

Strangulation and the Law

In New York State, it is a crime to block normal breathing or blood circulation of another person by using hands, arms, legs, an object or in any other way. Penalties are more severe if there is evidence of loss of consciousness or any other physical injuries or impairments associated with the signs and symptoms in this brochure. Applicable New York State statutes include Penal Law §121.11 Criminal Obstruction of Breathing or Blood Circulation, Penal Law §121.12 Strangulation in the Second Degree and Penal Law §121.13 Strangulation in the First Degree.



RECOMMENDATIONS FOR VICTIMS

- Call 911
- Seek medical attention even if you think you haven't been injured
- Call the NYS Domestic & Sexual Violence Hotline (1-800-942-6906)
- Report the incident to law enforcement
- Consider seeking an order of protection from Family Court
- Take photos of any injuries
- Keep a log of signs and symptoms you experience in the days/weeks after the attack

Resources:

NYS Office for the Prevention of Domestic Violence:
www.opdv.ny.gov

The Strangulation Training Institute:
www.strangulationtraininginstitute.com

NYS Domestic & Sexual Violence Hotline: 1-800-942-6906

Confidential • 24 hrs/7 days
English, español & multi-language
accessibility
711: Deaf or Hard of Hearing

In NYC: 311 or 800-621-HOPE (4673)
TDD: 800-810-7444



Office for the
Prevention of
Domestic Violence

Domestic Violence and Strangulation:

A Guide for Victims and Professionals



Office for the
Prevention of
Domestic Violence

Strangulation Is Not “Choking”

STRANGULATION	CHOKING
Pressure (compression) applied to the outside of the neck	Airway blocked (obstructed from the inside of the neck)
Pressure restricts blood and air getting to and from the brain	Food or other foreign object partly or entirely blocks the windpipe (trachea)
Usually intentional (done <i>by</i> someone <i>to</i> someone)	Usually accidental (generally while eating)
Potential serious physical injury or death, even after the external pressure ends	Minimal potential for long-term physical injury after the blockage is removed

Strangulation is:

- an extremely dangerous and potentially deadly form of domestic violence.
 - Domestic violence victims who have been strangled are 7 times more likely to be killed by their intimate partner (past or present).*
 - Ten percent of intimate partner violence victims have experienced attempted strangulation.*
- often minimized or undetected because there may be no visible injuries.
- a powerful tactic of control for domestic violence offenders.
- often occurs as part of sexual assault.
- generally committed by compressing the neck using a body part such as fingers, hands, forearms, elbows, shoulders, legs, knees or feet.

*Glass et al. (2008). Non-fatal strangulation is an important risk factor for homicide of women. The Journal of Emergency Medicine, 35(3), 329-335.

Common Symptoms of Strangulation:

- Any change in:
 - Breathing
 - Emotions
 - Voice
 - Behavior
 - Swallowing
 - Memory
 - Vision
- Fainting/unconsciousness
- Shaking (especially of the legs when trying to maintain balance)
- Dizziness
- Headaches
- Short-term and long-term brain injury

Signs of Strangulation:

- Lung damage/vomiting, risk of aspiration (food or fluids being sucked into the airway), pneumonia
- Abrasions, swelling, redness or bruises on the neck
- Ligature marks made by a rope, cord, or fabric
- Massive tongue swelling
- Coughing blood
- Miscarriage
- Loss of bodily function – involuntary urination and defecation (indicates increased risk of death)
- Petechiae or petechial hemorrhage (small red or purple spots caused by bleeding into the skin)
- Bloody red eyes

Strangulation Can Result In:

- Death within 4-5 minutes
- Loss of consciousness within 5-10 seconds
- Death in days or weeks after the strangulation occurred
- Injury to the body
- Brain/nervous system injury
- Emotional injury/lasting trauma

Remember: Some strangulation victims may have no symptoms or visible injuries.

What Professionals Might Hear:

“He choked me.” “I thought I was going to die.” “I couldn’t breathe.” “I lost control of my bowels.” “I passed out.” “Everything was fuzzy.” “I was dizzy.” “I had a head rush.” “Everything was black and white.” “I lost control of my bladder.” “I thought that I was being hung by his hands.”

Recommendations for Professionals:

- Screen for domestic violence
- Ask about strangulation
- Document injuries and patient statements
- Refer to your local domestic violence program (For a listing of programs by county, go to www.nyscadv.org.)

Screening and counseling for domestic violence are covered under the Affordable Care Act as preventive health care.