

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

SECOND DEGREE KIDNAPPING

RCW 9A.40.030

ELEMENTS

1. The suspect intentionally abducted* another person;

*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. 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.
- [] 6. Determine and detail what evidence exists to prove/disprove the prior relationship between the suspect and the victim.
- [] 7. Identify the precise nature of any threat used and what effect such threat had on the victim.
- [] 8. If the suspect is a relative of the victim, determine and detail what evidence exists to prove/disprove the defense that the suspect did not use or threaten to use deadly force AND the suspect's sole intent was to assume custody of the victim.