

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

INTIMIDATING A WITNESS

RCW 9A.72.110(1)(2)

ELEMENTS

1. The suspect threatened* a “current or prospective witness”**; AND
2. The purpose of the threat was:
 - a. to influence the testimony of the witness; OR
 - b. to induce the witness to elude legal process summoning the witness to testify; OR
 - c. to induce the witness to be absent from the proceedings; OR
 - d. to induce the witness not to report the information relevant to a criminal investigation or the abuse or neglect of a minor child, not to have the crime or the abuse or neglect of a minor child prosecuted, or not to give truthful or complete information relevant to a criminal investigation or the abuse or neglect of a minor child.

OR

1. The suspect threatened* a “former witness”***; AND
2. Did so because of the witness’s role in an official proceeding.

*To threaten means a) to directly or indirectly communicate the intent immediately to use force against any person who is present at the time, or b) to threaten as defined in RCW 9A.04.110(25).

**Current or prospective witness” means a) a person endorsed as a witness in an official proceeding; b) a person whom the actor believes may be called as a witness in any official proceeding; or c) a person whom the actor has reason to believe may have information relevant to a criminal investigation or the abuse or neglect of a minor child.

***Former witness means a) a person who testified in an official proceeding; b) a person who was endorsed as a witness in an official proceeding; c) a person whom the actor knew or believed may have been called as a witness if a hearing or trial had been held; or d) a person whom the actor knew or believed may have provided information related to a criminal investigation or an investigation into the abuse or neglect of a minor child.

SPECIFIC REQUIREMENTS

- [] 1. Identify the precise nature of the threat, whether direct or indirect, and how communicated.
- [] 2. Obtain police report or court record to show the victim is a former, current or prospective witness, and identify the custodian of that record.
- [] 3. Seize, if available, any means by which the threat was communicated, such as voice mail recording, e-mail, text message, written materials.
- [] 4. Determine what the suspect wants the victim to do as a result of the threat.
- [] 5. Determine and detail what evidence exists to prove/disprove the suspect’s motive.

[] 6. Determine and detail what evidence exists to disprove/prove it was the suspect who made the threat and to disprove/prove the suspect's alibi. Interview possible alibi witnesses.