

Robbery & Kidnapping

Facilitator Guide

Session Overview

Introduction & Learning Objectives	10m
GROUP EXERCISE – Worksheet	60m
Break	10m
Discussion – Answers to Worksheet #1-19	60m
Break	10m
Lecture – Custodial Interference	10m
Review – Problem Solving Model	05m
INDIVIDUAL ACTIVITY – Finish Worksheet	30m
Break	10m
Discussion – Answers to 2nd Part of Worksheet	10m
Discussion - Related RCW Review	25m
End of Session/Break	10m

Total Session Time: 4 hours

Main Topics of Session:

- *Robbery*
- *Extortion*
- *Kidnapping*
- *Unlawful Imprisonment*
- *Custodial Interference*
- *Luring*

Facilitators Needed: 1(CL)

Location: Classroom

Materials Needed:

- *FG Supp - ANSWER KEY - Robbery & Kidnapping Worksheet*

Students Should Already Have:

- *Pocket Press Books*
- **[THUMB DRIVE]**
- *Criminal Law Student Resource Guide*
- *HANDOUT - Robbery & Kidnapping Worksheet*



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Learning Objectives

- Recognize the elements of Robbery, Kidnapping and related crimes in scenarios, and determine probable cause for arrest for those crimes.
- Explain relevant definitions related to the above crimes.
- Demonstrate investigative abilities (including prioritization, criminal procedures, tactics, etc...) using the BLEA problem solving model.



NOTE TO FACILITATOR

Take a poll of how many students already completed the pre-class worksheet and quickly review if questions are raised.



STUDY MATERIAL - HANDOUT - Robbery & Kidnapping Worksheet

Instructions: Students should already have this (included in the Module Materials 'Book').



GROUP EXERCISE - Complete Worksheet - Part I

Time: 60 min

Materials:

- HANDOUT - Robbery & Kidnapping Worksheet
- RCW's

Instructions: As squads, complete the worksheet questions 1-19 and make sure your squad comes to a consensus on each question; DO NOT PROCEED PAST QUESTION 19 until after the break

**BREAK**

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NOTE TO FACILITATOR

Spend **60 minutes** and review and discuss answer (have the squads answer the questions for the class and guide discussion to allow the recruits to explain why the correct answers were the right ones).



BREAK



LECTURE - [Custodial Interference](#)

Custodial Interference (RCW 9A.40.060-070) GM – Class C Felony

- Two degrees – both illegal, and both very complicated.
- Custodial Interference is like “Non-Violent Family Kidnap.”
- Don’t try to memorize all the different combinations of elements. Simply be able to recognize it and know how to look it up when needed.
- It will be very rare to make a physical arrest for this crime.
- Except in an emergency (like Dad is about to board the plane with the kids and leave forever), your main role in these cases will be to document the situation in a police report and give the parties the case number so they can use it as evidence in their court battles against each other.
- Most of these cases are situations where one parent is not following the court-established parenting plan closely enough, and the other parent is calling to report the violation and get it documented in a police report.
- Remember that except in emergencies (child’s safety is at risk), we will not order one parent to hand a child over to the other parent, and we will not forcefully take the child away from a parent.
- Check your department policy for how your agency handles these. Some departments have special units that handle these calls because they get so complicated.
- When in doubt, ask for help or call you supervisor on these!



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NOTE TO FACILITATOR

If time allows following Part I, proceed to Part II of the Worksheet. If class discussion runs long, this piece can be eliminated.

Spend **5 minutes** and review the BLEA problem solving model. The students will be using the model in the second part of the worksheet.



INDIVIDUAL EXERCISE - Complete Worksheet - Part II

Time: 30 min

Materials:

- HANDOUT - Robbery & Kidnapping Worksheet
- RCW's

Instructions: Individually, complete the Problem-Solving section of worksheet.



BREAK



NOTE TO FACILITATOR

Spend **the remainder of the time**, as detailed below, discussing the worksheet and the laws from this Session.



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NOTE TO FACILITATOR

The following notes, used in conjunction with the [FG Supp - INSTRUCTOR GUIDE - Criminal Law Student Resource Guide](#), will assist you in delivering this Session. Throughout the activities and discussions in this Session, use Socratic questioning to help students discover the finer points of the laws. Point them to their resources as much as possible.

Robbery Vs. Extortion

“Robbery” (RCW 9A.56.190)

- Robbery is like “Super Theft.” It’s theft by force (or threat of immediate force).
- Both the loss of property and the force (or threat of force must be immediate). If it is not happening now, or just about to happen, it is not Robbery. It must be some other crime like Theft or Extortion.
- If nothing has been actually physically taken, it’s not a full Robbery yet. It may be Attempted Robbery or some other crime.
- Robbery does not need to have a weapon involved.

“Extortion” (RCW 9A.56.110)

- Extortion is sometimes called “blackmail.”
- It’s a threat of *future* consequences to get something.
- Extortion usually handles any situation that Robbery doesn’t want.
- Extortion is a higher/stronger form of Coercion. Remember that coercion is the crime of controlling a victim’s behavior by use of threat. And Extortion is just like that, but for gain or profit. It’s like “financial coercion.”



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Robbery 1 & 2

Robbery 2nd Degree (RCW 9A.56.210) Class B Felony

- This is your basic no-frills Robbery.
- Sometimes called “Strong-Arm Robbery.” There is no weapon involved. If there had been a weapon, we would have used Robbery 1.

Robbery 1st Degree (RCW 9A.56.200) Class A Felony

- Four ways for a Robbery to be 1st Degree Robbery (Memorize these triggers):
 1. Armed with deadly weapon
 2. Displays what appears to be deadly weapon
 3. Inflicts injury – *any amount of injury*
 4. Robs a bank or other financial institution (check-cashing place, etc.)

Extortion 1 & 2

Extortion 2nd and 1st Degree (RCW 9A.56.120-130) Class C & B Felonies

- No need to memorize all the details of 1st and 2nd degree. Simply recognize that Extortion has taken place. Both degrees are felonies, so you have a great arrest. You can sort out the exact degree later.
- Obviously, the more serious versions of Extortion are the 1st degree triggers:
 1. Threat to cause bodily injury
 2. Threat to damage property
 3. Threat to kidnap



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Kidnapping Definitions

“Restrain” (RCW 9A.40.010)

- Extremely important definition! If you don’t understand these definitions, you will not be able to apply the Kidnap laws.
- Four ways to restrain:
 1. Restrict a person’s movements **+** without legal authority **+** *by physical force*
 - Fighting, holding down, etc.
 2. Restrict a person’s movements **+** without legal authority **+** *by intimidation*
 - Scaring the victim into compliance
 3. Restrict a person’s movements **+** without legal authority **+** *Deception*
 - Tricking the person to go along, or stay put
 4. Restrict a person’s movements **+** without legal authority **+** *by Acquiescence*
 - Getting agreement from a victim that can’t legal give that agreement

“Abduct” (RCW 9A.40.010)

- If you can’t say “abduct,” you can’t say “Kidnapping!” Abduction is the act that triggers the crime of Kidnapping.
- The definition of “abduct” builds upon the definition of “restrain.” You must first satisfy the components of “restrain” and then also check to see if you’ve satisfied the components of “abduct.”
- Two ways to abduct:
 1. Restrain **+** *keeping/holding in a secret/unknown place*
 2. Restrain **+** *by using or threatening deadly force*

“Relative” (RCW 9A.40.010)

- Don’t bother memorizing – it means what you think it does.



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Unlawful Imprisonment

Unlawful Imprisonment (RCW 9A.40.040) Class C Felony

- This is like “Kidnapping Lite” or “Diet Kidnap”
- Notice it does not require the mental state of Intent, only Knowledge.
- It also does not require the act of abduction, only restraining.
- This law also does not specify for how long the restraint must be – it may be only a short moment.
- In Washington, you are not allowed to manhandle people and keep them from moving about freely (unless you have a legal cause).

Kidnapping 1 & 2

Kidnapping 2nd Degree (RCW 9A.40.030) Class B Felony

- Must have full abduction!
- Mental state is Intent
- Notice the defense for relatives – that’s because we have a different set of crimes for non-violent family kidnappings... it’s called Custodial Interference.

Kidnapping 1st Degree (RCW 9A.40.020) Class A Felony

- This is like “Extra-Bad Kidnapping.”
- Notice that there are several extra-bad behaviors that trigger the higher degree.
- The key to Kidnapping 1 is that the whole reason/purpose for the abduction has to be one of those extra-bad triggers. One of those must be the Specific Intent.
- If a suspect merely abducts a victim and incidentally ends up in one of those extra-bad triggers, it’s not enough. The trigger must be the original plan/purpose.



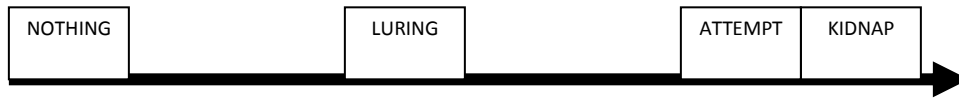
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Luring

Luring (RCW 9A.40.090) Class C Felony

- This is a crime that fills a gap. It goes right between nothing and Attempted Kidnapping.



- This crime makes it illegal to do things that are the precursors to a full-on Kidnapping.
- It makes it illegal to even begin to try to kidnap a person by luring them into a dangerous situation.



END OF SESSION

