

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

HARASSMENT

RCW 9A.46.020(2)(a)(b)

ELEMENTS

1. The suspect knowingly and unlawfully threatened to
 - 2a. Cause immediate or future bodily harm to the person threatened or another person;
OR
 - 2b. Cause physical damage to another person's property;
OR
 - 2c. Subject the person threatened or another person to physical confinement or restraint;
OR
 - 2d. Maliciously* do an act which is intended to substantially harm the physical or mental health or safety of the person threatened or another person;

AND

3. The suspect's words or conduct put the person threatened in reasonable fear that the threat would be carried out;

AND for the Class C Felony crime,

- 4a. The suspect was previously convicted of a crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a no-contact or no-harassment order;
OR
- 4b. The suspect's threat was to kill the person threatened or another person.

*Maliciously means with an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

SPECIFIC REQUIREMENTS

- [] 1. Establish, through direct or circumstantial evidence, the motivation for the harassment.
- [] 2. Identify the specific nature of any threat, whether direct or indirect, and how communicated.
- [] 3. Seize, if available, any recordings of what the suspect said to the person threatened or writings of the suspect to the person threatened.
- [] 4. Identify why the person threatened was in fear, and why the person threatened believed the suspect could carry out the threat to kill. For example, was the person threatened aware of suspect's history of violence, suspect's access to weapons, suspect's use of weapons in the past, and other circumstances surrounding the threat?
- [] 5. Request a copy of 911 tape if the tape will reveal excited utterances.

- [] 6. Obtain copy of any court orders prohibiting contact or harassment, and proof of service.
- [] 7. Verify any prior conviction of a crime of harassment.
- [] 8. Determine and detail the evidence to disprove/prove the suspect's alibi. Interview possible alibi witnesses.
- [] 9. Establish that the target of the threat knew of the threat.