

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

## **FIRST DEGREE INCEST**

**RCW 9A.64.020(1)**

### **ELEMENTS**

1. The suspect engaged in sexual intercourse\* with the victim; AND
2. The victim was related to the suspect, either legitimately or illegitimately, as an ancestor, descendant (including stepchild and adopted child under 18), brother, or sister of either the whole or the half blood; AND
3. The suspect knew that he had that relationship to the victim.

\*Sexual intercourse means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex. Exception: penetration for medically recognized treatment or for diagnostic purposes is excluded from this definition. Sexual intercourse also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another, whether such persons are of the same or opposite sex.

### **SPECIFIC CONSIDERATIONS**

1. Describe the type of sexual intercourse: a) any penetration of the vagina or anus, however slight, by an object, committed on one person by another, excluding penetration for medical treatment or diagnosis; or b) sexual contact between the sex organs of one person and the mouth or anus of another.
2. Determine whether medical exam may produce evidence and if so, make sure it is done timely. Get signed release from victim or guardian, if victim under age 14, if possible, and obtain medical records of exam.
3. 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.
4. If there is an indication of other victims, locate and interview them.
5. Interview suspect's spouse/significant other regarding alibi and other defenses, and to get information corroborating or refuting victim's account.
6. Determine whether other family members have any corroborative knowledge of facts related by victim or are aware of any history of similar problems.
7. Find out if victim is in counseling and if so, with whom.
8. 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.

- 9. Determine the relationship of suspect to victim: ancestor, descendant (includes stepchild and adopted child under 18), brother or sister of whole or half blood.
- 10. Document and detail the evidence to show that the suspect knew he had that relationship to the victim.
- 10. Things to ask victim:
  - Age at time of abuse.
  - What suspect said.
  - Where abuse occurred.
  - Whether there was oral, vaginal and/or anal contact (if vaginal or anal, whether there was penetration); have victim 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 victim.