

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

**DV COURT ORDER VIOLATION (FELONY)**

**RCW 26.50.110**

### **ELEMENTS**

1. A valid protection order, restraining order, or no contact order pursuant to RCW 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34, or a valid foreign protection order as defined in RCW 26.52.020, was in effect; AND
2. The suspect knew that he/she was the subject of the order; AND
- 3a. The suspect violated the order by assaulting a person protected by the order; OR
- 3b. The suspect violated the order and the conduct that constituted the violation was reckless and created a substantial risk of death or serious physical injury to another person; OR
- 3c. The suspect violated the order and the suspect had at least two prior convictions for violating the provisions of a no contact order issued under RCW 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 or a valid foreign protection order as defined in RCW 26.52.020. (It does not matter if the prior convictions involved the same or a different victim.)

### **SPECIFIC REQUIREMENTS**

- [ ] 1. Obtain copy of the order and proof that the order was served on the suspect. Identify who is protected by the order, what court issued the order, the date the order issued and whether the order still is in effect.
- [ ] 2. If the order has not been served on suspect, did suspect know of the order through other means? Document and obtain applicable witness statements.
- [ ] 3. Identify the precise nature of the court order violation.
- [ ] 4. If the violation was having contact with a person protected by the order, seize, if available, any recordings of what the suspect said to the protected person or writings of the suspect to the protected person.
- [ ] 5. If you are alleging the violation recklessly created a substantial risk of death or serious physical injury to another person: determine and detail what evidence exists to prove/disprove that the suspect knew of and disregarded a substantial risk that a wrongful act may occur, and that the disregard of such substantial risk was a gross deviation from conduct that a reasonable person would exercise in the same situation
- [ ] 6. If you are alleging the suspect has been convicted of DV no contact order violations at least two times previously, identify the courts and date of convictions.

**Assume that the victim will recant, will be unavailable for court or will be uncooperative with the prosecution by the time the case goes to trial. The following may assist us with prosecuting the case without the victim's help.**

- [ ] 7. Always try to obtain a statement from the suspect.
- [ ] 8. After the victim has written a statement: a) read aloud the certification at the bottom of the statement to the victim; b) you initial next to the certification to memorialize that you have read it to the victim; c) victim initials the certification statement to memorialize that you read it to the victim; d) the victim signs, you sign and note the date and time on the statement.
- [ ] 9. Document any spontaneous statements made by the victim to anyone while in an excited state.
- [ ] 10. Copy of the CAD dispatch printout. Circle the names of any officers who should have completed a report.
- [ ] 11. Photograph victim and suspect, if possible, to document visible injuries or the lack thereof. Photograph the location of the incident if there are signs of a struggle, property damage, etc.
- [ ] 12. Request a copy of 911 tape if the tape will reveal excited utterances or other evidence relevant to the investigation of domestic violence.