



Ohio Prosecuting Attorneys Association

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Senate Bill 207
Proponent Testimony
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Chair Bacon, Vice-Chair Dolan, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to offer proponent testimony on Senate Bill 207.

Last fall, you heard from prosecutors, victim's organizations, and victims about the very real need for this bill. Senate Bill 207 is a necessary response to a dangerous and violent criminal act that by its very nature should qualify as felonious assault. Ohio is one of only three states without a felony strangulation statute. Other states have recognized that strangulation, and stranglers, present a special set of dangers for victims that warrants special protection. Senate Bill 207 is not, as I have heard suggested, a one-off response to a singular bad situation. These cases are also not as simple as the Ohio Public Defender would have you believe when they suggest that all the prosecution has to do to obtain a conviction for felonious assault under current law is to present testimony from a medical professional.

On the contrary, Senate Bill 207 is a response to a significant gap in Ohio law that makes it difficult to secure justice for strangulation victims and to protect them from future crime. Current law leaves victims in very serious danger and leaves them as the victims of a crime for which there is no sense of justice.

Under current law, prosecutors have two choices in strangulation cases. They can attempt to prosecute the case as felonious assault. This is not, however, as simple as just presenting expert testimony. Many victims and medical professionals themselves do not understand the internal harm caused by a strangulation. They do not know what to report or what to look for. Juries struggle to understand that serious physical harm occurs when there is no proof of external trauma. Yet, more than 50% of even *fatal* strangulations have no external trauma. Death, or in non-fatal cases serious physical harm, occurs because of internal damage to the arteries, because of lack of blood supply to the brain, because of psychological trauma, or all three. Clots that result from strangulation can cause injury or death days, weeks, or months later. Strangulation is simply not analogous to being pushed to the ground and hitting your head. Although it is equally if not more dangerous.

Alternatively, prosecutors are often forced to prosecute strangulation as misdemeanor domestic violence. This demeans the seriousness of this crime given its life threatening nature and the level of violence that it entails. Unconsciousness occurs in a matter of seconds. Loss of brain tissue begins immediately and occurs continuously. Strangulation can cause seizures and temporary incapacity. The carotid artery and jugular vein are easily damaged. Death can occur in about a minute. All with less pressure to the neck than it takes to open a can of pop. A misdemeanor conviction is not justice.

The Public Defender provided testimony on Senate Bill 207 last spring that included some statements that I would like to take a minute to address. Their testimony stated that Senate Bill 207 will not make victims safer. A history of strangulation in a domestic relationship increases the victim's risk of being the victim of a homicide by 750%. Previous witnesses testified to just such a tragic case. That victim would have been safer had her eventual murderer gone to prison for felonious assault rather to jail for 11 days for misdemeanor domestic violence. Tragically, she is not alone. Simply put, strangulation is one of the best predictors of homicide for domestic violence victims. Getting stranglers off of our streets absolutely makes victims safer.

Their testimony stated that longer prison sentences do not result in further rehabilitation. Rehabilitation is, of course, not the only goal of the criminal justice system. The first two purposes of felony sentencing are, after all, to protect the public from future crime by the offender and to punish the offender. Both of which are laudable goals in the context of a violent offense that is such a strong predictor of even greater violence. We are not talking about longer prison sentences. We are talking about the ability to send these violent offenders to prison at all. And to suggest that the only goal is the rehabilitation of the offender is a subversion of justice.

Finally, their testimony stated that the remedy for strangulation is a matter of education and training for the medical profession. Not everything can or should be left to education alone. Prosecutors are working with law enforcement and medical professionals in their communities to raise awareness of this issue. But the General Assembly regularly supplements such efforts with improved policy that raises awareness in its own right and that sets the course for practitioners in the field. We don't have to look any further than the legislative response to domestic violence, human trafficking, drunk driving, and the opiate crisis to understand that. The General Assembly can and does raise the bar.

We believe that Ohio should join the 47 other states that recognize the special dangers of strangulation and we encourage your favorable consideration of Senate Bill 207.

Thank you again for the opportunity to testify. I would be happy to answer any questions.