

Maforbeng Sanga

Mahsanga87@gmail.com

HB233/SB212- Criminal Law – Assault in the First Degree – Suffocation or Strangulation

January 28, 2020

Support

Good Afternoon Mr. Chair and Honorable Members of the Judiciary and Judicial Proceedings Committees:

For the record, I am Maforbeng Sanga. I am testifying in support of HB233/SB212 Criminal Law- Assault in the First Degree- Suffocation or Strangulation. This bill will make the intentional suffocation or strangulation a 1st Degree Assault.

I support this bill because I realize that I have heard, first-hand, whether personal or as a passer-by, about someone being strangled or making reference to having strangled someone else, more times than I ever imagined I would. While the stories told directly to me, thankfully, did not end fatefully, it was all too common a story that repeated itself. Most times, they were in a domestic situation between significant others. I, myself, have survived a strangle attempt. I did not bother to go to the police afterwards simply because I had never heard anyone treating someone being strangled as a real problem. It is all too commonly accepted as “something that just happened”. I did not think it would make a difference one way or another. And so for a long time, I feared for my safety and was angry about what happened. I avoided entire areas and public spaces because I was too afraid I would run into the person there. For a long time, I had trouble sleeping with anything around my neck. I started wearing only tank tops to bed and taking off my favorite necklace before sleep because I found myself waking up in a stark panic when my t shirt collars or necklace twisted around the wrong way in my sleep and pushed too snug to my neck. I felt ridiculous, like I was overreacting about what had happened to me, I cried myself to sleep thinking I was a fool and had no one to talk to that didn’t also say something like “xxx choked me out before...” and continue on as if it was nothing. Among people it’s just too common. Something that is bound to happen to someone because their partner “just got too mad”. This is not right. There should be heavy repercussion against this form of assault. It has is life-altering effects just like any other.

I was a lucky person. Given the circumstances. Unlucky that it happened, but lucky that I left that situation with my life. One in four women will experience intimate partner violence in their lifetimes, and, of women at high risk, up to 68 percent will experience near-fatal strangulation by their partner. Loss of consciousness can occur within 5 to 10 minutes; and it only takes about 4-6 minutes for the brain to go dead after loss of consciousness due to lack of air.

Prosecutors are rightly moving to file attempted murder charges in these cases. Strangulation and Suffocation are serious crimes and that should be reflected in the law.

I strongly urge this Committee’s favorable report on HB233/SB212 Criminal Law – Assault in the First Degree – Suffocation or Strangulation.

Thank you for your time.

Maforbeng Sanga



Marjorie Cook Foundation
Domestic Violence Legal Clinic

2201 Argonne Drive • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org

TESTIMONY IN SUPPORT OF SENATE BILL 212

January 29, 2020

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

The House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. Senate Bill 212 prohibits a person from committing an assault by suffocating or strangling another and categorizes the assault as a first degree assault. **We urge the Senate Judicial Proceedings Committee to favorably report on Senate Bill 212.**

Physically abused women who experience strangulation are at a higher risk for increasingly severe, ongoing intimate partner violence.¹ Dr. Jacqueline Campbell, a nationally recognized researcher at the Johns Hopkins Hospital, conducted a 2003 study of femicide. After comparing groups of battered women, Dr. Campbell found that women who had suffered an incident of strangulation by an intimate partner were five times more likely to be murdered by that partner, compared to battered women who were not strangled. Incidents of strangulation are now included as a significant risk factor in the Domestic Violence Lethality Assessment, which is used to assess a victim's likelihood of future fatality by an intimate partner.

Although strangulation is one of the most highly lethal forms of domestic violence, it is still overlooked as a serious threat because the damage it causes may not be visible to the naked eye. Even when strangulation lasts for only a few seconds, the effects of compressing the carotid arteries and veins (the main blood vessels supplying the brain), blocking the airway to the lungs, and compressing the larynx and thyroid gland can be devastating and include potentially permanent disorders.²

¹Strangulation is produced by a constant application of pressure to the neck. Depending on the method of pressure application, strangulation can be described as one of four types: (1) hanging; (2) ligature strangulation; (3) manual strangulation; (4) postural strangulation where the neck is placed over an object and the weight of the body applies pressure to the neck. Strangulation may or may not result in death. Wilbur, Lee; Higley, Michelle; Hatfield, Jason; Surprenant, Zita; Taliaferro Ellen; Smith, Donald; Paolo, Anthony (2001), Violence: Recognition, Management, and Prevention, Survey Results of Women Who Have Been Strangled While in An Abusive Relationship, The Journal of Emergency Medicine, Vol. 21, No. 3, pp. 297-302.

² Diana Cheng, M.D., Medical Director, Women's Health Maryland Department of Health and Mental Hygiene.

After reviewing several cases involving strangulation in 2008, the Baltimore City Domestic Violence Fatality Review Team recommended enacting legislation to create a felony statute prohibiting acts of strangulation. The purpose of such legislation is to make it clear that strangulation, because of its potentially lethal nature, is worthy of felony-level prosecution.

The House of Ruth urges the Senate Judicial Proceedings Committee to issue a favorable report on Senate Bill 212.



Marjorie Cook Foundation

Domestic Violence Legal Clinic

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TESTIMONY IN SUPPORT OF HOUSE BILL 233

January 28, 2020

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

The House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House Bill 233 prohibits a person from committing an assault by suffocating or strangling another and categorizes the assault as a first degree assault. **We urge the House Judiciary Committee to report favorably on House Bill 233.**

Physically abused women who experience strangulation are at a higher risk for increasingly severe, ongoing intimate partner violence.¹ Dr. Jacqueline Campbell, a nationally recognized researcher at the Johns Hopkins Hospital, conducted a 2003 study of femicide. After comparing groups of battered women, Dr. Campbell found that women who had suffered an incident of strangulation by an intimate partner were five times more likely to be murdered by that partner, compared to battered women who were not strangled. Incidents of strangulation are now included as a significant risk factor in the Domestic Violence Lethality Assessment, which is used to assess a victim's likelihood of future fatality by an intimate partner.

Although strangulation is one of the most highly lethal forms of domestic violence, it is still overlooked as a serious threat because the damage it causes may not be visible to the naked eye. Even when strangulation lasts for only a few seconds, the effects of compressing the carotid arteries and veins (the main blood vessels supplying the brain), blocking the airway to the lungs, and compressing the larynx and thyroid gland can be devastating and include potentially permanent disorders.²

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² Diana Cheng, M.D., Medical Director, Women's Health Maryland Department of Health and Mental Hygiene.

After reviewing several cases involving strangulation in 2008, the Baltimore City Domestic Violence Fatality Review Team recommended enacting legislation to create a felony statute prohibiting acts of strangulation. The purpose of such legislation is to make it clear that strangulation, because of its potentially lethal nature, is worthy of felony-level prosecution.

The House of Ruth urges the House Judiciary Committee to issue a favorable report on House Bill 233.

Besen Sanga

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HB233/SB212 – Criminal Law – Assault in the First Degree – Suffocation or Strangulation

January 28 2020

Support

Good afternoon Mr. Chair and Honorable Members of the Judiciary and Judicial Proceedings Committee. For the record, I am Besen Sanga. I am testifying in support of HB233/SB212 Criminal Law – Assault in the First Degree – Suffocation or Strangulation. This bill will make the intentional suffocation or strangulation a 1st Degree Assault.

Strangulation is not only a significant predictor for future lethal violence but it one of the most lethal form of domestic violence. Only a few minutes time, can determine whether one loses consciousness or death. It is also one of the most readily available methods of causing severe harm because you do not need a lot of equipment to perform the act. Almost any item can be used. In some cases, there are individuals powerful enough to use their bare hands.

If the victim is fortunate to live though the ordeal, they are still eminent threats that the person will face. Physically, there are complications that occur when someone experience strangulation (especially if done multiple times) e.g. respiratory complications, increase risk of blood clots traveling to the brain. Even death can occur days to weeks after the attack due major tear in the carotid artery. There is also the increase risked that the attack will happen again and it may lead to their demise or other serious complications.

Physiologically, the personal may suffer from PTSD, depression, suicide, anxiety and a host of other issues.

I have 1st and 2nd degree relatives, who are survivors of domestic violence. I have seen the aftermath of what lingers around long after they have gotten away from their abuser. While, I do feel that we have made great strides in providing protection for survivors and harsher punishment for those who commit the act, there is still room for improvement. Therefore, I strongly urge you, the Committee's to report in favor of HB233/SB212 Criminal Law – Assault in the First Degree – Suffocation or Strangulation.

Besen Sanga

The Honorable Susan Lee and Delegates Pippy and Atterbearry
James Senate Office Building, Room 223
11 Bladen Street, Annapolis, MD 21401

January 20, 2020

Dear Senator Lee and Delegates Pippy and Atterbearry,

Every day in Maryland, someone is strangled. This act of violence occurs mainly in abusive relationships across all racial and socioeconomic lines. Strangulation is serious and life threatening. This one act can lead to the victim's death in as little as three minutes. A victim of strangulation is also at risk for long-term health complications including death from stroke or carotid artery dissection due to the underlying damage caused by the assault. The psychological destruction and damage from lack of oxygen to the brain alone is immeasurable. Abusers use strangulation as a means to show control over their partners and to show how easily they could kill them.

As forensic nurses working in Montgomery County, we can attest that strangulation is a clear public health problem. We care for victims of nonfatal strangulation on a terrifyingly regular basis. By providing expert medical care and documentation of their experience, we are also educating on the dangers that they are facing. They are scared and feel powerless. The same partner has strangled many of them multiple times. We sit across from these patients and explain to them that this act is statistically often "the last warning shot". This one violent act makes them 750 times more likely to be murdered by their partner within a year. During this time, safety is paramount. It is vital that Maryland's laws reflect the seriousness and dangerousness of this act of violence. The current statute has failed to be sufficient at bringing justice for these victims. Maryland is one of only three states without any explicit laws making strangulation a felony offense.

By implementing tougher laws against strangulation within the state of Maryland, a clear message will be sent to perpetrators that this act is serious and simply not acceptable. Police and prosecutors will in turn be able to put tougher charges on assailants, keeping them behind bars longer. This helps ensure the safety of victims, giving them peace of mind and helping them to heal from the trauma that they have endured. Victims' experiences will finally be validated under the law. With more offenders behind bars, the cycle of violence will finally be broken.

Thank you to those championing this much-needed amendment for the residents of the State of Maryland. We implore all elected officials to think outside party lines and pass this important proposal for the health and safety of Maryland residents and their families.

Sincerely,

Kathleen Wells, MPH BSN RN FNE-A/P CCRN SCR N SANE-A
Dr. Jessica Volz, DNP CRNP FNE-A/P FNP-BC SANE-A SANE-P NE-BC
Kathryn Swift, MSN CRNP FNE-A FNP-BC CMSRN
And the Forensic Nurses of the Shady Grove Medical Center Forensic Medical Unit





www.AcademyofForensicNursing.org

EXECUTIVE COMMITTEE

Jan. 6, 2020

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Letter of Support for Strangulation Law

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James Senate Office Building, Room 223
11 Bladen St., Annapolis, MD 21401

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January 8, 2020

BOARD MEMBERS

Dear Senator Lee and Delegates Pippy and Atterbeary,

Kathy L. Bell

Dr. Paul T. Clements

I am pleased to advise you of the Academy of Forensic Nursing (AFN) support and endorsement of your proposed bill amending Maryland Law to make strangulation and suffocation felony offenses. This will help increase safety and save lives for many women each year across the state and help prevent homicides of women, children. Literature abounds with statistics that state if a woman is strangled one time she is 750% more likely to be killed.

Dr. Kathleen E. Gill-Hopple
FNCB President-Elect

The Academy of Forensic Nurses clearly understand and supports your efforts to hold perpetrators accountable for the crime. If you need anything else please let us know.

Dr. Trinity L. Ingram-Jones
Annie Lewis-O'Connor

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FNCB President

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Dr.

Patricia M. Speck
Gael

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Thank you for the work that you do.

Dr. Angelia Trujillo
FNCB Treasurer

Best regards,

Virginia A. Lynch
Global Ambassador

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Ann Beverly Taylor
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January 27, 2020

RE: HB233/SB212

Good afternoon Mr. Chair and Honorable Members of the Judiciary and Judicial Proceedings Committees. For the record, I am Ann Beverly Taylor. I am writing this letter in support of HB233/SB212 Criminal Law – Assault in the First Degree – Suffocation or Strangulation. This bill will make the intentional suffocation or strangulation a 1st Degree Assault.

To my surprise, Maryland is one three states that has yet to pass legislation that considers strangulation as a first-degree assault. It is only a second degree assault and a misdemeanor. It only carries a maximum penalty of 10 years and up to a \$2500 fine. Strangulation has been identified as one of the most lethal forms of domestic violence and carries significant risk for medical complications if the victim is not choked to death. According to a recent study, as many as 10,000 women in Maryland are strangled every year. (unbelievable!!) Please, please help our prosecutors to charge more strangulation cases as felonies and **save more lives**.

I strongly urge you to be in favor of the legislation, **HB233/SB212**, Criminal Law – Assault in the First Degree – Suffocation or Strangulation.

Ann Taylor



bMOREsafe
Mercy Medical Center

The Honorable Susan Lee and Delegates Pippy and Atterbeary
James Senate Office Building, Room 223
11 Bladen Street, Annapolis, MD 21401

January 10, 2020

Dear Senator Lee and Delegates Pippy and Atterbeary:

I am writing this letter in strong support of your bill to amend Maryland law by making strangulation or suffocation as assault in the first degree. As a Registered Nurse and Director of Forensic Nursing at Mercy Medical Center for the City of Baltimore, my team and I see the aftermath of strangulation crimes every day, so much so that we are now known as not only the City's designation Forensic Nursing Program, but as the Strangulation Center. We also know that most injuries caused by manual strangulation are not even visible to police, potentially yielding fewer arrests and compromising what we feel are staggering statistics! Mercy has been involved in numerous research studies that include utilizing Alternate Light Source to detect injuries not visualized by the naked eye. ¹ Additionally, we see a large number of patient who are victims of human trafficking and they report frequent accounts of strangulation. As our victim numbers climb – so do the statistics of crimes escalating into strangulation crimes, a deadly statistic for Maryland.

I also serve on the Medical Sub-Committee for the national Strangulation Institute on Strangulation Prevention program which receives federal funding by the Office on Violence Against Women. Being connected nationally on the subject of strangulation has enlightened us that 47 of 50 states already have state laws strengthening penalties for strangulation. I am saddened to see that Maryland is NOT one of these states. I have also had the opportunity to testify before the Maryland Senate regarding other attempts to introduce strangulation legislation, which did not result in a positive outcome.

I thank you for introducing this crucial legislation for the state of Maryland. Amending Maryland law to make strangulation and suffocation a first degree assault can literally save the lives of Maryland citizens and protect the safety of the lives of thousands of domestic violence victims and their families.

Sincerely,

Debra S. Holbrook MSN, RN, SANE A, FNE A/P, DF-AFN, FAAN
Manager Forensic Nursing
Mercy Medical Center
Baltimore City, Maryland

¹Holbrook D, Jackson MC. (2013) "Use of Alternative Light Source to Assess Strangulation Victims." *Journal Forensic Nursing*, 9 (3), July - September.

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STATE'S ATTORNEY
JOHN J. McCARTHY

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DEPUTY STATE'S ATTORNEYS
PETER A. FEENEY
RYAN S. WECHSLER

January 22, 2020

The Honorable Susan Lee and Delegates Pippy and Atterbeary
James Senate Office Building, Room 223
11 Bladen Street
Annapolis, Maryland 21401

Dear Senator Lee and Delegates Pippy and Atterbeary:

I write in support of HB233/SB212, Criminal Law: Assault in the First Degree, Strangulation or Suffocation. Strangulation is one of the most lethal forms of physical violence. Specifically, the literature has demonstrated that surviving victims of a strangulation assault are 750% more likely to become a homicide victim than the average person. Strangulation is a predictor of lethality and our laws should reflect that reality.

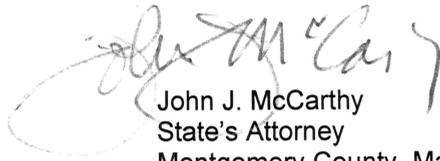
Our current first degree assault statute defines serious physical injury as injury that "creates a substantial risk of death" or "causes serious and permanent or serious and protracted disfigurement or loss or impairment of the function of any bodily member or organ." With strangulation, injuries are often not visible. Studies have concluded that even in fatal cases, injuries are visible only fifty percent of the time. And, of those fifty percent, only fifteen percent of the injuries were visible in photographs.

Because so few strangulation events result in visible injuries, our ability to hold violent offenders accountable under the felony statute is limited. And, while strangulation often leaves no visible injuries, the risk of death and serious injury make strangulation equally if not more dangerous than a stab wound or a serious physical beating. A strangler can render his/her victim unconscious in under ten seconds and can kill the victim within a few minutes. The amount of pressure applied to kill is less than the amount of pressure it takes to open a can of soda.

Over the last several months, my office has reviewed our domestic violence second degree assault cases for evidence or descriptions of strangulation. We have found that strangulation is a regular tool of power and control in domestic violence assaults. We have also found, in line with national findings, that a significant number of strangulations leave no visible findings.

Maryland must join the forty-seven other states that make strangulation a felony. Our failure in the past to do so has hampered our ability to hold offenders fully accountable for their violent crimes. I strongly urge the passage of HB233/SB212.

Sincerely,



John J. McCarthy
State's Attorney
Montgomery County, Maryland



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Marc Elrich
County Executive

January 23, 2020

Raymond L. Crowel, Psy.D.
Director

The Honorable Susan Lee and Delegates Pippy and Atterbeary
James Senate Office Building, Room 223
11 Bladen Street, Annapolis, Maryland 21401

Dear Senator Lee and Delegates Pippy and Atterbeary:

I am writing in strong support of your bill to amend Maryland law to make attempted strangulation and suffocation First degree assault. I am the Manager for Trauma Services: Abused Persons Program and Victim Assistance and Sexual Assault Program, in the Montgomery County Department of Health and Human Services. I have been managing these two trauma programs and have seen firsthand the negative psychological and physical sequelae that domestic violence and sexual assault victims suffer after an attempted strangulation.

Apart from the research that points out that these women are 750% more likely to be murdered subsequently to the strangulation attempt, they also suffer from physical injuries, damage to their interior neck anatomy, lack of oxygenation and an increase risk for strokes that can last many months and even into years after the crime.

Montgomery County Trauma Services responds to the hospital together with our partners, the SAFE nurses as well as the Police department to provide coordinated assistance to rape/sexual assault and physically assaulted domestic violence clients presenting at the Emergency Room. Since the beginning of the fiscal year, July 2019, we have collected a five-month sample of such crime victims, overwhelmingly, women who have reported attempted strangulation. We have been able to document 15 attempted strangulation victims of crime from July 2019 through November 2019, a mere 5 months of data collection! Last year in 2018 from July 2018 through November 2018, another 5 months sample, we were able to provide services at the hospital to 10 attempted strangulation victims. These victims suffer not only from psychological trauma but also have to cope with the physical negative after-effects for years to come!

Thank you for introducing such important legislation and holding perpetrators accountable for these horrific crimes. Amending Maryland law to include attempted strangulation and suffocation as first degree assaults will assist in keeping women safe in the State of Maryland.

Sincerely Yours,

Nadja S.P. Cabello, L.C.S.W.-C.

Manager Trauma Services: Abused Persons Program and Victim Assistance and Sexual Assault Program

Behavioral Health and Crisis Services • Victim Assistance and Sexual Assault Program

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January 27, 2020

Maryland House Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

RE: SUPPORT HB233

Dear Chair Clippinger, Vice-Chair Atterbeary and Members of the House Judiciary Committee;

On behalf of **The Maryland Health Care Coalition Against Domestic Violence**, I am writing in support of **HB233**, Criminal Law – Assault in the First Degree – Suffocation or Strangulation, which will support victims of intimate partner violence.

Currently, many domestic violence assaults which involve suffocation and strangulation are charged as misdemeanor second degree assaults. There are often no injuries visible by eye, even after a severe strangulation. In fact, medical examiners have found fatal cases in which there are no external visible injuries. It is only in the autopsy that evidence of strangulation is found.

Despite the lack of visible injuries, decreasing or cutting off the flow of oxygen-rich blood to the brain (which occurs during strangulation when external pressure is placed on the neck) can cause brain cells to die. During strangulation, blood may continue to be pumped to the brain, but veins may be blocked so the blood has nowhere to go. Then, like a balloon with too much air, blood vessels start to burst. Structures of the neck are also vulnerable, and the strangulation could result in internal swelling or bleeding. The victim may look unharmed, but die or have a stroke or other life changing injuries that are discovered days, weeks or months later. Similar to an assault with a firearm, strangulation and suffocation are potentially deadly attacks.

The majority of acts of strangulation occur against women by their abusive partners. Researchers found 45% of attempted domestic violence homicide victims and 43% of actual domestic violence homicide victims had previously been strangled by their abusive partner who attempted or succeeded in killing them. Strangulation “is a significant predictor of future lethal violence” (Glass, Laughon, Campbell, Block, Hanson, Sharps, Taliaferro, 2008). This bill will treat suffocation and strangulation as the lethal force which we know they are.

For these reasons, **The Maryland Health Care Coalition Against Domestic Violence supports bill HB233.**

Sincerely,

Karalyn Mulligan

President, Maryland Health Care Coalition Against Domestic Violence

Audrey Bergin

Coordinator, Maryland Health Care Coalition Against Domestic Violence

ALLIANCE for



101 W. Broadway, Suite 1770 San Diego, CA 92101

Toll Free: (888) 511-3522

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The Honorable Susan Lee
James Senate Office Building, Room 223
11 Bladen St., Annapolis, MD 21401

January 7, 2020

Dear Senator Lee,

We are writing to support your bill to amend Maryland law to make strangulation or suffocation during an assault a first-degree felony. We lead the nationally recognized Training Institute on Strangulation Prevention, a program of Alliance for HOPE International. While based in California and Washington, DC, we have worked extensively in Montgomery County, helping to plan and develop the Montgomery County Family Justice Center.

Men who strangle women are the most dangerous men in Maryland. If a woman is strangled one time by her partner, she is 750% more likely to later be killed by that same partner. We have a hashtag (#lastwarningshot) to remind everyone that so called “choking” of an intimate partner is usually the last warning before a rage-filled man kills his partner. When he kills her, he is most likely to shoot her, but the strangulation assault was the “last warning shot.” And too often it is not treated seriously by police officers, prosecutors, or judges.

Men who strangle women, are not just killing women. Most victims initially survive. The predators, however, are causing brain damage and long-term health consequences in thousands of women without any significant consequence for their behavior. Brain damage or other major internal injuries can begin to occur seconds into a strangulation assault.

Men who strangle women in domestic violence situations are also the cop killers of America. Our recent published study found that in 2017, 33 out of 44 officers killed in the line of duty in the U.S. were killed by men with a history of domestic violence in the public record – many of them with a strangulation assault history against women before they killed a police officer. Maryland has repeatedly experienced this reality with officers killed in the line of duty. Men who strangle women are also the mass murderers of the United States. John Muhammed – the DC Sniper – was a domestic violence strangler. Devon Patrick Kelley in Sutherland Springs, Texas – the mass murderer in the largest killing in a church in modern American history – was a domestic violence strangler before he killed so many in a domestic violence related incident. The Air Force failed to treat domestic violence strangulation seriously which allowed Devon Patrick Kelley to kill 26 women, men, and children and seriously injure 20. Omar Mateen, the Pulse Night Club shooter, was a domestic violence strangler.

The majority of all domestic violence strangulation (historically called “choking”) cases in Maryland have been treated as misdemeanors for far too long. It is time to join 47 other states that already classify strangulation and suffocation as felonies. This is not about putting more people in prison, it is about saving the lives of domestic violence victims.

www.allianceforhope.com | www.familyjusticecenter.com

Family Justice Center Alliance ♦ Training Institute on Strangulation Prevention ♦ Camp HOPE America
Justice Legal Network ♦ VOICES Survivors Advocacy Network

ALLIANCE for



101 W. Broadway, Suite 1770 San Diego, CA 92101

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It will only be a matter of time until the next officer dies, shot by a strangler, a woman is shot to death after a prior strangulation assault where the offender is released from custody, or a mass shooting occurs in Maryland where a strangler was not held accountable for a felony assault or was released from jail without consideration of the overwhelming threat to the victim and the public by his release. To date, we have passed felony strangulation laws in 47 states but Maryland, Ohio, and South Carolina lag behind our national movement.

To reiterate, this is not about adding to the prison population. The truth is that stranglers currently populate Maryland prisons for murder. Taxpayers are spending millions to lock murderers up for decades in Maryland after they have strangled an intimate partner and then later killed their partner or someone else. If Maryland started using jail and prison for only the most violent offenders – and before they kill – we would find reductions in murders in across Maryland in the years to come and find that custody pending disposition these violent offenders is, in fact, a powerful deterrent.

Thank you for taking a stand against the violent crime of strangulation. Amending Maryland law to make strangulation and suffocation felony offenses can help increase safety for many women each year across the state and help prevent homicides of women, children, and law enforcement officers as we increase accountability for the most dangerous men on the planet. We are happy to provide other information as needed. Every Democrat and every Republican should support this simple, straightforward, lifesaving, common sense bill.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Casey Gwinn".

Casey Gwinn, Esq.
President, Alliance for HOPE Intl.
Co-founder, Camp HOPE America &
Training Institute on Strangulation Prevention
Former San Diego City Attorney (1996-2004)

A handwritten signature in black ink, appearing to read "Gael Strack".

Gael Strack, Esq.
CEO, Alliance for HOPE Intl.
Co-founder, Training Institute
on Strangulation Prevention



BALTIMORE COUNTY COMMISSION FOR WOMEN

Baltimore County Commission for Women
Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

The Honorable Susan Lee and Delegates Pippy and Atterbearry
James Senate Office Building, Room 223
11 Bladen Street, Annapolis, MD 21401

January 22, 2020

Dear Senator Lee and Delegates Pippy and Atterbearry,

We are writing in strong support of your bill to amend Maryland law to make strangulation and suffocation during an assault a first-degree felony. Based on research, women who have been strangled one time by their partner, are 750% more likely to be killed by that same partner. Hospitals who perform exams on victims of non-fatal strangulation in Baltimore County see approximately 250 patients a year. This number does not include the victims who don't report the incident and the victims who decline to have a medical evaluation.

Research shows that 98% of the victims of strangulation are women. Visible injuries are seen in less than 50% of strangulation victims; however, women can have permanent brain damage and other long-term health consequences that begin to develop seconds after the assault. Yet, perpetrators are not being held accountable for their behavior. Women who have not been evaluated by medical professionals aware of the potential consequences associated with strangulation are at increased risk of death from a stroke or serious complications from a carotid dissection (tear) three months to a year after the assault. All of this is well documented by research.

To date, felony strangulation laws have been passed in 47 states, with the exception of Maryland, Ohio and South Carolina. Thank you for introducing this important legislation. Passing this bill could save the lives of many abused women in our state.

Sincerely,

A handwritten signature in black ink that reads "Ruth Howard". The signature is written in a cursive style with a large initial "R".

Ruth Howard

President, Baltimore County Commission for Women



Maryland Legislative Agenda for Women

Bill No: Senate Bill 212
Title: Criminal Law - Assault in the First Degree - Suffocation or Strangulation
Committee: Judicial Proceedings
Hearing Date: January 29, 2020
Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW's purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **Senate Bill 212 a priority on the 2020 MLAW Agenda.**

MLAW supports Senate Bill 212 because this bill would decrease the risk of femicide by designating intentional suffocation and strangulation as Assault in the First Degree.

Non-fatal strangulation is one of the most significant risk factors for femicide. Studies have shown that prior non-fatal strangulation is associated with a six-fold increase in the chances of attempted homicide and a seven-fold increase in the chances of completed homicide.

Under current law, suffocation and strangulation is classified as Assault in the Second Degree (*Criminal Law §3-203*), which puts such offenses in the same legal category as a slap. This bill would reclassify suffocation and strangulation as Assault in the First Degree (*Criminal Law §3-202*.) The measure creates nuance in the Code and recognizes that suffocation and strangulation, which are heinous in their own right and a red-flag of future and more extreme violence against women, are to be treated as a serious form of assault.

The bill redesignates intentional suffocation and strangulation from Assault in the Second Degree (*Criminal Law §3-203*) to Assault in the First Degree (*Criminal Law §3-202*).

The Maryland Legislative Agenda for Women strongly urges the passage of Senate Bill 212.

Maryland Legislative Agenda for Women (MLAW)

305 W. Chesapeake Avenue, Suite 201 | Towson, MD 21204

mdlegagenda4women@yahoo.com | 443-519-1005 | www.mdlegagendaforwomen.org

MLAW Supporting Organizations

The following organizations have signed on in support of 2020 Legislative Agenda:

AAUW Maryland
Anne Arundel County Commission for Women
Anne Arundel County NOW
Baltimore County Women's Commission
Calvert County Commission for Women
Charles County Commission of Veterans Affairs
DC Coalition for Safe and Just Communities
Federation of Jewish Women's Organization of Maryland
Greater Washington Jewish Coalition Against Domestic Abuse (JCADA)
HopeWorks of Howard County
Law Office of Carole D. Brown, LLC
Lincoln Park Historical Foundation
Maryland Business and Professional Women
Maryland Coalition Against Sexual Assault
Maryland NOW
Maryland Women's Heritage Center
MoCoWoMen
Montgomery County BPW
Montgomery County NOW
Montgomery County Women's Democratic Club
Montgomery County Young Democrats
National Coalition of 100 Black Women, Inc., Anne Arundel Chapter
National Coalition of 100 Black Women, Prince George's County, Md
North Arundel Alumnae Chapter, Delta Sigma Theta Sorority, Inc.
On Our Own of Montgomery County Inc.
Planned Parenthood of Maryland
Prince George's County Drug Policy Coalition, Inc.
The Human Trafficking Prevention Project
The Law Office of Jessica O'Kane
The QED Foundation
Women's Equality Day 2020 Celebration Coalition
Women's Law Center of Maryland



January 24, 2020

The Honorable Susan Lee and Delegate Pippy and Atterbeary
James Senate Office Building, Room 223
11 Bladen St., Annapolis, MD 21401

Dear Senator Lee,

I am writing to support your bill to amend Maryland law to make strangulation or suffocation during an assault a first-degree felony. At Court Watch Montgomery, we seek to reduce intimate partner violence in Maryland by ensuring victims have access to responsive justice and vital services that can stop the abuse quickly and permanently. We work towards the day when all domestic violence victims coming to court for legal protection are safe, treated with respect, and receive comprehensive legal protections that help stop their abuse. We closely monitor the court system and make our findings public. With the help of our volunteers, we have been successful in bringing about change, but there is much more to be done.

As an organization that monitors courthouses and judicial outcomes for domestic violence cases, we recognize the huge significance of a bill such as this. For reference, 43% of domestic violence homicide victims were strangled by their perpetrator within the last 12 months. Research also reports that less than 50% of strangulation survivors have visible markings on their necks and that cases involving strangulation are 750% more likely to result in death. Despite the known prevalence and severity of strangulation, it is far too commonly mislabeled as “choking” and downplayed.

We must hold offenders accountable. As one of only three states without a felony strangulation law, Court Watch Montgomery strongly believes this is an imperative step for Maryland.

Thank you for the work you are doing to keep domestic violence survivors safe.

Respectfully,

Carolyn Hoffmann, LGSW
Executive Director
Court Watch Montgomery
choffmann@courtwatchmontgomery.org

525 N. Wolfe Street/Room 436
Baltimore, Maryland 21205
410-955-2778/ Fax 410 614-8285

The Honorable Susan Lee and Delegates Pippy and Atterbeary
James Senate Office Building, Room 223
11 Bladen St., Annapolis, MD 21401

January 8, 2020

Dear Senator Lee and Delegates Pippy and Atterbeary,

I am writing in strong support of your bill to amend Maryland law making strangulation or suffocation during an assault become an assault in the first degree. I am a nurse, a Professor at Johns Hopkins University School of Nursing, live in the city of Baltimore and have been conducting research on domestic violence and health outcomes here in Maryland since 1993. I have more than 280 publications and 7 books on violence and health outcomes and am nationally known for my research on risk factors for homicide. My federally funded research established that intimate partner strangulation was a strong risk factor for intimate partner homicide. That study was conducted in Baltimore as well as in 11 other cities across the country. We found that abused women who were strangled by a husband, boyfriend or ex-husband or ex-boyfriend were 750% more likely to be murdered by that man.¹ We have also done research on the importance of the health care system in identifying women who have been strangled and providing appropriate care here in Baltimore. Our research team's studies show that approximately 68% of women abused so badly that the police were called in Oklahoma reported that they had been strangled one or more times by their abusive partner. Those who had been strangled more than once were more likely to have had a miscarriage than abused women never strangled.²

I also work with the national Training Institute on Strangulation Prevention program (funded by the Office on Violence Against Women in the US Department of Justice) as a member of their Medical Advisory Committee. Through my work with that team I have learned much about how state laws on strangulation can strengthen the criminal justice system attention to these extremely dangerous abusers and sexual assaulters. Also important is how legislation provides an impetus to the health care system to better identify strangulation victims and attend to their injuries so that lives can be saved. A woman is at increased risk of death in the 24-72 hours after a non-fatal strangulation from a stroke or a carotid artery dissection (tear) if not correctly diagnosed and treated. In working with the Institute, I

¹ Glass, N., Laughon, K., Campbell, J.C., Block, C. R., Hanson, G., Sharps, P. W., Taliaferro, E. (2008). Non-fatal strangulation is an important risk factor for homicide of women. *Journal of Emergency Medicine*, 35, 329-335.

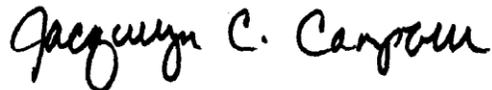
² Messing, J. T., Patch, M., Wilson, J., Kelen, G., & Campbell, J. C. (2018). Differentiating among attempted, completed and multiple nonfatal strangulation of female intimate partner violence victims. *Women's Health Issues*, 28(1), 104–111. <https://doi.org/10.1016/j.whi.2017.10.002>

have been chagrined to learn that 47 of our 50 states already have state laws strengthening penalties for strangulation. Let us make sure that Maryland becomes one of those states.

Our science is also showing that men who strangle women are causing brain injury and long-term health consequences in the thousands of women in MD who are strangled by the partners but survive.³ There were at least 15,000 Domestic Violence incidents in the state of MD in 2016, the latest year for which that data is available. Only about half of DV victims report the crime to police, suggesting about 30,000 DV victims in Maryland. The vast majority of those victims are women. A synthesis of all the research suggests that at least 10% of abused women have been strangled by their partners and 68% of women abused so severely that police were involved have been strangled by the men who abused them. Bottom line, we can confidently estimate that at least 3000 and as many as 10,000 women in Maryland are strangled every year. These women are at significantly increased risk to be killed by that partner resulting in lifetime trauma for their children.

Thank you for introducing this important legislation for the state of Maryland. Amending Maryland law to make strangulation and suffocation a first degree assault can literally save lives of abused women in our great state. This is not a partisan issue. It is a matter of increasing safety and saving lives for thousands of our domestic violence victims and their children.

Sincerely,

A handwritten signature in black ink that reads "Jacquelyn C. Campbell". The signature is written in a cursive, flowing style.

Jacquelyn C. Campbell, PhD, RN, FAAN
Anna D. Wolf Chair & Professor
Johns Hopkins University School of Nursing

³ Campbell, J. C., Anderson, J. C., McFadgion, A., Gill, J., Zink, E., Patch, M., Callwood, G., & Campbell, D. W. (2018). The Effects of Intimate partner violence and probable traumatic brain injury on central nervous system symptoms in women of African descent. *Journal of Women's Health* 27(6) published online. <http://online.liebertpub.com/doi/10.1089/jwh.2016.6311>



January 17, 2020

The Honorable Susan Lee and Delegates Pippy and Atterbeary
James Senate Office Building, Room 223
11 Bladen Street
Annapolis, Maryland 21401

Dear Senator Lee and Delegates Pippy and Atterbeary,

I am writing in support of your proposed legislation that would make strangulation and suffocation during an assault a first-degree felony under Maryland law. As the Director of DVS Legal Services, Inc., I have seen countless cases of domestic violence involving strangulation and suffocation. Sadly, in these cases, I have also noticed that often the courts and police do not treat these cases with the magnitude that they warrant. Often, victims themselves do not understand the severity and lethality of what they almost always refer to as “choking.” As a member of several groups in Montgomery County including the Domestic Violence Coordinating Council and the Fatality Review Team, we have made it a point to educate ourselves and the community about how dangerous strangulation and suffocation really are.

As you may be aware, one in four women will experience intimate partner violence in their lifetime and 68% of those victims will experience near-fatal strangulation by their partner. These victims are 750% more likely to be killed when there have been previous incidents of strangulation. The most alarming fact that I learned was that death can occur days or even weeks after being strangled even if there are no external signs of injury.

Regularly, we see cases where law enforcement, judges and even victims minimize the “choking” that occurs during an assault. While strangulation is technically covered by current Maryland law, it is a difficult concept for juries to grasp when this minimization occurs and when there are sometimes no outward signs of injury or long-term effects. Maryland is one of only three states that has failed to take this step. We must remove ourselves from that statistic. By delineating strangulation and suffocation as specific acts that fall under the definition of first-degree assault, we can help save lives and hopefully stop the continued cycle of abuse.

*600 Jefferson Plaza, 5th Floor
Rockville, MD 20850
(240) 773-0449
apalumbo@dvslegalservices.com
www.dvslegalservices.com*



Thank you for introducing and supporting this very important legislation. The work you are doing can and will save lives and help prevent dangerous abusers from continuing their patterns of abuse against their current and future victims. If there is anything that I can do to help with this bill, please do not hesitate to reach out. Thank you again for your service to the state of Maryland and to the victims of domestic violence.

Sincerely,

A handwritten signature in purple ink, appearing to read "AP", is positioned above the typed name.

Amy Palumbo, Esq.
Director, DVS Legal Services

*600 Jefferson Plaza, 5th Floor
Rockville, MD 20850
(240) 773-0449
apalumbo@dvslegalservices.com
www.dvslegalservices.com*



January 17, 2020

The Honorable Susan Lee
James Senate Office Building, Room 223
11 Bladen Street
Annapolis, Maryland 21401

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Sincerely,

A handwritten signature in purple ink, appearing to read "AP", is positioned above the typed name.

Amy Palumbo, Esq.
Director, DVS Legal Services

600 Jefferson Plaza, 5th Floor
Rockville, MD 20850
(240) 773-0449
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www.dvslegalservices.com



J. CHARLES SMITH, III
STATE'S ATTORNEY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

STATE'S ATTORNEY FOR FREDERICK COUNTY

County Courthouse
100 West Patrick Street
Frederick, Maryland 21701

www.statesattorney.us

CIRCUIT COURT DIVISION
301-600-1523

DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

January 24, 2020

Dear Chair, Vice Chair and Committee Members:

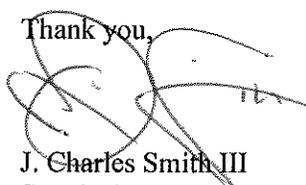
The State's Attorney's Office for Frederick County supports this bill and its clear criminalization of strangulation as a First Degree Assault. Strangulation can lead to loss of consciousness within second and death within minutes. According to the Training Institute for Strangulation Prevention, 68% of women experiencing domestic violence will experience near-fatal strangulation by their partner. For these women, their odds of being killed by their partner increase by 750% compared to victims who have never been strangled. Therefore, strangulation should be vigorously prosecuted because it is both a serious assaultive crime and a precursor to homicide. There is no greater responsibility of law enforcement than the preservation of life.

However, strangulation assaults pose a challenge to law enforcement and prosecutors because they often leave no marks or external evidence of injury. This makes strangulation an effective way for abusers to incapacitate and terrify their victims, yet escape accountability proportionate to their crime, because there is little obvious injury to corroborate a victim's account of a terrifying assault. A felony characterization by the legislature of the crime is therefore necessary to protect victims and hold abusers accountable for their terror.

Here in Frederick County, we have come a long way in recent years in our understanding of the severity of strangulation assaults, due in large part to the establishment of our domestic violence unit in 2019 and our close working relationship with the forensic services department at Frederick Memorial Hospital. For example, in 2017, we had a strangulation investigated and charged as a second degree assault, despite loss of consciousness and a forensic examination with clear injury. This was not uncommon. The same facts today would certainly lead to a prosecution for first-degree assault. Consistent with the profile of a strangler, that particular offender went on to violate his probation by kidnapping, again strangling, and threatening the same Victim within a year. Through her own strength and law enforcement intervention, she was able to testify at his violation of probation hearing, and he is now in prison where he could have been much earlier had strangulation been as well-understood three years ago.

Maryland is one of only 3 states that does not have a felony strangulation law, and we hope that changes in this session so we can continue to provide safety and justice to victims of intimate partner violence.

Thank you,



J. Charles Smith III
State's Attorney

WOODLAWN COMMUNITY ASSOCIATION, INC.
P.O. BOX 3094
HYATTSVILLE, MD 20784
301-322-8010 • woodlawncommunityassn.official@gmail.com

January 25, 2020

Judiciary Committee
House Office Building
6 Bladen St.
Annapolis, MD 21401

Re: Support of HB233/SB212, Criminal Law - Assault in the First Degree - Suffocation or Strangulation

Dear Judiciary Committee:

I am writing on behalf of the Woodlawn Community Association, Inc. (WCA) in support of passage of HB233/SB212. WCA represents nearly 900 households in Prince George's County. This issue is critical to our community because a number of our residents have been, directly or indirectly, victims of domestic violence, including strangulation or attempted strangulation (that has led to significant health consequences, both physical and psychological).

Domestic violence that includes squeezing the victim's throat is not unique to our area; it is typical everywhere. Recognition of its seriousness has spread across the country, resulting in criminal laws specific to strangulation in all but three (3) states and the District of Columbia. Prince George's County should join other jurisdictions that recognize and criminally penalize this deadly and insidious type of assault.

WCA applauds the efforts and commitment of the Prince George's County State Attorney to enhance protections for strangulation victims and consider strangulation as a first-degree assault. This legislation would enable prosecutors to charge more strangulation cases as felonies and save more lives. We urge you to immediately pass HB233/SB212.

Respectfully,



LuEllen Conti, Vice President/Executive Board

On behalf of the Woodlawn Community Association, Inc.



Maryland Legislative Agenda for Women

Bill No: House Bill 233
Title: Criminal Law - Assault in the First Degree - Suffocation or Strangulation
Committee: Judiciary
Hearing Date: January 28, 2020
Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW's purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **House Bill 233 a priority on the 2020 MLAW Agenda.**

MLAW supports House Bill 233 because this bill would decrease the risk of femicide by designating intentional suffocation and strangulation as Assault in the First Degree.

Non-fatal strangulation is one of the most significant risk factors for femicide. Studies have shown that prior non-fatal strangulation is associated with a six-fold increase in the chances of attempted homicide and a seven-fold increase in the chances of completed homicide.

Under current law, suffocation and strangulation is classified as Assault in the Second Degree (*Criminal Law §3-203*), which puts such offenses in the same legal category as a slap. This bill would reclassify suffocation and strangulation as Assault in the First Degree (*Criminal Law §3-202*.) The measure creates nuance in the Code and recognizes that suffocation and strangulation, which are heinous in their own right and a red-flag of future and more extreme violence against women, are to be treated as a serious form of assault.

The bill redesignates intentional suffocation and strangulation from Assault in the Second Degree (*Criminal Law §3-203*) to Assault in the First Degree (*Criminal Law §3-202*).

The Maryland Legislative Agenda for Women strongly urges the passage of House Bill 233.

Maryland Legislative Agenda for Women (MLAW)

305 W. Chesapeake Avenue, Suite 201 | Towson, MD 21204

mdlegagenda4women@yahoo.com | 443-519-1005 | www.mdlegagendaforwomen.org

MLAW Supporting Organizations

The following organizations have signed on in support of 2020 Legislative Agenda:

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Anne Arundel County Commission for Women
Anne Arundel County NOW
Baltimore County Women's Commission
Calvert County Commission for Women
Charles County Commission of Veterans Affairs
DC Coalition for Safe and Just Communities
Federation of Jewish Women's Organization of Maryland
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HopeWorks of Howard County
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National Coalition of 100 Black Women, Prince George's County, Md
North Arundel Alumnae Chapter, Delta Sigma Theta Sorority, Inc.
On Our Own of Montgomery County Inc.
Planned Parenthood of Maryland
Prince George's County Drug Policy Coalition, Inc.
The Human Trafficking Prevention Project
The Law Office of Jessica O'Kane
The QED Foundation
Women's Equality Day 2020 Celebration Coalition
Women's Law Center of Maryland

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January 23, 2020

The Honorable Susan Lee and Delegates Pippy and
Atterbeary
James Senate Office Building, Room 223
11 Bladen Street, Annapolis, MD 21401

Re: Letter in Support of Maryland Strangulation Bill

Dear Senators Lee and Cassilly and Delegates Pippy and Atterbeary,

I have been working with domestic violence victims since May 1995, when I started volunteering at African American Family Services in Minneapolis, Minnesota. In addition, I am a community member of Montgomery County, Maryland's Domestic Violence Coordinating Council and a Maryland-licensed attorney whose practice areas include family law.

Prior to attending the strangulation training organized by Montgomery County's State's Attorney's Office, Police Department, Sheriff's Office and Adventist Healthcare Shady Grove Medical Center on December 11, 2019, I knew absolutely nothing about the direct causal connection between non-fatal strangulation (often mistakenly described by victims as "choking") and victims' loss of unconsciousness, stroke, brain damage, miscarriage, involuntary defecation and urination, to cite a few examples. It is fair to assume that many attorneys and judges still do not have the benefit of this information and therefore, might not fully grasp the seriousness of non-fatal strangulation cases without a law that specifically remedies it.

I cannot count the number of victims who reported being "choked" repeatedly by the same abusers. This is why I strongly support the bill to amend Maryland law and make strangulation or suffocation in the course of an assault a first degree assault. Passage of the bill will have the immediate effect of deterring such heinous conduct and the repetition thereof. Besides, it will save the lives of victims most of whom tend to be afraid of and/or financially dependent on their abusers and therefore, tend to deny or diminish the severity of their abusers' conduct and the effects thereof. In addition, it will enhance the administration of justice and reduce inconsistent outcomes. Thank you for your time and attention.

Respectfully,



Eshigo P. Okasili

FREDERICK COUNTY SHERIFF'S OFFICE

HEADQUARTERS FREDERICK COUNTY LAW ENFORCEMENT CENTER

110 Airport Drive East
Frederick, Md. 21701
301-600-1046
301-600-1527 (Fax)
301-600-7655 (TTY)

JUDICIAL OPERATIONS

100 W. Patrick Street
Frederick, Md. 21701
301-600-2162
301-600-3690 (Fax)



CHARLES A. JENKINS
SHERIFF

DETENTION CENTER/ CENTRAL BOOKING

7300 Marcie's Choice Lane
Frederick, Md. 21704
301-600-2550 (D.C.)
301-600-2566 (D.C. Fax)
301-600-1790 (C.B.)
301-600-1791 (C.B. Fax)

WORK RELEASE CENTER

7281 Marcie's Choice Lane
Frederick, Md. 21704
301-600-1727
301-600-3404 (Fax)

January 23, 2020
CAJ/tah

Frederick County State's Attorney's Office
Attention: Joyce King
100 W. Patrick St.
Frederick, MD 21701

To Whom It May Concern,

I am writing today in support of legislation to make Strangulation a 1st degree assault charge (LR0812). According to research done through the Training Institute on Strangulation Prevention, domestic violence victims of strangulation are at a 750% increased risk of death as compared to domestic violence where strangulation is not present. Victims of domestic violence, health care providers, law enforcement, and even advocates are often unaware of how dangerous strangulation is. Many professionals often dismiss the strangulation assault because visible injuries are only present in 50% of the cases. However, the underlying, non-visible injuries (mental health and physical health) can present even more serious risks to the victim. Brain damage and/or death can occur within minutes and when not addressed medically, victims can die days and even weeks after the strangulation event.

When you have a situation as cold and calculated as a strangulation, the act is basically telling a victim of strangulation the offender has the capability to kill the victim at any time. It is used as a form of intimidation in a continuing relationship based off of control, power, and manipulation. Gwinn (2014) found, while more research is needed, "law enforcement officers killed in this country are killed by men with a history of domestic violence and men with a history of strangulation assault against women (p. 97). Additionally, I have had the opportunity to review police reports in which children are often witnesses to these events or have to intervene to save their parent's life. Strangulation victims feared they would be killed in front of their children. They often reiterate to police they believed they were going to die or would use their last breaths to warn their children to call 911.

Recognizing the seriousness of these events, a 1st degree assault charge in case of strangulation can increase the maximum penalty from up to 10 years of imprisonment to up to 25 years of imprisonment. Knowing the extreme dangers a victim faces in these cases, this affords a victim greater

protection and safety by increasing the penalties. The increased penalty could serve as a potential deterrent to offenders moving forward and could even assist with the safety of our law enforcement officers by taking these violent offenders off the street. Finally, the message to the victim of charging strangulation cases as a 1st degree felony assault tells victims we stand behind them and will do what we can to help protect them.

Sincerely,



Charles A. Jenkins
Sheriff of Frederick County



Marjorie Cook Foundation
Domestic Violence Legal Clinic

2201 Argonne Drive • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org

TESTIMONY IN SUPPORT OF SENATE BILL 212

January 29, 2020

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

The House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. Senate Bill 212 prohibits a person from committing an assault by suffocating or strangling another and categorizes the assault as a first degree assault. **We urge the Senate Judicial Proceedings Committee to favorably report on Senate Bill 212.**

Physically abused women who experience strangulation are at a higher risk for increasingly severe, ongoing intimate partner violence.¹ Dr. Jacqueline Campbell, a nationally recognized researcher at the Johns Hopkins Hospital, conducted a 2003 study of femicide. After comparing groups of battered women, Dr. Campbell found that women who had suffered an incident of strangulation by an intimate partner were five times more likely to be murdered by that partner, compared to battered women who were not strangled. Incidents of strangulation are now included as a significant risk factor in the Domestic Violence Lethality Assessment, which is used to assess a victim's likelihood of future fatality by an intimate partner.

Although strangulation is one of the most highly lethal forms of domestic violence, it is still overlooked as a serious threat because the damage it causes may not be visible to the naked eye. Even when strangulation lasts for only a few seconds, the effects of compressing the carotid arteries and veins (the main blood vessels supplying the brain), blocking the airway to the lungs, and compressing the larynx and thyroid gland can be devastating and include potentially permanent disorders.²

¹Strangulation is produced by a constant application of pressure to the neck. Depending on the method of pressure application, strangulation can be described as one of four types: (1) hanging; (2) ligature strangulation; (3) manual strangulation; (4) postural strangulation where the neck is placed over an object and the weight of the body applies pressure to the neck. Strangulation may or may not result in death. Wilbur, Lee; Higley, Michelle; Hatfield, Jason; Surprenant, Zita; Taliaferro Ellen; Smith, Donald; Paolo, Anthony (2001), Violence: Recognition, Management, and Prevention, Survey Results of Women Who Have Been Strangled While in An Abusive Relationship, The Journal of Emergency Medicine, Vol. 21, No. 3, pp. 297-302.

² Diana Cheng, M.D., Medical Director, Women's Health Maryland Department of Health and Mental Hygiene.

After reviewing several cases involving strangulation in 2008, the Baltimore City Domestic Violence Fatality Review Team recommended enacting legislation to create a felony statute prohibiting acts of strangulation. The purpose of such legislation is to make it clear that strangulation, because of its potentially lethal nature, is worthy of felony-level prosecution.

The House of Ruth urges the Senate Judicial Proceedings Committee to issue a favorable report on Senate Bill 212.