

Fact Sheet
LB&FC Report on a
Performance Audit of the PA Commission on Sentencing

In 1978, the Legislature created the PA Commission on Sentencing and mandated that it develop sentencing guidelines for use by Pennsylvania judges. The Commission is a legislative agency made up of four legislators, four judges, a district attorney, a defense attorney, and either a professor of law or a criminologist. Commission staff are headquartered on the University Park campus of Penn State University. In FY 1998-99, the Commission expended \$995,865 and had revenues of \$1,009,427, primarily from a continuing General Fund appropriation and federal grants.

Summary and Findings (see pages S-1 to S-11):

- 1. Budgeting Process.** The Commission does not have a formal budget process and, until the current budget cycle, did not have a written budget document. As a result, Commission members historically had little, if any, involvement in establishing annual spending priorities. The Commission has initiated changes for FY 1998-99 and FY 1999-00.
- 2. Commission Finances.** Due to a comprehensive staff restructuring and refocusing of agency operations, Commission expenditures rose by 23 percent in FY 1998-99 to \$995,865. These changes consumed most of a reserve of state "carryover" funds the Commission had accumulated from prior years' appropriations. The depletion of the reserve combined with expanded staffing and operations has led to the need for an increased level of General Fund support.
- 3. Performance in Key Functional Areas:**
 - a. Development of Sentencing Guidelines.* The Commission is very actively involved in developing and revising sentencing guidelines. Since 1990, the Commission has carried out a comprehensive reevaluation of the guidelines, amended them to identify offenders for intermediate punishment and boot camp, and made revisions to address legislation enacted during the 1995 Special Session on Crime.
 - b. Provision of Technical Assistance.* The Commission has strengthened its capabilities in providing technical assistance and field services to the courts and has issued sentencing guideline software to assist in calculating sentencing guideline recommendations.
 - c. Collection and Reporting of Data.* The Commission is involved in extensive data collection efforts. However, due to data entry backlogs, the Commission has been publishing sentencing data from 11 to 17 months after the close of the reporting year. Also, the data it reports is incomplete because of reporting problems at the county level.
 - d. Research and Assessment.* While much research has been done on PA's sentencing guidelines, the Commission has not systematically evaluated the impact of the guidelines or changes in the guidelines on sentencing practices. Also, although the Commission has produced statutorily required reports on the State Motivational Boot Camp Program, the reports have often been late and have not answered key questions regarding program success and effectiveness.
 - e. Advisory Services to the Legislature.* While interaction occurs and the Commission serves as a research and advisory body to the Legislature, the nature and extent of such interaction appears limited in part by the Commission's lack of proximity to the Capitol Complex.
- 4. Administrative and Internal Control Systems.** The audit reviewed and tested several of the Commission's internal control systems. We found a need for: additional spending controls and guidelines; the establishment of a fee management system; the development of a fixed assets inventory; and procedural changes in the contracting process.
- 5. Relationship With Penn State University.** For most of the past twenty years, the Commission had an informal operating agreement with Penn State University. This arrangement was formalized by a Memorandum of Understanding signed in June 1999. At Penn State, the Commission receives rent-free office space and utilities, maintenance, and physical plant services. It also has access to all University services such as personnel administration, benefits, staff development, and purchasing. The University does not require the Commission to pay the administrative fee or overhead charges normally charged to on-campus contractors (an annual "cost avoidance" for the Commission of approximately \$290,000). The audit concluded that the Commission's annual budget, if operated directly by the Commonwealth, would not be less, and in all likelihood would be greater, than current costs through Penn State University (perhaps by as much as \$275,000 more per year).

Recommendations (see pages S-12 to S-14):

The audit report recommends that the Commission: (1) conduct an annual strategic planning session to establish measurable goals and objectives in each of its key functional areas of responsibility; (2) increase its visibility and build a closer working relationship with the General Assembly by taking specific actions outlined in the report; (3) continue efforts to monitor and ensure compliance with the statutory sentencing data reporting requirement; (4) take steps to enhance expenditure controls and fiscal accountability; (5) modify its contracting for services procedures; (6) formalize and adopt an annual budget review and approval process; (7) establish a written fee management policy and fixed assets inventory; (8) obtain data needed to evaluate the effectiveness of the State Motivational Boot Camp Program; and (9) consider alternative auto leasing practices.