

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

**THIRD DEGREE ASSAULT OF A CHILD**

**RCW 9A.36.140**

**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. with criminal negligence, the suspect caused bodily harm to the victim by means of a weapon or other instrument or thing likely to produce bodily harm, OR  
          b. with criminal negligence, the suspect caused bodily harm accompanied by substantial pain that extended for a period sufficient to cause considerable suffering.
- [ ] 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, have a child interview specialist interview the victim, if possible. Determine competency to testify and obtain victim's account of assault.
- [ ] 14. If the suspect had access to other children, determine whether any of them may be victims, too.

- [ ] 15. Obtain written statement from suspect's spouse/significant other to obtain his/her story, whether it corroborates suspect's statement or not.
- [ ] 16. Statement from person who last saw victim without injuries, to help establish time frame for injuries.
- [ ] 17. Document what stress factors were in suspect's life, what experience suspect had in child care, and what were his/her child care practices.
- [ ] 18. Obtain CPS records on victim, suspect and other major caretakers of victim who had access to victim during time of assault.
- [ ] 19. If suspect is a parent or teacher or authorized agent of the parent or teacher, and the suspect may claim that the force used was to restrain or correct the victim, determine whether the force used was reasonable and moderate per RCW 9A.16.100.
- [ ] 20. 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.
- [ ] 21. Determine and detail what evidence exists to disprove/prove that the injury was accidental, or merely ordinary negligence. Criminal negligence is defined as the failure to be aware of a substantial risk that a wrongful act may occur and that failure constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation.
- [ ] 22. Determine and detail what evidence exists to prove/disprove the suspect's motive.