

## What Impact has the Felony Domestic Strangulation Legislation had in Minnesota?

### Increased Awareness?

Yes.

“This law is doing what we hoped it would do: it is drawing attention to the potential lethality of this crime. More resources are being devoted to this type of case. We have also increased the consequences and in some ways educated the public on domestic violence,” said one Hennepin County Judge.

Specifically, criminal justice system personnel:

- ✎ Are more knowledgeable about the potential lethality of this crime. Individuals are educating one another, and seeking out their own information when none has been provided for them.
- ✎ This knowledge has spurred increased concern for victim safety-strangulation has become a “red flag” in the eyes of the criminal justice system.
- ✎ Criminal Justice System Personnel and advocates are using their knowledge influence to educate victims about the lethality of this crime.

### Promote Victim Safety?

Yes and no.

More time, attention and resources are devoted to felony cases which promote victim safety.

- ✎ Misdemeanors are often resolved within 2-3 weeks, whereas the resolution of felonies can take several months.
- ✎ Cases charged under the statute had an increased number of convictions on felony and misdemeanor charges than cases not originally charged as felonies. Prior to the law’s passage, nearly all strangulations were charged as misdemeanors.

Lenient penalties hinder victim safety

- ✎ The presumptive sentence for individuals with no criminal histories is a year and a day stayed though with the conviction future charges can be enhanced.

## Offender Accountability

Yes and no.

Felony cases are taken more seriously

- ✎ Fines and penalties are greater than with misdemeanors
- ✎ Crimes charged at the felony level have a higher possibility of leading to convictions.
- ✎ Many of the defendants served less time for felony level assaults than the penalties warranted for a gross misdemeanor.

Lenient sentences let offenders off the hook

- ✎ Probation violations are not addressed severely enough
- ✎ Lenient sentences feed denial
- ✎ In some cases a defendant in Hennepin County receives less intensive supervision after being convicted of a felony domestic assault than after being convicted of a misdemeanor assault.

## Should the statute be changed?

Yes and no.

- ✎ Interviewees felt the fines and penalties associated with this crime were appropriate
- ✎ Some individuals suggested that the “intent” to impede breathing makes the statute difficult to prosecute.