

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

THIRD DEGREE RAPE

RCW 9A.44.060

ELEMENTS

1. The suspect engaged in sexual intercourse* with the victim; AND
2. The suspect was not married to the victim; AND
- 3a. The victim did not consent** to sexual intercourse, and the lack of consent was clearly expressed by the victim's words or conduct;

OR

- 3b. The suspect threatened substantial unlawful harm to the property rights of 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.

**Consent means that at the time of the sexual contact the victim used actual words or conduct indicating freely given agreement to have sexual contact.

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. Description of any threats or force used, comments made, or weapons used by suspect.
- [] 3. 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.
- [] 4. 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).
- [] 5. 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.)

- [] 6. Describe length and nature of relationship between victim and suspect, if any. If legally married, are they living separately and has one of them filed for separation or dissolution?
- [] 7. What words or conduct of the victim clearly expressed lack of consent? Can others corroborate?
- [] 8. Collect any items that may have suspect's fingerprints, if identity may be an issue.
- [] 9. Describe any threat of substantial unlawful harm to property rights of the victim. Can others corroborate?
- [] 10. Document in officer's report and in witness statements all observations of victim's physical and emotional condition at or near time of sexual intercourse.