

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

TELEPHONE HARASSMENT

RCW 9.61.230(3)(a)(b)

ELEMENTS

1. The suspect made a telephone call to the victim;

AND

2a. The suspect used lewd, lascivious, profane, indecent, or obscene words or language, or suggested the commission of a lewd or lascivious act;

OR

2b. The suspect called anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensued;

OR

2c. The suspect threatened to inflict injury on the person or property of the person called or any member of his or her family or household;

AND

3. The suspect intended to harass, intimidate, torment or embarrass another person by doing this;

AND for the Class C Felony crime,

4a. The suspect previously was convicted of any crime of harassment, as defined in RCW 9A.46.060, with the same victim or member of the victim's family or household or any person specifically named in a no-contact or no-harassment order in this or any other state;

OR

4b. The suspect's threat was to kill the person threatened or any member of his/her family or household.

SPECIFIC REQUIREMENTS

[] 1. Obtain phone records, if possible, for victim and suspect to establish that the call or calls were made.

[] 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 the suspect's telephone calls and voice mail messages.

[] 4. Identify why the person threatened was in fear, and why the person threatened believed the suspect could carry out the threat. For example, was the person threatened aware of past incidents of violence and threats carried out by the suspect?

[] 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