

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

## **THIRD DEGREE CHILD MOLESTATION**

**RCW 9A.44.089**

### **ELEMENTS**

1. The suspect has or knowingly causes another person under the age of 18 to have sexual contact\* with the victim; AND
2. The victim is at least 14 years old but less than 16 years old and not married to the perpetrator; AND
3. The perpetrator is at least 48 months older than the victim.

\*Sexual contact means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

Defense: At the time of the offense the suspect reasonably believed the victim to be at least 16, or that the victim was less than 36 months younger than the perpetrator, based upon declarations as to age by the victim.

### **SPECIFIC CONSIDERATIONS**

- [ ] 1. Describe the sexual contact: who's sexual or other intimate parts were touched; what parts; by whom; and how do we know the touching was for the purpose of gratifying the sexual desire of either party or a third party?
- [ ] 2. Determine victim's date of birth, suspect's date of birth, and time frame for sexual contact. Victim must have been 14 or 15 years old and suspect at least 48 months older than victim.
- [ ] 3. Determine whether medical exam may produce evidence and if so, make sure it is done timely. Get signed release from victim, if possible, and obtain medical records of exam.
- [ ] 4. Determine if CPS is involved and if so, indicate caseworker's name and phone number. Check to see if CPS or police have received other complaints concerning suspect or victim. Obtain those CPS and police reports.
- [ ] 5. If there is an indication of other victims, locate and interview them.
- [ ] 6. Interview suspect's wife/girlfriend regarding alibi and other defenses, and to get information corroborating or refuting victim's account.
- [ ] 7. Things to ask child victim:
  - [ ] Determine who the victim told first about the abuse, others who were told before police, and get statements from those people.
  - [ ] Determine as near as possible when the abuse began and ended, victim's age and suspect's age. Can victim recall specific incidents, including first and last?

- What suspect said.
  - Where abuse occurred.
  - Whether there was oral, vaginal and/or anal contact (if vaginal or anal, whether there was penetration); have child describe taste, smell and appearance.
  - Whether suspect made victim touch him, and if so, where.
  - Whether suspect wanted to take, or took, naked pictures of victim, or showed victim pornographic material.
  - Whether anyone else has sexually abused the child.
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- 8. Find out if child victim is in counseling and if so, with whom.
  - 9. Seize any sex aids, calendars, diaries, pornography, clothing, bedding, camera equipment and photos of victim in suspect's possession which are connected to the offense.
  - 10. Determine whether suspect knew how old victim was, and if so, how. Establish this with victim, suspect and any witnesses to victim's representation of age.
  - 11. Determine nature of and length of prior relationship (if any), between victim and suspect.