

To the Senate Judiciary Committee;

My name is Todd Curtis. I am a law enforcement veteran of 29 years. I am currently the Detective Sergeant for the Perrysburg Township Police Department located in Wood County. I am also a certified peace officer trainer, a domestic violence instructor, a recognized court expert on domestic violence and strangulation assault. I received advanced training on the investigation and identification of strangulation assault from the Strangulation Prevention Institute in San Diego, California. I have also completed the advanced program on criminal profiling and victimology from the Forensic Criminology Institute. Over my career, I have spent thousands of hours researching and interviewing domestic violence victims and offenders. The concentration of my research is repeat domestic violence offenders, and the tactics employed by these abusers to intimidate, manipulate and control their victims. From my work and this research, I have observed the use of strangulation increase in frequency each year. I have also found that abusers are becoming more and more violent.

Abusive partners commonly begin a controlling and manipulation pattern shortly after getting involved in a relationship. The abuser is a master at this. They have perfected the art of manipulation and control. Through my years of experience, research and training, it is very common for the control to start with jealousy, isolation, threats and degradation of self-esteem. These acts are then followed up with damage to property and then violence. Violence will progressively get worse. That escalation in violence includes the act of strangulation. Strangulation is the most dominant form of manipulation and control. It is literally taking the two vital functions of one's life in the grasp of hands. Pressure on the sides of the neck occlude the jugular vein and carotid artery. Pressure on the front of the throat can cut off the ability to breathe.

Opposition of this proposed law will tell you that "Ohio already has a law which covers strangulation and that is felonious assault". Felonious assault requires serious physical harm. There is no question that strangulation is serious physical harm. The problem with using that law to prosecute a strangulation assault is the simple fact that it is historically linked to the use of weapons. Shooting at someone, stabbing someone or beating someone with a club or blunt instrument. The expectation in a felonious assault case is "serious visible injury" – that gunshot wound, that stab wound or the stitches needed to close the wounds from the beating. Other concerns or opposition to this proposed law are hesitant due to it being a felony three and increasing incarceration.

Please allow me to discuss the topics of opposition. Mr. John Martin of the Cuyahoga County Public Defender's Office addressed my December testimony on this bill in his recent opposition testimony in the House on HB 3. He remarked that I responded to a question that the proposed law is knowingly impede the breathing or circulation of a family or household member. SB 90 does use the culpable mental state of knowingly. Knowingly is general intent in Ohio. The act of suffocation or strangulation is a specific intended event in domestic violence. It is a method by abusers to gain compliance and control. Domestic abusers are power and control seeking individuals who use power assertive behavior to achieve this.

Niki Clum of the Office of the Ohio Public Defender cited the felonious assault law in her opposition testimony on HB3 and stated the law is there for prosecutors to use. The problems for making a felonious assault case for a strangulation lay within. Most of the damage done from a strangulation assault is internal injury. In a study of 300 strangulation cases conducted in San Diego, 50 percent of the victims had no visible injury. 35 percent had slight injury would could be seen with the eyes, but could not be depicted in a photograph. The remaining 15 percent had injuries which could be photographed. This study is very consistent with my experience in investigating these cases. Ask any prosecutor in this state how hard it is to make a felonious assault case from a strangulation assault. Then please ask the defense attorney the first thing they will bring up as a defense in these cases.

The act of impeding the circulation and / or breathing of another person is without question a felony crime. It is obvious that oxygen and blood flow are vital to a person's survival. The deprivation of oxygen to the brain and restriction of blood flow cause incapacitation, can cause permanent damage that can be irreversible, and clearly can cause death. One of my instructors at the Strangulation Prevention Institute is Dr. William Smock. He is a world recognized expert on strangulation and suffocation. He testified for the prosecution in the Derrick Chauvin trial. He recently remarked in an interview with Cleveland channel 5 that "it is critical to the residents of Ohio that your legislators understand the risk associated with strangulation".

I have been a proud Ohioan for 51 years and have served proudly in this noble profession as an Ohio law enforcement professional for 29 years. We have been trying to pass this law since 2016. 48 other states have enacted a strangulation law. What are we not understanding here? The state of Ohio is so much better than this! A specific law addressing the strangulation assault is needed in Ohio. It is needed to hold abusers accountable. It is needed to better serve domestic violence survivors in Ohio. Most importantly, it WILL save lives.

Please note that I am in full support of SB 90 in addition to my expressed support of the strangulation / suffocation law. Domestic Violence is the deadliest call for law enforcement officers across the United States. Additional training outside of the basic academy for peace officers who deal with domestic violence is essential. I might add that the current number of hours in the police academy is not enough and should be increased. Furthermore, the ability for law enforcement to seek a protection order on behalf of a victim at the time of a domestic violence incident will provide greater service and protection to victims.

I will be happy to answer any questions in regards to any topics on this bill. Thank you for your time

Respectfully Submitted;

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