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Testimony of Maria York, Family Systems Advocacy Assistant Director of the Ohio Domestic Violence Network (ODVN), regarding SB 90 to Senate Judiciary Committee

Feb. 14, 2022

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee, my name is Maria York and I am the Assistant Director of Family Systems Advocacy at the Ohio Domestic Violence Network. I am here today representing 74 local domestic violence organizations across the state. In 2020, ODVN programs sheltered more than 7,190 DV survivors and their children and provided 111,487 survivors and children with services. Those victims needed help obtaining a protective order or support while they prosecuted their abusers. Many of them were looking for housing and other assistance as they rebuilt their lives after experiencing abuse.

We appreciate the opportunity to speak regarding SB 90 as introduced and the proposed amendments today. We have serious concerns about the proposed amendment which I will address later in my remarks.

SB 90 recognizes the lethality of strangulation by separately defining the offense of strangulation in the criminal code. This is critically important because many victims experience strangulation multiple times within a relationship. In groundbreaking research conducted by ODVN and The Ohio State University here in Ohio found more than 4 out of five survivors interviewed were strangled, and of those nearly one in 10 of the survivors said it happened a few times or too many times to count.^{1 2} And research shows that individuals who have experienced non-fatal strangulation are 700% more likely to be killed by an intimate partner than other victims.³ Put simply, strangulation is one of the best predictors of homicide in domestic violence cases. Perpetrators of domestic violence who strangle their victims are also particularly dangerous for police officers.

The Ohio Domestic Violence Network has been gathering data and reporting on domestic violence related fatalities in Ohio for the past 6 years. Our fatalities are collected each year from July 1st through June 30th.

¹ [Working with Brain Injuries and Mental Health in Domestic Violence Programs: Findings from the Field](#). Citing data from: JM Nemeth, PhD., unpublished data: CARE Process & Outcome Evaluation 2019 or Ohio Domestic Violence Network, unpublished data: CARE Training Evaluations, 2018.

² ODVN's Center on Partner-Inflicted Brain Trauma continues to research and develop support for survivors of intimate partner strangulation and any resultant brain trauma that can affect their lives for years following the incident. For more information, visit: <https://www.odvn.org/brain-injury/>.

³ Glass et al. (2008). Non-fatal strangulation is an important risk factor for homicide of women. *The Journal of Emergency Medicine*, 35(3), 329-335.

This past reporting year, there were 131 domestic violence fatalities in 90 cases.⁴ That is a 20% increase over last year and a 62% increase over two years ago. There were 15 young people killed -- the highest we have ever reported. Children have also been present at the scene of a fatal incident about 20-25% of the time each reporting year.⁵ In the previous five reporting years, 23 children were killed by domestic violence abusers.

An ODVN colleague has worked on a number of cases involving adults and youth who have suffered strangulation at the hands of a spouse, dating partner, or during a sexual assault. Those victims suffered immediate and long-term medical conditions as a result of the strangulation but most of those offenders were never prosecuted for their crimes, the few that were received misdemeanor convictions. The lack of recognition of the severity of strangulation directly contributes to the misunderstanding of just how damaging and lethal this form of intimate partner violence can be.

Unfortunately, the bill amendments that have been proposed do not address the seriousness of the offense of strangulation because it demotes the near-lethal crime of strangulation to a felony of the 5th degree. It would further require levels of proof that will require expert witnesses in every case to prove the level of physical harm necessary for conviction. The victim would have to have received best-practice medical care within hours or days of the offense as well, though most are unaware of the imminent danger they are in from internal damage. As the medical experts will tell you, nonfatal strangulation victims can lose consciousness without any memory of having done so. Medical experts will also tell you that some victims of nonfatal strangulation have no external injuries due to the strangulation at the time of their death. Yes, strangulation can be fatal with no outward signs of injury. Knowing that, the idea that proof of injury would be required for any level of conviction makes the proposed amendments incongruous with the science and medical knowledge regarding strangulation, its severity, and the presence and documentation of "injury."

We understand that SB 90 as introduced creates a new felony level offense of violence. ODVN works with all domestic violence survivors and works to advance the principles that all people have the right to an oppression and violence-free life. Through our work and our mission, we do not undertake the support of additional criminal offenses lightly. Strangulation is a uniquely violent and lethal type of domestic violence that leads to brain injury, myriad long-term medical issues, and even death – even hours or days later. It must be recognized under the law as such.

On behalf of the Ohio Domestic Violence Network and its 74 member programs, I would like to thank Sen. Kunze and Sen. Antonio for their dedication to domestic violence survivors and the recognition of the severity and lethality of strangulation. While we have serious concerns about the amendment proposed today, SB 90 as introduced will move Ohio forward in its response to domestic violence and save lives.

Ohio Domestic Violence Network, *Ohio Domestic Violence Fatalities July 1, 2020 – June 30, 2021*. https://www.odvn.org/wp-content/uploads/2021/10/ODVN_FatalityReport_2020-2021.pdf (accessed Oct. 11, 2021).

⁵ See *Ohio Domestic Violence Fatalities Reports*. <https://www.odvn.org/media/>