



Examining Reports of Strangulation for Clery Act & Title IX Purposes

11th Annual NACCOP Conference

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Agenda

- What is strangulation?
- Title IX and Clery Act implications
- Mini case studies



What is Intimate Partner Violence?

IPV is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another. It includes physical violence, sexual violence, threats, economic, and emotional/psychological abuse. The frequency and severity of domestic violence varies dramatically.

IPV can happen to anyone regardless of race, age, sexual orientation, religion, sex, disability, or gender identity.

IPV affects people of all socioeconomic backgrounds and education levels.

IPV occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, dating, or share a child.

IMPACT

Physical violence is often accompanied by emotionally abusive and controlling behavior as part of a much larger, systematic pattern of dominance and control. Domestic violence can result in physical injury, psychological trauma, and even death. The devastating consequences of domestic violence can cross generations and last a lifetime.



DATING VIOLENCE-CLERY ACT

Violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship;*
- (2) The type of relationship; and*
- (3) The frequency of interaction between the persons involved in the relationship.*



So, what is “dating?”



- Seeing each other
 - Hooking up
 - Talking
 - It's Complicated
 - Friends with Benefits
 - Roaching
 - Situationship
 - Wiffey/Hubby Status
 - Chillin'
 - Netflix and Chill
 - “DM Slides and Thirsty Texts” (DTF)
 - F*** Buddy
-

Domestic Violence

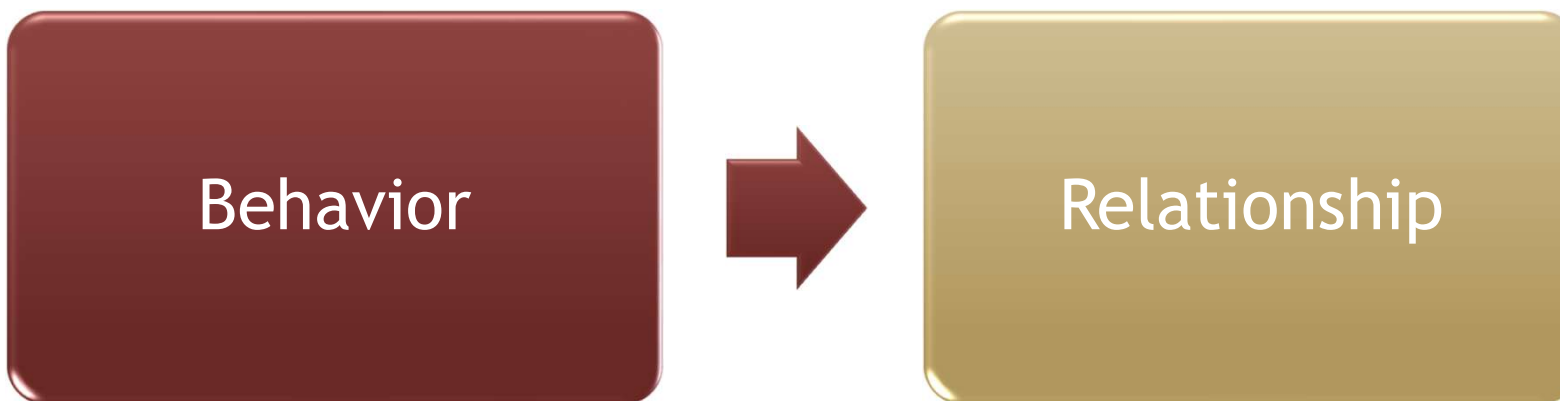


A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred OR
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.



Understanding the Elements in DV Cases





Intimate Partner Violence Investigations

Behaviors

- Type of violence
- Possible patterns of behaviors
- Other behaviors that may fall under other policy definitions

Parties

- Type of relationship
- Length of the relationship
- Frequency of interaction between the persons

THE DULUTH MODEL, MN



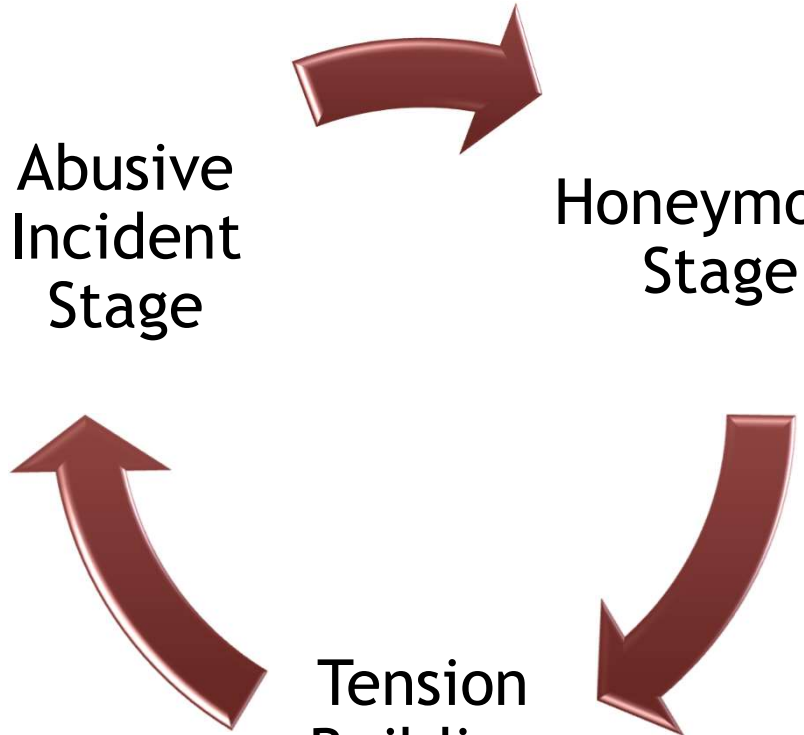
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Abusive
Incident
Stage

Honeymoon
Stage

Tension
Building
Stage



Physical Abuse



Slaps, punches, pinches, bites, kicks, hits walls, throw things, etc.

Holds or ties down, or restrains partner

Prevents partner from eating or sleeping

Is rough with partner's body parts during care giving

Strangles partner

STRANGULATION VS. SUFFOCATION

Strangulation is a form of asphyxia characterized by closure of the blood vessels and air passages of the neck as a result of external pressure on the neck.

Suffocation occurs from covering the mouth and/or nose with an object preventing the person from being able to breathe.

Women in abusive relationships are at the greatest risk of strangulation injury.

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Credit: National Institute of Health
<https://www.ncbi.nlm.nih.gov/books/NBK459192/>

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Forms of Strangulation



Manual



Ligature

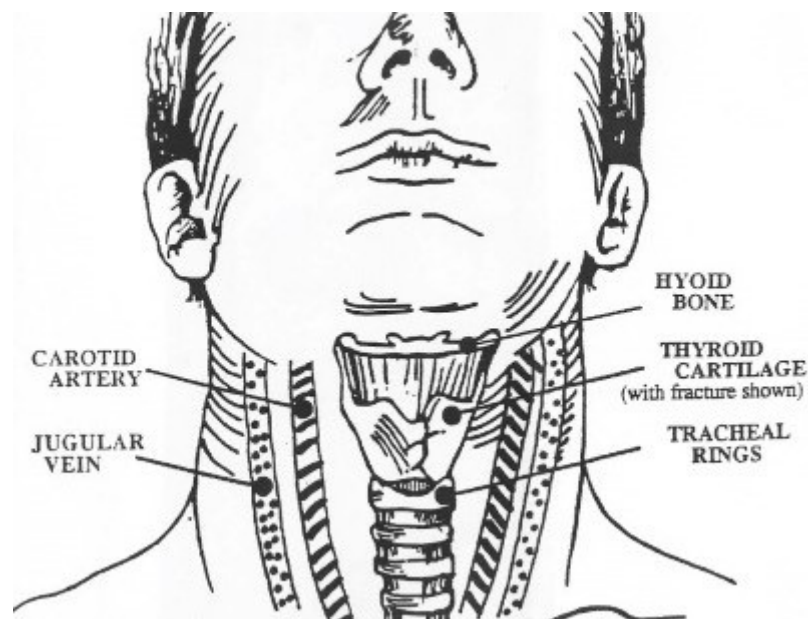
Four classifications:
Homicidal, suicidal, accidental, and autoerotic



Strangulation

Strangulation is the compression of anatomic neck structures leading to a reduction of blood flow to or from the brain that results in injury or death. Using the average handshake at 80 to 100 pounds of pressure as comparison:

- a victim's jugular veins will occlude when a perpetrator applies only 4 pounds of pressure
- occlusion of the carotid arteries occurs with 5 to 11 pounds of pressure
- a perpetrator applying 33 pounds of pressure to the victim's trachea will cause it to collapse.



Credit:
<https://www.myamericannurse.com/strangulation-a-silent-but-deadly-form-of-intimate-partner-violence/>



No Visible Signs of Injury

Strangulation signs and symptoms may not be visible during the initial victim assessment. Approximately 50% of strangulation victims will have no visible injuries, and some survivors may not even recall the strangulation incident because of cerebral hypoxia during the assault.

De Boos J. Review article: Non-fatal strangulation: Hidden injuries, hidden risks. *Emerg Med Australas.* 2019 Jun;31(3):302-308.

SIGNS AND SYMPTOMS OF STRANGULATION



If your partner has ever put their hands around your neck, put you in a “sleeper hold,” or wrapped anything like a scarf, necklace, belt, or rope around your neck, you have experienced strangulation.

NEUROLOGICAL

- Loss of memory
- Loss of consciousness
- Behavioral changes
- Loss of sensation
- Extremity weakness
- Difficulty speaking
- Fainting
- Urination
- Defecation
- Vomiting
- Dizziness
- Headaches

SCALP

- Petechiae
- Bald spots (from hair being pulled)
- Bump to the head (from blunt force trauma or falling to the ground)

EYES & EYELIDS

- Petechiae to eyeball
- Petechiae to eyelid
- Bloody red eyeball(s)
- Vision changes
- Droopy eyelid

EARS

- Ring in ears
- Petechiae on earlobe(s)
- Bruising behind the ear
- Bleeding in the ear

FACE

- Petechiae (tiny red spots, slightly red or florid)
- Scratch marks
- Facial drooping
- Swelling

MOUTH

- Bruising
- Swollen tongue
- Swollen lips
- Cuts/abrasions
- Internal Petechiae

CHEST

- Chest pain
- Redness
- Scratch marks
- Bruising
- Abrasions

NECK

- Redness
- Scratch marks
- Finger nail impressions
- Bruising (thumb or fingers)
- Swelling
- Ligature Marks

VOICE & THROAT CHANGES

- Raspy or hoarse voice
- Unable to speak
- Trouble swallowing
- Painful to swallow
- Clearing the throat
- Coughing
- Nausea
- Droping
- Sore throat
- Stridor

BREATHING CHANGES

- Difficulty breathing
- Respiratory distress
- Unable to breathe

Source: Strangulation in Intimate Partner Violence, Chapter 16, Intimate Partner Violence. Oxford University Press, Inc. 2009.



Graphics by Yvetonia Adams

STRANGULATION ASSESSMENT CARD

SIGNS	SYMPTOMS	CHECKLIST	TRANSPORT
<ul style="list-style-type: none"> ● Red eyes or spots (Petechiae) ● Neck swelling ● Nausea or vomiting ● Unsteady ● Loss or lapse of memory ● Urinated ● Defecated ● Possible loss of consciousness ● Ptosis – droopy eyelid ● Droopy face ● Seizure ● Tongue injury ● Lip injury ● Mental status changes ● Voice changes 	<ul style="list-style-type: none"> ● Neck pain ● Jaw pain ● Scalp pain (from hair pulling) ● Sore throat ● Difficulty breathing ● Difficulty swallowing ● Vision changes (spots, tunnel vision, flashing lights) ● Hearing changes ● Light headedness ● Headache ● Weakness or numbness to arms or legs ● Voice changes 	<p>S Scene & Safety. Take in the scene. Make sure you and the victim are safe.</p> <p>T Trauma. The victim is traumatized. Be kind. Ask: what do you remember? See? Feel? Hear? Think?</p> <p>R Reassure & Resources. Reassure the victim that help is available and provide resources.</p> <p>A Assess. Assess the victim for signs and symptoms of strangulation and TBI.</p> <p>N Notes. Document your observations. Put victim statements in quotes.</p> <p>G Give. Give the victim an advisal about delayed consequences.</p> <p>L Loss of Consciousness. Victims may not remember. Lapse of memory? Change in location? Urination? Defecation?</p> <p>E Encourage. Encourage medical attention or transport if life-threatening injuries exist.</p>	<p>If the victim is Pregnant or has life-threatening injuries which include:</p> <ul style="list-style-type: none"> ● Difficulty breathing ● Difficulty swallowing ● Petechial hemorrhage ● Vision changes ● Loss of consciousness ● Urinated ● Defecated <p style="background-color: #1a3d4d; color: white; text-align: center; font-weight: bold; padding: 2px;">DELAYED CONSEQUENCES</p> <p>Victims may look fine and say they are fine, but just underneath the skin there would be internal injury and/or delayed complications. Internal injury may take a few hours to be appreciated. The victim may develop delayed swelling, hematomas, vocal cord immobility, displaced laryngeal fractures, fractured hyoid bone, airway obstruction, stroke or even delayed death from a carotid dissection, bloodclot, respiratory complications, or anoxic brain damage.</p> <p><small>Taliaferro, E., Hawley, D., McClane, G.E. & Strack, G. (2009). Strangulation in Intimate Partner Violence. <i>Intimate Partner Violence: A Health-Based Perspective</i>. Oxford University Press, Inc.</small></p> <p style="font-size: 8px;"><small>This project is supported all or in part by Grant No. 2014-TA-AX-K008 awarded by the Office on Violence Against Women, U.S. Dept. of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.</small></p>

Why doesn't she just leave?

Because leaving is a process,
not an event.

*What are common barriers facing college students who are victims of domestic or dating violence? What about employees?



The Power of Hope

*Hope is the thing with
feathers that perches in
the soul and sings the tune
without the words and
never stops at all.*

- Emily Dickinson, circa 1861

THE CLERY ACT AND TITLE IX

AS THEY RELATE TO REPORTS OF
STRANGULATION

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Three Part Test



01

1. Was the crime reported to a Campus Security Authority or local law enforcement agency?

02

2. Is the crime a Clery Act crime?

03

3. Did the crime occur on or within the institution's reportable Clery Geography?

1. Campus Security Authorities



- Even at institutions with a police department on campus, a student who is the victim of a crime may be more inclined to report it to someone other than the campus police.
- For this reason, the *Clery Act* requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be “Campus Security Authorities.”

A CSA's Primary Responsibility is...



*to report allegations made
in good faith to the
reporting structure
established by the
institution.*

Reported Crimes



- Under the *Clery Act*, a crime is “reported” when it is brought to the attention of a campus security authority, the institution’s police department or campus safety office, or local law enforcement personnel by a victim, witness, other third party or even the offender.
- If a Campus Security Authority receives a report, he or she must include it as a crime report using whatever procedure has been specified by your institution.

2. Clery Crimes-General Categories



- **Primary Crimes**
 - Murder/Non-negligent Manslaughter
 - Manslaughter by Negligence
 - **Sexual Assault (Rape, Fondling, Incest & Statutory Rape)**
 - Robbery
 - **Aggravated Assault**
 - Burglary
 - Motor Vehicle Theft
 - Arson
 - **VAWA Offenses**
 - **Dating Violence**
 - **Domestic Violence**
 - Stalking
 - **Arrests and Referrals for Disciplinary Action**
 - Liquor Law Violations
 - Drug Law Violations
 - Weapon Law Violations
 - **Hate Crimes**
 - All primary crimes (except Manslaughter by Negligence)
 - Larceny-Theft
 - Simple Assault
 - Intimidation
 - Destruction/Vandalism/Damage of Property
- + **Unfounded Crimes**

Aggravated Assault



An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

Firearm

Knife or
Cutting
Instrument

Other
Dangerous
Weapon

Hands, Fist
and Feet

Broken Bones

Internal Injuries

Stitches

Loss of Teeth

Severe Laceration

Loss of Consciousness

**Aggravated
Injuries**

Domestic Violence



A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred OR
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence



Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

3. Clery Geography



- The Clery Act requires institutions to disclose statistics for select crimes that occur:
 - On Campus,
 - on **Public Property** within or immediately adjacent to the campus, and
 - in or on **Noncampus Buildings or Property** that the institution (or an officially recognized student organization) owns or controls
- Student **Residential Facilities** are a subset of the On Campus category
- Institutions may have **Separate Campus** locations as well

Title IX



Title IX of the Education Amendment of 1972

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”



Sex Discrimination

Sex-Based Harassment

- Sexual Assault
- Dating/Domestic Violence
- Stalking
- Hostile Environment
- Quid Pro Quo

Sex Discrimination

- Sex stereotypes
- Sex characteristics
- Pregnancy or related conditions
- Sexual orientation
- Gender identity

Applies in . .

Admission, Employment, Educational Programs, and Activities

Title IX Requirements (August 1, 2024)



Report

Supportive measures

Explain the process to file a complaint

Option for informal resolution (does not require a complaint beginning August 1)



Complaint

Complainant files requesting that the institution take action to resolve the complaint

*No complaint, then Title IX Coordinator must determine where or not they should/need to file



§ 106.44(f)(1)(v) – *Title IX-Initiated Complaints

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination

(A) To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

Eight Factors to Consider

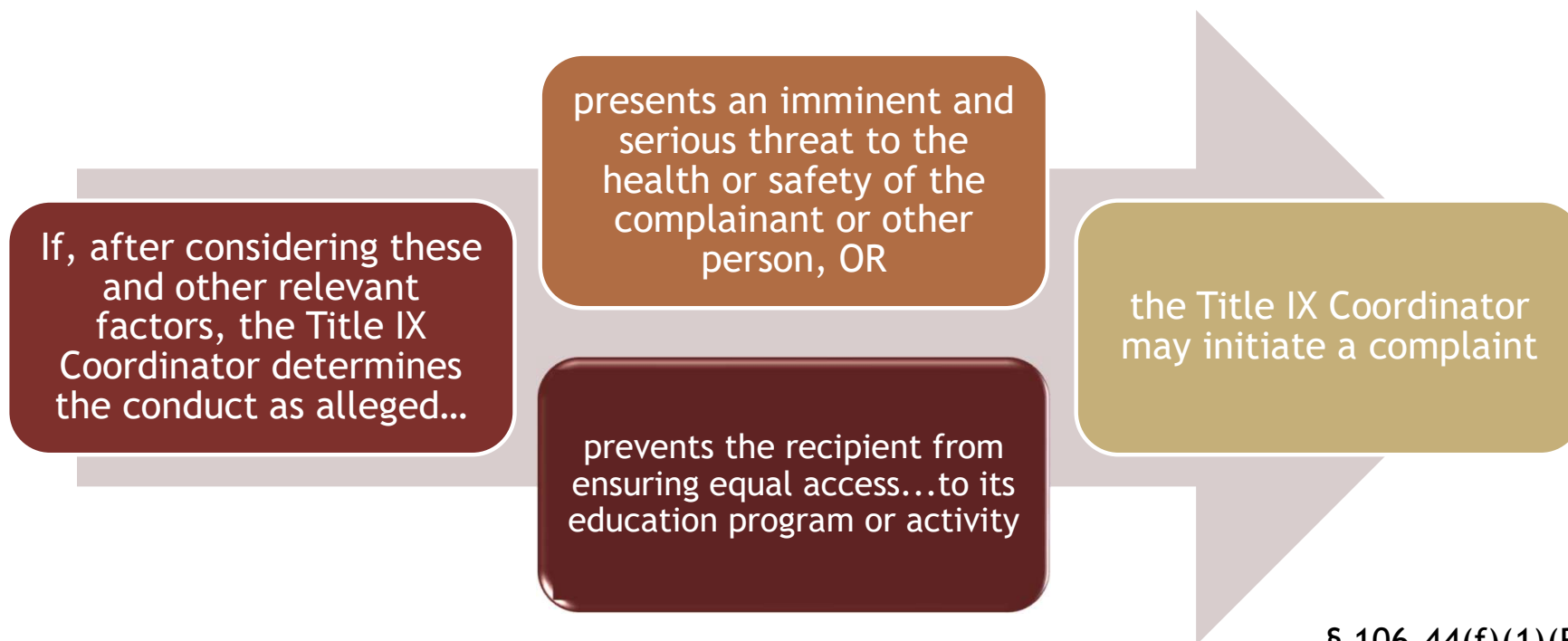


1. Complainant's request
2. Safety concerns
3. Risk of additional acts
4. Severity of allegation
5. Age and relationship
6. Scope and pattern
7. Evidence
8. Alternatives to resolve

§ 106.44(f)(1)(v)(A)



Threshold Determination



§ 106.44(f)(1)(B)



Mini-Report #1

Michael is an employee in food services at your College. He reports the following to the institution's Title IX Coordinator, which occurred on campus in the Cafeteria:

“Yesterday, while working in the food service line, Steve came up behind me. He was being his normal self--messing around with me-and I told him to stop. Sometimes he touches me like on my back or sometimes on my butt and I don't like it. I had to say it like three times and by the third time, I guess I kind of yelled it. Steve freaked out and called me a “little bitch”, which is typical Steve. Later on, when we were in the back storeroom putting boxes away, he pushed me up against the wall and put me in a sleeper hold blocking my airway. He told me never to embarrass him like that again. The dude just lost his sh*t. Anyway, I don't think I can work with him anymore on the line. Like dude has some serious anger issues...”

MINI-REPORT #2-REPORTED TO CAMPUS POLICE



- “Angela” is a University employee who works in Facilities in the housekeeping department and reports to work for her shift.
- Angela sees a campus police officer, who is grabbing a late lunch, and asks to speak with her.
- Angela complains of just being in a situation where she feels unsafe. She reports being 7 ½ months pregnant.
- She stated she was taking a nap in her off-campus trailer when she awoke to her boyfriend choking her. She said it only lasted a few seconds. Then he poured something on the bed and left. As he left, she saw he dropped something on the bed and then the bed was on fire.
- She struggled to get out of bed, but when she did, she saw that the bed was engulfed. As she fled the trailer, she saw her boyfriend's truck leaving the property. Given that her cell phone did not have coverage at the trailer, and she didn't have a car of her own, she grabbed her work things and walked the mile to the main road. She was able to call a coworker to come get her and bring her to work. She reports being frightened for her baby and unsure of what to do. Her boyfriend is also a University employee in Facilities.

Mini-Report #3

The Title IX Coordinator received a report of nonconsensual sexual intercourse from a student against another student. The complainant alleges that she and her friend were “hooking up” in an oncampus residence hall room. During sex, the complainant said the respondent grabbed her throat and squeezed and that she struggled to breathe. She said she didn’t say anything because it seemed like he was enjoying it but that she stopped moving and “wasn’t into it” anymore and he continued on. She said that afterwards he acted like nothing happened and wanted to cuddle, which she did. She says she is not very sexually experienced and isn’t sure what happened to her, but that she doesn’t feel “ok” about things with him and doesn’t think she will hook up with him again.



Mini Report #4: CSA and RE Report to Title IX

Victim1: Mitchell Saunders

Suspect1: Roman Jones

Officer J.P. Hernandez, UNPD

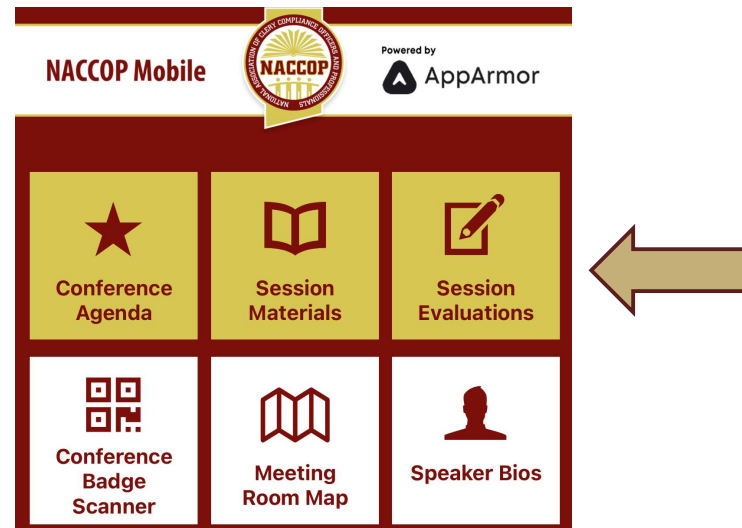
I responded to a call for service in Westover Hall, room 312B for a report of male unconscious. Upon arrival, V1 and S1 were in the room and S1 advised that he and V1 were engaged in “kink” and things just got a “little out of hand.” S1 advised it was consensual and V1 had regained consciousness upon my arrival. V1 agreed that he is ok and doesn’t want to file a report or take further action. Medic 710 arrived and V1 declined transport signing the waiver (see E1 attached to this report.) RA Bobby Miller was on scene. He stated he will follow up with the RD tomorrow. Nothing further to report at this time.

Title IX Coordinator Dr. Mary Adams contacted Mitchell Saunders to offer supportive measures and explain the process for filing a formal complaint. Complainant stated the following *“Roman and I have been seeing each other for about four months. Recently, Roman has become more and more possessive and gets super upset anytime I speak to any other guy. In our community, this is not cool. He’s getting rougher with sex too and even when I don’t want to play, he makes me feel super bad and literally gaslights me into thinking there is something wrong with me until I’m so worn down that I just give in and become obedient. During sex this last time, he disciplined me by pulling too tightly on the scarf and I passed out. It was totally accidental this time and I am sorry I worried everyone. I don’t need any help—I’m pretty sure I’m just gonna break things off with him.”*



Session Evaluation

1. Select the “Session Evaluations” button in the NACCOP Mobile App



2. Or, visit <https://www.surveymonkey.com/r/2024-NACCOP-Sessions> to evaluate this session.