



domestic violence

CHICAGO POLICE DEPARTMENT

DOMESTIC VIOLENCE IN CHICAGO

FEBRUARY 2010

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FAQS

Strangulation and Domestic Violence: Dynamics and Law

Every report of strangulation is serious. Only in recent years has strangulation been identified as one of the most lethal forms of domestic violence. As a result, more than half of the states, in this country, have passed criminal laws specifically dealing with strangulation. On January 2010, Illinois' first strangulation statutes went into effect. This newsletter defines and discusses strangulation as a form of domestic violence and the new statutes in Illinois.

DEFINITION

"Strangulation" is intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.

STRANGULATION AS A PREDICTOR OF HOMICIDE IN DOMESTIC VIOLENCE CASES

A Chicago study of 57 women, who were killed by a male partner during 1995-1996, revealed that 53% of the victims had experienced at least one incident of strangulation in the year preceding their murder, although the cause of death was most often a gun shot wound. Other studies have found similar correlations between incidents of strangulation and later homicide.ⁱⁱ

It is also important to note that while only 10% of murders nationally were by strangulation, 90% of those murders by strangulation were

domestic violence-related. **Many of those victims died without a single visible mark to their neck.**ⁱⁱⁱ

THE SAN DIEGO STUDY

The San Diego City Attorney's Office conducted a study of 300 strangulation cases submitted for prosecution in San Diego in 1995. The research, which included 911 tapes, police and medical reports and photographs, found the following:

- 97% of victims were manually strangled.
- In at least 41% of cases, the attack was witnessed by one or more children.
- Only 5% of victims sought medical treatment within 48 hours of the incident.
- In 50% of cases, officers reported seeing no physical injury when responding to the scene and in 35% of cases the injury was too minor to photograph. Photographs are important part of the investigation. Unfortunately only 15% of cases had a photograph of sufficient quality to be used in court as physical evidence of strangulation.^v
- 89% of victims reported prior history of domestic violence.

The study team also included an emergency room physician and a medical examiner. The medical portion of the study^v found that while visible injury may not be present at the time of police response, there may be other physical signs of strangulation which include the following:



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- Difficulty swallowing
- Hoarseness or coughing
- Breathing changes
- Pain to ear or headaches
- Nausea or vomiting
- Incontinence or defecation
- Pupils not the same size
- Loss of memory
- Miscarriage
- Red spots in the eyes

Disruption of oxygen to the brain may cause victim to have an aggressiveness or combative demeanor.

The medical examiner noted that a victim of strangulation may die from unseen internal injuries days, and in some cases, weeks after the incident. It is important to encourage victims of strangulation to seek medical attention.

For these reasons it is important to describe to police in detail the manner in which any domestic violence strangulation incident has occurred.

ILLINOIS' NEW STRANGULATION LAW

Illinois has amended the Aggravated Battery and Aggravated Domestic Battery statutes to allow what would otherwise be a misdemeanor battery to be charged as a felony.

AGGRAVATED BATTERY

A person who commits a battery against another person by strangulation may be charged with Aggravated Battery, 720 ILCS 5/12-4. Aggravated Battery is typically a Class 3 felony, carrying a penalty of 2-5 years. The sentence can be enhanced for Aggravated Battery by strangulation to a Class 1 felony, carrying a penalty of not less than 4 years and up to 15 years, if any of the following conditions apply:

- The person used or attempted to use a dangerous instrument while committing the offense;
- The person caused great bodily harm or permanent disability or disfigurement to the other person while committing this offense;
- The person has been previously convicted of this violation under the laws of this State or similar laws of another state.

AGGRAVATED DOMESTIC BATTERY

A simple battery against a family or household member that is committed by strangulation, will be charged as Aggravated Domestic Battery-720 ILCS 5/12-3.3 (a) (5). Aggravated Domestic Battery is a Class 2 felony.

ⁱ *The Chicago Women's Health Risk Study at a Glance*, Illinois Criminal Justice Information Authority (2000).

ⁱⁱ Nancy Glass, Kathy Laughon, Jacquelyn Campbell, Anne D. Wolf Chair, Carolyn Rebecca Block, Ginger Hanson, Phyllis W. Sharps, Ellen Taliaferro, *Non-fatal strangulation is an important risk factor for homicide of women*, J. Emerg Med, Vol. 35, No. 3 (2008)

ⁱⁱⁱ Gael B. Strack, George E. McClane, Dean Hawley, *A Review of 300 Attempted Strangulation Cases* (Part 1: Criminal Legal Issues, Part 2: Clinical Evaluation of the Surviving Victim, Part 3: Injuries in Fatal Cases); J Emerg Med, Vol. 21, No. 3 (2001).

^{iv} Id.

^v Id.

For additional information regarding domestic violence issues or topics to be discussed, contact Sergeant Maude Noflin of the **Domestic Violence Program at: 312-745-6340 or FAX: 312- 745-6856.**

If you or someone you know needs immediate assistance, call 911.

**The City of Chicago Domestic Violence Help Line
number is:
1-877-863-6338 or 1-877-863-6339 (TTY)**

