

## **WASPC GUIDELINES FOR WRITING REPORTS AND COLLECTING EVIDENCE**

A complete offense report should include the following information:

1. The date, time and location of the incident.
2. Names, addresses, dates of birth and phone numbers of the victim, suspect, witnesses, children, and the 911 caller.
3. A statement of the relationship between the victim and the suspect.
4. Whether the victim is pregnant.
5. The criteria used to determine the primary aggressor.
6. Use of alcohol or drugs by either party.
7. The physical description and size of each party.
8. If an officer was injured in the incident, the nature and circumstances of the injury.
9. An additional contact telephone number and location for the victim, such as a close family member or friend. This information shall be listed on a separate sheet and marked "CONFIDENTIAL--DO NOT DISCLOSE."
10. Statement of Probable Cause, to include:
  - a. Description of the physical environment.
  - b. Elements used to establish probable cause.
  - c. Declarations made by the victim, suspect, or witnesses that describe their existing state of mind and/or physical condition (Evidence Rule 803 (a)(1)-(3)).
  - d. Description of injuries (victim, suspect, witnesses) including those observable and non-observable.
  - e. Specific details describing the emotional state of victim and suspect.
  - f. Use of weapons.
  - g. Prior history of abuse (reported or unreported to law enforcement) in Washington State and other locations.
  - h. Where both parties are arrested, a probable cause statement for each arrest.

11. A signed medical release, when appropriate.
12. Complete description of the scene. Describe evidence of an altercation (i.e., broken items, furniture tipped over, phone cord ripped out of a wall).
13. A complete evidence log for all items seized.
14. List all possible crimes committed.
  - a. If crimes include a violation of a protection, no contact or restraining order, the officer shall document: type of order, order number, the name of the order, issuance date and court, conduct prohibited by the court order, and alleged violation.
  - b. Examples of domestic violence incidents that should always be presented for felony prosecution include:
    - gunshot wound
    - discharge of a gun in an attempt to wound
    - Intentional pointing of a gun at a victim
    - knife wound
    - serious threat with knife or other deadly weapon such as lunging with a knife or holding the knife to the throat
    - any injury that constitutes grievous bodily harm, including broken bones
    - any injury that requires admission to a hospital, other than routine first aid treatment
    - any injury that causes permanent damage such as loss of hearing or sight
    - intentionally inflicted burns
    - injury that causes internal bleeding
15. Document violation of a court order by including the following information in the offense report:
  - a) Identify what specific conduct is prohibited by the court order and how it was violated. It is not sufficient to state only that the order was violated.
  - b) Indicate the type of order (protection, no contact, restraining), the order number, issuance court and date.

## RCW 9.94A.411(2)(b)—Decision to Prosecute—Police Investigation

### (2)(b) GUIDELINES/COMMENTARY:

#### (i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (B) The completion of necessary laboratory tests; and
- (C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

#### (ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (A) Probable cause exists to believe the suspect is guilty; and
- (B) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

#### (iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (A) Polygraph testing;
- (B) Hypnosis;
- (C) Electronic surveillance;
- (D) Use of informants.

#### (iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

#### (v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.