

Guide to Judiciary Policy

Vol. 1: Governance and Authorities

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§ 1410 Overview

- (a) This chapter sets forth the responsibilities for reporting and responding to allegations of fraud, waste, or abuse of resources for judiciary organizations.
- (b) Guidance on reporting other types of wrongdoing:
 - (1) For allegations of judicial misconduct, consult the relevant circuit's judicial conduct policies.
 - (2) For allegations of whistleblower retaliation, **see:** [§ 1430.20](#).
 - (3) For allegations of discrimination:
 - (A) court unit and federal public defender organization (FPDO) employees should consult the relevant Employee Dispute

Resolution Plan (Guide, Vol. 12, Appx. 2B (Model Employee Dispute Resolution Plan));

- (B) AO employees should consult the fair employment practices policies set forth in the *AO Manual*.
- (4) Allegations that fall outside of the above categories should be reported to the appropriate member of the employee’s management chain.

| § 1410.10 Definitions | |
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| Abuse | An administrative violation of judiciary, court unit, or organization regulation that impairs effective and efficient operations. The violation may result in federal losses, or denial or reduction of lawfully authorized federal benefits to participants. |
| Allegation | A claim of misconduct that is believed to have resulted in fraud, waste, or abuse. |
| Complainant | A person submitting an allegation of fraud, waste, or abuse. |
| Court Unit | All units within U.S. courts, circuit executive offices, circuit libraries, and bankruptcy administrator programs. |
| Fraud | An intentional, wrongful act to obtain either money or some other advantage or benefit from government programs. Fraud includes theft, embezzlement, false statements, illegal commissions, kickbacks, conspiracies, obtaining contracts through collusive arrangements, and similar devices. |
| Judicial Employees | Employees of a federal court as defined by Guide, Vol. 2A, Chapter 3 (Code of Conduct for Judicial Employees), § 310.10(a). |
| Judiciary Employees | Employees of court units, federal public defender organizations (FPDOs), and the Administrative Office of the U.S. Courts (AO). |
| Waste | Inappropriate action or omission by those with controls over government resources that results in taxpayers not receiving reasonable value for money in connection with any government-funded activities. Waste relates primarily to mismanagement, inappropriate actions, and inadequate oversight. |

§ 1420 Authorities and Responsibilities

§ 1420.10 Administrative Office

- (a) Director
 - (1) The Director serves as the chief administrative officer of the United States courts. [28 U.S.C. § 604\(a\)](#).

- (2) The Director has assigned responsibility to the Deputy Director for:
 - (A) coordination of and referral to the appropriate chief judge of court unit or FPDO allegations reported to or brought to the attention of the AO, and
 - (B) oversight and resolution of AO allegations.
- (b) Deputy Director
 - (1) The Deputy Director of the AO is responsible for informing the Judicial Conference Committee on Audits and Administrative Office Accountability (AAOA Committee) of allegations of fraud, waste, and abuse reported to the AO and the actions taken to resolve valid allegations.
 - (2) The Deputy Director's staff is responsible for tracking those allegations described above in subparagraph (1) and conducting fact-finding activities.
- (c) AO Employees
 - (1) Employees should observe high standards of conduct so that the integrity and independence of the judiciary are preserved. AO Code of Conduct, § 220 (General Principles).
 - (2) Employees should respect and comply with the law, AO policies, and these ethical standards, and should avoid impropriety and the appearance of impropriety in all activities. AO Code of Conduct, § 220(a).
 - (3) Employees may become aware of potential fraud, waste, or abuse through interactions with court units or federal defender organizations (FDOs). This information may arise through the normal transaction of business, during audits or reviews, or in the course of other contact.
 - (A) Employees must report potential fraud, waste, or abuse to the Office of the Deputy Director. **See:** Reporting Allegations of Fraud Waste or Abuse page on AOWeb.
 - (B) AO employees are responsible for cooperating with the AO Investigator during an investigation.

§ 1420.20 Circuit Judicial Councils

Each circuit judicial council is responsible for and has the authority to make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit. [28 U.S.C. § 332](#).

§ 1420.30 Court Units and FPDs

- (a) Chief Judges
 - (1) The chief judge has a leadership role in court management and stewardship of resources. Guide, Vol. 13, § 120.35 and Code of Conduct for U.S. Judges (Guide, Vol. 2A, Ch. 2), Canon 3(B), subsections (1), (4), and (5).
 - (2) As a result of administrative program delegations and authorities, the chief judge is responsible for ensuring that the court is:
 - (A) administered effectively and efficiently,
 - (B) in compliance with statutes and with Judicial Conference and circuit judicial council policies, and
 - (C) following judiciary procedures.
 - (3) As a consequence of the above-referenced responsibilities, the chief judge has the authority and responsibility to ensure that allegations of fraud, waste, or abuse are appropriately addressed.
- (b) Court unit executives and FPDs must ensure that appropriate systems of internal control are in place to protect assets, including funds and sensitive information, from fraud, waste, abuse, error, and loss. Guide, Vol. 11, § 140 (Responsibility).
- (c) Judicial Employees
 - (1) Judicial employees should uphold the integrity and independence of the judiciary and of the judicial employee's office. Code of Conduct for Judicial Employees (Guide, Vol. 2A, Ch. 3), Canon 1.
 - (2) Judicial employees should respect and comply with the law and the canons of the Code of Conduct for Judicial Employees. Code of Conduct for Judicial Employees (Guide, Vol. 2A, Ch. 3), Canon 3A.
 - (3) Judicial employees should report to the appropriate supervising authority any attempt to induce the judicial employee to violate

these canons. Code of Conduct for Judicial Employees (Guide, Vol. 2A, Ch. 3), Canon 3A.

- (d) Federal Public Defender Employees
- (1) Defender employees should personally observe high standards of conduct so that the integrity and independence of the office are preserved and so that the defender office reflects a devotion to serving the public defender's clients and the principle of equal justice under law. Defender employees should require adherence to such standards by personnel subject to their direction and control. Code of Conduct for Federal Public Defender Employees (Guide, Vol. 2A, Ch. 4), Canon 1.
 - (2) Defender employees should respect and comply with the law and these canons. Code of Conduct for Federal Public Defender Employees (Guide, Vol. 2A, Ch. 4), Canon 3A.
 - (3) Defender employees should report to the appropriate supervising authority any attempt to induce the defender employee to violate these canons. Code of Conduct for Federal Public Defender Employees (Guide, Vol. 2A, Ch. 4), Canon 3A.

§ 1430 Allegations of Fraud, Waste, or Abuse

- (a) Judiciary employees should inform any of the following officials of concerns or allegations regarding potential fraud, waste, or abuse:
- their court unit executive or FPD;
 - their chief judge;
 - their circuit judicial council in their circuit via the circuit executive; or
 - AO staff.
- (b) Judiciary employees can report allegations to the AO through:
- (1) the web-based JNet form, or
 - (2) an email to the following address:
aodb_Fraud_Waste_Abuse_Complaint@ao.uscourts.gov.
- (c) Courts are encouraged to establish fraud, waste, and abuse reporting procedures. **See:** JNet's Sample Fraud, Waste or Abuse Reporting Procedures page.
- (d) The judiciary treats all allegations seriously, including anonymous allegations. However, names and other contact information assist the

judiciary in following up on allegations and investigating the matter thoroughly. **See:** [§ 1430.10 \(Confidentiality\)](#) and [§ 1430.20 \(Whistleblower Protection\)](#).

§ 1430.10 Confidentiality

- (a) When allegations are reported to the AO:
 - (1) AO personnel will maintain the confidentiality of the matter, including the identity of the complainant, unless disclosure becomes unavoidable; and
 - (2) if disclosure proves unavoidable, the complainant will be notified prior to any disclosure unless such notice would be contrary to law.
- (b) Courts are encouraged to establish policies on the confidentiality of a complainant to encourage candor regarding potential misconduct resulting in fraud, waste, or abuse.

§ 1430.20 Whistleblower Protection

- (a) Court Unit and FPDO Employees
 - (1) The judiciary's Model Employee Dispute Resolution Plan (Guide, Vol. 12, Appx. 2B), approved by the Judicial Conference, prohibits management from taking adverse actions against whistleblowers.
 - (2) Processes for addressing complaints of retaliation should be provided in each court's employee dispute resolution plan.
- (b) AO Employees

Under the AO Personnel Act ([Pub. L. No. 101-474](#)), AO employees are protected from prohibited personnel acts as defined in [5 U.S.C. § 2302\(b\)\(8\)](#), including whistleblower retaliation.

§ 1440 Receipt and Resolution of Allegations

§ 1440.10 Receipt of Allegations

- (a) If the AO receives allegations concerning court unit or FPDO staff or activity, they are referred to the relevant chief judge. **Note:** Allegations regarding FPDOs are referred to the chief judge of the relevant court of appeals.

- (b) If the AO receives allegations concerning the AO staff or activity, they are reported to the Deputy Director.
- (c) If the court circuit council, court unit, or FPDO receives allegations concerning its staff or activity, they should be reported in accordance with local procedures.
- (d) Referrals from Other Government Agencies
 - (1) Some complainants may direct their allegations about the judiciary to other government agencies, such as the Office of the Inspector General at the Department of Justice (DOJ) or the Government Accountability Office. Those agencies may forward such allegations directly to a court or to the AO.
 - (2) If the AO receives a complaint regarding a court unit or federal defender organization that appears not to have been forwarded to the appropriate chief judge, the AO will forward it to that chief judge.

§ 1440.20 Resolution of Allegations

- (a) The Director has delegated the authority to resolve allegations of fraud, waste, or abuse regarding AO employees or activities to the Deputy Director.
- (b) Court units and FPDOs are encouraged to establish a process for resolving fraud, waste, and abuse allegations.
- (c) When an allegation concerns a court unit or FPDO, the AO is authorized by the Judicial Conference to provide investigative assistance at the request of a chief judge or circuit judicial council. [JCUS-SEP-88](#), p. 57.

§ 1450 Reporting

§ 1450.10 Court Units and FPDOs

- (a) Upon identification of a loss of government money, funds, or property believed to have resulted from fraud, the court unit executive or federal public defender must take action to satisfy applicable reporting requirements in Guide, Vol. 13, § 1325 or Vol. 16, § 590.
- (b) Notification and Collection of Losses Due to Fraud
 - (1) The chief judge or Director, or designee, is responsible for promptly notifying DOJ if a court unit or FPDO has identified a loss due to

fraud. **See:** [31 CFR 900.3](#). The AO's Office of the General Counsel can assist with reporting to DOJ.

- (2) DOJ has sole authority to take action regarding such a loss, unless the agency returns the claim to the judiciary for further handling. If returned for action, the judiciary must seek to resolve the loss under the standards in [31 CFR 900-904](#).

§ 1450.20 Administrative Office

(a) AAOA Committee

- (1) The AO provides a confidential report to the AAOA Committee that summarizes allegations of fraud, waste, and abuse concerning the AO, court units, and FPDOs.
- (2) Matters are reported to the Committee semiannually until the matter has been resolved.

(b) AO's Office of Audit

Allegations that result in the identification of noncompliance with judiciary policy, internal control weaknesses, and/or identify potential improper payments, are reported to the AO's Office of Audit.