



STRANGULATION FACT SHEET

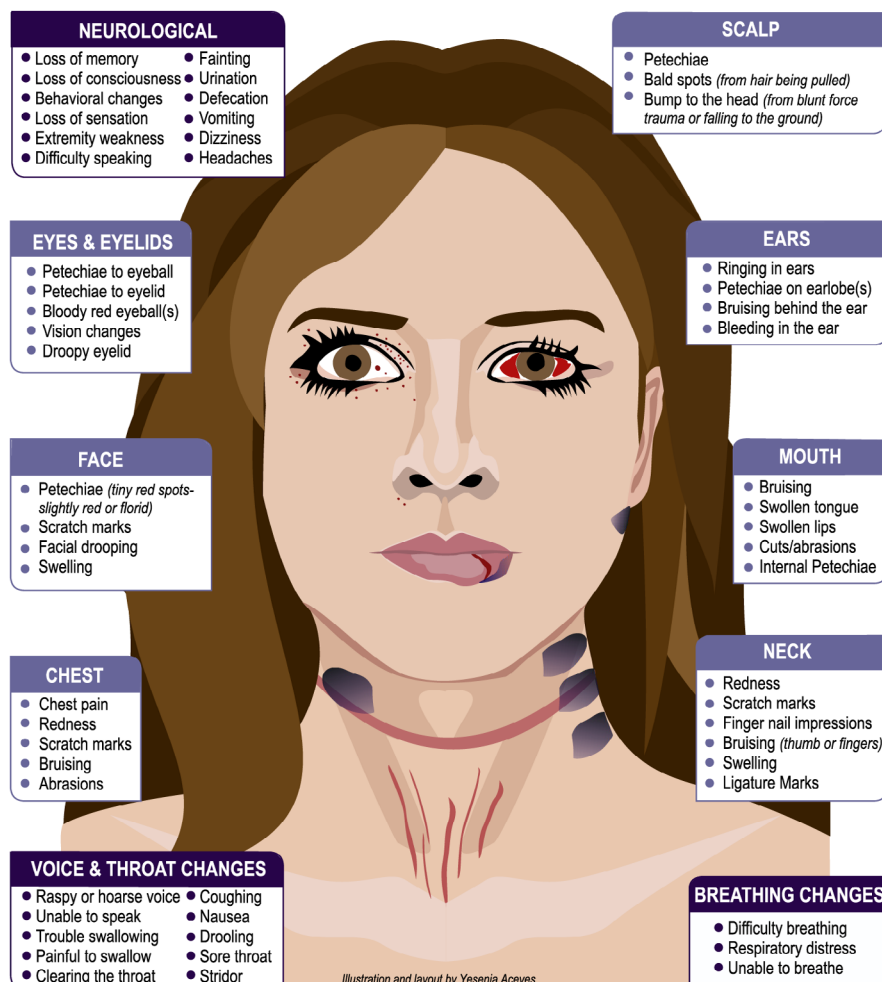
WHY NON-FATAL STRANGULATION CASES SHOULD BE TREATED AS FELONIES

by Gael Strack, Esq. and Casey Gwinn, Esq.

There are clear reasons why strangulation assaults in domestic violence cases should have a separate felony statute, and, if there is a misdemeanor element to the statute, it should be only used after it is determined that a felony cannot be filed. These reasons have been articulated during legislative hearings across the country as statutes have been passed over the last 16 years as well as numerous published and unpublished cases. Prosecutors and law enforcement professionals should be familiar with these arguments.

They can help in advocating for legal changes, felony prosecution, used in bail hearings, plea negotiations with defense attorneys, during trial, at sentencing hearings, with probation and parole officers and helping victims understand the seriousness and lethality of strangulation assaults. These key points are separated in bullet points to make it easy for professionals to “cut and paste” into bail arguments, trial briefs and sentencing reports.

SIGNS AND SYMPTOMS¹



Source: Strangulation in Intimate Partner Violence, Chapter 16, Intimate Partner Violence. Oxford University Press, Inc. 2009.

CONSEQUENCES²

PSYCHOLOGICAL INJURY

PTSD, depression, suicidal ideation, memory problems, nightmares, anxiety, severe stress reaction, amnesia, and psychosis.

DELAYED FATALITY

Death can occur days or weeks after the attack due to carotid artery dissection and respiratory complications such as pneumonia, ARDS, and the risk of blood clots traveling to the brain (embolization).

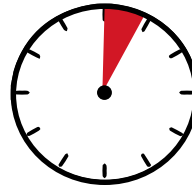
As of 2025, **Washington DC, 50 States, 22 Tribes and 3 US Territories** have passed felony strangulation laws.³

Strangulation and suffocation are included in **Federal (2013)** and **Military (2019) Codes**.

OF WOMEN
AT HIGH RISK...

68-80%

WILL EXPERIENCE
NEAR-FATAL STRANGULATION
BY THEIR PARTNER. ¹



LOSS OF CONSCIOUSNESS
CAN OCCUR WITHIN **5-10 SECONDS**.
DEATH WITHIN MINUTES. ¹¹

STRANGULATION IS MORE COMMON THAN PROFESSIONALS HAVE REALIZED.

Studies have shown that the prevalence of strangulation victims varies from **68%** in a study conducted in 2001 among abused women seeking medical services and/or shelter services; **72%** of abused women seeking services⁴ at a Family Justice Center in Milwaukee⁵; and **80%** among abused women who called Oklahoma police departments for help.⁶

VICTIMS OF MULTIPLE NON-FATAL STRANGULATION

"who had experienced more than one strangulation attack, on separate occasions, by the same abuser, reported neck and throat injuries, neurologic disorders and psychological disorders with increased frequency."⁷

Researchers now believe that victims who are strangled multiple times also are at the **HIGHEST RISK OF BEING KILLED** and suffering long-term consequences.⁸

In one study based on a Chicago study, **ALMOST HALF OF ALL DOMESTIC VIOLENCE HOMICIDE VICTIMS HAVE EXPERIENCED AT LEAST ONE EPISODE OF STRANGULATION PRIOR TO A LETHAL OR NEAR-LETHAL VIOLENT INCIDENT.** Victims of one episode of strangulation are **700%** more likely to be a victim of attempted homicide by the same partner, and are **800%** more likely of becoming a homicide victim at the hands of the same partner.⁹

Even given the lethal and predictive nature of these assaults, the two largest non-fatal strangulation case studies ever conducted to date in the United States, found that **MOST CASES LACKED PHYSICAL EVIDENCE OR VISIBLE INJURY OF STRANGULATION.** In the 2001 San Diego Study involving **300** police reports, only **50%** of the victims had visible injuries to the neck with only **15%** of those injuries being sufficient enough to photograph.¹⁰ In the 2016 Brevard County Study involving **591** police reports, **50%** of the cases involving explicit strangulation had visible neck injuries.¹¹

STRANGULATION IS MORE SERIOUS THAN PROFESSIONALS HAVE REALIZED.

Loss of consciousness can occur within **5-10 SECONDS**, death within **2-5 MINUTES** depending on the circumstances, and brain damage somewhere in between.¹²

The seriousness of the internal injuries, even with no external injuries, may take a few hours to be appreciated and **DELAYED DEATH CAN OCCUR DAYS LATER.**¹³

Because most strangulation victims do not have visible external injuries, **STRANGULATION CASES ARE OFTEN MINIMIZED OR TRIVIALIZED** by law enforcement, medical, advocacy, and mental health professionals.¹⁴

Even in fatal strangulation cases, **THERE IS OFTEN NO EXTERNAL EVIDENT INJURY** (confirming the findings regarding the seriousness of non-fatal, no-visible-injury strangulation assaults).¹⁵

There is consensus among national and international legal and medical experts, research, statutes and case law that **MANUAL AND/OR LIGATURE STRANGULATION IS LETHAL FORCE AND CAN CAUSE SERIOUS BODILY INJURY AND/OR POSES SUBSTANTIAL RISK OF DEATH.**¹⁶

Leading forensic pathologists have determined that even homicides in strangulation assaults have not been identified at the scene of the crime, leading to poor crime-scene investigation (no photos, interviews, or trace evidence) due to **MISIDENTIFICATION OF THE CASE** as a drug overdose.¹⁷

When non-fatal strangulation is minimized by professionals, it sends the wrong message to victims and perpetrators, resulting in **INADEQUATE INVESTIGATIONS, CASES BEING REDUCED TO MISDEMEANORS OR DISMISSED, INADEQUATE MEDICAL ATTENTION AND/OR DIAGNOSIS, RISK ASSESSMENT AND SAFETY PLANNING.**¹⁸

STRANGULATION IS A UNIQUE CRIME. It is now being considered the equivalent to water boarding and torture.¹⁹ It has more in common with sexual assault crimes than basic assault or battery crimes – may not have injuries, personal in nature, requires special investigation and documentation.

THE INABILITY TO GET OXYGEN IS ONE OF THE MOST TERRIFYING EVENTS A PERSON CAN ENDURE. The body has an automatic reaction to being deprived of oxygen and blood to the brain. It knows it is about to die if it does not change the situation immediately, which leads to escalation of the violence by the victim.²⁰

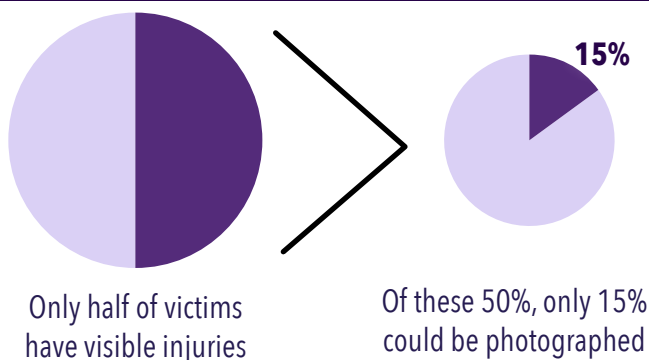
DOMESTIC VIOLENCE STRANGULATION IS USUALLY ABOUT ASSERTING CONTROL OVER THE VICTIM, i.e., showing that the offender has the power of life and death over the victim;²¹ it's not about doing serious bodily injury (as is required by many statutes).

Strangulation is far more cruel, inhumane, and dangerous than merely punching a person (battery). **STRANGULATION IS A CRUEL ACT, WITH FAR-REACHING CONSEQUENCES.** The particular cruelty of the offense and its potential effects upon a victim both physically and psychologically, merit its categorization and a ranked felony offense.²²

JURORS EXPECT TO SEE VISIBLE INJURIES.

But the fact that strangulation often leaves no marks, combined with its terror value, makes it a favorite tactic and a weapon of choice for experienced batterers.²³

Oftentimes, even in fatal cases, there are **NO EXTERNAL SIGNS** of injury.²⁴



Due to the research on the lethal and predictive nature of strangulation assaults, national organizations have passed position papers and resolutions to raise awareness about the seriousness and lethality of strangulation assaults, such as **INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE RESOLUTION OF 2014**,²⁵ **THE INTERNATIONAL OF FORENSIC NURSES ASSOCIATION STRANGULATION POSITION PAPER OF 2016**,²⁶ **EMERGENCY NURSES ASSOCIATION TOPIC BRIEF ON STRANGULATION OF 2016**²⁷ and now pending is the American College of Emergency Physicians proclamation on non-fatal strangulation.

In 2008, the **ABUSE ASSESSMENT SCREEN** was revised to address non-lethal strangulation due to the body of research on seriousness of the assault.²⁸

RESEARCH CONFIRMS THAT THE ACT OF PLACING HANDS OR A LIGATURE AROUND A VICTIM'S NECK INTRODUCES A DIFFERENT LEVEL OF LETHALITY, RAGE, AND BRAIN INJURIES than simple assaults such as pushing, punching, kicking, or slapping.²⁹

Juries and judges have difficulty understanding the serious nature of the crime without clear guidance from expert witnesses, professionals with specialized training, and clear guidance in the law. **MANUAL STRANGULATION IS NOT A MATTER OF COMMON KNOWLEDGE AND IS PROPER SUBJECT OF EXPERT TESTIMONY.**³⁰

ODDS FOR homicide INCREASE 750% FOR VICTIMS WHO HAVE BEEN PREVIOUSLY STRANGLED, COMPARED TO VICTIMS WHO HAVE NEVER BEEN STRANGLED.³¹

EFFECTIVE INTERVENTION IN NON-HOMICIDE STRANGULATION CASES WILL INCREASE VICTIM SAFETY, HOLD OFFENDERS ACCOUNTABLE FOR THE CRIMES THEY COMMIT, AND PREVENT FUTURE HOMICIDES.

Communities that have adopted strangulation protocols and/or initiatives like Maricopa, Arizona; Tulsa, Oklahoma and San Diego, California have seen drops in domestic violence homicide.³²

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