



Strangulation: The Last Warning Shot -

Gael Strack, Esq., CEO & Co-Founder

Dr. Bill Smock, Police Surgeon, LMPD, Kentucky



red rose
FOUNDATION



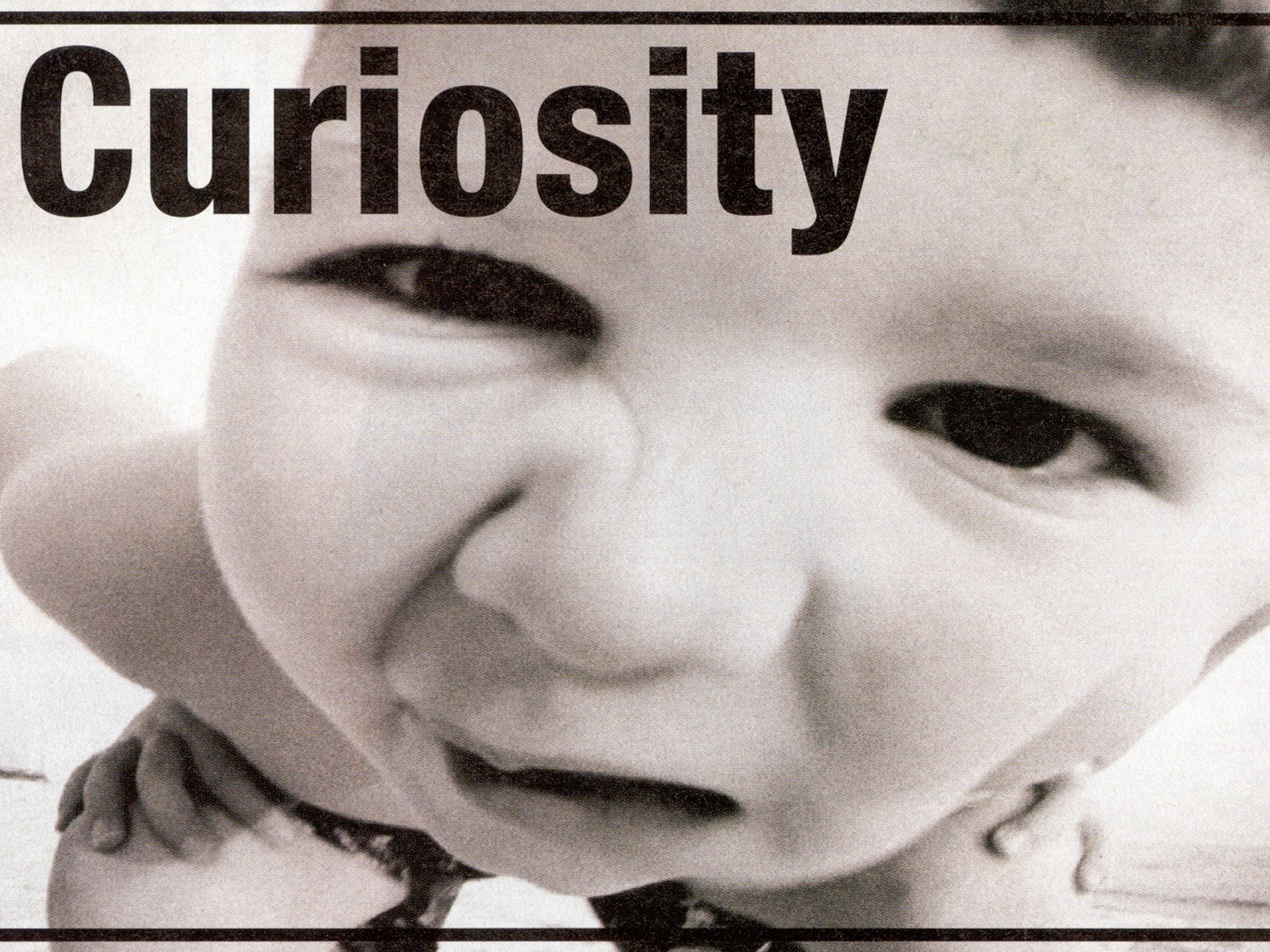
In Memory of Casondra Stewart and Tamara Smith



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.

Curiosity



Realities of Strangulation



50%
No visible
injury



PAUSE/PLAY



Back

Continue



Observations

- 90% of the cases had a DV history
- 50% of the cases, children were present.
- 99% of the suspects were men.

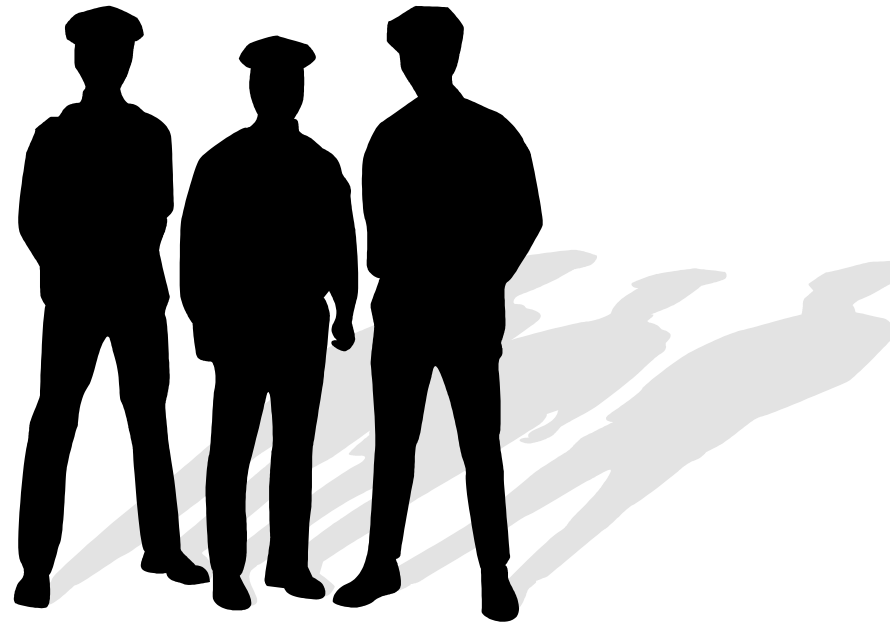
Signs and Symptoms Documented in San Diego Police Reports

- 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



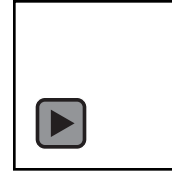
Carotid Restraint: Prohibited or Restricted by Many Police Departments Nationwide

- 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

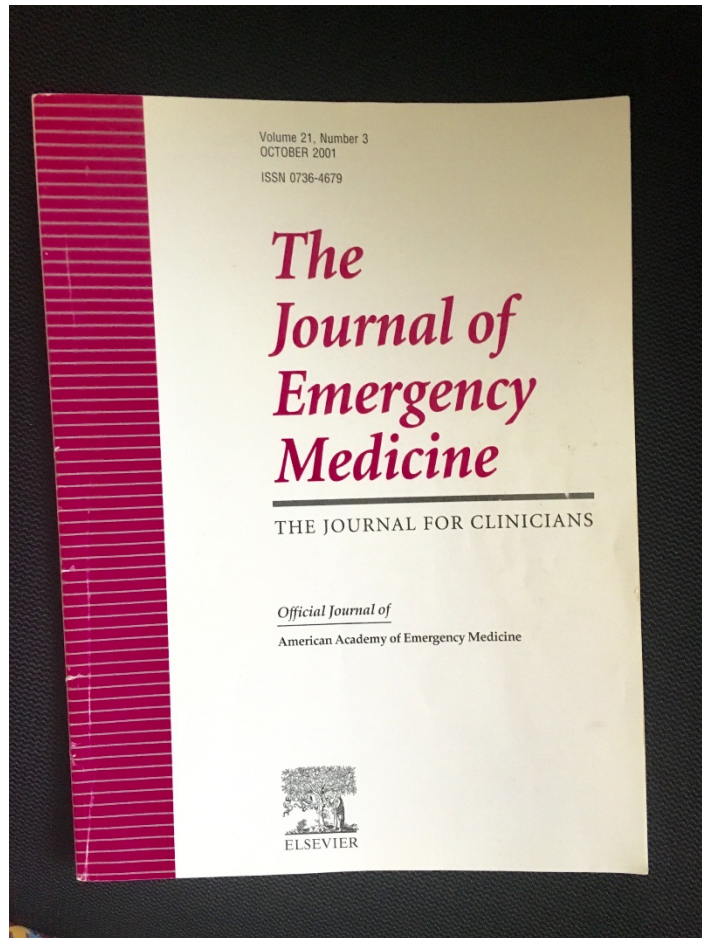


Strangulation is about power & control – I can kill you!



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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



Violence: Recognition, Management and Prevention

NON-FATAL STRANGULATION IS AN IMPORTANT RISK FACTOR FOR HOMICIDE OF WOMEN

Nancy Glass, PhD, MPH, RN,* Kathryn Laughon, PhD, RN,† Jacquelyn Campbell, PhD, RN,*
Carolyn Rebecca Block, PhD,‡ Ginger Hanson, MS,§ Phyllis W. Sharps, PhD, RN,*
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Oregon, and ||Health After Trauma Project, Creekside Communications, Half Moon Bay, California

Reprint Address: Nancy Glass, PhD, MPH, RN, School of Nursing, Johns Hopkins University, 525 N. Wolfe Street, Room 439, Baltimore,
MD 21205

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 complete homicides and attempted homicides ($n = 506$) and abused controls ($n = 427$). Interviews of proxy respondents and survivors of attempted

Keywords—intimate partner violence; strangulation; risk of homicide

INTRODUCTION

The 1993 National Mortality Followback Survey of

They are Killers



**Casey Gwinn, President,
Family Justice Center Alliance**

- “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

THE BODY POLITIC

What Mass Killers Really Have in Common

By Rebecca Traister



Photo: Getty; AP; Getty

In the wake of the terrorist attack in Nice, France, on Thursday, Republican Newt Gingrich, perhaps still hoping (in vain, it turns out) to be tapped by Donald Trump as a vice-presidential nominee, amplified Trump's past calls to round up Muslim suspects in an effort to stop future terrorist violence. Gingrich said that "Western civilization is in a war," and suggested that "we should frankly test every person here who is of a Muslim background, and if they believe in Sharia, they should be deported." Muslims who do not believe in Sharia law, Gingrich continued, would be welcome.

- Mohamed Lahouaiej Bouhlel- 80 killed in Nice – criminal history of DV (2016)
- Omar Mateen – 49 killed in Orlando, 53 injured. Ex-wife was strangled. (2016)
- Robert Lewis Dear – killed 3, wounded 9 at Colorado Springs Planned Parenthood. History of DV with 2 ex-wives; Arrest for Rape (2015)
- 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.

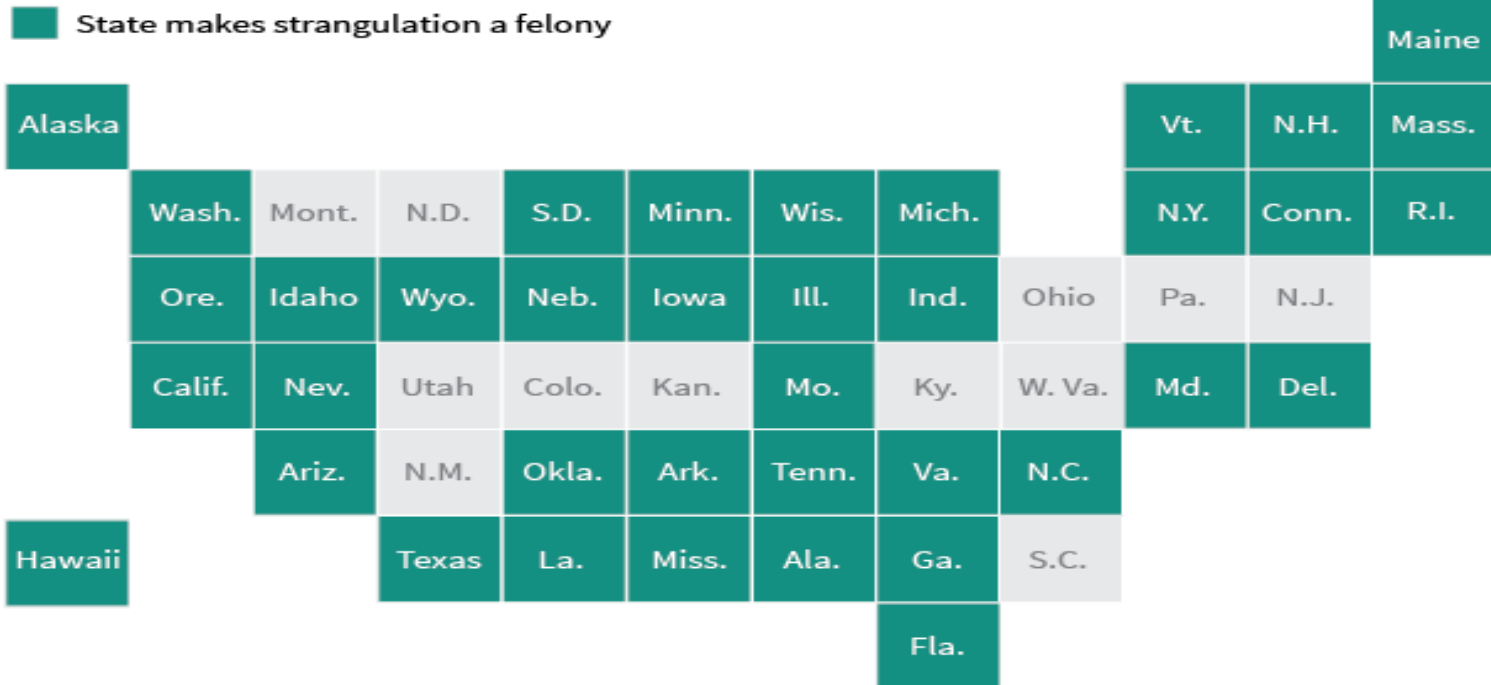
Sexual Assault, Strangulation, and Intimate Partner Violence

- 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



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.”*⁷

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*. 2
- 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

Victim Brochure (front)

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 lapsing 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.

Observation of the changes in these signs over time can greatly facilitate determination of the nature and scope of internal damage produced during assault, and lend credibility to witness accounts of the force and duration of 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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FACTS VICTIMS OF
STRANGULATION (CHOKING)
NEED TO KNOW

Monitor Your SIGNS

Date &
Time

Journal Your Signs

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Monitor Your Symptoms

Date &
Time

Journal Your Symptoms

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Date & Time

Journal Any Other Sensation

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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, going limp.

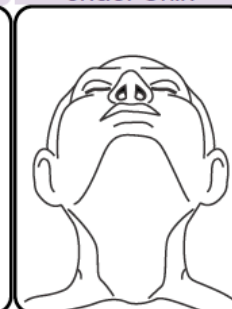
Diagrams to Mark Visible Injuries

Use a pen or a marker to indicate any visible signs and/or symptoms.

Front



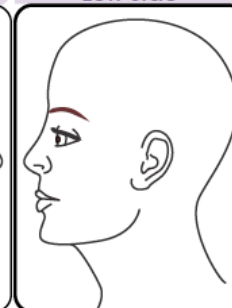
Under Chin



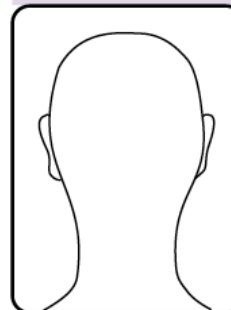
Right Side



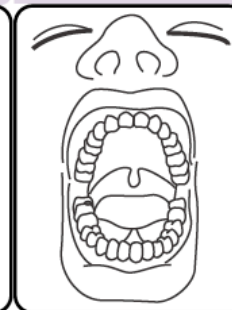
Left Side



Back



Inside Mouth

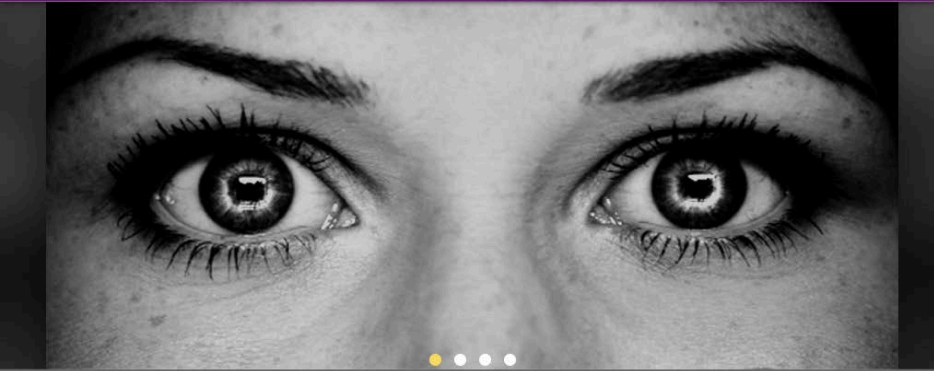


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Providing training and technical assistance to family violence professionals throughout the world on Domestic Violence and Sexual Assault Strangulation Crimes.

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Introduction | STRANGULATION—OBJECTIVES

This module will enhance your response to calls involving strangulation by providing methods to:

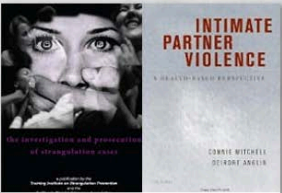
- Explain the dangers of strangulation
- Recognize the various signs and symptoms of strangulation
- Apply victim interview questions to your investigation of strangulation
- Identify and implement the actions to help a strangulation victim

[Back](#)

Free Online Training
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Offering San Diego-based, on-site, and online

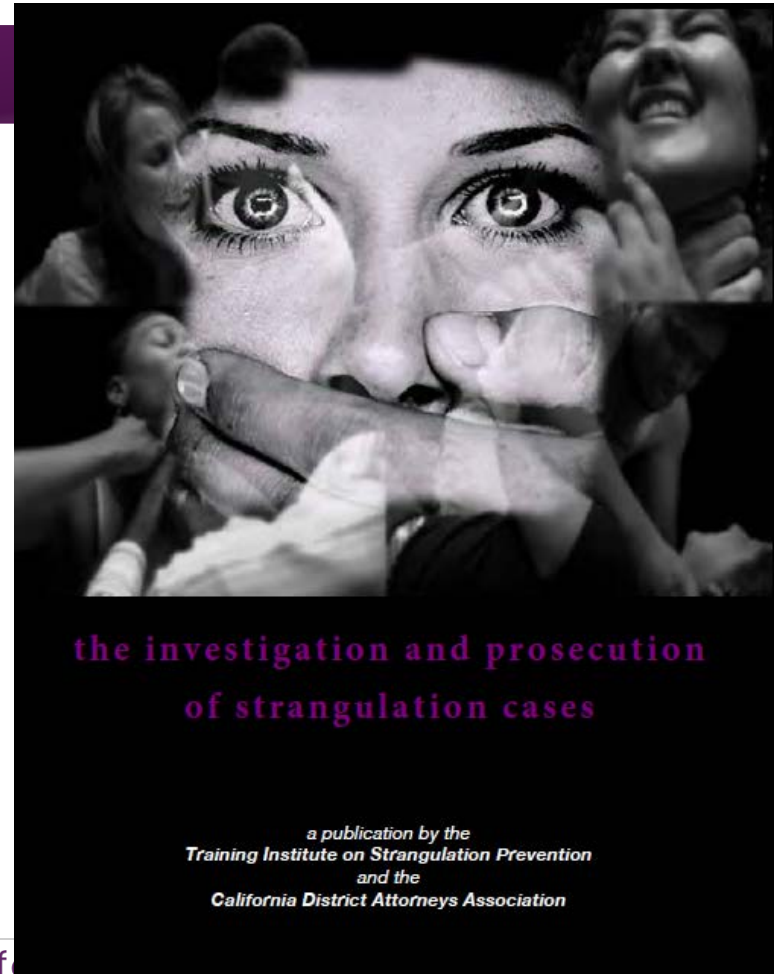


Resource Library
The Training Institute on Strangulation

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



Free online Resource in partnership with the Civic Research Institute

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Strangulation and Domestic Violence: The Edge of Homicide

by Gael Strack, J.D.
and Casey Gwinn, J.D.

In March 1995, as San Diego's coordinated community response to domestic violence was getting national attention with a 50% drop in domestic violence homicides since 1985, Sgt. Anne O'Dell, the founder of the Police Department's specialized Domestic Violence Unit, called us as the founders of the City Attorney's specialized Child Abuse/Domestic Violence Unit to question whether any of us were treating so called "choking" cases seriously. Her soul searching, and soon ours, came from the first 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 none of the reported cases. And then both Casandra Stewart and Tamara Smith were murdered.

The deaths of Casandra Stewart and Tamara Smith triggered profound changes in San Diego and ultimately around the world, but such profound change started with Gael Strack going into the file room of the San Diego City Attorney's Child Abuse/Domestic Violence Unit and reviewing every case where

See *EDGE OF HOMICIDE*, page 90

Law Reform Targets the Crime of Strangulation

by Casey Gwinn, J.D., Gael Strack, J.D., and Melissa Mack

"Actually, when I came out of that [strangulation incident], I was more submissive—more terrified that the next time I might not come out—I might not make it. So I think I gave him all my power from there because I could see how easy it was for him to just take my life like he had given it to me."

—Former San Diego Family Justice Center Client (2010)

Survivors of non-fatal strangulation have known for years what prosecutors and civil attorneys are only recently learning: Many domestic violence offenders and rapists do not strangle their partners to kill them; they strangle them to let them know they can kill them—any time they wish. Once victims know this truth, they live under the power and control of their abusers day in and day out. This complex reality creates challenges for prosecutors who have to decide whether to prosecute non-fatal strangulation cases

as attempted murders, serious felony assaults, or misdemeanors.

For many years in California and across the country, prosecutors have failed to treat non-fatal strangulation assaults as serious crimes, due to lack of physical evidence. Today, because of (1) involvement of the medical profession, (2) specialized training for police and prosecutors, and (3) ongoing research, strangulation has become a focus area for policymakers and professionals working to reduce intimate partner violence and sexual assault.

As of May 2014, 37 states and one territory (U.S. Virgin Islands) have passed strangulation laws that provide clear legislative definitions of the violent, life threatening assault now properly referred to as "strangulation." One state, Utah, passed an "Intent of the Legislature" resolution, which made legislative findings to help

See *LAW REFORM*, next page

About This Issue . . .

We are delighted 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 Gael Strack and Casey Gwinn are Guest Editors. These two former prosecutors are leading national experts on strangulation as well as founders of the Family Justice Center movement.

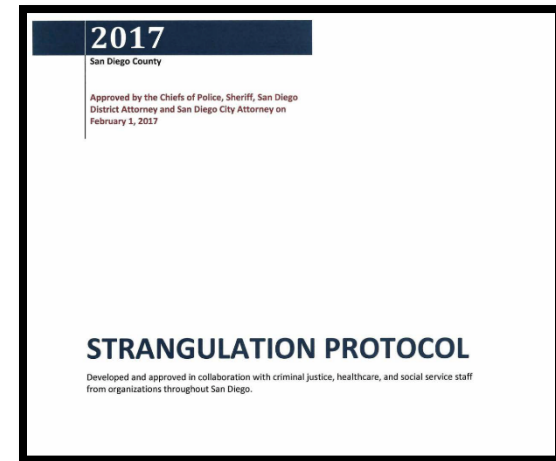
D. Kelly Weisberg, Editor, *Domestic Violence Report*

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- Something for every professional
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 - Law Reform Targets the Crime of Strangulation
 - Investigation and Prosecution of Strangulation Cases
 - 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

2017 San Diego Countywide Protocol on Strangulation



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

