Strangulation: The Last Warning Shot -

Gael Strack, Esq., CEO & Co-Founder
Dr. Bill Smock, Police Surgeon, LMPD, Kentucky
In Memory of Casondra Stewart and Tamara Smith
Little did we know how much these two young women would change our office, our hearts & minds.

Prior strangulation was their last warning shot before they were killed. 50% of all DV homicides in the US have prior strangulation.
Realities of Strangulation

50%
No visible injury
Observations

• 90% of the cases had a DV history
• 50% of the cases, children were present.
• 99% of the suspects were men.
Signs and Symptoms Documented in San Diego Police Reports

- Redness to neck
- Scratch marks
- Rope burns
- Thumb print bruising
- Red eyes
- Spasm
- Urination & defecation

- Pain to neck/throat
- Coughing
- Raspy voice
- Nausea or vomiting
- Unconsciousness
- Ears ringing
- Head rush
- Miscarriage
Carotid Restraint: Prohibited or Restricted by Many Police Departments Nationwide

- Many police agencies do not allow officers to use carotid restraint.
  - SDPD: No more than 30 seconds (7/92)
  - POST: First aid protocol.
    - “... subject should be checked by medical personnel”
Minimization System wide

- Dispatchers
- Police
- Investigators
- Prosecutors
- Court
- Probation
- Victims
- Offenders
Strangulation is about power & control – I can kill you!
Journal of Emergency Medicine

- Walking and Talking Victims
- Survey Results of Strangled Women
- Review of 300 Cases – Legal Issues
- Review of 300 Cases – Clinical Evaluation
- Review of 300 Cases – Fatal Cases
- Effect of Multiple Strangulation Attacks
Significant Findings:

- **Lack of injuries** caused the entire criminal justice system to minimize the seriousness of strangulation.
- **Lack of Understanding.** Victims didn’t understand the danger, the immediate or long term consequences. “I’m fine, I’m fine”
- **Lack of laws and protocols** caused suspect to get away with it. They were not being held accountable for the crimes they committed but they knew exactly what they were doing. Strangulation assaults are felonies.
- **Need a Systemwide Response.** Multi-disciplinary teams have the best outcomes.
Understanding Lethality
NON-FATAL STRANGULATION IS AN IMPORTANT RISK FACTOR FOR HOMICIDE OF WOMEN

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Abstract—The purpose of this study was to examine non-fatal strangulation by an intimate partner as a risk factor for major assault, or attempted or completed homicide of women. A case control design was used to describe non-fatal strangulation among completed homicides and attempted homicides (n = 506) and abused controls (n = 427). Interviews of proxy respondents and survivors of attempted homicide were conducted.

Keywords—intimate partner violence; strangulation; risk of homicide

INTRODUCTION

The 1993 National Mortality Followback Survey of 5,922 homicides and 45 non-fatal homicides (n = 3,867) were reviewed. The mortality followback included a mandatory 10% random sample of non-fatal homicides. Homicides are the second leading cause of death for women in the United States.
They are Killers

- “The most dangerous domestic violence offenders strangle their victims. The most violent rapists strangle their victims. We used to think all abusers were equal. They are not. Our research has now made clear that when a man puts his hands around a woman, he has just raised his hand and said, “I’m a killer.” They are more likely to kill police officers, to kill children, and to later kill their partners. So, when you hear “He choked me”, now we know you are the edge of a homicide.”
Craig Kingsbury
Police Chief of Twinfalls, Idaho

The link to officer safety
Mass Killings have a connection to IPV and strangulation

- Mohamed Lahousaiej Bouhlel-80 killed in Nice – criminal history of DV (2016)
- Omar Mateen – 49 killed in Orlando, 53 injured. Ex-wife was strangled. (2016)
- NYMag.com, July 15, 2016
Prevalence – Domestic Violence & Strangulation

- 68% - Wilbur Study
- 66.7% - New Orleans FJC
- 71% - 2014 Study – Police Departments’ Use of the Lethality Assessment Program: A Quasi-Experimental Evaluation
68% of DV victims are also Sexually Assaulted.

- Sexual Assault in Abusive Relationships
- by Lauren R. Taylor with Nicole Gaskin-Laniyan
- NIJ Journal No. 256 * January 2007
- A study funded by NIJ on women who had been physically assaulted by an intimate partner found that two-thirds of the women had also been sexually assaulted by that partner.
- In addition to a victim's physical and psychological injuries, her older children were found to be at increased risk for depression.
Prevalence – Sexual Assault & Strangulation

- 35% - Plattner (2005)
- 15% - Green (2013)
- 18% - TRO Study (2014)
- 16% - New Orleans FJC (2015)
- 12% - Mcquown (2016)

Given the variation in these statistics, we need more research to find out the true prevalence which can only be done with more consistent and reliable statistics.
Sexual Assault, Strangulation, and Intimate Partner Violence

- 64-96% of rapes never reported
- Nearly 90% of reported rapes never prosecuted
- Interviews with 1882 men – 120 admitted sexual assault against a woman (6.4%)
- 63% of 120 self-reported multiple rapes (75 men)
- 75 men committed 439 of 483 rapes
- Repeat rapists committed 10X more other acts of violence against women and children other than rape including strangulation assaults
- 29% of single act rapists admitted other violence with other victims
  - Lisak, Miller, Repeat Rape and Multiple Offending Among Undetected Rapists
Legal Aspects of Near-Fatal Strangulation Cases
States With Felony Strangulation Laws

Where Strangulation Is A Felony Crime

- State makes strangulation a felony

|--------|-------|-------|------|------|-------|------|-------|-----|------|-------|

Note: In Maryland, applies to sexual assault cases only.

Source: The Training Institute on Strangulation Prevention

THE HUFFINGTON POST
Federal 18 USC 113 – VAWA 2013

- TITLE 18 USC § 113
- ASSAULT WITHIN MARITIME AND TERRITORIAL JURISDICTION
- (a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:
  - (8) Assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate, by a fine under this title, imprisonment for not more than 10 years, or both.
Federal Sentencing Guidelines

• “Comment and testimony that the Commission received indicated that strangulation and suffocation in the domestic violence context is serious conduct that warrants enhanced punishment regardless of whether it results in a provable injury that would lead to a bodily injury enhancement; this conduct harms victims physically and psychologically and can be a predictor of future serious or lethal violence.

• 79FR25996, doc No. 2014-10264
WATCH REPORT
The Impact of Minnesota’s Felony Strangulation Law

New law is:

- Increasing victim safety
- Increasing offender accountability
- Drawing attention to the potential lethality
- Causing more resources to be marshaled
- Educating the public on domestic violence
WATCH REPORT
The Impact of Minnesota’s Felony Strangulation Law

• Shortcomings:
  ▫ Inconsistencies in charging
  ▫ Lenient sentences
  ▫ Failure to adequately address probation violations
  ▫ Need to increase probation supervision
  ▫ Need for more training
Second Report

• A significantly higher percentage of cases resulted in other felony convictions in 2007 (38 percent) compared to 2005 (17 percent), indicating that the strangulation charge is being used as leverage to obtain a conviction on another felony, usually one with the same or similar sentence.

• As an assistant Hennepin County attorney noted, “Anytime we are able to file a felony charge and convict on one, we are enhancing victim safety.”
Second Report

• St. Paul Police Chief John Harrington has credited the felony strangulation law as an essential element in bringing about the reduction of domestic homicides in St. Paul in the last two years.³
Strangulation, Domestic Violence and the Legal Response

Heather Douglas and Robin Fitzgerald

Abstract

In risk assessment tools used by domestic violence workers and police, strangulation, short of causing death, is considered a ‘red flag’ for future serious abuse and fatality. This article discusses the risks and concerns associated with non-fatal strangulation and examines current legal responses to it in Australia, the United States and Canada. Drawing on a study of court files involving domestic violence protection orders, the authors consider how strangulation allegations made by those applying for protection orders are responded to by police and courts in Queensland. The authors conclude with a reflection on current policy and legislative approaches to non-fatal strangulation in Australia and make suggestions for law reform.
315A Choking, suffocation or strangulation in a domestic setting

• (1) A person commits a crime if:
  • (a) the person unlawfully chokes, suffocates or strangles another person, without the other person’s consent; and (b) either
  • (i) the person is in a domestic relationship with the other person; or
  • (ii) the choking, suffocation or strangulation is associated domestic violence under the Domestic and 1 Family Violence Protection Act 2012.

• Maximum penalty—7 years imprisonment.
• An assault is not an element of an offence against subsection (1).
Help Victims Understand their Immediate Danger and Long Term Consequences
**Strangulation**

Strangulation has only recently been identified as one of the most lethal forms of domestic violence: unconsciousness may occur within seconds and death within minutes. When domestic violence perpetrators choke (strangle) their victims, not only is this a felonious assault, but it may be an attempted homicide. Strangulation is an ultimate form of power and control, where the batterer can demonstrate control over the victim’s next breath; having devastating psychological effects or a potentially fatal outcome.

Sober and conscious victims of strangulation will first feel terror and severe pain. If strangulation persists, unconsciousness will follow. Before laping into unconsciousness, a strangulation victim will usually resist violently, often producing injuries of their own neck in an effort to claw off the assailant, and frequently also producing injury on the face or hands to their assailant. These defensive injuries may not be present if the victim is physically or chemically restrained before the assault.

**Observing Changes**

Documentation by photographs sequentially for a period of days after the assault is very helpful in establishing a journal of physical evidence.

Victims should also seek medical attention if they experience difficulty breathing, speaking, swallowing or experience nausea, vomiting, lightheadedness, headache, involuntary urination and/or defecation.

Although most victims may suffer no visible injuries whatsoever and many fully recover from being strangled, all victims, especially pregnant victims, should be encouraged to seek immediate medical attention. A medical evaluation may be crucial in detecting internal injuries and saving a life.

**Losing Consciousness**

Victims may lose consciousness by any one or all of the following methods: blocking of the carotid arteries in the neck (depriving the brain of oxygen), blocking of the jugular veins (preventing deoxygenated blood from exiting the brain), and closing off the airway, making breathing impossible.

Very little pressure on the carotid arteries and/or veins for ten seconds is necessary to cause unconsciousness. However, if the pressure immediately released, consciousness will be regained within ten seconds. To completely close off the trachea (windpipe), three times as much pressure (33 lbs.) is required. Brain death will occur in 4 to 5 minutes, if strangulation persists.

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100 Broadway, Suite 1770
San Diego, CA 92101
Call Us Toll-Free (888) 511-3522
StrangulationTrainingInstitute.com

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**Facts Victims of Strangulation (Choking) Need to Know**

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**ALLIANCE for HOPE INTERNATIONAL**

Creating Pathways to HOPE
### Monitor Your SIGNS

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### Monitor Your Symptoms

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### Signs of Strangulation

- **Head**: pinpoint red spots (petechiae) on scalp, hair pulled, bump(s), skull fracture, concussion.
- **Face**: red or flushed, petechiae, scratch marks.
- **Eyes and Eyelids**: petechiae to the left or right eyeball, bloodshot eyes.
- **Ear**: petechiae (external and/or ear canal), bleeding from ear canal.
- **Nose**: bloody nose, broken nose, petechiae.
- **Mouth**: bruising, swollen tongue, swollen lips, cuts/abrasions.
- **Under the chin**: redness, scratch marks, bruise(s), abrasions.
- **Neck**: redness, scratch marks, fingernail impressions, bruise(s), abrasions, swelling, ligature marks.
- **Chest and Shoulders**: redness, scratch marks, bruise(s), abrasions.

### Symptoms of Strangulation

- **Voice changes**: raspy and/or hoarse voice, coughing, unable to speak, complete loss of voice.
- **Swallowing changes**: trouble swallowing, painful swallowing, neck pain, nausea/vomiting, drooling.
- **Breathing changes**: difficulty breathing, hyperventilation, unable to breathe.
- **Behavioral changes**: restlessness or combativeness, problems concentrating, amnesia, agitation.
- **Post-Traumatic Stress Syndrome**: hallucinations.
- **Vision changes**: complete loss or black & white vision, seeing ‘stars’, blurry, darkness, fuzzy around the eyes.
- **Hearing changes**: complete loss of hearing, gurgling, ringing, buzzing, popping, pressure, tunnel-like hearing.
- **Other changes**: Memory loss, unconsciousness, dizziness, headaches, involuntary urination or defecation, loss of strength, gang limp.

### Diagrams to Mark Visible Injuries

- **Front**
- **Under Chin**
- **Right Side**
- **Left Side**
- **Back**
- **Inside Mouth**
strangulationtraininginstitute.com
Alliance Publishes New Manual in 2013!

IPV Strangulation Crimes

- IPV Strangulation Crimes Manual – Developed by the National Family Justice Center Alliance/Training Institute on Strangulation Prevention
- In Partnership with the California District Attorneys Association
- Manual includes chapters on advocacy, investigations, prosecution, and legislation, among other topics
- Can be re-published in any state in the country in collaboration with the Alliance
Law Reform Targets the Crime of Strangulation

Law Reform Targets the Crime of Strangulation

The Edge of Homicide

Law Reform Targets the Crime of Strangulation

Investigation and Prosecution of Strangulation Cases

Summary of Recent Case Strangulation Law

Why Didn’t Someone Tell me? Health Consequences of Strangulation Assaults for Survivors

Something for every professional

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Men Who Strangle also Kill Cops

Summary of Recent Case Strangulation Law

Why Didn’t Someone Tell me? Health Consequences of Strangulation Assaults for Survivors

About This Issue . . .

We are pleased to present this special issue on strangulation, a topic of great interest because of the importance of the issue today, particularly in light of the high lethality of these cases, the profound consequences for survivors, and the challenges for law enforcement. We are especially pleased that Gail Frack and Garey Geim are Guest Editors. These two former prosecutors are leading national experts on strangulation as well as founders of the Family Justice Center movement.

D. Kelly Wieberg, Editor, Domestic Violence Report

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Strangulation and Domestic Violence:

The Edge of Homicide

In March 1995, in San Diego’s coordinated community response to domestic violence was getting national attention with a 50% drop in domestic violent homicides since 1995, Sgt. Anne O’Donnell, the founder of the Police Department’s specialized Domestic Violence Unit, called as to the concern of the City Attorney’s special Child Abuse/Domestic Violence Unit to question whether any of us were treating so-called “choking” cases seriously. Her soul searching, and that of others, came from the first of two domestic-violence homicides of 1995: two teenagers with small children who lost their lives after a history of domestic violence and reports of being “choked” by their boyfriends. The City Attorney or the District Attorney prosecuted more of the reported cases. And then both Garey Geim and Tamara Smith were murdered.

The deaths of Cassandra Stewart and Tamara Smith stirred profound changes in San Diego and ultimately around the world, but such profound change started when Gail Frack went into the tile room of the San Diego City Attorney’s Child Abuse/Domestic Violence Unit and reviewing every case where

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Creating Pathways to HOPE
2017 San Diego Countywide Protocol on Strangulation

**New Protocol for Strangle Cases**

Program will train emergency responders to detect, document cases

**2017 San Diego County**
Approved by the Chiefs of Police, Sheriff, San Diego District Attorney and San Diego City Attorney on February 3, 2017

**Strangulation Protocol**
Developed and approved in collaboration with criminal justice, healthcare, and social service staff from organizations throughout San Diego.

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Congratulations

- All your hard work
- Passing your law
- Now the real hard work begins – implementing it
- We hope you can accomplish in 5 years what took us 20 years to do.
- Develop a national advisory board to think through your next steps, develop an implementation plan and benchmark your progress.
Thank You
In memory of Casondra Stewart & Tamara Smith