



STATE OF WASHINGTON

## SENTENCING GUIDELINES COMMISSION

*Jefferson Building, PO Box 43124 • Olympia, Washington 98504-3124 • (360) 688-8511*

### MEETING MINUTES

**June 13, 2025 9:00am – 12:00pm**  
1500 Jefferson Building, Room 2330  
Olympia, WA 98516  
And Zoom

#### Members Present:

Jeremiah Bourgeois, Acting Chair  
Hon. Sharonda Amamilo  
Greg Link  
Secretary Tim Lang (proxy: Mac Pevey)  
Ramona Brandes  
Hon. Karen Donohue  
Hon. Jeffery Swan  
Commissioner Tye Menser  
Councilmember Carmen Rivera  
Norrie Gregoire  
Chief Brian Smith/Chief Kal Fuller  
Dr. Vasiliki Georgoulas-Sherry  
Dr. Esther Matthews  
Senator Claire Wilson  
Kecia Rongen (proxy: Jill Getty)  
Jon Tunheim  
Hon. Josephine Wiggs  
Amy Anselmi  
Rochelle Cleland

#### Members Absent:

Rep. Tarra Simmons  
Jennifer Redman  
Hon. Veronica Galván  
Hon. J. Wesley Saint Clair

#### Staff:

Keri-Anne Jetzer  
Dr. Lauren Knoth-Peterson, PSPRC  
Whitney Hunt, SOPB

### **I. CALL TO ORDER**

Acting Chair Jeremiah Bourgeois called the meeting to order.

### **II. APPROVAL OF MINUTES**

**MOTION #25-55: APPROVE FEBRUARY 21, 2025 SPECIAL MEETING MINUTES**

**MOVED:** Ramona Brandes  
**SECONDED:** Commissioner Menser  
**PASSED:** Passed  
**ABSTAINED:** Norrie Gregoire, Mac Pevey, Jill Getty, Judge Amamilo

**MOTION #25-56: APPROVE MAY 9, 2025 MEETING MINUTES**

**MOVED:** Norrie Gregoire  
**SECONDED:** Ramona Brandes  
**PASSED:** Passed  
**ABSTAINED:** Greg Link, Rochelle Clelland, Mac Pevey, Jill Getty

**III. SENTENCING ALTERNATIVES PRESENTATION - FTOW**

Dr. Lauren Knoth-Peterson presented the history of and use data on the First Time Offender Waiver. While studies on FTOW were dated, they each indicated that FTOW did not work as an alternative to prison. Members discussed potential reasons for this, including the eligibility criteria, that many prison sentences are serious offenses, reduced use of pretrial confinement, larger amounts of credit for time served for some defendants, defendant preference to spend shorter terms incarcerated than longer terms on community supervision, no incentive for prosecutors because many prison sentences already include a term of community supervision, and no value in how it's treated as a prior in the future (the offense would be treated as a prior), and local diversion alternatives. It was shared that FTOW is often used when the defendant has several other-current offenses causing the criminal history score to increase resulting in a higher range.

The data Dr. KP provided shows the decrease in the use of FTOW as well as the number of sentences that were eligible for FTOW, that females are more likely to receive a FTOW sentence when eligible, and those in the race category of White were more likely to receive a FTOW sentence when eligible. Ramona Brandes observed that since the Blake decision, the Possession offenses would no longer be included in the FTOW buckets and would help explain the large decrease in eligibility and use of FTOW in the last few years.

Judge Swan inquired if therapy courts and local diversions might have impacted the use of FTOW sentences since first-time offenders are eligible for those courts. Dr. KP replied that it is probably true, but the data is likely not available through the Administrative Office of the Courts to know for sure. The judge also wondered if some cases have been moved to district court due to lack of resources in prosecutor's offices. Jon Tunheim replied that that was a reasonable possibility. In Thurston County, there is a backlog of referrals so certain cases may be sent back to the city jurisdiction under certain circumstances.

Ramona Brandes observed that Dr. KP had mentioned that people who received a FTOW had lower recidivism rates but that more serious offenses also have lower recidivism than less serious offenses. She wondered if the restrictions were based on

data to divert people from prison and if the restrictions on eligibility are harmful in terms of recidivism rates and what the data shows.

Options/modifications to FTOW that were mentioned:

1. Should class B violent offenses continue to be ineligible?
2. Should low-risk class C sex offenses continue to be ineligible?
3. Should low level drug dealing offenses continue to be ineligible?
4. The FTOW could be bifurcated where one part is an alternative to prison for offenses with higher seriousness levels with terms greater than 90 days. The other part would offer community supervision only to those in the lower seriousness levels, e.g. those who receive the FTOW now.
5. Would FTOW become a more desirable alternative to defendants if the charge would be dismissed upon successful completion of the sentence with attendant conditions?
6. Allow application of credit for time served for FTOW sentences.

Ramona Brandes learned that there are data that show reduced recidivism when there is early intervention, tailored treatment and wrap around services, which a first-time offender waiver could provide.

Members discussed the fiscal impacts that such changes may have. If changes are not funded by the state, some counties likely could not afford the associated costs, which would lead to justice by geography.

#### **IV. JUVENILE COMMITTEE PROJECT**

Jeremiah Bourgeois informed members that while it was mentioned at the last meeting that the Juvenile Committee should work on the juvenile sentencing alternatives, there was not a clear decision made by the membership.

Ramona Brandes updated members on the recent discussions of the committee on juvenile sentencing grid and juvenile sentencing alternatives. The committee has identified some inconsistencies in offense rankings on the juvenile grid. They believe that analysis of the grid is needed. She added that the Partnership Council on Juvenile Justice's December 2024 report recommended broadening the eligibility of the Option B sentencing alternative. The committee voted to make the following requests of the SGC:

1. Reviewing and making recommendations on the juvenile sentencing grid and ranges.
2. Reviewing and making recommendations on juvenile sentencing alternatives, including new possibilities.

Keri-Anne briefed members on the work Dr. KP is doing for the SGC and how that will impact what the Juvenile Committee can work on.

**MOTION #25-57: ASSIGN THE JUVENILE COMMITTEE TO REVIEW AND MAKE RECOMMENDATIONS TO THE SGC ON JUVENILE SENTENCING ALTERNATIVES, BOTH THOSE CURRENTLY IN EFFECT AS WELL AS POSSIBLE OTHER NEW ALTERNATIVE RECOMMENDATIONS, CONSISTENT WITH BEST PRACTICES**

**MOVED:** Judge Amamilo

**SECONDED:** Judge Swan

**PASSED:** Passed

**ABSTAINED:** Jill Getty, Amy Anselmi, Dr. Georgoulas-Sherry

Keri-Anne shared the Juvenile Committee has a meeting on Monday when they can begin discussions on sentencing alternatives.

**MOTION #25-58: WHEN THE JUVENILE COMMITTEE HAS COMPLETED ITS REVIEW OF SENTENCING ALTERNATIVES OR HAS OTHERWISE AVAILABLE TIME BASED ON TASKS BEING DONE, THEY THEN REVIEW AND MAKE RECOMMENDATIONS ON THE JUVENILE SENTENCING GRID AS THEIR SECOND PRIORITY**

**MOVED:** Ramona Brandes

**SECONDED:** Greg Link

**PASSED:** Passed

**ABSTAINED:** Jill Getty, Dr. Georgoulas-Sherry, Norrie Gregoire

**V. OTHER BUSINESS**

Dr. Matthews had to leave this meeting to attend the final Jail Modernization Task Force meeting and can provide an update at the next meeting.

Dr. Georgoulas-Sherry updated members on the AAG/AG opinion. She reported that Amber Leaders has recently started with OFM and that Amber wanted to get a better understanding of what the SGC wanted out of the request. She offered to talk with the SGC at a future meeting. Keri-Anne said she was happy to meet with Amber initially to answer any questions and bring any questions back to the SGC for which she did not have an answer.

Keri-Anne informed members that she found in a 1985 report from the SGC to the Legislature a recommendation to add the statutory language that the SGC was now seeking an AG's opinion on. When the Sentencing Reform Act (SRA) was implemented, there were concerns that the new sentencing grid would dramatically increase jail populations. That language would allow the governor to call the SGC into an emergency meeting should the jail populations start to soar so the SGC could fix it. These RCWs go back to the beginning of the SRA.

Keri-Anne reported to members that she and Dr. KP presented during the Senate Law & Justice Committee work session on parole. She offered to send the link to the TVW recording to members if they were interested.

**VI. PUBLIC COMMENT**

No member of the public was in attendance.

**VII. ADJOURNMENT**

**APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION**

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Judge J. Wesley Saint Clair (Ret), Chair

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Date