

Newsletter of the National Coalition Against Domestic Violence

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Impact of Minnesota's Felony Strangulation Law

By Heather Wolfgram

The Minnesota legislature passed legislation in 2005 making strangulation during a domestic assault a felony (§ 609.2247). Prior to the law's passage, most domestic strangulation cases were charged as misdemeanor assaults.

The new law defines strangulation as "intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person." If convicted, a defendant may be sentenced to imprisonment of up to three years and/or fined up to \$5,000.

This study was conducted by WATCH, a court monitoring program in Hennepin County, Minnesota, with the mission to make the criminal justice system more effective and responsive in handling cases of violence, particularly against women and children, and to create a more informed and involved public. To assess the law's initial impact, WATCH reviewed the first 59 cases charged under the statute during the first six months in Hennepin County (Minneapolis), as well as 17 misdemeanor domestic assault cases involving the defendant placing his hand around the victim's neck, talked to law enforcement officials and advocates, and collected statewide statistics.

Since passage, WATCH found 1,107 cases had been brought statewide. Further, forty percent of the felony cases examined were stand alone strangulation charges, evidence of the frequency of this type of assault and need for such legislation. WATCH researchers concluded from these data that the law is being used.

Once charged, judging from the 59 cases reviewed, there was an increased number of convictions for both felony and misdemeanor strangulation charges than prior to the law's passage. Cases were more likely to be charged as felonies when law enforcement used the word "strangle," documented that the assault "impeded" the victim's breathing, and described visible and non-visible injuries. There was also a significant decrease in the number of such cases being dismissed. WATCH researchers concluded the law is holding offenders more accountable.

The increased fines and penalties associated with felonies, such as greater time in jail and extended probation periods, were also evidence of increased offender accountability, including bringing some dangerous first-time domestic abusers to the system's attention sooner than if they had been charged with misdemeanors. The average sentence for defendants convicted of the felony charge on average was 194 days; for misdemeanor assault that included strangulation, the average was 21 days. However, the sentences were generally less than that allowed in the legislation. Further, released on probation, researchers noted that many who violated by committing new crimes were not further sanctioned.

All and all, the WATCH study indicated that the felony domestic strangulation statute enhances victim safety, increased offender accountability, and as such, may prevent future domestic homicides. As one of six states that has a felony strangulation statute, Minnesota has the opportunity to serve as a model for other states and provide leadership nationally on how to implement such a law.

For the complete report, see www.watchmn.org.

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