated using the actual salary information of permanent staff and the hourly cost of contract staff assigned to the project. For other projects, estimates reflect the midpoint of the salary range of the position title of staff assigned to the project. All estimates include the costs of benefits for permanent and time-limited personnel.

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[12] Gartner Group. (1999, July). *Strategic Information Systems and Technology Plan - Summary*, page 29.

To address the fluctuations in funding, the Technology Services Division has taken a new approach to application development with the Criminal Court Information System-Clerk Component, incrementally implementing phases of the software rather than completely converting from one system to another. This approach is better suited to handle fluctuations in the appropriations process and marks a positive step toward better planning and accountability.

Delays hinder North Carolina's ability to stay up to date in technology. Exhibit 4 compares North Carolina's court technology components to those implemented in other states with unified court systems. The states included in Exhibit 4 have been identified as examples of leaders in court technology among unified, state court systems by the National Center for State Courts.[13] Although the Business Court is a part of North Carolina's court system, it is included in the comparison because the presiding judge has worked to provide the software necessary for electronic filing and case management.

The court technology functions listed in the left-hand column of Exhibit 4 have been identified as components of a model system by the National Center for State Courts.[14] The Program Evaluation Division did not assess the quality of implementation or the overall comprehensiveness of each system. However, full functionality indicates the system is available across the state or is in the implementation phase. Cost comparisons between North Carolina and other states were not possible because of differences in fiscal tracking and project structuring from state to state.

As shown in Exhibit 4, Colorado is the only state that currently has all functions in place. However, North Carolina will be very well positioned once the six projects under development are implemented—each court function will be addressed except for online public case information.

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[13] Interview with Jim McMillian, Principal Court Technology Consultant for the National Center for State Courts, September 2008.
[14] National Center for State Courts. (2008, September 18). Technology Section. Retrieved from http://www.ncsconline.org/.

Exhibit 4: Comparison of Model Court Technology Functions—North Carolina and Unified State Systems in Colorado, Alabama, Kentucky, and Iowa

Court Technology Function	North Carolina			Colorado[i]	Alabama[ii]	Kentucky[iii]	Iowa[iv]
	As of October 2008	Projected by 2010	Business Court				
Electronic Filing	○	●	●	●	●	○	○
Electronic Payment	○	●	○	●	●	◖[v]	●
Automated Case Management	98%	●	●	●	●	●	●
Statewide Warrant Repository	◖[vi]	●	n/a	●	○	⟳	●
Electronic Document Management	○	◖	●	●	●	●	○
Integrated Justice System	○	⟳[vii]	n/a	●	○	○	⟳
Online Public Case Information	◖[viii]	◖	○	●	●	●	●

Notes: ○ = does not exist; ● = full functionality; ◖ = Partial functionality; ⟳ = in implementation; n/a = not applicable to the setting.
[i] Colorado web page; http://www.courts.state.co.us.
[ii] Alabama web page; http://www.alacourt.gov.
[iii] Kentucky web page; http://www.kycourts.net.
[iv] Iowa web page; http://www.iowacourts.gov.
[v] Currently payment can be made via telephone by credit or debit cards; web-based system will be operational within a year.
[vi] 97 counties are on a centralized warrant repository; 2 additional counties transfer data; Wake county is not automated.
[vii] Scheduled to be piloted as part of the multi-agency Criminal Justice Data Integration project in Wake county in 2009.
[viii] North Carolina court information can be accessed in all courthouses and through a fee-based vendor service.

Source: Program Evaluation Division based on AOC documents and information from other states.

Finding 2. Despite efforts to involve users, many are dissatisfied and frustrated with technology development and implementation because products do not meet their needs and as a result they feel disenfranchised.

Mechanisms for user input exist, but users find them ineffective. Court personnel, including clerk staff, district attorney office staff, judges, and magistrates, are the users of Technology Services Division projects. These groups have different technology needs based on their need to input data into the system or access existing data.

Each application in production has an advisory group that provides input on the business needs the application should address. There was disagreement on how advisory groups were appointed. Administrative Office of the Courts (AOC) management reported that various court conferences (e.g., Conference of District Attorneys, District and Superior Court Judges Conferences, and Clerks and Deputy Clerks Conferences) assist with the selection of individuals for advisory groups. However, in interviews conducted for this evaluation, project staff reported membership

of these advisory groups is ultimately determined by AOC management. One conference subcommittee expressed concern about the lack of communication between AOC and its organization. Overall, in spite of existing mechanisms for user input, evaluation data indicated Technology Services Division business analysts and developers are not utilizing users' expertise to assure products are meeting users' business needs.

For the six projects under development, AOC reports having 173 face-to-face, video, or teleconference meetings with 95 customers for 700 hours of direct project input, testing, and specific project feedback. Participation was reported among all user groups within AOC, including magistrates, clerks, judges, and district attorneys. However, the number of customers who have provided project feedback only represents 5% of all users statewide. Furthermore, some users who were on advisory groups reported to the Program Evaluation Division they did not see their input reflected in the final product.

Poor communication exists between the Technology Services Division and users of court technology. In a survey conducted by MTG Management Consultants in 2006, 67% of users were not aware of technology projects under way at AOC.[15] The lack of awareness continues to be an issue. For example, 20% of clerks in a focus group conducted for this evaluation were not aware the Criminal Court Information System–Clerk Component (CCIS-Clerk) would replace the Automated Criminal/Infraction System; at the time of the focus group, CCIS-Clerk had been partially implemented in more than 20 counties.

MTG conducted a survey of users in the 2006 update of the strategic plan. The survey found the majority of respondents (63%) were not aware of software development projects at AOC. In addition, 84% of users reported they were not included in planning or design sessions for new projects. Lack of communication with users is cited for both issues. Furthermore, the report concludes by recommending that AOC "establish a strong, lasting relationship with its customer base" and develop an annual communication plan that includes web-based project status reports, court-user community meetings, one-on-one sessions, web surveys, and regional sessions. None of these activities are included in any of the communication plans, nor did evaluators receive documentation from AOC about its overarching communication plan. Although information regarding projects is described in an annual report, further efforts are not made to inform users.

An AOC administrator interviewed by the Program Evaluation Division suggested silence is a deliberate communication strategy—AOC does not want to raise stakeholder expectations, so information is distributed sparingly. When users have not heard otherwise, they assume there is "no sense of urgency" from the Technology Services Division to update applications that are cumbersome and outdated. As a result, users feel as though they are not valued and become disenfranchised.

Internal communication breakdowns permeate AOC. Communication breakdowns begin at the AOC management and Technology Services Division management level and compound issues related to poor planning

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[15] MTG Management Consultants. (2006). *North Carolina Administrative Office of the Courts Strategic Plan Refresh, Business Needs Report.*

and foresight. For example, AOC management did not initially set project priorities to determine how the six projects under development would be rolled out. Management only became involved in the development of NCAWARE when they received pressure from stakeholders and the legislature because the project was behind schedule. In response, AOC management directed the Technology Services Division to pilot NCAWARE without further delay, and AOC management reported to the Program Evaluation Division the directive was accompanied by a threat of job loss for lack of performance.

Similar patterns of communication failures exist between the Technology Services Division and the Court Services Division, which provides training and user support for existing and new applications in the courts. The Court Services Division is crucial to the implementation of new applications because it sets the training schedule for users, and hence, the implementation schedule. The Court Services Division was reluctant to provide the NCAWARE implementation schedule to the Program Evaluation Division—an AOC administrator told the Program Evaluation Division no one, including AOC management, sees the implementation schedule because it is subject to change. Altering project schedules is a reasonable and often necessary aspect of project planning; however, given the number of AOC and court staff necessary to complete a statewide implementation of a new $13 million application, open communication of scheduling documents is a key element to success. Furthermore, communication breakdowns within AOC not only affect internal operations, but they also affect the users of the court system.

Planning for projects has little buy-in from users or staff--other than management--because there is limited participation in the Technology Services Division planning process. Decisions are made at the management level without a formal process for decision making. This approach leaves stakeholders unclear as to how priorities are determined. All projects under development serve a valuable purpose, and different key groups are affected by each project. Handling competing interests requires that priorities for resources be determined in a rational and consistent manner, with consideration for all groups.

Automating documents related to discovery is a primary concern of district attorneys. One district attorney said, "I have no clue how they set priorities, but I am sure money and resources affect them. However, another county offered to pay [for their own system] due to the high stakes [of operating without one], but got nowhere [with AOC]." Several district attorneys and the Conference of District Attorneys expressed frustration with how AOC has handled the availability of appropriate technology for the discovery process.

AOC has made NCAWARE its priority over the last 5 years. It has spent over $13 million and reassigned staff from other projects. However, some court personnel questioned the rationale behind investing so much money and staff time into NCAWARE to the detriment of other projects. AOC personnel stated NCAWARE impacts law enforcement more than the courts ability to process cases, which is the function of CCIS-Clerk and the CCIS-DA. For example, several users interviewed by evaluation staff expressed concern that the significant reduction in data entry time for the clerks' staff

had not been given greater consideration in the priority setting process than NCAWARE. However, as of October 2008, 83 counties were only able to use CCIS-Clerks for approximately 10% of the work process and all other data entry must still be completed in ACIS—the slower, legacy system, ACIS. A member of the Technology Services Division management said that the 1980s applications "are not broken," suggesting there is no rush to update them. This statement would be refuted by users who told evaluators the outdated application has contributed to a backlog of case entry into the system.

Clearly, then, disagreements exist between management and users on how AOC projects are prioritized. Lack of prioritization, lapses in project management, and resulting delays have hampered efforts to improve essential court functions in North Carolina.

Recognizing the importance of assuring public interests is factored into Judicial Branch decision making, the Commission for the Future of Justice and the Courts recommended the creation of a Judicial Council to assist in priority setting. The Judicial Council was established as recommended (N.C. Gen. Stat. § 7A-409.1) and is responsible for monitoring the administration of justice and assessing the effectiveness of the Judicial Branch in serving the public. The Judicial Council also advises the Chief Justice and the North Carolina General Assembly on changes needed to assist the General Court of Justice in fulfilling its mission better. Although the Judicial Council is in a strong position to provide input on priority setting for technology, it has not been used in this way by AOC.

Recommendations

Recommendation 1. The North Carolina General Assembly should require the Judicial Council to establish a more formal process for gathering stakeholder input on technology projects, to set priorities among technology projects, and to report on the progress of technology projects in an annual report.

Priority setting is a key component of technology development within the courts system. It is important for members of the user community to have input into technology projects directly affecting their work processes. The Judicial Council was created in 1999 and is made up of members of the court community and other criminal justice stakeholders. The Judicial Council is well positioned to assist the Administrative Office of the Courts (AOC) in addressing the shortcomings identified in this evaluation.

To date, AOC has not adequately utilized the Judicial Council's insight regarding the activities of the courts system. Although AOC's Chief Information Officer routinely reports information to the Judicial Council, AOC has not taken advantage of the opportunity to request feedback or input from the Judicial Council.

Advising the Chief Justice on priorities for the courts is an explicit responsibility of the Judicial Council pursuant to N.C. Gen. Stat. § 7A-409.1. The Judicial Council should establish a process for prioritizing technology projects and include recommendations for technology projects in a State Judicial Council report due to the General Assembly and the Chief

Justice no later than December 31, 2009, and no later than December 31 of every year thereafter.

Recommendation 2. The North Carolina General Assembly should require the Administrative Office of the Courts to submit bi-annual status reports on technology projects in development to the Legislative Information Technology Oversight Committee until completion of statewide project implementation.

Reporting to the legislature will increase the Administrative Office of the Courts' (AOC) accountability for technology appropriations in the court system. Delays in implementation have not been tracked consistently or reported to stakeholders. Project tracking needs to be consistent across projects to adequately manage projects, set achievable timeframes, and determine project costs. At a minimum, reports should include

- project scope and any expansions or changes from original planned features,
- updated project timelines, and
- current expenditures and projected budgets for projects.

This level of reporting will assure tracking of project progress. In addition, consistent tracking will enhance the ability of AOC to accurately plan future project expenditures.

A portfolio management system, such as the system the North Carolina Office of Information Technology Services provides to other state agencies for technology projects, will standardize project tracking, assist in planning, and increase accountability. This type of system automatically tracks projects through planning, development, and implementation. Information entered into the system is owned by the agency, and security is assured within the system.

Recommendation 3. The North Carolina General Assembly should require the Administrative Office of the Courts to consult with the State Office of Information Technology Services on future information technology projects.

The Office of Information Technology Services (ITS) employs experts in product standards, project management, and infrastructure. ITS has developed standards, including project management criteria, to increase accountability for technology projects at state agencies, local governments, and educational institutions across North Carolina.

For information technology projects with an expected cost of more than $500,000, ITS conducts a review at all stages of project management, including

- project initiation,
- planning and design,
- execution and build,
- implementation, and
- closeout.

Recognizing the value of ITS standards, the Administrative Office of the Courts (AOC) has occasionally consulted with ITS on past technology projects. AOC's Technology Services Division management should routinely consult with ITS to assure reasonable timeframes for projects and adherence to nationally recognized ITS product standards.[16] Consultation should be included in the routine planning phase of projects to further develop project management capabilities within AOC. It is important to note that ITS, in accordance with N.C. Gen. Stat. § 147-33.72-77, cannot require AOC to implement any of its suggestions.

Appendixes

Appendix A: Administrative Office of the Courts, Court Information System

Appendix B: Strategic Plans and Reports Regarding Court Technology in North Carolina

Agency Response

A draft of our report was submitted to the Administrative Office of the Courts to review and respond. Their responses are provided following the appendixes.

PED Response to Agency Response

Due to the tone and content of the Administrative Office of the Courts response, the Program Evaluation Division has responded to each of the issues raised by the Administrative Office of the Courts. This response appears following the agency response.

PED Contact and Staff Acknowledgments

For more information on this report, please contact the lead evaluator, Michelle Beck, at michelleb@ncleg.net.

Staff members who made key contributions to this report include E. Kiernan McGorty, Carol H. Ripple, Pamela L. Taylor, and Jeremy Wilson. John W. Turcotte is the director of the Program Evaluation Division.

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[16] ITS was recognized by NASCIO as a national model for IT Project and Portfolio Management.

Appendix A: Administrative Office of the Courts, Court Information System

VISION
COURT INFORMATION SYSTEM (CIS)

JUDICIAL CRIMINAL
NCAWARE
CCIS Clerks Component
CCIS DA Component
Discovery Automation
DOC Integration Project
Criminal/Infractions System
eCitation, Magistrate, Courtflow
eCourt, CMS for DA/PD
Courtflow/Expungements
Worthless Checks

JUDICIAL NON CRIMINAL
Civil Case Processing
Bond Forfeiture
Judgment Abstracting
Estates
Casewise
Jwise
Child Support
Guardian AdLitem
Drug Treatment Court

FINANCIAL
Bill of Cost/Collections
Cash Receipting
General Ledger
Accounts Payable
Jury Payment
Partial Pay Distribution
Annual Financial Reporting
Setoff Debt
Public Access Billing

INFRASTRUCTURE
Enterprise Databases
Security Module
Integration Components
Disaster Recovery
Service Center
Inventory
Data Warehouse
Decision Support

PUBLIC
eFiling
ePayment
Web Site
Calendars Online
Public Access Providers
Public Data Extracts
Civil Reports Online
Performance Measures
Mediator Profiles

COURT ADMINISTRATION
Scheduling - all Case Mgmt Systems
Statistical Reporting System
Appeals Advance Sheets
Master Calendar
Judge Commissioning
Court Reporter Sched.

AOC SUPPORT
Intranet
Document Management
Content Management
Enterprise Messaging
Leave Tracking

Existing System
Transition/Replacing
New System Underway
Planned New System
Planned Replacement

Appendix B: Strategic Plans and Reports Regarding Court Technology in North Carolina

Report	Purpose	RECOMMENDATIONS		
		Management/Governance	**Users & External Groups**	**Technology Improvements**
Commission for the Future of Justice and the Courts in North Carolina. (1996, December). *Without favor, denial or delay: A court system for the 21st century.*	Examine how to meet public need for a better system of justice in North Carolina.	• Create a state Judicial Council • Set statewide standards • Develop long-range plan for technology; adopt an on-going planning process		• Adopt an integrated case management system for all court personnel • Create a unique, permanent identifier for each individual that is linked to the financial management system • Modernize outdated technology
Maddox and Ferguson. (1996). *Administration Office of the Courts: Information systems planning sessions.*	Summarize needs of court technology users and potential benefits of improvements.	• Properly train employees	• Integrate court applications to improve information to users • Improve communications through technology	• Modernize computer equipment and standardize tools • Accept alternative forms of payment • Effectively identify defendants
Gartner Group. (1999). *Strategic information systems and technology plan.*	Assess current court systems; develop long-term technology plan.	• Control costs and measure benefits	• Provide training and support to users • Integrate system with other agencies	• Maintain stable and responsive systems • Modernize infrastructure • Modernize applications/technology to improve user access to information
MTG Management Consultants. (2006). *North Carolina Administrative Office of the Courts strategic plan refresh: Business needs report.*	Gather user feedback to prepare its expansion budget requests for the second year of 2005-2007 biennium; develop its budget strategy for 2007-2009 biennium.		• Establish a strong, lasting relationship with customer base • Develop and implement annual plan for communicating and gathering feedback, using website project status, user community conferences, one-on-one sessions, web survey and regional sessions	
North Carolina Administrative Office of the Courts, Technology Services Division. (2006). *Strategic information systems and technology plan, 2006-2010.*	Prioritize user information technology needs based on feedback received from regional sessions and web-based survey for recent strategic planning.		• Empower users to manage their own caseload by providing expanded reporting capabilities	• Enter data at the earliest point possible, maximize information sharing, eliminate redundant data entry • Maximize internet access to court services; allow e-payment options including by credit card • Eliminate paper wherever possible • Modernize court information systems to expedite user changes and enhancements • Safeguard court data

Source: Program Evaluation Division based on Administrative Office of the Courts documents.
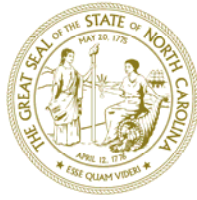
December 5, 2008

Mr. John Turcotte, Director
Program Evaluation Division
North Carolina General Assembly
300 North Salisbury Street, Suite 100
Raleigh, North Carolina 27603-5925

Re: Agency Response to Report No. 2008-12-2

Dear Mr. Turcotte:

The North Carolina Administrative Office of the Courts (AOC) acknowledges the receipt of Report No. 2008-12-2 (Report) and we have reviewed its findings and recommendations. We welcome the review of outside entities with expertise to help us improve upon how the AOC serves and supports the Judicial Branch of North Carolina. Please consider this letter as the AOC response to the Report for inclusion in the final version.

At the outset, I must express our deep concerns with the quality of the Report and its findings. First, the limited scope of the study, which focused only on six specific projects, ignored the extremely broad scope and complexity of work produced by the AOC's Technology Services Division during the same time period in support of our almost 7,000 customers. Second, this report went through three drafts as committee staff had to continually remove inaccurate or erroneous data, references and statements. This third final draft report only reflects changes to a few of the many errors that we noted. I'd like to touch upon some of the more egregious errors during my comments to the committee.

Moreover, the Report fails to recognize the importance of developing a comprehensive strategy for information technology within the courts, and that these six projects are critical building blocks in that strategy. Time should not be the sole measure to judge the success of a project. The AOC, using extensive information obtained from the National Center for State Courts (NCSC), as well as from other resources regarding court technology, has purposely proceeded with care in developing its eCourts approach. Our more comprehensive approach may take more time, but we are certain it will result in better systems for the Judicial Branch.

Next, the Report attributes the delays to poor project management and oversight but fails to attribute any delay due to the lack of recurring funding, which has been identified as a major impediment to the court system in modernizing its information system. While the Program Evaluation Division Staff (Staff) asserts that the AOC should have anticipated the impact upon timelines due to shortfalls in funding, the AOC attempted to convey to the Staff that we can operate only under the philosophy that we utilized funding as it was received. The Report completely ignores the impact that insufficient funding has had upon the course of several of these highlighted projects, especially NCAWARE. Insufficient funding was a major theme of the 1995 CJIN Study Report that Staff referenced in this Report. As well, the several other studies referenced by Staff in this Report also highlighted the importance of recurring funding for the courts to modernize its infrastructure and information systems.

A fourth major concern relates to how the Staff significantly misrepresents North Carolina when it compares it to other states. They looked only at a limited number of functions, ignoring North Carolina's robust court case management systems and its contributions to setting national standards. Mr. James McMillan, Principal Court Technology Consultant, for the National Center for State Courts in a recent Email correspondence to us (11/21/2008) noted "…The North Carolina Courts have and are involved in the development of national standards such as NIEM (National Information Exchange Model) and the case management functional standards. …The North Carolina Court Information technology division have long provided high quality service to the courts throughout the state. They are recognized as a professional information technology organization that we rely on for their expertise and input. I hope this helps to clarify the NCSC's views."

Also, another major concern that we have with the evaluation are the apparent qualifications of Staff to conduct such a study, we believe, given their lack of formal training in either information technology project management or systems development. We note that it appears none of the Staff has ever designed or implemented a complex automated system. The findings also indicate that the Staff does not understand the systems development process or the industry-accepted methodology used to obtain user requirements through "joint application design" sessions and the use of user advisory groups.

On a related issue, we believe the apparent lack of background in information technology project management, is the reason for the various problems we have experienced with the quality of the work products resulting from this study. The Oversight Committee should note that as a result of our thorough response to the first draft, additional language was added on page two that did not appear in the first draft, *"often times data requests were not fulfilled in a timely manner. In addition, multiple versions of documents were supplied on several occasions, and these documents, contained conflicting information."* Given the volume of information requested, we believe we responded in a very responsive and timely manner.

Furthermore, throughout the Report, the Staff referred to comments by users without identifying those users. Thus, we were unable to investigate the possible sources as well as to correct any misunderstandings. For example, on page 15, the Report includes statement from an unnamed district attorney that "another county offered to pay [for their own system] due to the high stakes [of operating it] but got nowhere." The Staff should share these specific comments with the AOC so we could have an opportunity to respond and the Staff could then determine whether the comments were legitimate.

Notwithstanding all of the above concerns, we ask that the Program Oversight Committee to carefully review the Report. With regard to the recommendations, we accept the first two recommendations and reject the third recommendation for reasons hereafter enumerated.

Recommendations of the Program Evaluation Division

"Recommendation 1: The North Carolina General Assembly should require the Judicial Council to establish a more formal process for gathering stakeholder input on technology projects, to set priorities among technology projects, and to report on the progress of technology projects in an annual report."

As noted in the report, the State Judicial Council, pursuant to N.C. Gen. Stat. § 7A-409.1, has broad duties and is empowered to advise the Chief Justice regarding the priorities of any matter within the courts, including information technology-related matters. Thus, no legislative change is required since the Chief Justice is empowered to direct the Judicial Council to prepare an annual report.

"Recommendation 2: The North Carolina General Assembly should require the Administrative Office of the Courts to submit bi-annual status reports on technology projects in development to the Legislative Information Technology Oversight Committee until completion of statewide project implementation."

Again, no legislative change is required since the AOC will comply with this recommendation and provide a biannual status report regarding the progress for these six projects, beginning in July 2009.
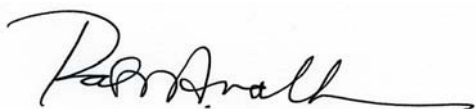
Recommendation 3: _The North Carolina General Assembly should require the Administrative Office of the Courts to consult with the State Office of Information Technology Services on future information technology projects._

With regard to recommendation 3, there are constitutional issues with a recommendation of this nature, since the head of the Office of Information Technology Services is appointed by the Governor, and this recommendation could result in merging or combining judicial branch functions with executive branch functions and would result in executive branch policies dictating policy for the judicial branch. Article IV, Section 1 of the Constitution of North Carolina states, "The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government . . ." In N.C. Gen. Stat. § 147-33.80, the General Assembly, in its wisdom, saw fit to specifically exempt not only the Judicial Department, but also the University of North Carolina and itself from the article pertaining to State Information Technology Services.

Furthermore, there have been no studies that show that either in the short term or the long term a review of court information technology projects by the Office of Information Technology would improve the efficiency of the Administrative Office of the Courts. In fact, we believe this recommendation would have a negative impact on the ability of the Administrative Office of the Courts to deliver services, since the Office of Information Technology Services has no specific expertise in court information systems development and lacks the business knowledge to assess the appropriateness of our strategic planning efforts.

In closing, the AOC has an almost thirty-year track record of developing high-quality and reliable information systems based on technology that works for the judicial branch. As with any branch of government that serves the public, especially the North Carolina Judicial Branch, which supports over 500 independently-elected officials, we fully realize that at times we will not be able to completely meet everyone's expectations. However, we are confident that there is widespread support and utilization of the information technology services provided by the AOC. We welcome further scrutiny and stand ready to answer any additional questions raised as a result of this Report.

Respectfully,

Ralph A. Walker

cc: Mr. Gregg Stahl, AOC Senior Deputy Director
        Mr. Cliff Layman, AOC Chief Information Officer

Program Evaluation Division Response to the Administrative Office of the Courts Response

AOC Response: At the outset, I must express our deep concerns with the quality of the Report and its findings. First, the limited scope of the study, which focused only on six specific projects, ignored the extremely broad scope and complexity of work produced by the AOC's Technology Services Division during the same time period in support of our almost 7,000 customers. Second, this report went through three drafts as committee staff had to continually remove inaccurate or erroneous data, references and statements. This third final draft report only reflects changes to a few of the many errors that we noted. I'd like to touch upon some of the more egregious errors during my comments to the committee.

Program Evaluation Division Response

The report states the scope as "overall technology infrastructure and organizational processes that affect the development and implementation of projects within the Technology Services Division." The Program Evaluation Division developed an evaluation plan and selected six court technology projects as examples of the development process and because court personnel and other stakeholders reported an urgent need for the technology these projects would provide.

Following nationally recognized best practices used by all legislative oversight agencies, the Program Evaluation Division routinely provides agencies under review with a preliminary draft so they may suggest corrections and provide additional data as needed to increase the accuracy of the report. The Program Evaluation Division considers agency feedback and weighs it against the data collected in the course of the evaluation. In keeping with this practice, the Program Evaluation Division provided a preliminary draft to the Administrative Office of the Courts (AOC) for review. After careful consideration of each point raised, the final draft of the report does not reflect all of the changes suggested by AOC.

AOC Response: Moreover, the Report fails to recognize the importance of developing a comprehensive strategy for information technology within the courts, and that these six projects are critical building blocks in that strategy. Time should not be the sole measure to judge the success of a project. The AOC, using extensive information obtained from the National Center for State Courts (NCSC), as well as from other resources regarding court technology, has purposely proceeded with care in developing its eCourts approach. Our more comprehensive approach may take more time, but we are certain it will result in better systems for the Judicial Branch.

AOC Response: Next, the Report attributes the delays to poor project management and oversight but fails to attribute any delay due to the lack of recurring funding, which has been identified as a major impediment to the court system in modernizing its information system. While the Program Evaluation Division Staff (Staff) asserts that the AOC should have anticipated the impact upon timelines due to shortfalls in funding, the AOC attempted to convey to the Staff that we can operate only under the philosophy that we utilized funding as it was received. The Report completely ignores the impact that insufficient funding has had upon the course of several of these highlighted projects, especially NCAWARE. Insufficient funding was a major theme of the 1995 CJIN Study Report that Staff referenced in this Report. As well, the several other studies referenced by Staff in this Report also highlighted the importance of recurring funding for the courts to modernize its infrastructure and information systems.

AOC Response: A fourth major concern relates to how the Staff significantly misrepresents North Carolina when it compares it to other states. They looked only at a limited number of functions, ignoring North Carolina's robust court case management systems and its contributions to setting national standards. Mr. James McMillan, Principal Court Technology Consultant, for the National Center for State Courts in a recent Email correspondence to us (11/21/2008) noted "…The North Carolina Courts have and are involved in the development of national standards such as NIEM (National Information Exchange Model) and the case management functional standards. …The North Carolina Court Information technology division have long provided high quality service to the courts throughout the state. They are recognized as a professional information technology organization that we rely on for their expertise and input. I hope this helps to clarify the NCSC's views."

Program Evaluation Division Response

As discussed on page 12 of the report, North Carolina's court technology components were compared to states that were "identified as examples of leaders in court technology among unified, state court systems by the National Center for State Courts." The court technology functions listed in Exhibit 4 were selected because they have been identified as components of a model system by the National Center for State Courts. The report states on page 12, "North Carolina will be very well positioned once the six projects under development are implemented."

AOC Response: Also, another major concern that we have with the evaluation are the apparent qualifications of Staff to conduct such a study, we believe, given their lack of formal training in either information technology project management or systems development. We note that it appears none of the Staff has ever designed or implemented a complex automated system. The findings also indicate that the Staff does not understand the systems development process or the industry-accepted methodology used to obtain user requirements through "joint application design" sessions and the use of user advisory groups.

Program Evaluation Division Response

The Program Evaluation Division staff has extensive evaluation experience, which is described in detail on the Division website (www.ncleg.net/PED/AboutUs/staff.html). The project leader Michelle Beck has seven years of experience in the criminal justice field through work with the Department of Correction and the Sentencing and Policy Advisory Commission. Before joining the Division, Program Evaluation Statistician Pamela Taylor, PhD, managed information technology resources with the University of California at Los Angeles and engaged in information technology auditing and project management with Deloitte & Touche, LLP. Division Director John Turcotte has overseen more than 815 evaluations in three states.

AOC Response: On a related issue, we believe the apparent lack of background in information technology project management, is the reason for the various problems we have experienced with the quality of the work products resulting from this study. The Oversight Committee should note that as a result of our thorough response to the first draft, additional language was added on page two that did not appear in the first draft, *"often times data requests were not fulfilled in a timely manner. In addition, multiple versions of documents were supplied on several occasions, and these documents, contained conflicting information."* Given the volume of information requested, we believe we responded in a very responsive and timely manner.

Program Evaluation Division Response

The Program Evaluation Division targets requests for data and relies on participating agencies to identify which of their documents are the most appropriate sources of information for the evaluation. The Program Evaluation Division assumed AOC's historical project planning documents (e.g., timelines of events) and fiscal documents would be readily available. However, documentation was provided later than AOC's own proposed deadlines. AOC did provide a plethora of documents for this evaluation, but in some cases, AOC had to revise and resubmit historical documents after the Program Evaluation Division identified discrepancies with other AOC documents.

AOC Response: Furthermore, throughout the Report, the Staff referred to comments by users without identifying those users. Thus, we were unable to investigate the possible sources as well as to correct any misunderstandings. For example, on page 15, the Report includes statement from an unnamed district attorney that "another county offered to pay [for their own system] due to the high stakes [of operating it] but got nowhere." The Staff should share these specific comments with the AOC so we could have an opportunity to respond and the Staff could then determine whether the comments were legitimate.

Program Evaluation Division Response

Documents prepared by legislative employees upon the request of legislators are confidential as outlined in N.C. Gen. Stat. § 120-131(a). Therefore, interviews conducted by the Program Evaluation Division during the course of an evaluation are considered confidential. State employees' reports alleging improper activities or matters of public concern remain anonymous pursuant to N.C. Gen. Stat. §120-36.12 as amended by Session Law 2008-196. Therefore, the identity of state employees interviewed by the Program Evaluation Division is protected.

AOC Response: With regard to recommendation 3, there are constitutional issues with a recommendation of this nature, since the head of the Office of Information Technology Services is appointed by the Governor, and this recommendation could result in merging or combining judicial branch functions with executive branch functions and would result in executive branch policies dictating policy for the judicial branch. Article IV, Section 1 of the Constitution of North Carolina states, "The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government . . ." In N.C. Gen. Stat. § 147-33.80, the General Assembly, in its wisdom, saw fit to specifically exempt not only the Judicial Department, but also the University of North Carolina and itself from the article pertaining to State Information Technology Services.

Furthermore, there have been no studies that show that either in the short term or the long term a review of court information technology projects by the Office of Information Technology would improve the efficiency of the Administrative Office of the Courts. In fact, we believe this recommendation would have a negative impact on the ability of the Administrative Office of the Courts to deliver services, since the Office of Information Technology Services has no specific expertise in court information systems development and lacks the business knowledge to assess the appropriateness of our strategic planning efforts.

Program Evaluation Division Response

The Program Evaluation Division did not recommend the State Office of Information Technology Services have any administrative or policy control over the Administrative Office of the Courts. The Program Evaluation Division recommends the General Assembly require the Administrative Office of the Courts to *consult* with the State Office of Information Technology Services on future information technology projects.