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Report says more offenders are being charged under state's new felony domestic strangulation law

MINNEAPOLIS (Jan. 24, 2007) — A new report by WATCH shows a significant upward trend statewide in charges brought against perpetrators of domestic violence as a result of the state's felony domestic strangulation law enacted in 2005. The law makes strangulation during domestic abuse a felony offense.

But the executive director of the court-monitoring organization in Hennepin County, Marna Anderson, said much remains to be done if the new law is to have its intended effect of curbing domestic violence.

According to the report released today, felony domestic strangulation charges increased by 26.5 percent across the state between the last five months of 2005, when the law first went into effect, and the first eight months of 2006.

"The data shows that law enforcement officers and prosecutors are becoming more aware of the law and are more readily using it, which is very positive news," said Anderson. "Several counties, such as Becker, Goodhue, and Polk, went from zero felony domestic strangulation charges in 2005 to twelve, nine and seven respectively."

However, Anderson noted that the WATCH report also showed limitations in understanding and enforcing the strangulation law.

According to the report, "Most survey respondents in rural counties, like their urban counterparts, emphasized the need for more education and training. In particular, they cited a lack of understanding among law enforcement officers and prosecutors about what constitutes 'impeding normal breathing' (as stated in the new law). Many also acknowledged the difficulty of investigating and prosecuting cases with little physical evidence, especially when a victim recants or declines to testify."

As the report states, "Victims don't use (the word) 'strangle.' They use choke or grabbed my neck," and the report elsewhere states that "police or medical personnel may not adequately be trained in providing sufficiently detailed documentation of strangulation or related injuries."

Anderson said one of the recommendations in the report attempts to address the terminology of strangulation. Nine other recommendations address inconsistencies in charging patterns, lenient sentencing of some potentially lethal offenders, failure to address probation violations, and the need for stricter probation supervision of offenders.

The WATCH report was issued jointly with a report from the Hennepin County Fatality Review Team, which reviewed the response of the county's criminal justice system and social service agencies in 11 domestic homicides since 2004.

The Review Team is a collaboration of private, public, and nonprofit organizations as well as citizen volunteers from throughout Hennepin County. It was established by statute in 2000 to review instances of domestic homicide and make recommendations for improving the response of county agencies to domestic violence.

“The cumulative effect of these two reports should emphasize the serious nature of domestic violence and its corrosive effects on children, families, and communities, said Hennepin County Chief Judge Kathryn Quaintance. As chief judge, Quaintance chairs the Review Team Project.

For more information about WATCH or for a copy of the report, visit www.watchmn.org. For a list of felony strangulation charges broken down by Minnesota counties, contact Marc Kessler at 651-690-0897 or MarcusKesslerPR@comcast.net.

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