

## TESTIMONY IN SUPPORT OF SB146

**To amend sections 2919.25, 2929.13, and 2929.14 of the Revised Code to expand the offense of domestic violence to also prohibit a person from knowingly impeding the normal breathing or circulation of the blood of a family or household member by applying pressure to the family or household member's throat or neck or blocking the family or household member's throat or neck or blocking the family or household member's nose or mouth. Sponsors: Senator Kunze, Senator Antonio**

Chairman Eklund, Vice Chairman Manning, Ranking Minority Member Thomas, and members of the Judiciary Committee, thank you for the opportunity to submit written testimony in support of Senate Bill 146. This legislation has the potential to positively influence the culture surrounding domestic violence strangulation in Ohio and ultimately help reduce domestic violence strangulation in our communities.

Domestic Violence has been a part of my life for almost fifteen years. While the immediate danger has passed, it will be a part of my life and my families life forever. I left an abusive marriage just over ten years ago. My ex husband and I have two children together whom are now thirteen and eleven. I currently sit on the board for a non-profit out of Canton Ohio, Domestic Violence Project Inc. Through my position on the board I have discovered the importance of sharing my journey with the community.

As a domestic violence survivor, I have faced extreme judgement, doubt and criticism regarding my abuse. These stigmas are something I have set out to change in our society. The fear of "what people will think" is a large part of why abuse goes unreported or why victims of abuse aren't always cooperative with prosecutors. There is also a large fear of members of law enforcement not believing victims version of events. The pressure to provide enough "proof" to support abuse is not a burden that should fall on the shoulders of victims and yet it does. Especially when most physical abuse doesn't leave the marks and bruises people assumes it should. My own abuser got away with years of abuse to myself and my children because the courts didn't feel there was enough evidence to support our claims.

At the age of five my daughter was forced to sit in a courtroom, in front of a judge, without me by her side, and recount abusive she had witnessed and suffered by her father. She told the judge in quite impressive detail how she remembered "daddy putting his hands around mommy's neck like this (she put her hands around her own neck to demonstrate) and her face turned all kinds of colors. I kicked my dad and told him to let her go and stop it. Mommy was clawing like a cat and trying to hit him so he would stop." How incredibly brave she was to tell the truth and stand up to an abusive man at such a young age! Unfortunately, because she could not put together an "accurate timeline" the judge did not consider any of her testimony to be credible. This is just one example of how our abuser was allowed, by the judicial system, to continue abusing us.

The incident mentioned above is the only incident in which I went to the police. Upon my arrival at the police station I still had his handprints around my neck. He was arrested and charged with a misdemeanor domestic violence. He had choked me in front of our children and yet could only

be charged with a misdemeanor because he had no previous domestic violence conviction. He made bail within a few hours. I had no advocate, no discussion with prosecution prior to our hearing, no guidance at all. He approached me in the courthouse before we all went in to sit down and told me in no uncertain terms that if I went through with this, the kids would be next. What an awful mother I would be to seek justice for myself and put my children in harm's way.

I remember sitting on the witness stand being cross examined as he stared at me intensely. I was afraid to say what really happened. Afraid to say how terrified I was for my life. I desperately wanted him to finally pay for what he'd done but not if it meant "my kids were next." How could I use between bringing him to justice and keeping my children safe. In that moment I didn't understand that by bringing him to justice I would actually be keeping my children safe. When he took the stand he cried in an attempt to manipulate the judge. He also tried to say that I had choked myself in an attempt to frame him out of jealousy because he was sleeping with another woman. When the police officer who took my statement and arrested him took the stand, he pointed out the handprints on my neck. How it would have been physically impossible for me to have done that on my own. He showed the thumb placement and explained how things would have been reversed if it was my own hands instead of his.

He was found guilty but not of domestic violence. His charge of domestic violence was reduced to disorderly conduct. Since it was his first "crime of violence", even though he was a convicted felon from years back and had served time in prison. He paid a \$50 fine and walked out of the courthouse the same day. He felt invincible and made sure to point it out to me. "You really thought they'd believe you, you'll never stop me Jess. I can kick your ass whenever I want, whether we're married or divorced. You can't escape me. Your too weak and pathetic."

Choking and strangulation were his favorite form of physical abusive. The first time he ever choked me was also the first time he ever raped me. I didn't know which act to be more shocked by quite honestly. I couldn't even remember if I had actually blacked out from the choking afterwards or just closed my eyes so tightly to try and escape what was happening. It was all a fog. I had no clue how to tell anyone about that, who would believe me? How would I even prove he raped me? I didn't understand that rape happened in committed relationships and marriages all the time.

After that incident I understood what a monster he really was but I had no clue how to escape him. When I was 6 months pregnant with our second child together, my mother passed away. The night before calling hours he came in, climbed into bed, and attempted to have intercourse. I had no interest. I tried to resist him, push him off of me, but I was exhausted and by this time I knew the harder I fought him the harder he would hurt me. I kept thinking to myself "how am I going to explain bruises to my family at the funeral? What make up do I have here to cover them up with? Don't let him hit your face, just not your face."

He climbed on top of my, put his hands around my neck, and I begged him to stop. "Please not tonight. The baby. Please don't do this. Let's just go to bed. Please." He put his hands around my neck and squeezed tighter than I remember him ever squeezing before. I was coughing and

gasping for air and then blackness. The next thing I remember is him ejaculating all over my face. I got out of bed, cleaned myself up, and cried myself to sleep. I couldn't decide what pain was worse, the pain of having just watched my mother take her last breath or the pain of having the father of my children rape me the night before I told her goodbye. He laid next to me all night rubbing my pregnant belly like everything was just fine.

I could share several more horrifying stories just like this one. Some worse, some not quite as bad, some included him breaking my jaw and my ribs, but my point is not to take you down my dark memory lane. My point is to plead with you the importance of making strangulation a felony and quite frankly to show how the judicial system failed my family for over a decade. After my ex-husband was not convicted of domestic violence for choking me in front of our children, he was given a new sense of power. The courts gave him that power. He felt invincible. Now that we were separated his abuse moved from myself to our children. He knew that was how he could hurt me most, by hurting them or using them against me.

We went back and forth in court more times than I can probably count. Arguing over custody, trying to prove who the better parent was. We had two separate guardians ad litem. One of whom is actually married to a local judge. Children services invested a total of four times. Two of which they found the allegations substantiated, but didn't follow with any criminal action. Even after he admittedly hit our four year old daughter in the face and left a bruise. He was asked to attend 3 thirty minute anger management classes and then go on his way.

This went on for a decade before anyone would believe the kind of monster he really was. He was so smart that he managed to get away with abusing myself and our children for ten years, right under the nose of a system that's supposed to protect us. That is until our daughter went to her fifth grade class and said she was going to end her life because she could not stand to live with her father anymore. That started a chain reaction that was deadly but ultimately what finally got everyone safe. At this point he had remarried to a woman he had an affair with during our marriage and a week after our daughter said she would rather die than live with her dad he almost killed his second wife.

He choked her with his belt multiple times forcing her to lose consciousness, urinate and defecate on herself. He broke her nose in multiple places. He fractured her orbital bone. She had chunks of hair missing from her head. There are still scars on her knees from the carpet burns she got while he raped. When she tried like hell to fight for her life, run to her car and get away, he climbed on top of the windshield. He attempted to kick in her windshield and prevent her from leaving. It is nothing short of a miracle that she was able to drive herself to the hospital and get the help she needed. She should have died in that house that night.

He was charged with multiple counts of kidnapping, felonious assault, one count of domestic violence, and one count of rape. He was charged but not convicted of attempted murder.

None of what happened to her would have taken place if SB146 was already in place. The act of strangulation is a brutal one. An evil one. An act with the pure intent to try and end someone's

life. There is no other way to explain it. After my fifteen years of living with domestic violence and now living through the wake of its distraction I ask you, please. Please follow the other forty-eight states who already believe in the importance of strangulation prevention. Do not do it to try and keep up with their examples though, or because of the pressure to follow suit. Do it because of people like myself, like my children, like our family who now includes his second wife. Protect those who can't find a way to protect themselves and hold those accountable who feel they can get away with such unacceptable acts of violence.

Sincerely,

Jessica Patzell