



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1110

March 9, 2021

TO: Community Corrections Staff

FROM: Mac Pevey, Assistant Secretary
Community Corrections Division

SUBJECT: State v. Blake – Failure to Obey All Laws – Individuals in Custody

In line with the recent Blake decision and the [March 8th memo](#) on responding to Failure to Obey All Laws (FTOAL) violations pursuant to that decision, Correctional Hearing Officers will not hear FTOAL violations for any offense committed under RCW 69.50.4013, so it is important to have them stricken prior to proceeding to a Negotiation Sanction Agreement (NSA) review or hearing. It is also important to resolve any outstanding FTOAL violations that can no longer be addressed pursuant to the March 8th directive.

In order to determine if any upcoming processes include an FTOAL violation for any offense committed under RCW 69.50.4013, assigned CCOs and Presentation CCOs should review:

- NSAs and Report of Alleged Violations (RAVs) for reviews/hearings that have not yet been held
- Any pending processes for individuals currently in custody on local holds only or conditionally released prior to hearing
- New Criminal Activity Holds currently in place still awaiting a charging decision

If an FTOAL violation for any offense committed under RCW 69.50.4013 is found through this review, the assigned CCO and/or Presentation CCO needs to do the following:

- 1) For new criminal activity holds, if the prosecutor has given written notice they will not charge, immediately cancel the hold; otherwise, continue to hold.
- 2) For other processes:
 - a. If the FTOAL is a stand-alone violation, immediately cancel the detainer and ensure the NSA review/hearing is cancelled, if necessary.
 - b. If there are other violations being addressed in the process, strike the FTOAL violation.
- 3) Chrono the action in the OMNI record, citing the Blake decision.

State v. Blake – Failure to Obey All Laws – Individuals in Custody

March 9, 2021

Page 2

This request is specific to unadjudicated FTOAL community custody violations for offenses committed under RCW 69.50.4013 where the individual is currently incarcerated. More information will follow regarding violations that have already been addressed, as well as resolving outstanding Dismiss Without Prejudices of these violations.

Thank you for your prompt attention to this request.

MP:md

cc: Executive Strategy Team
Billie Peterson, Policy Program Manager
Kara Withers, Policy Office Improvement Manager
Tom Layne, Hearings Administrator
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