

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

**SECOND DEGREE ASSAULT OF A CHILD**

**RCW 9A.36.130**

**SPECIFIC CONSIDERATIONS**

- [ ] 1. At the time of the assault, the suspect was at least eighteen years old.
- [ ] 2. At the time of the assault, the victim was under the age of thirteen years.
- [ ] 3.
  - a. The suspect intentionally assaults the victim and thereby recklessly inflicts substantial bodily harm: temporary but substantial disfigurement, or temporary but substantial loss or impairment of the function of any bodily part or organ, or fracture of any bodily part, OR
  - b. The suspect assaulted the victim with a deadly weapon, OR
  - c. The suspect administered or had the victim take poison or another destructive or noxious substance, with intent to inflict bodily harm, OR
  - d. The suspect assaulted the victim, with intent to commit a felony (other than the assault itself), OR
  - e. The suspect knowingly inflicted bodily harm which by design caused such pain or agony as to be the equivalent of that produced by torture, OR
  - f. The suspect intentionally assaulted the victim and caused bodily harm greater than transient physical pain or minor temporary marks, and the suspect has engaged in a pattern or practice (at least two previous occasions with the same victim) of assaulting the victim which resulted in bodily harm greater than transient pain or minor temporary marks, OR
  - g. The suspect intentionally assaulted the victim and caused bodily harm greater than transient physical pain or minor temporary marks, and the suspect has engaged in a pattern or practice (at least two previous occasions with the same victim) of causing the victim physical pain or agony that is equivalent to that produced by torture.
- [ ] 4. Victim's medical reports documenting injury or pattern of injury. Obtain release from guardian, if possible.
- [ ] 5. Expert medical opinion regarding degree of injury, cause of injury (including consideration of accidental causes claimed by suspect and possible pre-existing conditions), and time of injury.
- [ ] 6. Photographs of injuries to victim.
- [ ] 7. Photographs of crime scene, of instruments possibly used to inflict injury or which possibly accidentally caused injury.
- [ ] 8. Statements from all caretakers and other potential abusers of victim during time frame in which injury occurred. How do you know that they did not cause the injuries?
- [ ] 9. Statements from all alibi witnesses.

- [ ] 10. Document length and nature of relationship between suspect and victim, if any.
- [ ] 11. Document in officer's report all observations of victim's physical and emotional condition at time of initial contact.
- [ ] 12. Document in witness' statements all observations of victim's physical and emotional condition during time frame of injury.
- [ ] 13. If victim is under 10, interview others to whom he or she made statements describing the assault and determine the circumstances in which those statements were made (others who were present, how subject came up, when they were made), and as specifically as possible, what the child said.
- [ ] 14. If victim is under 10, have a child interview specialist interview the victim, if possible. Determine competency to testify and obtain victim's account of assault.
- [ ] 15. If the suspect had access to other children, determine whether any of them may be victims, too.
- [ ] 16. Obtain written statement from suspect's spouse/significant other to obtain his/her story, whether it corroborates suspect's statement or not.
- [ ] 17. Statement from person who last saw victim without injuries, to help establish time frame for injuries.
- [ ] 18. Document what stress factors were in suspect's life, what experience suspect had in child care, and what were his/her child care practices.
- [ ] 19. Obtain CPS records on victim, suspect and other major caretakers of victim who had access to victim during time of assault.
- [ ] 20. Lab report on any destructive or toxic substance (will need to submit victim's blood sample and/or urine sample and/or suspect's blood sample).
- [ ] 21. If suspect may be suffering from a mental disease or defect, determine and detail what evidence exists to prove/disprove that at the time the assault was committed, either the suspect's mind was affected by the mental disease or defect such that the suspect was unable to perceive the nature and quality of his/her actions, or that the mental disease or defect prevented the suspect from being able to appreciate that his/her actions were wrong.
- [ ] 22. Determine and detail what evidence exists to disprove/prove that the injury was accidental.
- [ ] 23. Determine and detail what evidence exists to prove/disprove the suspect's motive.