

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

## **FIRST DEGREE KIDNAPPING**

**RCW 9A.40.020**

### **ELEMENTS**

1. The suspect intentionally abducted\* another person; AND
2. The suspect intended to
  - a) hold the person for ransom or reward, or as a shield or hostage; OR
  - b) facilitate the commission of any felony or flight thereafter; OR
  - c) inflict bodily injury on the person; OR
  - d) inflict extreme mental distress on the person or a third person; OR
  - e) interfere with the performance of any governmental function.

\*To abduct a person means to restrict that person's movements without consent and without legal authority in a manner which interferes substantially with the person's liberty. "Without consent" means a) obtaining the victim's acquiescence by physical force, intimidation or deception, or b) obtaining the victim's acquiescence when the victim is under 16 years old or is an incompetent person, and the parent, guardian or other person or institution having lawful control or custody of the person has not acquiesced. Furthermore, to meet the definition of "abduct", the restraint must include a) secreting or holding the person in a place where the person is not likely to be found, or b) using or threatening to use deadly force

### **SPECIFIC CONSIDERATIONS**

- [ ] 1. Identify how the victim's freedom of movement was restricted.
- [ ] 2. Identify what physical force, intimidation or deception was used to accomplish the restraint.
- [ ] 3. If the victim is under 16 years old, or is an incompetent person, obtain a statement from the victim's parent, guardian or custodian regarding the lack of consent by the parent/guardian/custodian.
- [ ] 4. Identify whether the victim was held in a place where he/she was not likely to be found, or whether the suspect used or threatened to use deadly force.
- [ ] 5. Determine and detail what evidence exists to prove/disprove the suspect's purpose for kidnapping the victim.
- [ ] 6. If the suspect is an accomplice, determine and detail what evidence exists to prove/disprove that the suspect knew his/her aid would facilitate the crime.
- [ ] 7. Determine and detail what evidence exists to prove/disprove the prior relationship between the suspect and the victim.
- [ ] 8. Identify the precise nature of any threat used and what effect such threat had on the victim.

