

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

### **POSSESSION OF WEAPON BY PRISONER**

**RCW 9.94.040**

1. While the suspect was serving a sentence in a state correctional institution (Class B felony) or was confined in a county or local correctional institution (Class C felony); AND
2. while the suspect was in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution; AND
3. the suspect *knowingly* possessed or carried upon his/her person or had under his/her control any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to another person; AND
4. The possession was without legal authorization.

### **SPECIFIC CONSIDERATIONS**

- [ ] 1. Suspect's physical location, and physical location of weapon if not on the person of the suspect, when the crime occurred.
- [ ] 2. If weapon not located on person, proof that suspect had sole control over place where weapon was located and proof that weapon was not there before suspect had control over it.
- [ ] 3. Photo of weapons or other accurate description. If the weapon is a firearm, was it loaded and/or operable.
- [ ] 4. Copy of suspect's commitment order, transportation order, housing classification paperwork and judgment and sentence.
- [ ] 5. Detail and describe evidence to prove/disprove that suspect knowingly possessed the weapons.