

District of Columbia Sentencing and Criminal Code Revision Commission

www.scdc.dc.gov

Telephone: 202-727-8822

Description	FY 2009 Actual	FY 2010 Approved	FY 2011 Proposed	% Change from FY 2010
Operating Budget	\$581,638	\$815,830	\$797,510	-2.2
FTEs	4.1	7.0	8.0	14.3

The mission of the District of Columbia Sentencing and Criminal Code Revision Commission (SCCRC) is to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes. Additionally, the SCCRC has been charged with preparing comprehensive recommendations for revising the language of criminal statutes, organizing them in logical order, and re-classifying statutes as necessary.

Summary of Services

The Commission aims to promote sentencing policies that limit unwarranted disparity while allowing adequate judicial discretion and proportionality. To this end, the Commission implemented voluntary sentencing guidelines, which are being used in all felony sentencing hearings in the District of Columbia Superior Court. The sentencing guidelines provide recommended sentences that enhance fairness so that offenders, victims, the community, and all parties will understand the sentence, and sentences will be more predictable and consistent. The Commission will provide analysis of sentencing trends and guideline compliance to the public and its representatives to assist in identifying sentencing pat-

terns for felony convictions. The Commission strives to continually evaluate itself and its sentencing recommendations, promote the evolution of sentencing policies as necessary and prudent, and improve the operation of those policies. In addition, the Commission is analyzing the language of the current criminal statutes and developing recommendations for the reorganization and reformulation of the District's Criminal Code. For more information on the Commission and its duties, please refer to Sections 3-101 to 3-108 of the District of Columbia Official Code.

The agency's FY 2011 proposed budget is presented in the following tables:

FY 2011 Proposed Gross Funds Operating Budget, by Revenue Type

Table FZ0-1 contains the proposed FY 2011 agency budget compared to the FY 2010 approved budget. It also provides FY 2008 and FY 2009 actual expenditures.

Table FZ0-1
(dollars in thousands)

Appropriated Fund	Actual FY 2008	Actual FY 2009	Approved FY 2010	Proposed FY 2011	Change from FY 2010	Percent Change*
General Fund						
Local Funds	583	582	816	798	-18	-2.2
Total for General Fund	583	582	816	798	-18	-2.2
Gross Funds	583	582	816	798	-18	-2.2

*Percent Change is based on whole dollars.

Note: If applicable, for a breakdown of each Grant (Federal and Private), Special Purpose Revenue type and Intra-District agreement, please refer to **Schedule 80 Agency Summary by Revenue Source** in the **Operating Appendices** located on the Office of the Chief Financial Officer's website.

FY 2011 Proposed Full-Time Equivalents, by Revenue Type

Table FZ0-2 contains the proposed FY 2011 FTE level compared to the FY 2010 approved FTE level by revenue type. It also provides FY 2008 and FY 2009 actual data.

Table FZ0-2

Appropriated Fund	Actual FY 2008	Actual FY 2009	Approved FY 2010	Proposed FY 2011	Change from FY 2010	Percent Change
General Fund						
Local Funds	5.0	4.1	7.0	8.0	1.0	14.3
Total for General Fund	5.0	4.1	7.0	8.0	1.0	14.3
Total Proposed FTEs	5.0	4.1	7.0	8.0	1.0	14.3

FY 2011 Proposed Operating Budget, by Comptroller Source Group

Table FZ0-3 contains the proposed FY 2011 budget at the Comptroller Source Group (object class) level compared to the FY 2010 approved budget. It also provides FY 2008 and FY 2009 actual expenditures.

Table FZ0-3
(dollars in thousands)

	Actual FY 2008	Actual FY 2009	Approved FY 2010	Proposed FY 2011	Change from FY 2010	Percent Change*
Comptroller Source Group						
11 - Regular Pay - Cont Full Time	362	309	483	431	-52	-10.7
12 - Regular Pay - Other	18	26	0	78	78	N/A
13 - Gross Pay	0	9	3	2	-1	-25.3
14 - Fringe Benefits - Curr Personnel	81	69	102	97	-4	-4.2
Subtotal Personal Services (PS)	461	413	587	608	21	3.6
20 - Supplies and Materials	8	4	10	6	-4	-39.8
30 - Comm. and Building Rentals	8	8	9	0	-9	-100.0
31 - Telephone, Telegraph, Telegram, Etc.	3	3	2	0	-2	-100.0
33 - Janitorial Services	3	0	5	0	-5	-100.0
34 - Security Services	4	4	3	0	-3	-100.0
35 - Occupancy Fixed Costs	9	4	6	0	-6	-100.0
40 - Other Services and Charges	23	36	58	52	-6	-10.0
41 - Contractual Services - Other	60	111	130	130	0	-0.2
70 - Equipment and Equipment Rental	5	0	5	1	-4	-75.2
Subtotal Nonpersonal Services (NPS)	122	169	229	189	-39	-17.2
Gross Funds	583	582	816	798	-18	-2.2

*Percent Change is based on whole dollars.

Program Description

The Sentencing and Criminal Code Revision Commission operates through the following 2 programs:

Data Collection, Analysis, and Implementation - produces sentencing research for the Commission and the Council; monitors and evaluates sentencing practices in the District; and provides guideline manuals, a guideline hotline, and training for criminal justice personnel so that they can effectively and efficiently work within the new structured sentencing system.

This program contains the following 5 activities:

- **ACS Offense and Offender Database** – transfers data electronically from the court that is incorporated into the agency's database, which includes both historical and real-time sentencing informa-

tion. Criminal history information is provided by the D.C. Court Services and Offender Supervision Agency and is integrated into the database, also enabling sentencing trends, offender, and offense-based analysis of the application of the sentencing guidelines;

- **Sentencing Guidelines Monitoring** - monitors compliance to the recommended sentencing guidelines by using the agency's database. Departures are examined to determine if the guidelines may require modification or revision by the Commission to ensure their effectiveness;
- **Policy Reports and Proposals** - prepares reports and recommendations to the Commission to improve and expand criminal justice programs relevant to sentencing policy when requested or necessary;
- **Sentencing Guidelines Training** - provides training to criminal justice professionals focusing on

calculation of criminal history, proper application of the guidelines, determination of the recommended guideline sentence, and recent revisions or modification to the sentencing guidelines. The Commission also monitors both Appellate and Supreme Court sentencing-related decisions and provides trainings on the impact of these rulings on the DC Sentencing Guidelines; and

- **Prep Sentencing Guidelines Materials** - develops and updates yearly the Sentencing Guideline Manual, which contains offense rankings, sentencing protocol, special sentencing provisions, and other guideline related information. The

Guideline Manual is used by practitioners on a daily basis when applying the guidelines to felony convictions.

Agency Management - provides for administrative support and the required tools to achieve operational and programmatic results. This program is standard for all agencies using performance-based budgeting.

Program Structure Change

The Sentencing and Criminal Code Revision Commission had no program structure changes in the FY 2011 Proposed Budget.

FY 2011 Proposed Operating Budget and FTEs, by Program and Activity

Table FZ0-4 contains the proposed FY 2011 budget by program and activity compared to the FY 2010 approved budget. It also provides the FY 2009 actual data.

Table FZ0-4

(dollars in thousands)

Program/Activity	Dollars in Thousands				Full-Time Equivalents			
	Actual FY 2009	Approved FY 2010	Proposed FY 2011	Change from FY 2010	Actual FY 2009	Approved FY 2010	Proposed FY 2011	Change from FY 2010
(1000) Management								
(1010) Personnel	78	72	69	-2	1.0	1.0	1.0	0.0
(1015) Training	0	7	7	0	0.0	0.0	0.0	0.0
(1020) Contracting and Procurement	7	2	0	-2	0.0	0.0	0.0	0.0
(1030) Property Management	34	26	1	-24	0.0	0.0	0.0	0.0
(1040) Information Technology	0	10	31	21	0.0	0.0	0.0	0.0
(1060) Legal Services	136	114	247	133	1.1	1.0	4.0	3.0
Subtotal (1000) Management	255	230	355	125	2.1	2.0	5.0	3.0
(2000) Data Collection (AIP)								
(2010) ACS Offense and Offender Database	98	100	97	-3	1.0	1.0	1.0	0.0
(2020) Sentencing Guidelines Monitoring	111	240	121	-119	0.0	2.0	0.0	-2.0
(2040) Policy Reports and Proposals	68	175	146	-29	0.4	1.0	1.0	0.0
(2050) Sentencing Guidelines Training	0	2	8	5	0.0	0.0	0.0	0.0
(2060) Prep Sentencing Guidelines Materials	50	68	70	2	0.7	1.0	1.0	0.0
Subtotal (2000) Data Collection (AIP)	327	586	443	-143	2.0	5.0	3.0	-2.0
Total Proposed Operating Budget	582	816	798	-18	4.1	7.0	8.0	1.0

(Change is calculated by whole numbers and numbers may not add up due to rounding)

Note: For more detailed information regarding the proposed funding for the activities within this agency's programs, please see **Schedule 30-PBB Program Summary By Activity** in the **FY 2011 Operating Appendices** located on the Office of the Chief Financial Officer's website.

FY 2011 Proposed Budget Changes

Transfers Out: In FY 2011 the Commission transfers \$25,576 of facility and telecom fixed costs to a new fixed cost agency and the Office of Finance and Resource Management. Additionally, \$2,000 of procurement assessments is transferred to the Office of Contracting and Procurement.

Cost Savings: Cost savings are realized by aligning the budget for supplies and other contractual services

budgets with historical expenditures, resulting in savings of \$4,200 and \$5,500 respectively. Finally, the agency reduces its equipment budget by \$2,300 by limiting the FY 2011 purchases to equipment essential to providing core services.

Policy Initiatives: The personal services budget is also adjusted by \$22,000 and 1.0 FTE to align the budget and FTE authorization with current staffing.

FY 2010 Approved Budget to FY 2011 Proposed Budget, by Revenue Type

Table FZ0-5 itemizes the changes by revenue type between the FY 2010 approved budget and the FY 2011 proposed budget.

Table FZ0-5

(dollars in thousands)

	PROGRAM	BUDGET	FTE
LOCAL FUNDS: FY 2010 Approved Budget and FTE		816	7.0
Adjust: Adjust personal services to meet historical spending pattern	Agency Management Program	22	1.0
Reduce: Equipment budget	Agency Management Program	-2	0.0
Reduce: Supplies budget to reflect historical spending	Agency Management Program	-4	0.0
Transfer Out: Transfer facility and telecom fixed costs to new fixed cost agency and OFRM	Agency Management Program	-26	0.0
Transfer Out: Transfer procurement assessments to OCP	Agency Management Program	-2	0.0
Reduce: Contracts and Other Services to reflect historical spending	Multiple Programs	-6	0.0
LOCAL FUNDS: FY 2011 Proposed Budget and FTE		798	8.0
Gross for FZ0 - District of Columbia Sentencing and Criminal Code Revision		798	8.0

Agency Performance Plan

The agency's performance plan has the following objectives for FY 2011:

Objective 1: Promulgate the accurate, timely, and effective use of the sentencing guidelines in every felony case.

Objective 2: Promulgate compliance with the guidelines in at least 85 percent of all felony cases.

Objective 3: Analyze the District of Columbia's current criminal code and propose reforms in the criminal code to create a uniform and coherent body of criminal law in the District of Columbia.

Agency Performance Measures

Table FZ0-6

Measure	FY 2008	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012
	Actual	Target	Actual	Target	Projection	Projection
Percent of compliance reached ¹	88%	85%	89.8%	85%	85%	85%
Percent of DCSC data uploaded to the web ²	0%	100%	0%	100%	100%	100%
Percent of guidelines questions answered within 24 hours	99%	99%	100%	100%	100%	100%
Issues papers released	-	-	-	2	4	4

Performance Plan Endnotes:

- ¹. Compliance is a measure of the extent to which judges follow the voluntary guidelines. Specifically, it is when judges give the sentence that is recommended by the sentencing guidelines given the defendant's current offense and prior criminal history.
- ². As mentioned previously, one of the stated missions of the Commission is to monitor and report on the District's sentencing guidelines. The Commission has contracted with a company that has helped build a system that would allow staff to transfer Superior Court data on a semi-annual basis.