

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

MALICIOUS MISCHIEF IN THE SECOND DEGREE

RCW 9A.48.080

ELEMENTS

The suspect knowingly and maliciously

- a. causes physical damage to another's property in an amount more than \$750, but less than \$5,000; OR
- b. creates a substantial risk of interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle, property of the state, or a political subdivision thereof, a public utility, or mode of public transportation, power, or communication.

SPECIFIC REQUIREMENTS

- [] 1. Determine and detail evidence to show suspect acted knowingly and maliciously (with an evil intent to annoy or injure another person, or acting with willful disregard of the rights of another person or acting with willful disregard of social duty).
- [] 3. If the suspect is an accomplice, determine and detail what evidence exists to prove/disprove that the suspect knew his/her aid would facilitate the crime.
- [] 4. Document efforts to obtain physical evidence to prove identity of suspects, such as fingerprints, footprints, and tire tracks, even if unsuccessful.
- [] 5. Consider the need for forensic laboratory examination and testing, including fingerprint comparison, tool mark comparison, etc.
- [] 2. If the crime is based on property damage over \$750:
 - [] a. Victim's statement should include the relationship between victim and suspect, the fact that the property belonged to victim, and circumstances of its destruction, if known.
 - [] b. Provide written estimate of cost to repair damaged property from a qualified person other than the victim. Include estimator's full name and address. If item has been repaired, submit a copy of repair bill in place of estimate. If item is completely destroyed, get a written appraisal of its fair market value at time of destruction from a qualified appraiser.
- 3. If the crime is based on impairment to public service, obtain a written statement from public entity's employee regarding how service to the public is impaired or interrupted as a result of the tampering/damage done by suspect, and for how long.
- [] 9. Determine and detail what evidence exists to prove/disprove the suspect's motive, for example, gang-related, domestic violence, etc.

- []10. Determine and detail what evidence exists to disprove/prove the suspect's alibi -- and specifically interview possible alibi witnesses.

- []11. 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 crime 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.