



# JUDICIAL TRAINING & EDUCATION UPDATE



(Read Time – 10 minutes)

## DOMESTIC ASSAULT BY STRANGULATION Medical/Legal Facts Every Judge and Attorney Should Know

**PURPOSE:** Strangulation has been identified as one of the most lethal forms of domestic violence and sexual assault. This training update is intended to educate the bench and bar about essential medical, legal, and evidentiary facts that should be considered by judges and attorneys in every Domestic Assault by Strangulation case. Strangulation is an ultimate form of power and control where the batterer can demonstrate control over the victim’s next breath: it may have devastating psychological effects or a potentially fatal outcome.



## 1) DOMESTIC ASSAULT BY STRANGULATION

[Minn. Stat. § 609.2247](#) Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) “Family or household members” has the meaning given in section [518B.01, subd. 2](#)

(c) “Strangulation” means 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.

Subd. 2. **Crime.** Unless a greater penalty is provided elsewhere, whoever assaults a family or household member by strangulation is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000 or both.

## 2) MECHANICS OF STRANGULATION

Strangulation is a form of asphyxia characterized by the closure of blood vessels and air passages due to external pressure on the neck. This can lead to unconsciousness within seconds and death within minutes if pressure is not released.

## 3) ALARMING NATIONAL STATISTICS

- Nationally, studies show that 7%-10% of women have experienced strangulation by an intimate partner at least once in their lifetime.
- Among high-risk domestic-violence survivors, non-fatal strangulation has been reported in the 68% to 80% range.
- Research indicates that prior non-fatal strangulation is present in approximately 43% of domestic homicides and 45% of attempted homicides.
- Strangulation is one of the strongest predictors of future domestic homicide.
- Some studies and national advocacy organizations report that victims of non-fatal strangulation are up to ten times more likely to be killed by their partner.

## SEVEN (7) KEY FACTS THAT EVERY JUDGE AND ATTORNEY SHOULD KNOW

### 1. The Ugly World of Strangulation – The Victim’s Reality:

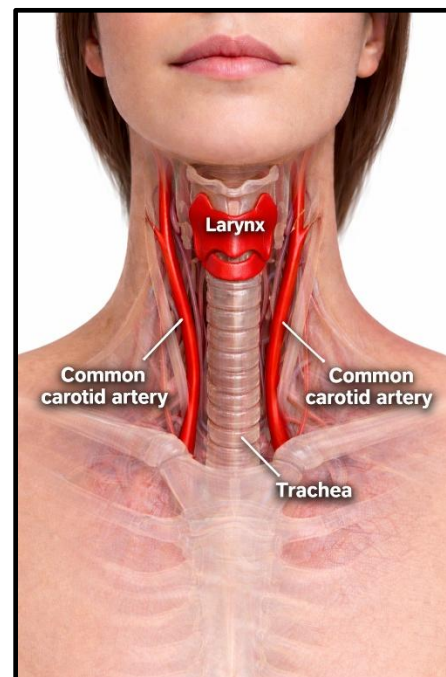
- The act of strangulation symbolizes an abuser’s power and control over the victim. The sensation of suffocating can be terrifying.
- The victim is completely overwhelmed by the abuser; she vigorously struggles for air and is at the mercy of the abuser for her life.
- A single traumatic experience of strangulation may instill such intense fear that the victim can get trapped in a pattern of control by the abuser and be made vulnerable to further abuse.

### 2. The “Neck” Is the Most Unprotected and Vulnerable Part of The Body:

- Blood and oxygen all flow from the body to your brain through the NECK.
- Trauma to the NECK can result in rapid and severe injury due to the concentration of critical structures in a small, unprotected area.
- The carotid arteries and jugular veins can be compressed with minimal force, impeding blood flow to the brain within seconds.

### 3. Surprising Medical Facts:

- Strangulation **stops blood flow** to the brain (carotid artery).
- Lack of blood flow to the brain can cause **unconsciousness in 10 – 15 seconds** and **death in 4 minutes**.
- Medical training materials indicate that relatively minimal external pressure (approx. 4 psi) on the neck can significantly impair blood flow to the brain. For example:
  - ✓ It takes less pressure than opening a can of soda (20 psi)
  - ✓ It takes less pressure than an average handshake (80-100 psi)
  - ✓ It takes less pressure than pulling the trigger of a gun (6 psi)
  - ✓ It takes 33 psi to fracture a victim’s larynx (less than a handshake)



**4. Lack of Visible Marks on the Skin:** The absence of visible injury in strangulation cases is well-documented. Research indicates that up to 50% of victims have no visible external injuries despite significant internal trauma. The lack of visible injury does not mean no harm was inflicted.

### 5. Strangulation Can Cause Substantial Injuries (Often Delayed):

- **Physical injuries:** Death, unconsciousness, fractured trachea/larynx, damage to blood vessels leading to internal bleeding (*hemorrhage*) and artery damage (*intimal tears*), dizziness, nausea, sore throat, voice changes, throat and lung injuries, swelling of the neck (*edema*), breathing and swallowing problems, ringing in the ears (*tinnitus*), vision change, miscarriage.
- **Neurological injuries:** Pressure on the neck can disrupt blood flow to the brain, leading to neurological symptoms such as confusion, memory loss, stroke, facial or eyelid droop (*palsies*), left or right-side weakness (*hemiplegia*), loss of sensation, loss of memory, paralysis.
- **Psychological injuries:** PTSD, depression, suicidal ideation, memory problems, nightmares, anxiety, severe stress reaction, amnesia, and psychosis.
- **Delayed Symptoms and Fatality:** Death can occur days or weeks after the attack due to carotid artery dissection and respiratory complications such as pneumonia, respiratory distress syndrome (ARDS), and the risk of blood clots traveling to the brain (*embolization*). Some symptoms, such as swelling, voice changes, difficulty swallowing, and neurological issues, may appear hours or even days after the incident.

### 6. Physical Injuries Occurring Within 30 seconds:

- **Loss of Consciousness:** This typically occurs within 10-15 seconds due to a lack of oxygen to the brain.
- **Neurological Damage:** This can occur within 30 seconds, potentially leading to brain damage or death if not promptly relieved.
- **Internal Injuries:** Damage to the larynx, trachea, blood vessels, and other structures in the neck can occur within seconds to a minute of applying pressure during strangulation.

### 7. National Recognition & Two Significant Resources:

In 2005, Minnesota was one of only six states with a statute making strangulation of a family or household member a felony-level crime. Currently, all 50 states and the District of Columbia have felony strangulation laws. This widespread legislative action underscores the recognition of strangulation as a potentially lethal form of domestic violence.

- The [Alliance for Hope Website](#) provides a detailed chart of state statutes related to strangulation. The Alliance website updates this information regularly to reflect current legislative changes.
- [The Training Institute on Strangulation Prevention](#) provides training and technical assistance to domestic violence professionals throughout the world on Strangulation and Suffocation crimes.

## CRITICAL MINNESOTA LEGAL PRINCIPLES

**1. NO VISIBLE INJURY OR DURATION REQUIRED** Minn. Stat. § 609.2247 does not list visible injury, unconsciousness, or permanent harm as elements of the offense; the focus is whether the defendant intentionally impeded normal breathing or circulation. See [M.S. 609.2247](#).

**2. CORROBORATION IS NOT GENERALLY REQUIRED** Unless a statute specifically requires corroboration, Minnesota law does not impose one, though lack of corroboration may matter in a sufficiency analysis. See [State v. Foreman, 680 N.W.2d 536 \(Minn. 2004\)](#); [State v. Hill, 172 N.W.2d 406 \(Minn. 1969\)](#).

**3. PRACTICAL RULE** A conviction for domestic assault by strangulation may be based on the testimony of a single credible witness, even in the absence of physical evidence. See [State v. Foreman, 680 N.W.2d 536, 539 \(Minn. 2004\)](#).

### ● LEGAL TAKEAWAY FOR JUDGES AND ATTORNEYS

- No visible injury is required for conviction.
- Victim testimony alone may be sufficient.
- Even brief pressure may satisfy the statute.
- Strangulation is widely recognized as a significant risk factor for future homicides.
- **For Prosecutors:** Cases may proceed without medical corroboration; the focus is often on credibility rather than physical injury.
- **For Defense Attorneys:** These cases frequently turn on cross-examination and impeachment. The lack of physical evidence is helpful—but not dispositive.

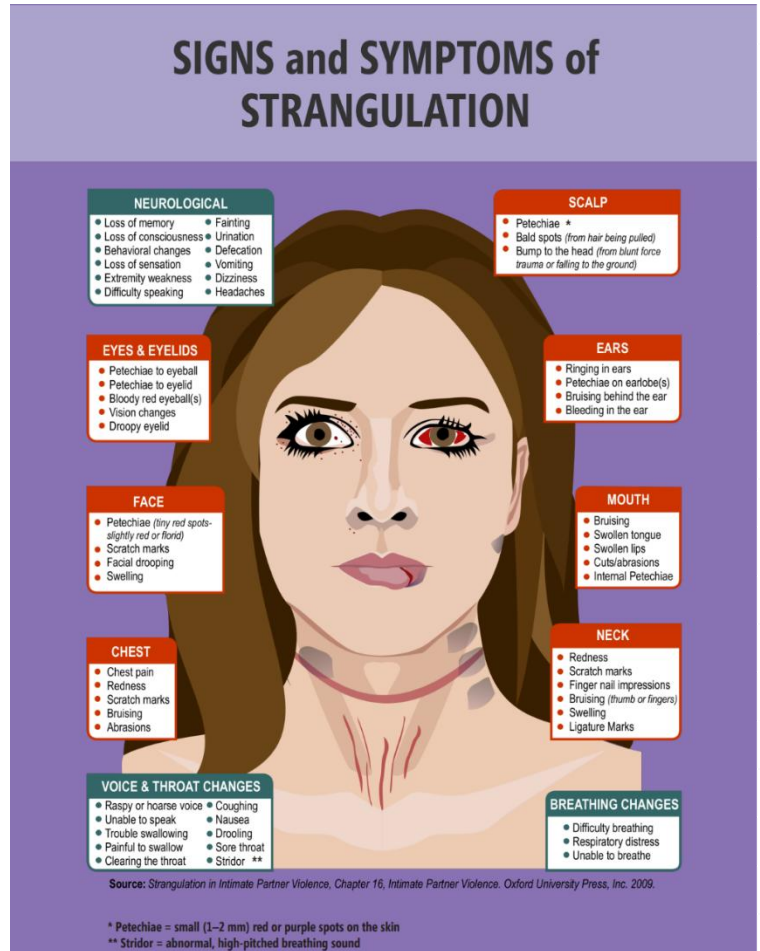
## WHAT ABOUT STRANGULATION IN NON-DOMESTIC ASSAULT CASES

In non-domestic assault cases, strangulation is not a distinct element of the crime. However, due to its life-threatening nature, it is often considered an aggravating factor in sentencing. Thus, while the base assault charge depends on the degree of harm, strangulation can justify an upward departure.

### SUMMARY

Domestic assault by strangulation is one of the most dangerous and misunderstood crimes in Minnesota criminal law. Judges and attorneys must recognize that strangulation is not merely an assault—it is a **lethal warning sign**. Proper handling at bail, charging, and sentencing stages is essential to protect victims and prevent future homicide.

**(Resource Page is Attached)**



This Training Update is also available on the [Minnesota Judicial Training and Education Website](#). If you find this update helpful, please consider forwarding it to colleagues who would benefit from timely insights on Criminal and Family Law, Rules of Evidence, and Courtroom Procedure. With thousands of legal professionals currently subscribed, these updates reflect our firm’s core belief that *“Legal Education Is the Soul of the Judiciary.”*

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**RESOURCE PAGE****Medical–Physiological Facts****1. Mechanics of Strangulation and Lethality**

Source: Training Institute on Strangulation Prevention

Citation: “Strangulation is a significant predictor of future lethal violence. Unconsciousness may occur within seconds and death within minutes.”

URL: <https://www.strangulationtraininginstitute.com>

**2. Signs, Symptoms, and Medical Effects**

Source: Journal of Emergency Medicine

Citation: “Strangulation injuries can result in voice changes, difficulty breathing and swallowing, and may present with bruising, petechiae, or no visible injury.”

URL: <https://www.jem-journal.com>

**National Overview and Statistics****3. Strangulation as a Domestic Violence Crime**

Source: National Domestic Violence Hotline

Citation: “Strangulation is a severe form of domestic violence due to its lethality and is specifically addressed in many state statutes.”

URL: <https://www.thehotline.org>

**4. Prevalence and Risk of Homicide**

Source: National Coalition Against Domestic Violence (NCADV)

Citation: “Up to 68% of victims of intimate partner violence report strangulation. Victims are ten times more likely to be killed by their partner.”

URL: <https://ncadv.org>

**5. Predictor of Lethal Violence**

Source: American Journal of Public Health

Citation: “Prior non-fatal strangulation is present in approximately 43% of domestic homicides and 45% of attempted homicides.”

URL: <https://ajph.aphapublications.org>

**Lack of Visible Injury (Critical Concept)****6. Absence of External Injury**

Source: National Institute of Justice (NIJ)

Citation: “A significant portion of strangulation cases present with no visible injuries, complicating investigation and prosecution.”

URL: <https://nij.ojp.gov>

**7. Medical Consensus on Hidden Injury**

Source: American College of Emergency Physicians (ACEP)

Citation: “Victims of strangulation often exhibit no visible external injuries despite serious internal harm.”

URL: <https://www.acep.org>