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SENTENCING GUIDELINES COMMISSION

October 4, 2017

TO: Sentencing Guidelines Commission Members

FROM: Chair Hauge

SUBJECT: Visualizing the Elephant – Notes for the Next Week

Our newest legislator-member, Rep. Pettigrew, has given us one of our more useful metaphors: The elephant we have to dress, cook, and feed to our lawmakers. I think we all agree that this analysis accurately describes the task we have set for ourselves. Without, I hope, getting too carried away, I want to use that metaphor to organize our work so far.

We have identified eleven issue areas that must be dealt with if we are to meaningfully engage the SRA. In no particular order, they are Grids, Diversion, Enhancements, Purposes and Policies, Jurisdictional Consistency, Judicial Discretion, Information for Sentencing Judges, Post-Conviction Review, Reentry, Legal Financial Obligations, and Adult Jurisdiction. Imagining our elephant, this is where I would place our targets.

In the head, where our beast thinks and remembers, I see our concern with Purposes and Policies. The legs support the whole animal. This is where I see our concerns with Jurisdictional Consistency. I see an African elephant—the kind with the large ears. The bigger the ears, the better able our beast should be to take in critical Information for our Sentencing Judges.

The elephant's trunk is its most distinctive feature and looks to me to be very useful. If it wasn't for the visual impact, I might like to have a trunk to reach out and touch, examine, and grab ahold of things at the far edge of my reach—things like Diversion, Reentry, the limits of Adult Jurisdiction, and Post-Conviction Review.

The body of the elephant is the most substantial part and carries all of the machinery necessary to keep the thing going, including the heart. Here I see Grids, Judicial Discretion, and Enhancements.

And at the tail, maybe the safest place, relatively, to grab an elephant, we can hang our concerns with Legal Financial Obligations.

We have saddled the poor elephant with our baggage. I confess I'm not sure if we should cook the poor animal or trim the load so it can be better carried. Do we grind up everything we have considered so it can be better digested or do we look for excess to discard so the elephant can carry on with a lighter, simpler load? Because we have no specific orders, we can think about that. But not for long. I look forward to talking about this next week.

