



Policy 709

Subject	
KIDNAPPING/EXTORTION/ABDUCTION INVESTIGATIONS	
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By Order of the Police Commissioner

POLICY

1. **Victim Safety.** It is the policy of the Baltimore Police Department (BPD) to effectively investigate reports of Kidnapping, Extortion and Abduction. The safety and welfare of the victim(s) shall be of primary importance and shall never be compromised.
2. **Teamwork.** Kidnapping, Extortion and Abduction cases are extremely sensitive and require a timely, coordinated response and action from law enforcement agencies. Complete cooperation among the various bureaus, divisions, sections, and units within the BPD is imperative.

DEFINITIONS

Abduction –

1. Relative of Child Under 16 – Prohibited Acts in this State
 - 1.1. If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not: abduct, take or carry away the child from the lawful custodian to a place within this State; having acquired lawful possession of the child, detain the child within this State for more than 48 hours after the lawful custodian demands that the child be returned; harbor or hide the child within this State, knowing that possession of the child was obtained by another relative in violation of this section; or act as an accessory to an act prohibited by this section. (Family Law Article §9-304)
2. Relative of Child Under 16 – Prohibited Acts outside of this State
 - 2.1. If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not: abduct, take or carry away from the lawful custody to a place in another State; having acquired lawful possession of the child, detain the child in another State for more than 48 hours after the lawful custodian demands that the child be returned; harbor or hide the child in another State knowing that possession of this child was obtained by another relative in violation of this section; or act as an accessory to an act prohibited by this section.
 - 2.2. If a child is under the age of 16 years, a relative who knows that another person is the lawful custodian of the child may not: abduct, take, or carry away the child from the lawful custodian to a place that is outside of the United States or a territory of the

United States or the District of Columbia or the commonwealth of Puerto Rico; having acquired lawful possession of the child, detain the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the commonwealth of Puerto Rico for more than 48 hours after the lawful custodian demands that the child be returned; harbor or hide the child in a place that is outside of the United States or a territory of the United States or the District of Columbia or the commonwealth of Puerto Rico knowing that possession of the child was obtained by another relative in violation of this section; or act as an accessory to an act prohibited by this section. (Family Law Article § 9-305)

3. Any person who shall, for the purpose of prostitution, fornication or concubinage, forcibly abduct from his/her home or usual place of abode or from the custody and control of his/her parent(s) or guardian(s) any individual under the age of 16, or be accessory thereto, or who shall for said purpose persuade or entice from his/her usual place of abode, or from the custody and control of his/her parent(s) or guardian(s), any such individual so abducted, persuaded or enticed as aforesaid, against the consent of his/her parent(s) or guardian(s), or the person(s) who may have temporary care, custody, or control of such individual, or be accessory thereto (Criminal Law Article § 11-305).

Extortion – Obtaining, attempt to obtain, or conspire to obtain, money, property, labor, or anything of value from another person with the person’s consent, if consent was induced by wrongful use of actual or threatened force or violence, economic injury or destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person. (Criminal Law Article §3-701)

NOTE: This definition does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours or working conditions.

False Imprisonment – The unlawful confinement or detention of a person against their will. False Imprisonment may be committed through the use of fraudulent misrepresentation to obtain consent as well as through the use of force or threat of force.

Kidnapping –

1. A person may not, without color of right: forcibly abduct, take or carry away a child under the age of 12 years old, from: the home or usual place of abode of the child; or from the custody and control of the child’s parent or legal guardian, without the consent of the child’s parent or legal guardian, persuade or entice a child under the age of 12 years from:
 - 1.1. The child’s home or usual place of abode.
 - 1.2. The custody and control of the child’s parent or legal guardian; or with the intent of depriving the child’s parent or legal guardian, or any person lawfully possessing the child, of the custody, care, and control of the child, knowingly secrete or harbor a child under the age of 12 years old.
2. In addition to the above prohibitions, a person may not, by force or fraud, kidnap, steal, take or carry away a child under the age of 16 years old. (Criminal Law Article § 3-503)

Parental Child Abduction – Any non-custodial parent that abducts his or her child, under the age of sixteen, from the custodial parent. (Family Law Article, Section 9-305, Annotated Code of Maryland)

GENERAL

1. The term “Abduction” applies only to children under the age of sixteen years.
2. Abduction of a child between the ages of 12-15 years must include the elements of prostitution or fornication or concubinage, otherwise the offense is Kidnapping.
3. The taking of a child may be by assault or by enticement.
4. When a parent is the accused, there must have been a judicial termination of his/her parental rights prior to the Abduction.
5. Kidnapping may apply to a man, woman, or child.
6. Both False Imprisonment and some measure of transportation (movement) of the victim are necessary elements in a Kidnapping.
7. Parental Abduction only applies to the non-custodial parent whose parental rights have not been judicially terminated.
8. The Sex Offense Unit shall be notified for Abduction cases where a sexual assault has occurred involving a **victim 13 years of age or older**.
9. The Child Abuse Unit shall be notified for Abduction cases where a sexual assault has occurred involving a **victim 12 years of age or younger**.
10. In those cases where the child/victim has been located and/or recovered, absent any life threatening injury, and a sexual assault is alleged or suspected, the Sex Offense Unit and/or Child Abuse Unit will assume responsibility for the investigation. The age of the victim will determine which unit shall have responsibility for the investigation.
11. In those cases where the child/victim is missing and foul play is suspected, or the victim is located/recovered with life-threatening injury, the Homicide Section will have responsibility for the investigation.
12. In carjacking cases, absent reporting of sexual assault, the respective District Detective Unit shall assume responsibility for the investigation.
13. If necessary, the Advanced Technical Team (ATT) will respond and provide technical assistance for the duration of the investigation.

REQUIRED ACTION**Member**

1. When an incident is determined to be a Kidnapping, Extortion, Abduction, or Parental Child Abduction, request that the district patrol sector supervisor and the District Detective Unit supervisor respond to the scene.
2. Obtain and record all information relative to the offense.

Sergeant/OIC, District of Occurrence

1. Respond to the scene and supervise the preliminary investigation.
2. Notify and brief the district Shift Commander.

Shift Commander/SIC, District of Occurrence

1. Evaluate all pertinent information obtained by the primary investigating officer and the sector supervisor.
2. Determine if a Kidnapping, Extortion, Abduction, or Parental Child Abduction has occurred. Notify the Shift Commander, Homicide Section, by telephone, if one of these incidents is confirmed or suspected.

Shift Commander, Homicide Section

1. Initiate an investigation upon notification that a Kidnapping, Extortion, Abduction, or Parental Child Abduction has occurred where the child is in danger of injury or death. Immediately dispatch an appropriate number of investigators to the scene.
2. Establish a command post within the Homicide Section or another location as deemed appropriate.
3. Ensure that the Commanding Officer, Homicide Section, is notified.
4. Supervise and coordinate all surveillance activity. Ensure crime scene integrity.
5. Ensure that all pertinent reports are prepared and submitted.

Commanding Officer, Homicide Section

1. Upon notification of a Kidnapping, Extortion, Abduction, or Parental Child Abduction has occurred where the child is in danger of injury or death, assume responsibility for the conduct of the investigation.

NOTE: When resources from additional divisions, sections, or units are required, the appropriate Chief shall authorize additional personnel as requested by the Commanding Officer, Homicide Section.

2. Notify the Chief, Crimes Against Persons Division, and if necessary, solicit assistance from any federal, state, or other law enforcement agency.

Supervisor, District Detective Section

1. Upon determination of a Parental Child Abduction, and absent any threat or indication of life-threatening injury or death, the investigation will remain at the district level, under the purview of the District Detective Section.

RESCISSION

Remove and recycle/destroy General Order G-9, *Kidnapping/Extortion/Abduction Investigation*, dated 10 April 2002.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.