



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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

MEETING MINUTES

August 8, 2025 9:00am – 12:00pm

1500 Jefferson Building, Room 2330

Olympia, WA 98516

And Zoom

Members Present:

Hon. J. Wesley Saint Clair, Chair
Jeremiah Bourgeois (proxy: Luisa
Doberman)

Hon. Sharonda Amamilo

Greg Link (proxy: Kate Benward)

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 (proxy: Ramona
Brandes)

Kecia Rongen

Rochelle Cleland

Hon. Josephine Wiggs

Senator Claire Wilson

Amy Anselmi

Hon. Veronica Galván

Rep. Lauren Davis

Rep. Jenny Graham

Members Absent:

Jennifer Redman

Jon Tunheim

Staff:

Keri-Anne Jetzer

Dr. Lauren Knoth-Peterson, PSPRC

Whitney Hunt, SOPB

I. CALL TO ORDER

Chair Judge Saint Clair called the meeting to order.

II. APPROVAL OF MINUTES

MOTION #25-61: APPROVE JULY 2025 MEETING MINUTES

MOVED: Ramona Brandes

SECONDED: Norris Gregoire

PASSED: Passed

ABSTAINED: Judge Wiggs

III. SENTENCING ALTERNATIVES - FTOW

Members continued the conversation on FTOW from last month's meeting. Interest in incentivizing FTOW was expressed, as well as interest in learning recidivism rates related to FTOW. Keri-Anne mentioned WSIPP's dated recidivism analyses on FTOW from the early 2000's and informed members that is the only data that exists on FTOW. She added that, after the last meeting's discussion, she and Dr. KP were going to put forth survey questions to prosecution, defense and judges asking about the use of FTOW, what they would want to see changed to make it more useful, what barriers they feel exist, to aid in getting a baseline of the existing use.

Keri-Anne asked Dr. KP about the concepts in criminal justice literature that refer to the first-time offender "discount" and the repeat offender "premium". Dr. KP replied that the biggest difference witnessed in recidivism is when people go from criminal history score of 0 to 1 or 1 to 2 with less difference found when people go from criminal history score 4 to 5 or 6 to 7. There is a difference between people who do not have a proclivity toward offending behaviors but do something that is more impulsive or situationally driven, she said. Dr. KP added that while other states don't have sentencing alternatives that looks similar to Washington's First Time Offender Waiver, per se, they do offer diversions for a variety of offenses. When looking at FTOW data, the average community supervision term issued is around 10 months, which led Dr. KP to conclude that it is frequently used when treatment is ordered, giving it a rehabilitative aspect.

Commissioner Menser suggested the sentencing alternative could clear a defendant's record upon completion. He stated there would be accountability, plus it would provide a clear record for those who have learned from the situation. Because there are adverse consequences to having a felony record, he believed it would increase the incentive for individuals to participate in the sentencing alternative (there doesn't seem to be much of an incentive now) and it would allow individuals who learned their lesson to go on with their lives without the collateral consequences of a felony conviction.

Kate Benward remarked that King County Public Defense understands why FTOW is not being used there and proposed a structural change similar to what Commissioner Menser talked about. Ramona Brandes agreed that offering a tangible quid pro quo, such as keeping the felony off their record upon completion of program, would increase the interest in participating in FTOW. She thought it would be more valuable to defendants if it was a diversionary program where upon successful completion the case is dismissed rather than pleading guilty, having the felony on record for a year,

and then trying to undo the felony because to all the collateral consequences that having a felony conviction brings related to housing, employment, immigration.

Judge Galván reminded members that jail time is not the only form of accountability.

Rep. Graham wondered what happens when a defendant who received a FTOW reoffends. Would the former offense be on their record? What would the process look like?

Dr. KP offered to look at similar types of sentencing programs in other states, but also proffered that in Pennsylvania, the lower left-hand corner of its grid is presumptive probation. Thus, a sentencing alternative like FTOW is not needed because they have probation, unlike Washington. In response to Rep. Graham's question, Dr. KP replied that under the current FTOW statute the felony remains on the person's record.

Judge Swan remarked that judges are supposed to have considered alternatives, if available, but that often does not happen due to the high number of dockets to get through in a day. He wondered if there needs to be renewed emphasis on that.

Mac Pevey reported that according to the last data published by DOC, utilization of FTOW is very regionalized, with higher use in courts in eastern Washington than those in the southwest and northwest parts of the state. He added that DOC's supervision of people on FTOW occurs regardless of that person's risk level and speculated that it may have an impact on FTOW's utilization.

There was discussion about the disconnected reporting systems within the state criminal justice system and the difficulty in obtaining some data for research.

IV. OTHER BUSINESS

In Dr. Matthew's absence, Rep. Davis reported that the Jail Management Task Force has not met since the last SGC meeting as it did not expect to continue meeting. Recently, additional resources have been provided for the Task Force to complete its work. They will start meeting again later today.

V. PUBLIC COMMENT

No members of the public wished to address the members.

VI. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



10/10/2025

Judge J. Wesley Saint Clair (Ret), Chair

Date