

Statesman

Police trying to strengthen strangulation cases

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After Sarah told her boyfriend to leave in May 2011, he began punching her. He then grabbed her neck with both hands and squeezed, hard enough that she couldn't breathe and was close to passing out.

But based on the information in his arrest affidavit, which did not note any physical injuries to her neck or the boyfriend's history of strangulation, he probably would have been sentenced to no more than a year in jail, said Travis County Assistant District Attorney Kelsey McKay.

A new form that Austin police rolled out in July, however, aims to guide officers to report symptoms of strangulation while on domestic violence calls and to help put offenders behind bars longer.

The form comes as strangulation has received more attention in recent years among law enforcement officials and lawmakers because of its oftendeadly results. A state law passed in 2009 bumped strangulation from a Class A misdemeanor to a felony, punishable by up to 10 years in prison.

According to the Texas Council on Family Violence, 10 percent of violent deaths in the country are attributable to strangulation. A victim who has been strangled is nine times as likely to be killed as one who has not, the group said.

"It's a very powerful type of abuse because you're putting your hands around someone's neck and squeezing the life out of there," said Austin police Sgt. Sandra Hutchinson of the family violence unit.

With the help of the Travis County district and county attorney offices, the Police Department has revised the form filled out in domestic assault cases to include an extra page that officers must complete if the victim has been

strangled. It asks for details about how and where the victim was strangled and for any symptoms.

McKay said that presenting those symptoms — which include defecation, urination and the bursting of small blood vessels in the eyes or skin, leaving behind tiny red spots — to a jury is most likely to lead to a strangulation conviction.

The Travis County sheriff's office has used a supplemental strangulation report for many years, officials said, and revised it in December 2011 to make it easier for officers to note symptoms of strangulation.

"I have been a cop for almost 21 years, and we make a way better case than we ever did," said Sgt. Demetrie Mitchell of the sheriff's office's family violence unit.

Hutchinson said that before the police form was released, officers had to remember a laundry list of symptoms — many of which could be internal — while on a call. Naturally, she said, officers would forget to include all symptoms while drafting reports.

"To ask an officer to memorize all this is not fair; it's almost impossible," Hutchinson said. "For them to have a checklist to go down ... it's a nice tool."

McKay, who handles only strangulation cases, said she often had to try to follow up with victims to fill in the holes of police reports, and that could be difficult. Eighty percent of victims recant their stories, she said. Last year more than 300 strangulation cases were filed in Travis County.

After a man punched and scratched his ex-girlfriend in February 2011, he strangled her with her jacket sleeve, an arrest affidavit said. He let go, then continued to strangle her with his forearm while also punching her.

The man walked away with a misdemeanor assault family violence conviction and a year in jail in part because the woman recanted her story, McKay said.

"When officers make the scene, that's the only time victims will talk," police Detective Peter Wright said. "That's why the form is so important."

A handshake is an exchange of about 80 pounds of pressure, Hutchinson said. Someone can lose consciousness if strangled with 4 pounds of pressure for 10 seconds, she said.

“Strangulation is very serious because you can still die ... even without signs of injury,” she said. “We had one pass out in the middle of the statement because of swelling on the inside.”

When she was strangled during three incidents over a 16-day period, Sarah, who still fears for her safety and asked that her real name not be used, said her vision was blurred. She couldn’t hear anything. She gasped for air. She urinated on herself.

Her ex-boyfriend was sentenced to more than six years in jail after she revealed to the jury how close she had been to dying. Many of the questions McKay asked Sarah during her testimony are now included on the Police Department’s strangulation supplement.

“The things that helped to develop the form were based on successes in trials and strangulation cases that were thorough,” McKay said. “Strangulation is its own category of domestic violence when it comes to control. It’s not always about killing her, but letting her know that he can.”