

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

DEFRAUDING A PUBLIC UTILITY 2nd Degree/1st Degree RCW 9A.61.040/030

ELEMENTS

1. The suspect

- a) diverted or caused to be diverted utility services; OR
- b) made or caused to be made a connection or reconnection with property owned or used by the utility to provide utility service, without authorization or consent of the utility; OR
- c) prevented a utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or any other means; OR
- d) tampered with property owned or used by a utility to provide utility services; OR
- e) used or received the direct benefit of utility services, knowing or with reason to believe that diversion, tampering, or unauthorized connection existed at the time of the use and that the use or receipt was without the authorization or consent of the utility;

AND

2(a) (For 2nd Degree Defrauding) the value of the utility service diverted or used exceeded \$500.

OR

2(b) (For 1st Degree Defrauding) the value of the utility service diverted or used exceeded \$1500;

OR

2(c) (For 1st Degree Defrauding) The tampering occurred in furtherance of other criminal activity, such as the knowing and unlawful manufacture of a controlled substance.

SPECIFIC REQUIREMENTS

- [] 1. Include reports from each employee of P.U.D. who was involved in the investigation, to include a brief description of how the utility services were diverted or tampered with; the value of the service diverted and how the utility arrived at that amount; and the name and address of the custodian of business records..
- [] 2. If the diversion was in furtherance of another criminal activity, explain what and how.
- [] 3. Complete evidence log describing evidence, where evidence was located, which person it is associated with, and who seized it.
- [] 4. If the suspect was the owner or occupant of the premises to which the utility services were diverted, include documents showing ownership and/or occupancy.
- [] 5. Consider interviewing neighbors regarding the suspect's occupancy or exercise of control over the premises, as well as regarding suspicious activity at the building.
- [] 6. Copy of wire order, judicial review, and transcription of any intercepted conversation, if evidence-gathering wire order done.