

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

## **MALICIOUS HARASSMENT**

**RCW 9A.36.080**

### **ELEMENTS**

1a. The suspect caused physical injury to the victim or another person;

OR

1b. The suspect caused physical damage to or destruction of the property of the victim or another person;

OR

1c. The suspect threatened\* the victim or a group of persons and placed that victim or a members of the specific group of persons in reasonable fear of harm to person or property, and a reasonable person in the victim's skin and under the same circumstances would have been in fear;

AND

2. The suspect acted maliciously\*\* and intentionally, because of the suspect's perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap.

\*Threats include verbal threats, if the context or circumstances surrounding the words indicate the words are a threat. It must be apparent to the victim that the suspect has the ability to carry out the threat.

\*\*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. This includes suspect's statements, expressions or associations.

[ ] 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 victim or writings of the suspect to the victim.

[ ] 4. Photographs of injury/lack of injury, photographs of damage or defacement of property, and photograph suspect if wearing or displaying expressions of malice toward class of persons the suspect is targeting.

[ ] 5. Identify why victim was in fear, and why victim believed the suspect could carry out the threat.

[ ] 6. Request a copy of 911 tape if the tape will reveal excited utterances.

[ ] 7. Determine and detail the evidence to disprove/prove the suspect's alibi. Interview possible alibi witnesses.

