

**SNOHOMISH COUNTY PROSECUTOR'S OFFICE**  
**INVESTIGATIVE CHECKLIST**

**ASSAULT IN THE THIRD DEGREE**

**RCW 9A.36.031**

**ELEMENTS**

**I. Suspect intentionally assaults**

A. Another person

- with intent to prevent or resist the execution of any lawful process or a mandate of any court officer, or the lawful apprehension or detention of self or another;

OR

B. An employee of a public or private transit company

- whom the suspect knew to be performing his or her official duties at the time of the assault;

OR

C. An employee of a public or private transportation service for a school district

- whom the suspect knew to be performing his or her official duties at the time of the assault;

OR

D. An employee of a fire department, county fire marshal's office, county fire prevention bureau, or a fire protection district

- whom the suspect knew to be performing his or her official duties at the time of the assault;

OR

E. An employee of a law enforcement agency

- whom the suspect knew to be performing his or her official duties at the time of the assault;

OR

F. A peace officer

- with a projectile stun gun;

OR

G. A nurse licensed to practice in this state under RCW 18.79, a physician licensed to practice in this state under RCW 18.57 or 18.71, a health care provider certified under RCW 18.71 or 18.73 who performs emergency medical services, or a person regulated under RCW 18 who is employed by or contracts with a hospital licensed under RCW 70.41

- whom the suspect knew to be performing his or her official duties at the time of the assault;

OR

**II. With criminal negligence**

- A. Causes bodily harm to another person
- by means of a weapon or instrument or thing likely to produce bodily harm
- OR
- B. Causes bodily harm to another person
- accompanied by substantial pain extending for a period sufficient to cause considerable suffering.

### SPECIFIC REQUIREMENTS

- [ ] 1. If victim must be within a certain class of persons listed above, identify all evidence (verbal admissions by suspect, photographs of the victim, his or her ID, equipment, uniform, vehicle, statements by the victim overheard by other witnesses) which indicate suspect's awareness of the victim's official status.
- [ ] 2. If victim must be within a certain class of persons listed above, document that victim was fully licensed, employed and acting on duty in an official capacity at the time of the assault: copies of license, cards, contracts, etc.
- [ ] 3. Victim's medical record, where applicable, and statements of all medical personnel treating victim, regarding:
- cause of injuries
  - nature and extent of injuries including severity of pain and suffering
  - records of extended treatment and recuperation
- [ ] 4. If alleging 1(a) above, identify the process or mandate suspect was resisting, and insure that there was lawful authorization for such orders. Obtain copies of any summons or order, and identify the court and the cause number when applicable.
- [ ] 5. Photographs of injuries, over time, if applicable.
- [ ] 6. Determine and detail what evidence exists to disprove/prove that the suspect acted with mere negligence ("accident") rather than with criminal negligence or with intent.
- [ ] 7. Determine and detail what evidence exists to prove/disprove suspect's use of drugs/alcohol.