

Advertisement

NATIONAL VICTORIA CRIME

Strangulation - a red flag for murder - so does Victoria need new law?

By Tammy Mills
26 May 2018 — 5:10pm

Victorian police say they need new powers to charge family violence and sexual offenders who strangle their victims.

f t v e

A A A

0 Leave a comment

Talking points

- Strangulation/suffocation in 9% of family violence homicides in Australia.
- The risk of death increases by 800% if previously strangled by a partner.
- Victoria doesn't have a standalone charge of strangulation and police want it.
- QLD has strangulation laws, as do more than 30 states in America.
- Strangulation is often not identified. No visible injuries in 50% of cases.

The risk of women being murdered dramatically increases - [one study](#) found the odds leapt by 800 per cent - if their partner or former partner attempts to strangle them.

This week, an inquest into the 2011 death of Mornington Peninsula woman Joy Rowley revealed the 60-year-old was choked unconscious eight months before she was strangled to death.



Joy Rowley was murdered in 2011.

Photo: Supplied

The head of Victoria Police's response to family violence told the Coroners Court that attempted strangulation was a significant contributing factor to Ms Rowley's risk and vulnerability and it should be a stand-alone offence.

He said a discussion paper has been completed and it would go to government for consideration.

Advertisement

"If there was a specific charge of strangulation, it would automatically flag the seriousness of offence," Assistant Commissioner Dean McWhirter said.

"This is an opportunity for us as a community to start to recognise the seriousness of this type of criminality in the context of family violence and sexual offending."

Several states, including NSW and the ACT, have laws for strangulation, however the elements to prove the crime are difficult to overcome and the legislation is under-utilised, experts say.

More effective, University of Queensland Professor Heather Douglas said, were laws introduced in QLD in 2016 where the burden of proof is less.

"We have had numerous prosecutions, but it has also significantly advanced knowledge about the dangers associated with it and is now a key consideration in bail decisions," Professor Douglas said.

[Almost 900 charges were laid in its first 13 months](#), 163 of which went to the higher district court. As of July last year, 41 defendants were convicted on 49 strangulation charges. The maximum penalty is seven years' jail.

But Women's Legal Service Victoria said the QLD law has not been evaluated so they don't know if women were safer and it would not remedy gaps in police practice that fail to protect women.

"The Crimes Act contains provisions for strangulation to be criminalised. Unfortunately, we regularly see cases where police have not followed existing good practices and policy," policy lawyer Marianne Jago said.

Such was the case in the lead-up to Ms Rowley's murder, in which police this week accepted they breached policy seven times.

Professor Douglas said two relevant offences in Victorian law that could be applied to strangulation - reckless conduct endangering life or serious injury - have low penalties and were mostly used in driving cases.

More than 30 states in America have introduced the offence. [A 2009 review](#) in Minnesota said violent abusers were being charged with a crime that accurately conveyed the core element of the assault and seriousness, rather than "avoiding prosecution or initially being charged with a lesser crime".

[Researchers say strangulation is often misunderstood or mis-identified](#). People expect to see bloodshot eyes and bruises around the neck, but about half the time it doesn't leave a visible injury; it can be as subtle as tiny red spots on the face and neck, or under the eyelids and around the eyes.

Strangulation frequently affects the long-term health of the victim, Professor Douglas said, with neurological and psychiatric symptoms including memory loss, vision change, post-traumatic stress disorder and brain damage.

RELATED ARTICLE



COURTS

'Our mother had a second chance at life which was passed by'



[License this article](#) | [CRIME](#)



Tammy Mills

[f](#) [t](#) [G+](#)
Crime reporter

MOST VIEWED IN NATIONAL

- 1 **Father's Christmas morning phone call led to two police standing trial**
- 2 **Woman attacked with pickaxe during terrifying carjacking**
- 3 UPDATED
Jail for learner who injected ice, ran red light at 110kmh, hit woman
- 4 **Man charged after terrifying road rage attack on Tullamarine Fwy**
- 5 **Melbourne Metro Tunnel station designs revealed**
- 6 **The schools hit the hardest by strict new enrolment rules**



MORNING & AFTERNOON NEWSLETTER
Delivered Mon-Fri.

Your email address

SIGN UP

By signing up you accept our [privacy policy](#) and [conditions of use](#)

RECOMMENDED

powered by pilista



WORLD

French spy charged with treason
fell for Chinese 'honeytrap'



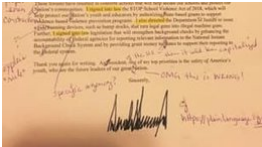
DOMAIN.COM.AU

How to buy the best apartment in
the block in a new development



DOMAIN.COM.AU

In pictures: How eight suburbs have
gone from industrial to residential



WORLD

'OMG This Is Wrong!' Ex-English
teacher corrects Trump letter

FROM THE WEB

SHELL

Make tax time easier with itemised fuel purchases



LIFE INSURANCE COMPARISON

Why Did No One Flipping Tell Us About This
Superannuation Trick To Save on Life ...



AMERICAN EXPRESS

Receive a \$400 Travel Credit each year. T&Cs
apply.



HOME LOAN REPORT

Home loans have never been this easy.



DUCERE

Is it too late to start an MBA degree?



TOURISM NEW ZEALAND

Book your Hawke's Bay cycling holiday in NZ today



JOBS BY adzuna

Senior Local Area Coordinator
SACS Consulting
Melbourne, Melbourne Region

Linkage Coordinator
SACS Consulting
Melbourne Region, Victoria

Early Childhood Early..
SACS Consulting
Victoria, Australia



COMPARE & SAVE

- OUR SITES
- The Age

The Sydney Morning Herald

Brisbane Times

The Canberra Times

WAtoday
-

[The Australian Financial Review](#)

[Domain](#)

[Traveller](#)

[Good Food](#)

[Executive Style](#)

[The Store by Fairfax](#)

[Drive](#)

[Adzuna](#)

[RSVP](#)

[Essential Baby](#)

[Essential Kids](#)

[Weatherzone](#)

CLASSIFIEDS



[Tributes](#)

[Celebrations](#)

[Place your ad](#)

[Commercial Real Estate](#)

[Oneflare](#)

[Nabo](#)

THE AGE



[Contact & support](#)

[Advertise with us](#)

[Newsletters](#)

[Accessibility guide](#)

[Sitemap](#)

PRODUCTS & SERVICES



[Subscription packages](#)

[Subscriber benefits](#)

[My account](#)

[Subscriptions FAQs](#)

[Today's Paper](#)

FAIRFAX MEDIA



[Photo sales](#)

[Purchase front pages](#)

[Fairfax syndication](#)

[Fairfax events](#)

[Fairfax careers](#)

[Conditions of use](#)

[Privacy policy](#)

[Press Council](#)

Copyright © 2018

Fairfax