




Strangulation in Sexual Assault Cases

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Why should you care?

- ▶ Lethality of Strangulation and Suffocation is often minimized by victims, LE and dispatchers, court personnel, and defendants.
- ▶ Strangulation or Suffocation would explain many of the missing links in a case.
- ▶ Strangulation is a crime of violence, an enhancement crime, an aggravating factor, and a means of showing force or coercion.


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- ▶ Victims of attempted strangulation are 7x or 800% more likely of becoming a homicide victim and 6x or 700% more likely of becoming an attempted homicide victim.

(Glass, et al, 2008)

- ▶ 50% of intentional homicides of on-duty LE committed by abusers who have strangled their partner.

But here's the kicker

- ▶ Most often seen in the context of sexual assault or domestic violence
- ▶ 25% of sexual assault victims and 1/4 – 3/4 of domestic violence victims
 - ▶ Majority of cases occur in the context of DV
- ▶ It is among the leading risk factors for femicide

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- ▶ So, if 1 in 4 women are sexually assaulted
 - ▶ And 1 in 5 college women are assaulted
 - ▶ And 1 in 3 Native American women are assaulted
 - ▶ And 25% of them entail strangulation, there are many, many sexual assaults that are not fully investigated or treated.

Proof of Impeding

Vessel Occlusion

Carotid artery occlusion

□ Anterior neck

□ 11 pounds of pressure
for 10 seconds

▶ Jugular vein occlusion
Lateral neck

▶ □ 4.4 pounds of
pressure for 10 seconds

=UNCONSCIOUSNESS

Examples of Applied Pressure

- ▶ Handgun trigger pull: 6 psi
 - ▶ Ask your officer on the stand!
- ▶ Opening of soda can: 20 psi
- ▶ Adult male hand shake: 80-100 psi
- ▶ Maximum adult male hand shake: 160-180 psi

Petechiae




Defenses

- ▶ Consent-- arousal from asphyxiation
 - ▶ But, are there other injuries that would be inconsistent?
- ▶ Petechiae caused by other means
 - ▶ Extreme pressure
 - ▶ Scuba diving
 - ▶ Child birth
 - ▶ Weight lifting

Permissive Consecutive/ Cruelty

State v. Huffman—2016 WL 3659280 (Minn. Ct. App. July 11, 2016), rev. denied, Sept. 20, 2016.
— Consecutive sentences for DMA by Strangulation and Terroristic Threats to the CSC sentence did not unduly exaggerate the criminality of the acts.

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- ▶ *State v. Calel*—2008 WL 4908689 (November 18, 2008). Kidnapping, Threats, Strangulation and CSC 1 and 2. Acquitted on the CSC. “Particular cruelty” must be defined to the jury.


Inability to recall


State v. Williams 2009 WL 2852073 (Minn. Ct. App. Sept. 8, 2009)—Williams was charged with CSC, Strangulation, and Terroristic Threats. He was convicted only on the strangulation and DMA. Victim testified that she “did not remember half the things [she] said” on the recording. Red marks on the neck and her initial statement amounted to sufficient evidence of DMA by Strangulation.

- An expert may help with this situation.

Hippocampus



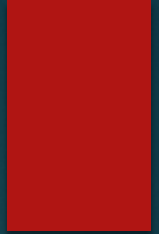
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- ▶ The hippocampus is critical for forming memory, organizing and storing.
 - ▶ Hippocampus is most sensitive to lack of oxygen.
 - ▶ If no blood flow, the brain is NOT working.
 - ▶ No blood flow. No memory.
 - ▶ No memory means damage to hippocampus.

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- ▶ Instead of blaming the victim, or jumping to the conclusion that drugs, alcohol, or fabrication is involved, start asking questions about strangulation.

Strangulation: Mechanisms

- ▶ Obstructing blood flow and/or respiration
- ▶ Hanging
 - ▶ Suicide or, less commonly, homicide
 - ▶ Autoerotic-asphyxia– but not if other injuries
- ▶ Ligature
 - ▶ ‘the choking game’
- ▶ Manual

Suffocation: Mechanisms



- ▶ Obstructing oxygen from getting into the lungs
- ▶ Sealing off the mouth and nose by manual compression
- ▶ Duct tape over face
- ▶ Head inside plastic bag
- ▶ Pillow over mouth and nose
- ▶ Sitting on chest
 - ▶ May occur with strangulation

Manual Strangulation - Most Common Method Used



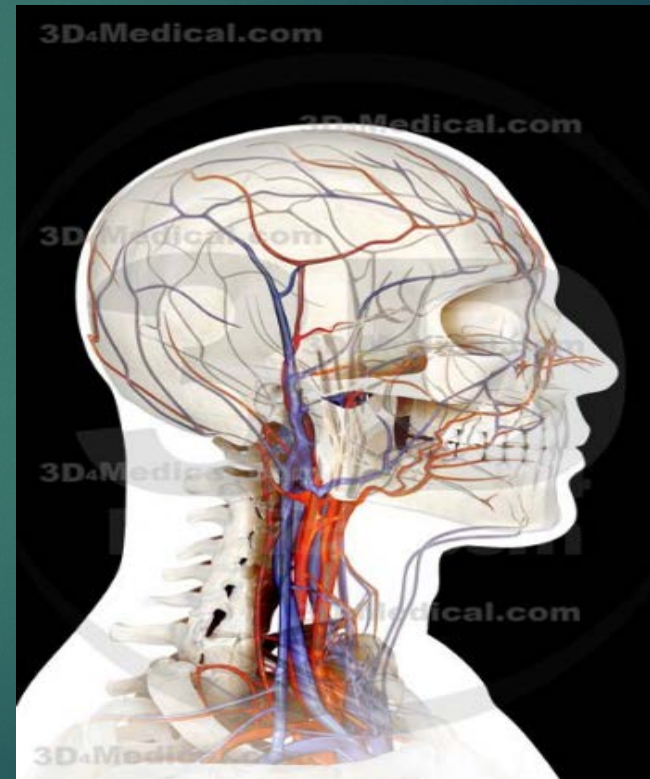
BRAIN DEATH



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Minutes.....

Strangulation Injuries: The Neck is Vulnerable!



Affected Structures

- ▶ Blood vessels
 - ▶ Jugular veins
 - ▶ Cortaid arteries
- ▶ Muscles & soft tissue
- ▶ Bones
 - ▶ Hyoid
 - ▶ Spine (rare)
- ▶ Cartilage
 - ▶ Trachea
 - ▶ Thyroid
 - ▶ Larynx

Strangulation Injuries

- ▶ Neck injuries
 - ▶ Erythema, bruises, abrasions, ligature marks
 - ▶ Patterned injuries: finger or thumbprints
 - ▶ Scrapes & scratches/claw marks
- ▶ Neck swelling
 - ▶ Venous engorgement or hemorrhage
 - ▶ Soft tissue injury or fracture of the larynx
- ▶ Tongue swelling due to venous engorgement

Abrasions: Under chin – due to instinctual chin lowering



Scrapes



Claw marks



Strangulation Injuries

- ▶ Hyoid bone fracture
 - ▶ Supports tongue & floor of mouth
 - ▶ Complete respiratory obstruction within hours
- ▶ Thyroid cartilage fracture
 - ▶ Hemorrhage, edema
- ▶ Damage to larynx
 - ▶ Hemorrhage, swelling
- ▶ Carotid dissection & occlusion
 - ▶ Thromboembolism (blood clot)
 - ▶ TIAs, stroke

Strangulation Signs

- ▶ Petechiae
 - ▶ Ruptured capillaries secondary to impaired venous return
 - ▶ Behind the ears, in the mouth, on the face or neck
 - ▶ Confluent petechiae around eyes
- ▶ Subconjunctival hemorrhage
 - ▶ Confluent capillary rupture in sclera

Signs of Strangulation

Some signs of strangulation



Pronounced petechiae in the whites of the eyes and on the cheeks/face.

Bruising and petechiae are not usually visible immediately afterwards, but can be seen later.



Petechiae



Forensic Photography



Petechiae



Petechiae




Petechial hemorrhage of eye lid

Petechiae of the Palate



Confluent petechiae & Subconjunctival Hemorrhage





“If there is petechiae on
the skin surface, there is
petechiae in the brain”

Dean Hawley, MD
Forensic Pathologist
Indiana University

Symptoms of Strangulation

- ▶ Breathing changes
 - ▶ Due to laryngeal Fx or swelling
 - ▶ Difficult or unable to breathe
 - ▶ Hyperventilation
 - ▶ May be initially mild but result in death within 36 hours
- ▶ Swallowing changes
 - ▶ Difficult or painful
 - ▶ Voice changes: 50%
 - ▶ Larynx injury
 - ▶ Hoarseness or loss of voice
 - ▶ Patient often can identify

Symptoms of Strangulation

- ▶ Symptoms consistent with loss of consciousness
 - ▶ Pt reports passing out, waking up on the ground
 - ▶ Vomiting
 - ▶ Urination or defecation
- ▶ Miscarriage, vaginal bleeding if pregnancy

Symptoms of Strangulation

- ▶ Headache
- ▶ Tinnitus (ears ringing)
- ▶ Facial or eyelid droop
- ▶ Coughing
- ▶ Neck pain
- ▶ Dizziness, confusion
- ▶ Difficulty walking

Neuropsychological S & S

- ▶ Asphyxia is a form of traumatic brain injury
- ▶ Initially: restless, combative, panic, flat affect
- ▶ Later: headaches, paralysis, tinnitus, sensory deficits (these may become permanent)
- ▶ Long term: psychosis, amnesia, progressive dementia
- ▶ Victims who sustain multiple strangulation events have increased frequencies of dizziness, memory loss, nightmares, tinnitus, and unilateral (one-sided) weakness. (Wilbur 2002)

The Reality of Strangulation

- ▶ Even with no initial signs or symptoms death may occur in 2-3 days following the event
 - ▶ Pulmonary (lung) edema/swelling
 - ▶ Carotid dissection, thromboembolism, stroke
 - ▶ Fractures

What we don't have to prove

- ▶ Unconsciousness
- ▶ Physical injury
- ▶ Marks
- ▶ Attempted murder

So how do we prove that?

- ▶ Defendant could admit it!
- ▶ Was a statement taken from Defendant?
- ▶ Was the defendant recorded somehow?

911 Emergency Call



How does it feel when you swallow? Any other pain?

"It feels like a sore throat"

"It just hurts to eat. I have only had soup for last 3 days."

"It feels like when you get a chicken bone caught in your throat."

- Tell me how your neck feels? (movement and touch)

- Do you have pain anywhere (Describe)

--Photograph these areas

How do we determine whether someone lost consciousness?

- ▶ Loss of memory (it's not always alcohol or drug-related!)
- ▶ Standing up one minute then waking up on the floor
- ▶ Bowel or bladder incontinence
- ▶ Unexplained bump on head
- ▶ Visual changes just before LOC with eyes then rolling up
- ▶ A witness
- ▶ Neurologic movement

People who lose consciousness often
lose control of bodily functions

- ▶ Did anything happen to you?
- ▶ Did you need to change your clothes?
- ▶ Do you know when it happened?

How did it stop?

911

Someone walked in (witness)

Something/I intervened

"My three-year-old yelled, 'Get off my mommy! Get off my mommy!'"

What did you notice immediately after he let go of your throat? (coughing, wheezing, gasping, vomiting)

Forensic Photography– 30 days later



Consent


It's Simple as Tea

<https://www.good.is/articles/tea-never-looked-so-good>



Questions?

THANK YOU!!



“I gratefully acknowledge the National Family Justice Center Alliance for allowing us to reproduce, in part or in whole, the Suffocation and Strangulation Seminar of 2015”.