

## **Officials: New police policy has led to more strangulation charges**

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In the nine months since Austin police began taking more detailed accounts of strangulation in assault cases, officials say they have seen a rise in the number of charges filed and an increase in the quality of cases.

Austin police began using forms that detail strangulation injuries more thoroughly in July. In the nine months of available data since then, the number of strangulation cases filed increased 29 percent over the previous nine months. The charge, a third-degree felony punishable by up to 10 years in prison, is a relatively new offense in Texas that went into effect in 2009 and usually is committed in a family violence scenario.

Since then, police and prosecutors have been figuring out how to get the charges to stick. It is a crime that often involves victims who are uncooperative with investigators, and in a large percentage of cases there is no visual evidence that the crime took place.

“Strangulation cases went unnoticed a lot due to the fact that we did have a lot where there weren’t any signs of visible injury,” said detective Pamela McBee, a five-year veteran of the Austin Police Department’s domestic violence unit. A national study in San Diego showed that no visible injury is present in roughly 50 percent of strangulation cases.

The crime is particularly worrisome to police and prosecutors because it often turns deadly. Strangulation is the cause of death for 11 percent of murdered women in Texas and the nation, according to data from the Centers for Disease Control and Prevention.

The crime is also a precursor to other and sometimes more severe violent crimes. Offenders convicted of sexual assaults, murders and even aggravated assaults on police officers show a higher likelihood of previous incidents in which they strangled a partner, officials said.

Kelsey McKay, a Travis County prosecutor who specializes in strangulation assaults, credited the increase in strangulation charges to new paperwork requiring Austin police to detail injuries and symptoms of strangulation.

McKay was at the forefront of that effort, helping create supplementary forms that officers fill out when they encounter a victim of an assault and working with the department to improve officer training. The forms — known as the strangulation supplement — include diagrams of the neck and shoulders, where officers can draw in injuries; lists of symptoms of strangulation; and questions for officers to ask victims.

All detectives and new cadets at the Austin Police Department have been trained to recognize the symptoms of a person who has been strangled. They range from obvious signs such as bruising to the neck and loss of consciousness to more obscure symptoms such as burst capillaries that look similar to freckles or nausea that a victim suffers days later.

The detailed accounts are crucial to successful prosecutions because strangulation cases and other domestic violence assaults are often hurt by victims who are uncooperative and sometimes adversarial toward investigators.

The idea behind the supplements was to eliminate victims' cooperation from the equation. Gathering as much information as possible at the scene of the crime is vital. McKay said she realized that all officers needed to be educated on the signs of strangulation after she became focused solely on the crime in 2011.

“They are the ones that have to be the detective, the prosecutor, jury and defense attorney at the scene,” she said.

Victims recant for a number of reasons. Spouses might face financial issues, the situation might be difficult for children, or the victim might remain in love with the abuser, to name a few.

Recognizing when a strangulation occurred can help keep an abuser off the streets for years as opposed to months. The penalty for the third-degree felony charge is a maximum of 10 years in prison, but since 90 percent of defendants in these cases have documented histories of domestic violence, the charge is often enhanced.

Michael Shawn Alexander is an example. The 36-year-old Austin resident had a long history of domestic violence. His many convictions in the past 18 years included three assaults in Travis and Williamson counties.

His pattern of violence against women continued on March 25, 2013, just a few months after he had been released from prison for a 2008 assault/family violence conviction. He arrived at a home where he had been staying temporarily with a woman. The two got into an argument because he had been late picking her up from work.

It escalated to the point that Alexander put an arm around the woman's neck and began strangling her. She struggled and tried to get to her bedroom to grab her phone and call the police. "You're not sending me back to jail," Alexander said, according to an arrest affidavit.

She eventually broke free, but not before he strangled her for two to three minutes. When police arrived, they saw red spots on her eyes, a telltale sign of strangulation as blood vessels burst when the jugular vein is blocked.

Under the strangulation law, police were able to charge Alexander with a felony and enhance it because of previous convictions. A jury found him guilty, and on April 23, he was sentenced to 25 years in prison.

"At some point, we can give people so many chances when we're talking about such a dangerous crime," McKay said. "When you strangle someone, you are desensitizing yourself to practicing homicide. Are we going to wait for a murder?"