

# SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

## SECOND DEGREE BURGLARY

RCW 9A.52.030

### SPECIFIC REQUIREMENTS

- [ ] 1. Determine and detail what evidence exists to prove/disprove that the suspect unlawfully entered or remained in a building (or fenced area used for storage of goods, railway car, or cargo container), to include statements re lack of permission and physical evidence of forced entry.
- [ ] 2. Determine and detail what evidence exists to prove/disprove that the suspect entered or remained in the building with the intent to commit a crime inside (specify the crime).
- [ ] 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 identify of intruders, 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.
- [ ] 6. Victim's statement should include circumstances of burglary, time they last were in building, fact that suspect had no permission to enter, what exactly was taken (list it out in their written statement) and how victim knows it was taken in burglary, and potential suspects. If viable suspect, have victim document how/when/where they know suspect and whether or not they have ever had permission to enter the building.
- [ ] 7 If this is a "theft-type" case, do what one does with other felony theft crimes.
  - [ ] a. Determine and detail what evidence exists to disprove/prove that the suspect wrongfully obtained or exerted unauthorized control over the victim's property, with intent to deprive the rightful owner of the property.
  - [ ] b. Provide fair market values of the stolen items with supporting documentation, if aggregate fair market value is greater than \$750.
  - [ ] c. Check pawn shop records for stolen items.
  - [ ] d. If property recovered, provide reports detailing how items recovered, even if from another agency.
  - [ ] e. If property recovered, explain how property was identified as being property stolen in the burglary.
  - [ ] If credit cards or checks were stolen in burglary, determine if subsequently used.
- [ ] 8. Statement from suspect(s), if possible. Get details of how/when/where suspect obtained any items from burglary. Get details of how/when/where suspect knows victim. If suspect admits entering/remaining without permission but denies intent to commit a crime inside, pin down suspect as to what was his/her intent. If no statement obtained, explain why.

- [ ] 9. Determine and detail what evidence exists to prove/disprove the suspect's motive, for example, sexual motivation, 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 assault 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.