



# Criminal Justice Research Update

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September 2012

## Arrests and Arraignments Involving Strangulation Offenses

Nov. 11, 2010 – June 30, 2012

by Andrew Wheeler

This report provides police agencies, district attorney's offices, domestic violence advocates and the general public with the results of an analysis of arrests and arraignments involving the crime of strangulation in the 20 months since this law was enacted.

The crime of strangulation was added to the New York State Penal Law on Nov. 11, 2010, and has three offenses:

- **Criminal Obstruction of Breathing or Blood Circulation** (PL § 121.11; A Misdemeanor) – criminal obstruction of breathing or blood circulation by applying pressure to the throat or neck or blocking a person's nose or mouth.
- **Strangulation 2nd** (PL§ 121.12; D Felony) – criminal obstruction of breathing or blood circulation, as described in PL § 121.11, and causing stupor, loss of consciousness, or any other physical injury or impairment.
- **Strangulation 1st** (PL§ 121.13; C Felony) – criminal obstruction of breathing or blood circulation, as described in PL § 121.11, and causing serious physical injury.

Data analyzed for this report include arrest events – charges brought at either arrest or arraignment – extracted from the DCJS Computerized Criminal History (CCH) system on June 30, 2011. The CCH captures information related to the arrests for fingerprintable offenses<sup>1</sup> and the subsequent processing of those cases. Information on crime victims is not available from this database.

Arrest events also include charges that were underlying more serious offenses. If a suspect had multiple strangulation charges, only the most serious charge was counted.

A total of 17,171 arrests events were reported in New York State between Nov. 11, 2010, and June 30, 2012. The majority of these were made by the New York City Police Department: 9,462 arrests, 55% of the statewide total.

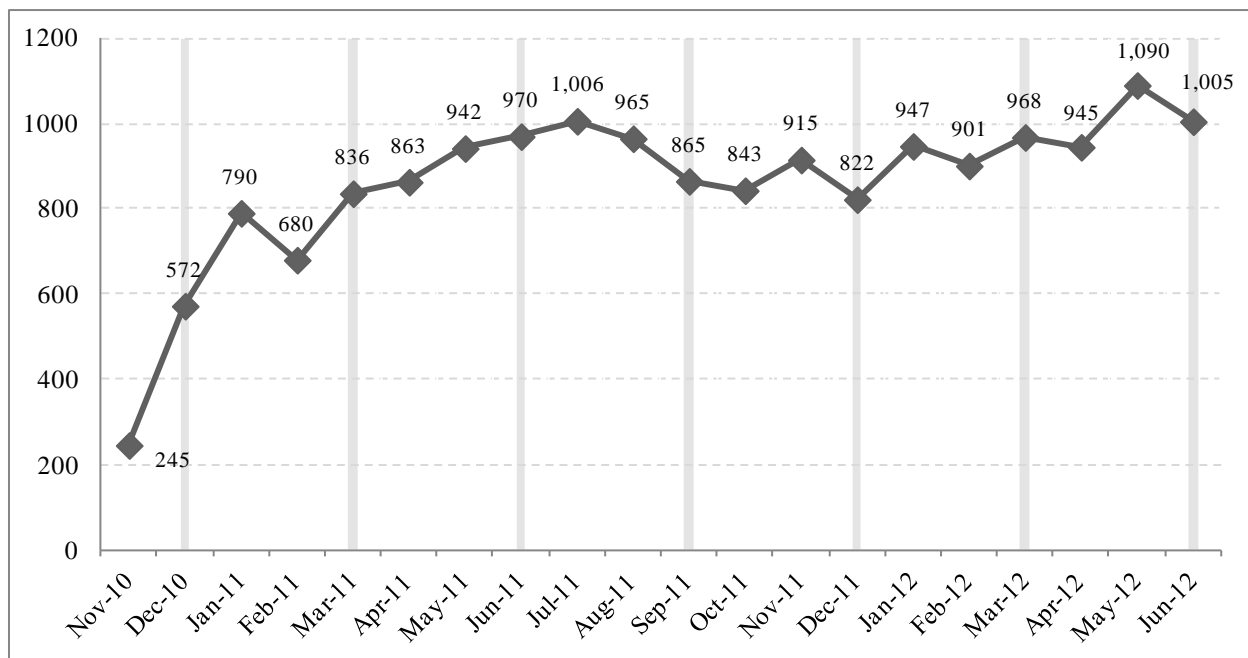
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<sup>1</sup> As defined by New York State Criminal Procedural Law § 160.10.

## Arrest Events By Month

- By March 2011, four months after enactment, law enforcement agencies were bringing these new charges on a consistent basis. Since that time, the number of arrest events in which strangulation was charged ranged between 822 and 1,090 events per month.
- Figure 1 below details the trend in strangulation offenses over 19 complete months. The light grey lines in the chart denote the quarters of each year. The law took effect on Nov. 11, 2010, which accounts for the fewer number of arrests in that month.
- For 98 cases in which the date of arrest was missing, the earliest date related to the prosecution of the case was used instead. One event was missing both an arrest date and the earliest date related to the prosecution of the case, and so is not included in Figure 1.

**Figure 1. Arrests or Arraignments Involving Strangulation Offenses by Month Statewide**

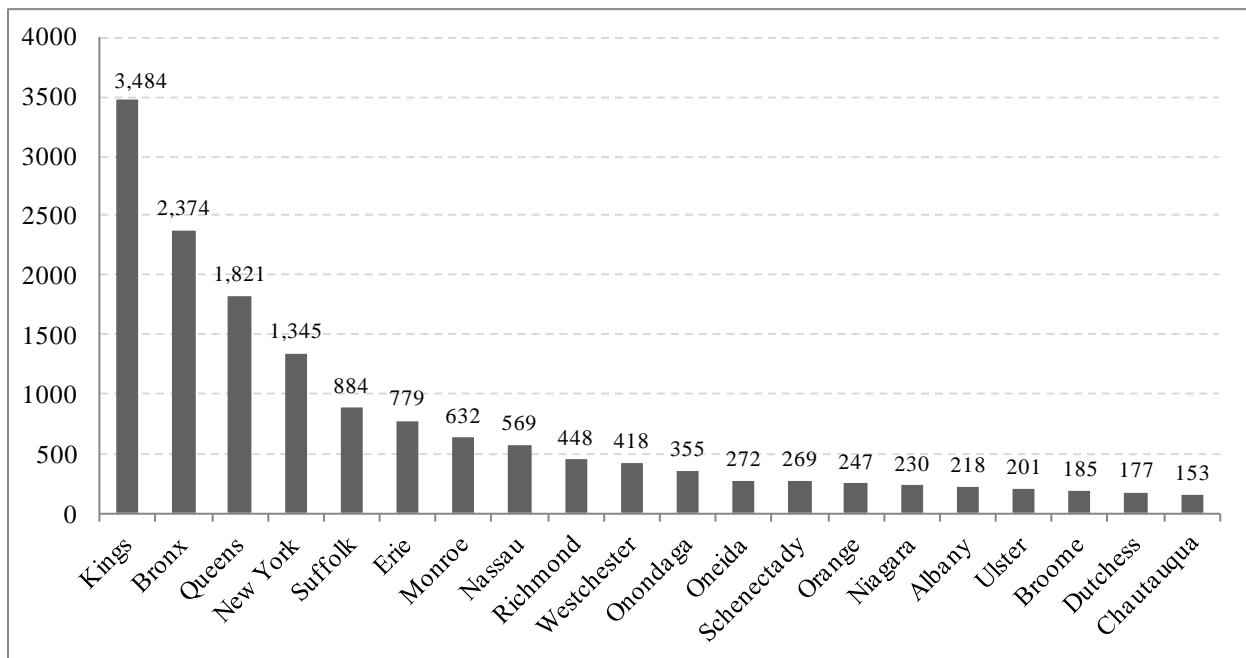


**Arrest Events By County**

- There were 20 counties that reported 150 or more strangulation arrest events between Nov. 11, 2010 and June 30, 2012.
- Of all arrest events statewide, 55% (9,472 of 17,171) were reported in New York City’s five counties: Kings, Bronx, Queens, New York and Richmond.<sup>2</sup>
- The 20 counties shown in Figure 2 below accounted for 87% of all strangulation arrest events reported during this period.
- Every county except Hamilton reported at least one arrest event.

Appendix Table 1 provides a complete list of arrest events, broken down by the three Penal Law strangulation offenses, for each county in New York State.

**Figure 2. The 20 Counties Reporting 150 or more Strangulation Arrests or Arraignments**



<sup>2</sup> In New York City, all but 10 strangulation arrest events were made by the New York City Police Department. Of the 10 arrest events not reported by the NYPD, eight were reported by the New York-New Jersey Port Authority Police Department, one by the Long Beach Police Department, and the arresting agency was missing for one arrest event.

**Suspect Demographics**

- **Gender:** Males comprised 94.1% of all arrest events with a strangulation charge.
- **Race/Ethnicity:** Suspects in 45.9% of events were black, 28.8% were white, and 21.1% were Hispanic. All other suspects (including unknown or missing races) comprised 4% of the total.
- **Age:** Of the 17,171 suspects charged with strangulation, 41.1% were between the ages of 20 and 29; 26.2% were between the ages of 30 and 39; and 17.3% were between the ages of 40 and 49. Of all suspects, 7.2% ranged in age from 13 to 19 years old, and 8.2% were 50 years old or older. The age of one suspect was missing.

**Table 1. Suspect Demographics for Arrest or Arraignment Strangulation Charges**

	<b>Number</b>	<b>Percent</b>
<b>Gender</b>		
Male	16,151	94.1%
Female	1,016	5.9%
Missing or Unknown	4	0.0%
<b>Race/Ethnicity</b>		
White	4,940	28.8%
Black	7,874	45.9%
Hispanic	3,622	21.1%
Asian/Indian	470	2.7%
Other	112	0.7%
Unknown/Missing	153	0.9%
<b>Age at Arrest</b>		
13-19	1,233	7.2%
20-29	7,054	41.1%
30-39	4,497	26.2%
40-49	2,970	17.3%
50 or older	1,416	8.2%
Missing	1	0.0%
<b>Total</b>	<b>17,171</b>	<b>100.0%</b>

## Arrest Events by Police Department

Table 2 shows 23 agencies that reported 50 or more arrest events involving strangulation offenses. These agencies accounted for 82% (14,055) of all arrest events in the state. The New York City Police Department includes all of its subdivisions and the New York State Police includes all of the agency's 10 troops across the state.

**Table 2. Arrests or Arraignments Involving Strangulation Offenses by Arresting Agency**

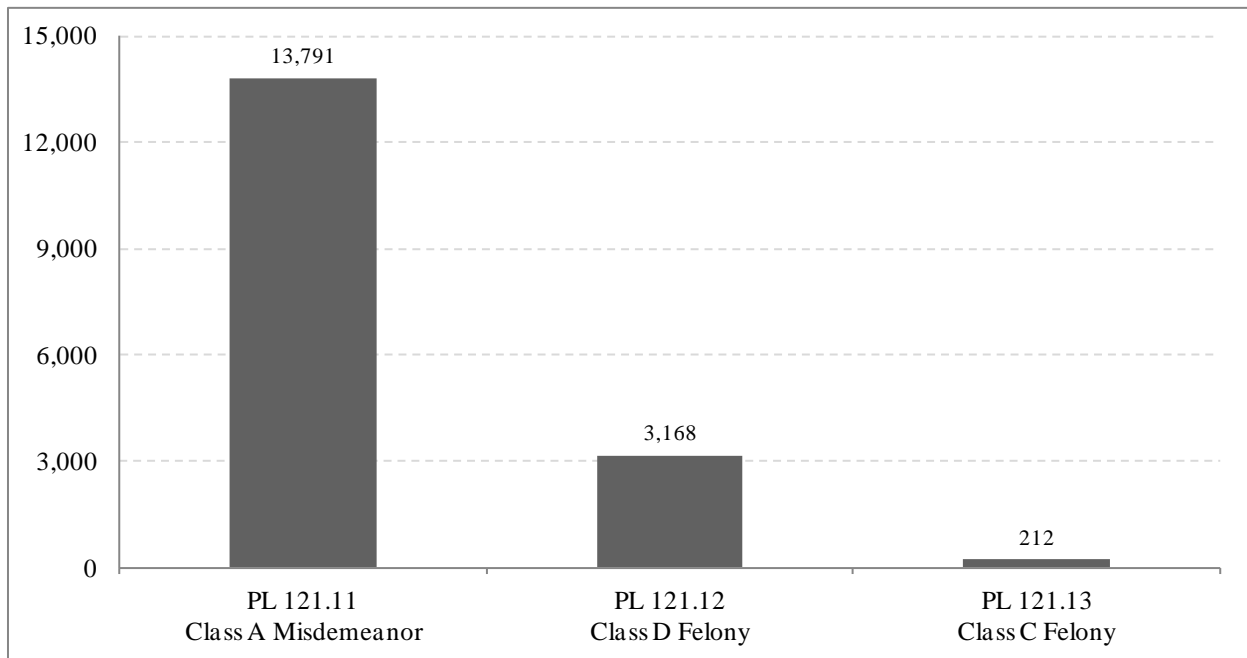
<b>Arrest Agency</b>	<b>Number of Arrest Events</b>	<b>Percent of Total</b>
New York City PD	9,462	55.1%
Suffolk County PD	804	4.7%
New York State Police	663	3.9%
Buffalo City PD	457	2.7%
Nassau County PD	449	2.6%
Rochester City PD	412	2.4%
Schenectady City PD	233	1.4%
Syracuse City PD	227	1.3%
Yonkers City PD	201	1.2%
Niagara Falls City PD	134	0.8%
Albany City PD	117	0.7%
Utica City PD	112	0.7%
Jamestown City PD	89	0.5%
Troy City PD	86	0.5%
Greece Town PD	82	0.5%
Cheektowaga Town PD	80	0.5%
Middletown City PD	77	0.4%
Watertown City PD	68	0.4%
Binghamton City PD	67	0.4%
Mount Vernon City PD	64	0.4%
Rome City PD	62	0.4%
Poughkeepsie City PD	58	0.3%
Monroe County Sheriff's Office	51	0.3%
All Others/Missing Agency	3,116	18.1%
<b>Overall Total</b>	<b>17,171</b>	<b>100.0%</b>

### Arrests Events by Offense

- Of the 17,171 arrest events, 13,791 (80%) were for Criminal Obstruction of Breathing or Blood Circulation (PL 121.11), a class A misdemeanor.
- There were 3,168 (18%) arrest events for Strangulation 2<sup>nd</sup> (PL 121.12), a class D felony.
- There were 212 (1%) arrest events for Strangulation 1<sup>st</sup> (PL 121.13), a class C felony.

Appendix Table 1 details these totals statewide and by county.

**Figure 3. Number of Strangulation Arrests or Arraignments by Penal Law**



**Appendix Table 1. Arrests or Arraignments Involving Strangulation Offenses by County\***

County	Penal Law Section			Total	County	Penal Law Section			Total
	121.11	121.12	121.13			121.11	121.12	121.13	
Albany	181	36	1	218	Oneida	263	9	0	272
Allegany	18	3	0	21	Onondaga	301	53	1	355
Bronx	1,857	490	27	2,374	Ontario	48	5	0	53
Broome	140	45	0	185	Orange	221	26	0	247
Cattaraugus	45	8	0	53	Orleans	24	2	0	26
Cayuga	52	3	0	55	Oswego	124	15	0	139
Chautauqua	133	20	0	153	Otsego	39	4	0	43
Chemung	65	2	0	67	Putnam	30	3	0	33
Chenango	30	2	0	32	Queens	1,381	400	40	1,821
Clinton	38	15	2	55	Rensselaer	111	22	0	133
Columbia	38	9	0	47	Richmond	327	113	8	448
Cortland	37	8	1	46	Rockland	71	17	1	89
Delaware	24	3	0	27	St. Lawrence	97	8	0	105
Dutchess	163	14	0	177	Saratoga	92	13	0	105
Erie	689	89	1	779	Schenectady	255	13	1	269
Essex	14	1	1	16	Schoharie	28	0	0	28
Franklin	31	2	0	33	Schuyler	10	0	0	10
Fulton	21	2	0	23	Seneca	34	4	0	38
Genesee	33	15	0	48	Steuben	61	6	0	67
Greene	33	5	0	38	Suffolk	855	29	0	884
Herkimer	51	6	0	57	Sullivan	53	6	2	61
Jefferson	105	5	0	110	Tioga	30	4	0	34
Kings	2,519	874	91	3,484	Tompkins	50	7	0	57
Lewis	9	2	0	11	Ulster	176	25	0	201
Livingston	32	4	0	36	Warren	47	22	0	69
Madison	31	3	0	34	Washington	46	8	0	54
Monroe	573	59	0	632	Wayne	61	7	0	68
Montgomery	35	6	0	41	Westchester	341	76	1	418
Nassau	444	123	2	569	Wyoming	29	1	0	30
New York	922	391	32	1,345	Yates	18	0	0	18
Niagara	205	25	0	230	<b>Total</b>	<b>13,791</b>	<b>3,168</b>	<b>212</b>	<b>17,171</b>

\*The table excludes Hamilton County, which did not report any arrest events during the 20-month period examined in this report.

### Acknowledgements

*This report was prepared by Andrew Wheeler, graduate research assistant in the DCJS Office of Justice Research and Performance. This project was supported in part by Grant No. 2011-BJ-CX-K042 awarded by the Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.*