

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

FIRST DEGREE RAPE

RCW 9A.44.040

ELEMENTS

1. The suspect engaged in sexual intercourse* with the victim; AND
2. The sexual intercourse was by forcible compulsion**; AND
3. The suspect or an accomplice
 - a. used or threatened to use a deadly weapon or what appeared to be a deadly weapon; OR
 - b. kidnapped the victim; OR
 - c. inflicted serious physical injury, including but not limited to physical injury which rendered the victim unconscious; OR
 - d. feloniously entered into the building or vehicle where the victim was located.

*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.

**Forcible compulsion means physical force which overcomes resistance, or an express or implied threat that places the victim in fear of death or physical injury to the victim or another person, or in fear that the victim or another person will be kidnapped.

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. Specific description of victim's injuries, with 35mm photos taken upon first contact and after bruises become visible.
- [] 3. Description of any threats or force used, comments made, or weapons used by suspect.
- [] 4. Description of distance (if any) which suspect moved victim, type of restraint(s) (if any) used, and acts to conceal victim.
- [] 5. Was there a felonious entry, i.e. a burglary, of building or vehicle where victim was situated?
- [] 6. Names, addresses and phone numbers of people to whom victim talked about the rape; be sure we know first person told and get statement from that person.

- 7. Clear indication of name of medical personnel who talked with/examined victim following the incident, along with readable copies of relevant medical records (requires signed waiver from victim).
- 8. Gather and properly preserve victim's clothing worn at time of rape and sheets, towels, carpet, etc., which might contain body fluids. (Important when fact of intercourse and/or identity may be an issue. If victim has washed clothes worn at time of rape, collect instead clothes she is wearing if she has not showered since rape.)
- 9. Description of any verbal or physical resistance made by victim. Can neighbors or passers-by corroborate?
- 10. Collect any items that may have suspect's fingerprints, if identity may be an issue.
- 11. Describe length and nature of relationship between victim and suspect, if any.
- 12. Document in officer's report and in witness statements all observations of victim's physical and emotional condition at or near time of sexual contact.