

What Defense Attorneys Need to Know about Non-Fatal Strangulation and Suffocation

The Training Institute on Strangulation Prevention, a project of Alliance for HOPE International

Welcome

Gael Strack, JD, CEO & Co-Founder
Alliance for HOPE International,
Training Institute on Strangulation
Prevention



Our Panelist:

- Laura Zimm, Assistantat Public Defender, Duluth, Minnesota,
- Jerry Fineman, Retired Assistant District Attorney from the Riverside District Attorney's Office,
- Dr. Sean Dugan, Director of Forensic Services at Shasta Community Health Clinic and Director of the California Clinical Forensic Medical Training Center
- Gael Strack, CEO & Co-Founder of the Alliance for HOPE

Agenda

- Why a webinar for Defense Attorneys?
- Overview of the Law
- 12 Things Every Judge Needs to Know
- Stranglers are Different and Dangerous
- Medical
- Myths
- Defenses
- Identifying the Dominant Aggressor
- Use of Experts
- Questions

Thank You to the Office on Violence Against Women



Allison Randall
Acting Director



Kevin Sweeney
Program Manager

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Training Institute on Strangulation Prevention



- Project of Alliance for HOPE International
- Launched October 2011 by USDOJ, Office on Violence Against Women
- Most comprehensive training program in the U.S.
- Fee-based Training for All Professionals
- Supported by a team of National Advisors and Faculty
- Work in three committees: Medical, Legal and Advocacy

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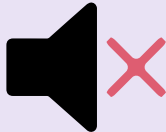
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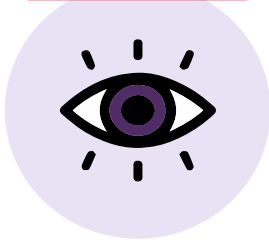
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UTILIZE CHAT



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BE PRESENT



PRACTICE
SELF-CARE



- We are all in this together. Virtual training is not ideal but it is what we have. Use this opportunity to throw yourself in, ask questions, be engaged and learn as much as you can.
- During this presentation, we will play some 911 tapes, videos, show case photos, discuss case studies which may at times be difficult and cause some discomfort. Please take good care of yourself.

Technical Assistance



- If you have technical issues please use the chat feature or email me at the institute@allianceforhope.com
- This webinar is being recorded.

Laura Zimm

Assistant Public Defender
Duluth, Minnesota &
Advisory Member



How do I sleep at night?

- Due Process regardless of allegations
 - Fair walk through the system
- Hold the government to standards



Why learn strangulation

- Defense attorney trained in strangulation gives client's better representation
- Others may not be trained (prosecutor/judge)
- Levels the playing field (similar to learning DNA)

Why learn strangulation

- Assists in representing abused women
 - Encourage appropriate services (advocacy, medical)
- Assists in representing all trauma surviving clients
 - Trauma informed interviewing

Why learn strangulation

- Allows you to push for the proper treatment for your strangulation client when convicted
 - May lessen reoffending chances
 - May lessen future risk of harm to the community
- Not necessarily appropriate for the typical “anger classes”
 - Higher needs

Gael Strack

CEO & Co-Founder
Alliance for HOPE International &
Training Institute on Strangulation
Prevention



Who's here?

- Dispatchers
- Paramedics
- Law enforcement
- Prosecutors
- Defense attorneys
- Therapists
- Social workers
- Advocates
- Probation/Court
- Treatment Providers

Poll question:

- How many of you have received training on non-fatal strangulation cases before today?

What is the Law?

What evidence do you need to prove strangulation or suffocation?

In the US, 48 States, 20 Tribes, 2 US Territories, Federal and Military have passed Strangulation/Suffocation Laws

Federal 18 USC 113 – VAWA 2013

- b) Definitions.--In this section—
- (4) the term “strangling” means intentionally, knowingly, or recklessly **impeding the normal breathing or circulation of the blood of a person** by applying pressure to the throat or neck, **regardless of whether that conduct results in any visible injury or whether there is any intent to kill or protractedly injure the victim**; and
- (5) the term “suffocating” means intentionally, knowingly, or recklessly impeding the normal breathing of a person by covering the mouth of the person, the nose of the person, or both, **regardless of whether that conduct results in any visible injury** or whether there is any intent to kill or protractedly injure the victim.

Virginia— Thank you Judge Chitwood



12 Things Every Virginia Judge Should Know When Faced with **NON-FATAL STRANGULATION**

1 VIRGINIA CODE. Under Virginia Code Section **18.2-51.6** any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully applying pressure to the neck of such person resulting in the wounding or bodily injury of such person is guilty of strangulation. Strangulation is a class six felony, punishable by a term of imprisonment of one to five years.

2 CASE LAW. In Dawson v. Commonwealth, **63 Va. App. 429** (2014), the Virginia Court of Appeals held that bodily injury should be given its everyday, ordinary meaning and means “**any bodily hurt whatsoever**”—internal or external. See also Ricks v. Commonwealth, **290 Va. 470** (2015). “Victim need not experience any observable wounds, cuts, or breaking of the skin.”

3 BAIL. Effective July 1, 2021, Virginia no longer has a presumption against bond for strangulation. Nonetheless, in determining whether the defendant’s release will constitute an unreasonable danger to the victim, family or household members, or the public pursuant to Virginia Code **§ 19.2-120A2**, a judge should consider that strangulation is an accurate predictor of future violence and a high-risk factor for lethality.

4 LACK OF VISIBLE INJURIES. On average, only **50%** of strangulation victims have visible injuries, and only **15%** have injuries that can be photographed at the time police respond.¹ Research has shown that most victims of adult non-fatal strangulation are women.²

5 IT CAN HAPPEN FAST. A victim of strangulation can become unconscious in **5-10** seconds and die within minutes.³ It takes very little pressure to block off vital structures in

the neck. A study in France documented it only takes **4** pounds of pressure to block the jugular vein, **11** pounds to block the carotid arteries, and **33** pounds to block the trachea.⁴ Opening a can of soda only requires **20** pounds of pressure.⁵

6 IMPACT TO THE BRAIN. Strangulation is a form of asphyxia that usually deprives the victim’s brain of oxygen. Millions of brain cells die every second the brain is deprived of oxygen.⁶ The consequences of this include, but are not limited to, loss of memory, inability to concentrate, behavior changes, brain damage, and difficulty speaking.⁷ Judges should not expect the victim to describe this near-death experience calmly and chronologically.

7 LANGUAGE. Many court participants use the word “choke” rather than the correct legal and medical term “strangulation.” Strangulation is external compression of the neck that can impede blood flow (oxygen) to or from the brain or direct air compression. Judges should focus on the facts described—not the terminology.⁸

8 LETHALITY. In almost every lethality assessment, strangulation is a high-risk factor for lethality. The most dangerous domestic violence offenders strangle their victims.⁹ The next step may be homicide; the violence will not decrease.¹⁰

9 HIDDEN DANGER. Strangulation may cause internal injuries: immediate, delayed and/or long-term consequences. Of most concern, is injury to the carotid artery, including a carotid dissection leading to stroke or death days or weeks after the assault.¹¹

10 FUTURE DANGER. A woman who has suffered a non-fatal strangulation by her intimate partner is **750%** more likely to be killed by that partner.¹²

11 MEDICAL ATTENTION: Victims often do not seek medical attention for their injuries and may be unaware of any internal injuries. In the event the victim is exhibiting any signs or symptoms of injuries consistent with strangulation, you may want to encourage the victim to seek medical attention.

12 QUESTIONS TO CONSIDER ASKING IN COURT. The victims of strangulation often minimize what occurred. You might want to ask additional questions, including, but not limited to:

- Did the attack happen from the front or back?
- Did the attacker use one hand or two?
- Did the attacker use a ligature?
- How long did it last? (Trauma may impact a victim’s ability to tell time.)
- Did you have marks or bruises on your neck at the time of assault or after?
- Did you have trouble breathing or swallowing?
- Did you have a sore throat?
- Did your voice change? Did you have trouble speaking?
- How did you feel when pressure was being applied?
- Is it possible you may have lost consciousness? Any vision changes? Did you see stars? (The victim may not know.)
- What did the attacker say before, during, and after the attack?
- Did you have small red spots (petechia) anywhere—eyeballs, eyelids, inside throat, scalp, behind ears?
- On a scale of 1-10, how much pressure did the attacker use?
- On a scale of 1-10, how much did it hurt?
- Why and how did it stop?
- Where did the attack occur?
- Did you change clothes after the attack? (Victim may have urinated or defecated.)
- And, what did you think was going to happen? Did you think you would die?

REFERENCES

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- 8 Strack and Gwinn, On the Edge of Homicide: Strangulation as a Prelude, ABA Criminal Justice, 26:3 (2011).
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- 10 Glass, et al, Non-Fatal Strangulation is an Important Factor for Homicide of Women, 35 Journal of Emergency Medicine, 3:329 (2008).
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- 12 Glass, et al, Non-Fatal Strangulation is an Important Factor for Homicide of Women, 35 Journal of Emergency Medicine, 3:329 (2008).



This bench card is a product of the Pulaski County Domestic Violence Committee and was created by Judge Lee Chitwood with the assistance of Jaime Clemmer, Domestic Violence Coordinator of the Pulaski County Juvenile and Domestic Relations District Court, Madelyn Herrman, Senior Domestic Violence Program Analyst, Department of Judicial Planning, Supreme Court of Virginia and Gael Strack and Yesenia Aceves from the Training Institute on Strangulation Prevention. (5/7/20). This project is supported all or in part by Grant No. 2016-TA-AX-K067 and STOP Grant No. 20-G416-VIA19 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/information are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

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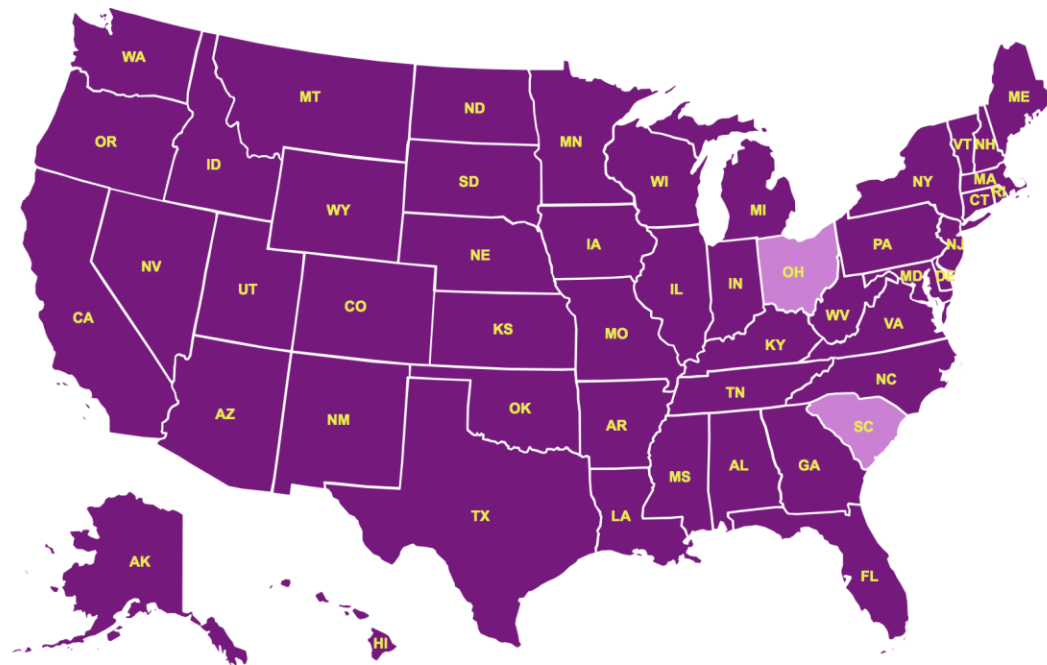
› Hospitals adopting Recommendations

› Legislation Map

Alabama (2012)
Alaska (2009/2019)
Arizona (2011)
Arkansas (2009)
California (2011)
Colorado (2016)
Connecticut (2007)
Delaware (2010)
Federal (2013)
Florida (2007)
Georgia (2014)
Hawaii (2006/2019)
Idaho (2005/2019)
Illinois (2010/2017)
Indiana (2006/2017)
Iowa (2012)

LEGISLATION MAP

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2 CASE LAW. In Dawson v. Commonwealth, **63 Va. App. 429** (2014), the Virginia Court of Appeals held that bodily injury should be given its everyday, ordinary meaning and means “**any bodily hurt whatsoever**”-internal or external. See also Ricks v. Commonwealth, **290 Va. 470** (2015). “Victim need not experience any observable wounds, cuts, or breaking of the skin.”

Special Edition of the Family & IPV Quarterly on Strangulation



- Trends in Strangulation Case Law

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- And, what did you think was going to happen? Did you think you would die?

Jerry Fineman
Ret. Assistant District Attorney
Riverside County District Attorney's Office



Men who **STRANGLE**
women are the most
DANGEROUS men
on the planet.
- Casey Gwinn



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In Memory...



Sgt. Paul Starzyk (2008)



Craig Kingsbury Police Chief of Twinfalls, Idaho

The link to officer safety



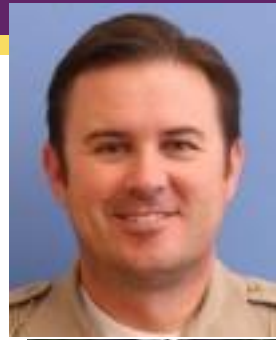
2013 Treasure Valley (ID) Study

- Evaluated ten officer-involved critical incidents where officer shot a suspect or suspect shot an officer
- 80% of suspects with domestic violence history
- Non-fatal strangulation history in 30%
- Based only on public records history
- More research needed
- We all should be looking for it/tracking it

Riverside County District Attorney's Office 2013 Study by Gerald Fineman, J.D.

- Law enforcement officers killed in the line of duty
- 1993-2013
- 50% of officers were killed by a criminal suspect with a public records act history of strangulation assault against a woman in a prior relationship

And we honor so many...



A review of Officers killed in 2017

33 out of 43 (76%) had been intentionally killed by a male suspect with a history of IPV and strangulation – public records search only



**Intentional homicides of officers
increased by 28% in 2021...
Ambush shootings up by 126%
346 Officers shot in the line of
duty...a record...**

Domestic Violence Allegations Were A Missed Red Flag Before Florida Mass Shooting

Esteban Santiago was accused twice of strangulation — an offense that studies show often foreshadows future violence.



By Melissa Jeltsen



TRENDING

Trump's Expected Pick
To Lead The Army
Sponsored Anti-LGBTQ
Bill In Tennessee



As Trump Dismantles
Obama's Climate



Devon Patrick Kelly



- He was in the Air Force. Prosecuted for fracturing his baby stepson's skull, animal cruelty arrest and domestic violence.
- He was confined for a year, given a bad conduct discharge and reduced in rank to E-1, or airman basic.
- The military failed to enter the domestic violence case into a database that would have made it illegal for him to buy a gun, officials said.
- "He was very sick in the head," Katy Landry, a former girlfriend of Devin Patrick Kelley, told NBC News.

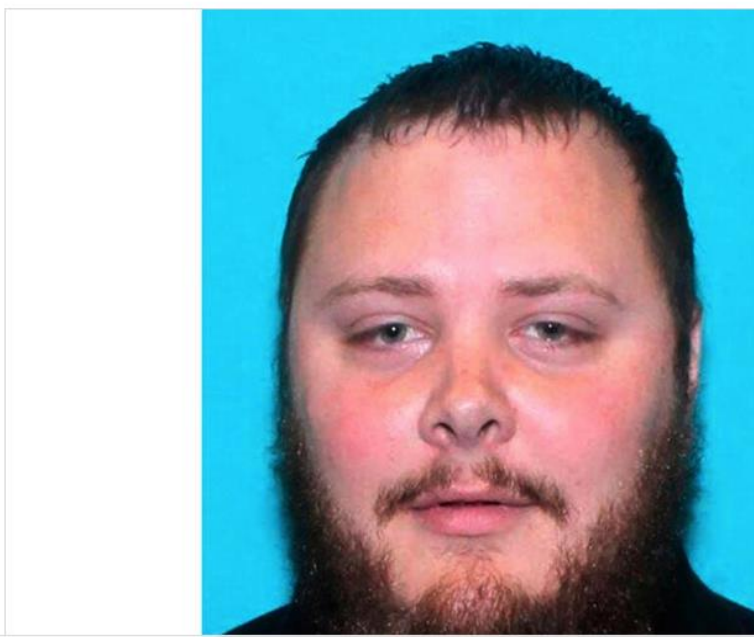
Air Force Ordered to Pay More Than \$230M in Church Shooting

The U.S. Air Force has been ordered to pay more than \$230 million in damages to survivors and victims' families for a deadly shooting at a Texas church.

By [Associated Press](#) | Feb. 7, 2022, at 8:09 p.m.



Save



Mass Killings have a connection to IPV and strangulation

THE BODY POLITIC

What Mass Killers Really Have in Common

By Rebecca Traister



Photo: Getty; AP; Getty

In the wake of the terrorist attack in Nice, France, on Thursday, Republican Newt Gingrich, perhaps still hoping (in vain, it turns out) to be tapped by Donald Trump as a vice-presidential nominee, amplified Trump's past calls to round up Muslim suspects in an effort to stop future terrorist violence. Gingrich said that "Western civilization is in a war," and suggested that "we should frankly test every person here who is of a Muslim background, and if they believe in Sharia, they should be deported." Muslims who do not believe in Sharia law, Gingrich continued, would be welcome.

- Mohamed Lahouaiej Bouhlel- 80 killed in Nice – criminal history of DV (2016)
- Omar Mateen – 49 killed in Orlando, 53 injured. Ex-wife was strangled. (2016)
- Robert Lewis Dear – killed 3, wounded 9 at Colorado Springs Planned Parenthood. History of DV with 2 ex-wives; Arrest for Rape (2015)
- NYMag.com, July 15, 2016

11-21-21: Kills 6, Injures 18 while out on bail for \$1k, running over girlfriend



Waukesha parade suspect Darrell Brooks arrives in court for his arraignment.

CRIME · Published 21 hours ago

Waukesha Christmas parade suspect Darrell Brooks received \$1K bail despite red-flag rating, court docs show

Brooks posed serious risk to commit new criminal activity after his Nov. 2 arrest, according to pretrial assessment

- History of strangulation, resisting an officer
 - Long history of violence across 3 states, weapons and drugs
 - Raped and impregnated teenager, registered sex offender
 - Released Feb 2021 on \$500, goes to Georgia, more arrests for DV, then comes back and beats, chokes and runs over Ex
 - Drove his SUV into crowd, minutes after being involved in DV incident
- History of mental illness, ACE score, witnessed DV, abandoned his own kids



Research shows nearly 70% of mass shootings involve domestic violence

Often after mass shootings, mental health is questioned as to what role it may have played. However, research shows domestic violence may be a bigger risk factor.



DOMESTIC VIOLENCE REPORT™

LAW • PREVENTION • PROTECTION • ENFORCEMENT • TREATMENT • HEALTH

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August/September 2014

Strangulation and Domestic Violence: The Edge of Homicide

by Gael Strack, J.D.
and Casey Gwinn, J.D.

In March 1995, as San Diego's coordinated community response to domestic violence was getting national attention with a 50% drop in domestic violence homicides since 1985, Sgt. Anne O'Dell, the founder of the Police Department's specialized Domestic Violence Unit, called us as the founders of the City Attorney's specialized Child Abuse/Domestic Violence Unit to question whether any of us were treating so called "choking" cases seriously. Her soul searching, and soon ours, came from the first two domestic violence homicides of 1995: two teenagers with small children who lost their lives after a history of domestic violence and reports of being "choked" by their boyfriends. The City Attorney or the District Attorney prosecuted none of the reported cases. And then both Casandra Stewart and Tamara Smith were murdered.

The deaths of Casandra Stewart and Tamara Smith triggered profound changes in San Diego and ultimately around the world, but such profound change started with Gael Strack going into the file room of the San Diego City Attorney's Child Abuse/Domestic Violence Unit and reviewing every case where

See *EDGE OF HOMICIDE*, page 90

Law Reform Targets the Crime of Strangulation

by Casey Gwinn, J.D., Gael Strack, J.D., and Melissa Mack

"Actually, when I came out of that [strangulation incident], I was more submission—more terrified that the next time I might not come out—I might not make it. So I think I gave him all my power from there because I could see how easy it was for him to just take my life like he had given it to me."

—Former San Diego Family Justice Center Client (2010)

Survivors of non-fatal strangulation have known for years what prosecutors and civil attorneys are only recently learning: Many domestic violence offenders and rapists do not strangle their partners to kill them; they strangle them to let them know they can kill them—any time they wish. Once victims know this truth, they live under the power and control of their abusers day in and day out. This complex reality creates challenges for prosecutors who have to decide whether to prosecute non-fatal strangulation cases

as attempted murders, serious felony assaults, or misdemeanors.

For many years in California and across the country, prosecutors have failed to treat non-fatal strangulation assaults as serious crimes, due to lack of physical evidence. Today, because of (1) involvement of the medical profession, (2) specialized training for police and prosecutors, and (3) ongoing research, strangulation has become a focus area for policymakers and professionals working to reduce intimate partner violence and sexual assault.

As of May 2014, 37 states and one territory (U.S. Virgin Islands) have passed strangulation laws that provide clear legislative definitions of the violent, life threatening assault now properly referred to as "strangulation."¹ One state, Utah, passed an "Intent of the Legislature" resolution, which made legislative findings to help

See *LAW REFORM*, next page

About This Issue . . .

We are delighted to present this special issue on Strangulation, a topic of great interest because of the importance of the issue today, particularly in light of the high lethality of these cases, the profound consequences for survivors, and the challenges for law enforcement. We are especially pleased that Gael Strack and Casey Gwinn are Guest Editors. These two former prosecutors are leading national experts on strangulation as well as founders of the Family Justice Center movement.

D. Kelly Weinberg, Editor, *Domestic Violence Report*

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August/September 2014

DOMESTIC VIOLENCE REPORT

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Men Who Strangle Women Also Kill Cops

by Casey Gwinn, J.D.

In September 2008, Martinez Police Department Sgt. Paul Szaryk was killed by Felix Sandoval outside the Elegan Hair Salon in Martinez, CA. Paul was 47 years old and married with three children. I did not know Paul, but the story of his tragic death and the death of Catalina Torres, a volunteer advocate at a local domestic violence shelter, came up on a Google Alert I had that documented officers who were killed in the line of duty in domestic violence-related incidents. Paul gave his life trying to save Felix's estranged wife, Maria, and her three children. He and Catalina both died as heroes: laying down their lives to save others.

Less than a month later, I visited Martinez, CA, during a planning meeting for a Family Justice Center in nearby Richmond, CA. I went to pull Maria's restraining order application at the courthouse. In her declaration, months before she died, she described a history of domestic violence including prior strangulation assaults by Felix. It was not the first time I had seen cases where an abuser had strangled his partner and then later killed a police officer. But I could not get this case out of my head.

National studies have found that 14% of officers killed in the line of duty are killed in domestic violence or "domestic dispute" incidents.¹ But what if we have been asking the wrong question? Instead of asking how many officers die in domestic violence incidents, perhaps we should be asking, what is the relationship history of the cop killer? What are his prior relationships like? Is there a correlation between domestic violence history and later homicide of law enforcement officers? And because of our focus at the National Family Justice Center Alliance on the lethal nature of strangulation assaults, why not look at the cop killer's relationship history and see if we can find strangulation in his history? We know that a man who strangles a woman once is 800% more likely to later kill her.² What if men who "choke" women are most

dangerous to police officers as well? What if a strangulation assault is not only a lethality marker for female victims, but is also a lethality marker for police officers?

It was time to challenge friends to look at the issue. First, Nampa Police Chief Craig Kingsbury agreed to look at the last ten officer-involved critical incidents in Nampa, Idaho. Thankfully no officer died in those incidents, but each involved the shooting of an officer or the shooting of a criminal suspect by an officer. He recruited a graduate student at Boise State to pull the last ten incidents where an officer shot someone or someone shot an officer. They asked two questions:

What if a strangulation assault is not only a lethality marker for female victims, but is also a lethality marker for police officers?

(1) how many of the criminal suspects had a public records act history of domestic violence; and (2) how many of the criminal suspects had a public records act history of non-fatal strangulation assault against a prior partner? The results got our attention: 80% of the criminal suspects had a prior domestic violence history and 30% had a prior history of non-fatal strangulation against a partner. And this was only a public records act check. We did not have a social or relationship history of the perpetrator. We did not interview all his prior partners. But clearly those willing to attack a police officer or pull a gun on an officer had a substantial history of violence against women.

Soon after the Nampa review was completed, Supervising Riverside County Deputy District Attorney Jerry Fineman called to say he was going to conduct a public records act check of the killers of law enforcement officers in Riverside County California. Jerry has a long history of specialized prosecution work around gender-based crimes and has served as the Chair of

the California District Attorneys Association's Domestic Violence Legislative Committee. He is a true advocate and zealous prosecutor. Jerry's review is now complete and posted on the Training Institute for Strangulation Prevention's online Resource Library.³ The findings clearly show the danger to law enforcement officers of men who strangle women and should promote more research on this topic.

Jerry Fineman identified eight law enforcement officers who died in the line of duty from intentional homicide between 1993 and 2013. His review of the killers' histories was limited to public records. Significantly, he found that 50% of them had a public records

act history of strangulation assault and each of them had a history of domestic violence. A fifth officer was killed by a man with a history of domestic violence but no public record was found to document strangulation history. A sixth officer was killed by a man whose prior girlfriend had warned other women to stay away from him, but there was no public records act history of domestic violence or strangulation. The five officers killed by men with a history of domestic violence and/or strangulation assault deserve to be remembered:

1993: Deputy Kent Hiniergard
1997: Deputy James Lehmann, Jr.
1999: Deputy Eric Thach
2001: Officer Doug Jacobs III
2010: Officer Ryan Bonaminio

Fineman concluded that there does appear to be a link between strangulation assault and intentional homicide of police officers. Though the sample size for research purposes was small, he also pointed out that these numbers

See *MEN WHO STRANGLE*, page 97

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Dr. Sean Dugan

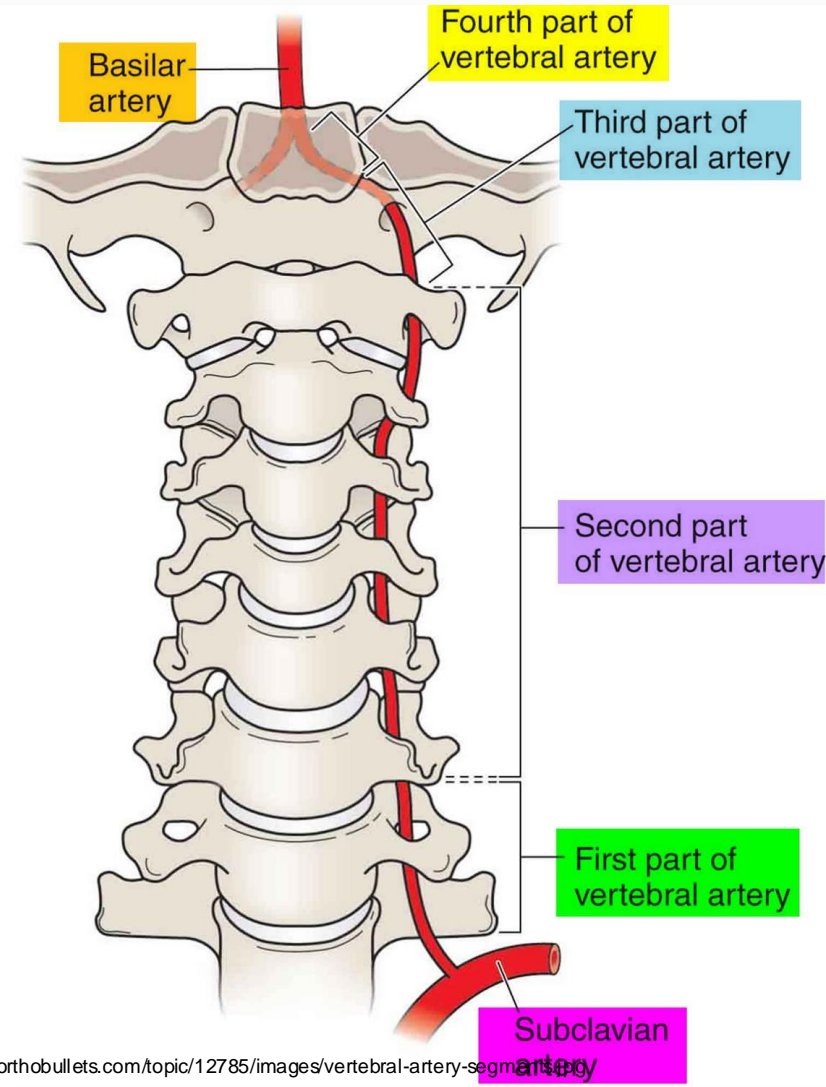
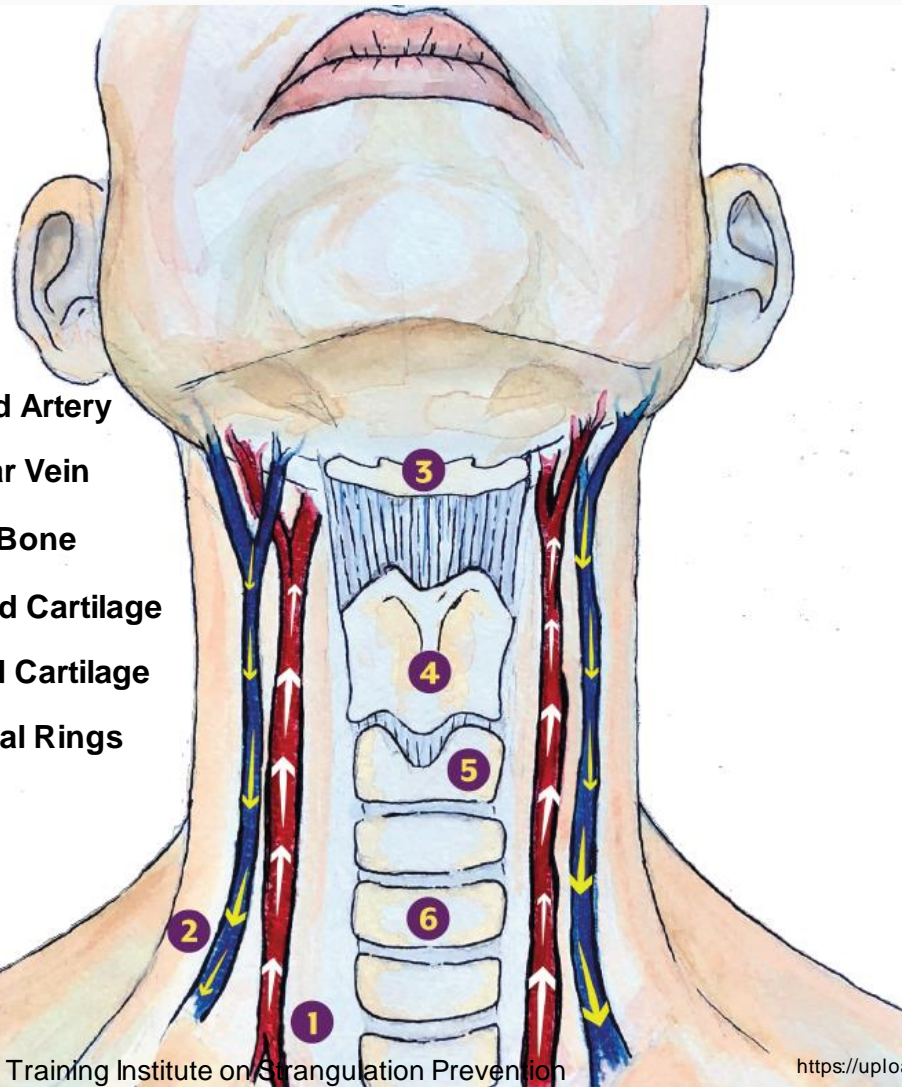
Pediatrician
Shasta Community Health Center
Shasta Community Forensic Care
Team
(Redding, CA)





Strangulation

- Definition: Decreased blood flow to and from the head by means of external compression of the major blood vessels that supply the head
- Not the same as choking, but many patients will say “he/she choked me”
- Manual: Hands, forearm, other part of the body
- Ligature: Wire, cord, rope, etc.



Reference: Training Institute on Strangulation Prevention

<https://upload.orthobullets.com/topic/12785/images/vertebral-artery-segments.jpg>



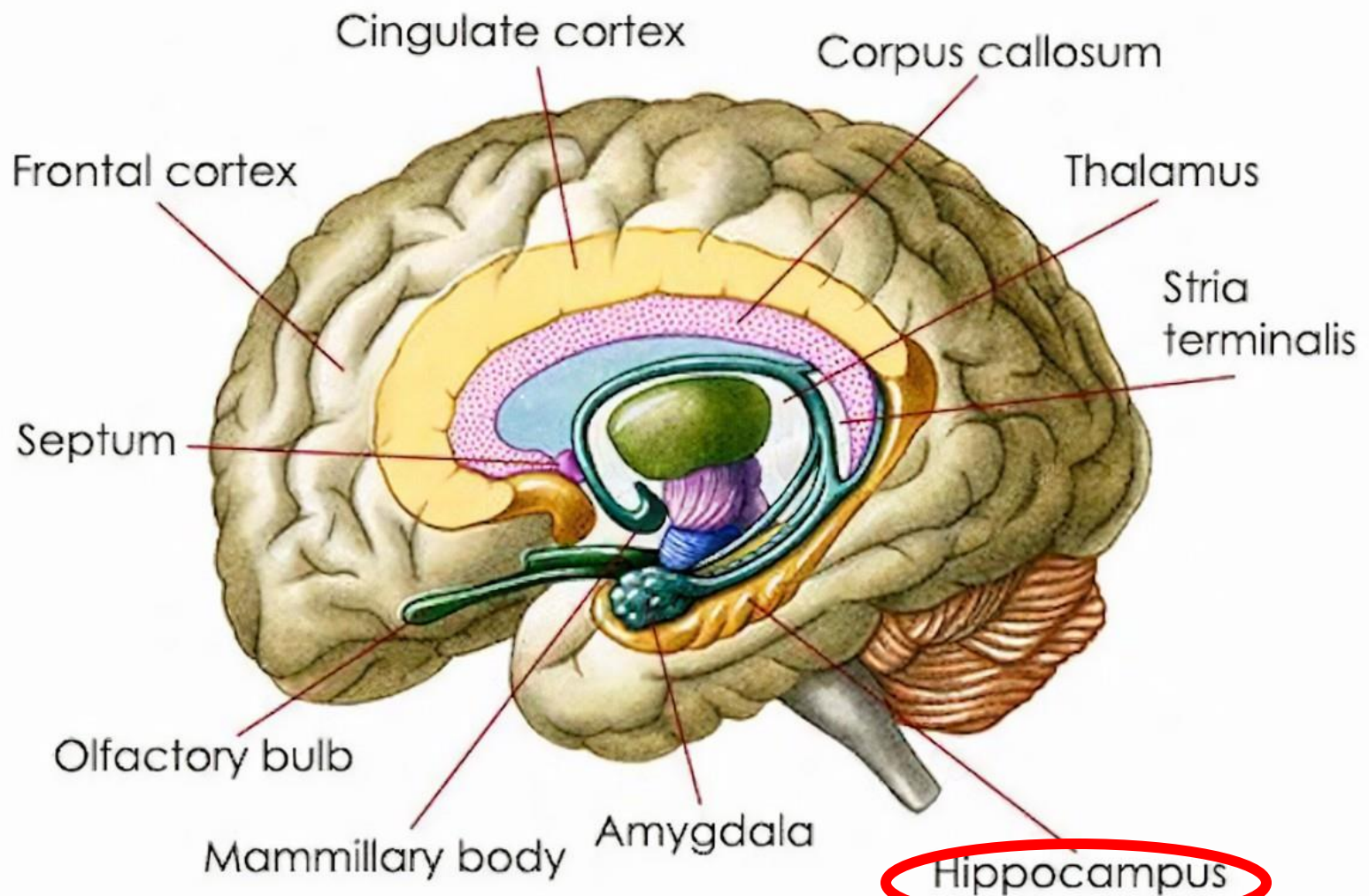
Strangulation

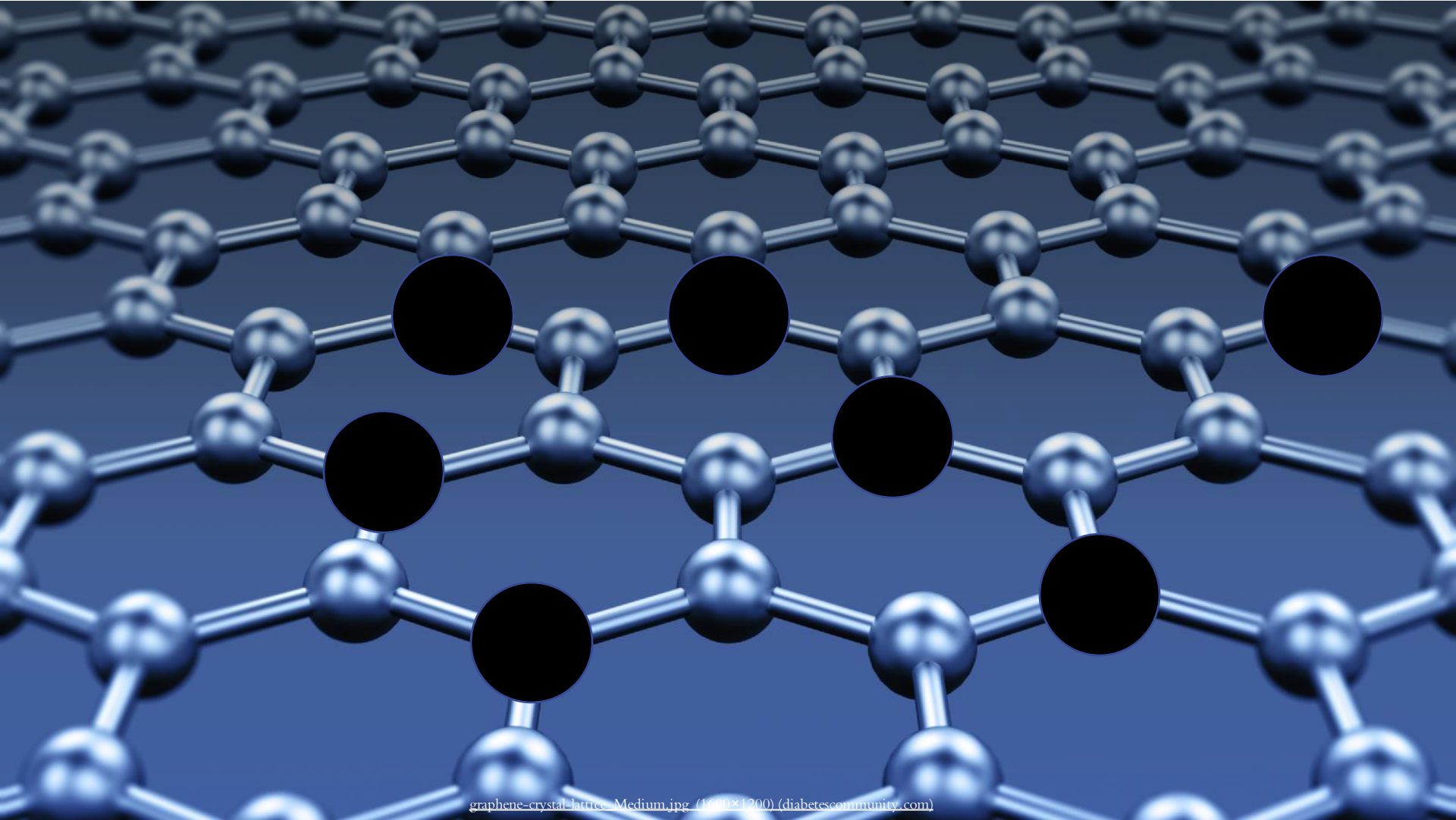
- **4.4 pounds** of pressure to occlude the jugular vein
- **11 pounds** of pressure to occlude the carotid artery.
- **33 pounds** to completely occlude the trachea.
- **18-66 pounds** to completely occlude the vertebral arteries
- To put this into perspective, it only takes
 - **20 pounds** of pressure to open a can of soda
 - the average adult male handshake is about **80-100 pounds** of pressure

https://www.trzcacak.rs/mgm/TiJhR.J_business-hands-hake-png-image-businessmen-shaking-hands-png/
<https://www.wikihow.com/Open-a-Shaken-Soda>

Strangulation & Brain Injury

- LOC (Loss of consciousness) occurs after **5-10 seconds (avg 6.8 seconds)** of complete occlusion of all arteries
- For each second of anoxia approximately **32,000 neurons and 230 million synapses are lost**
- Memory Loss (aka gaps in memory) = LOC

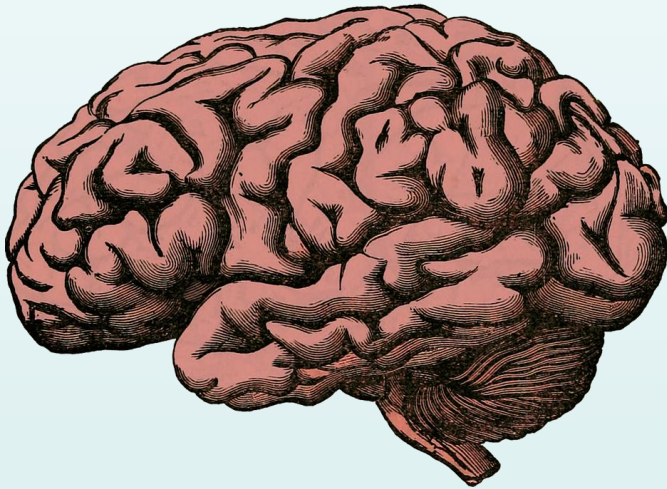




graphene-crystal-lattice_Medium.jpg (1600x1200) (diabetescommunity.com)

How Long Until Nerve Damage? Brain vs. Extremity

5-10 Seconds



Up to 2 hours or 7,200 seconds



“Time is Brain”

An alteration or disruption in the normal function of the brain caused by external forces

- Hypoxia/Anoxia from Strangulation
- Blunt force head injury
- Blast injuries
- Penetrating head injury
- Acceleration/Deceleration Forces (shaking)



Photo Courtesy of Velroy Fernandes at Pexel.com



Mechanism of Injury
+
Neurological symptoms
=
Traumatic Brain Injury



TBI is an EVENT not
a syndrome









[8d-excited-about-xmas-gift-gif \(360x268\)](#)

AMERICAN ACADEMY OF NEUROLOGY POSITION STATEMENT

“The medical literature and the cumulative experience of neurologists clearly indicate that restricting cerebral blood flow or oxygen delivery, **even briefly**, can cause **permanent injury to the brain**, including stroke, cognitive impairment, and even death. Unconsciousness resulting from such maneuvers is a manifestation of **catastrophic global brain dysfunction**.”

Largest association of neurologists
and neuroscience professionals with
36,000 members



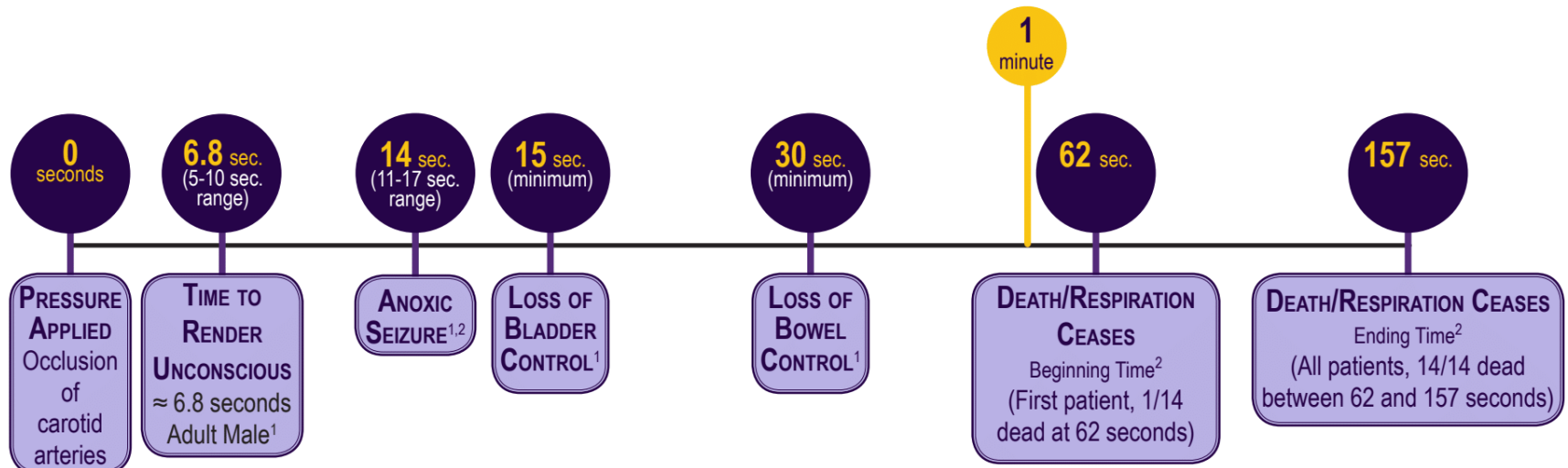


PHYSIOLOGICAL CONSEQUENCES OF STRANGULATION

Occlusion of Arterial Blood Flow: Seconds to Minutes Timeline

v6.18.19

Created by: Ruth Carter; Bill Smock, MD; Gael Strack, JD; Yesenia Aceves, BA; Marisol Martinez, MA; and Ashley Peck



REFERENCES AND RESOURCES

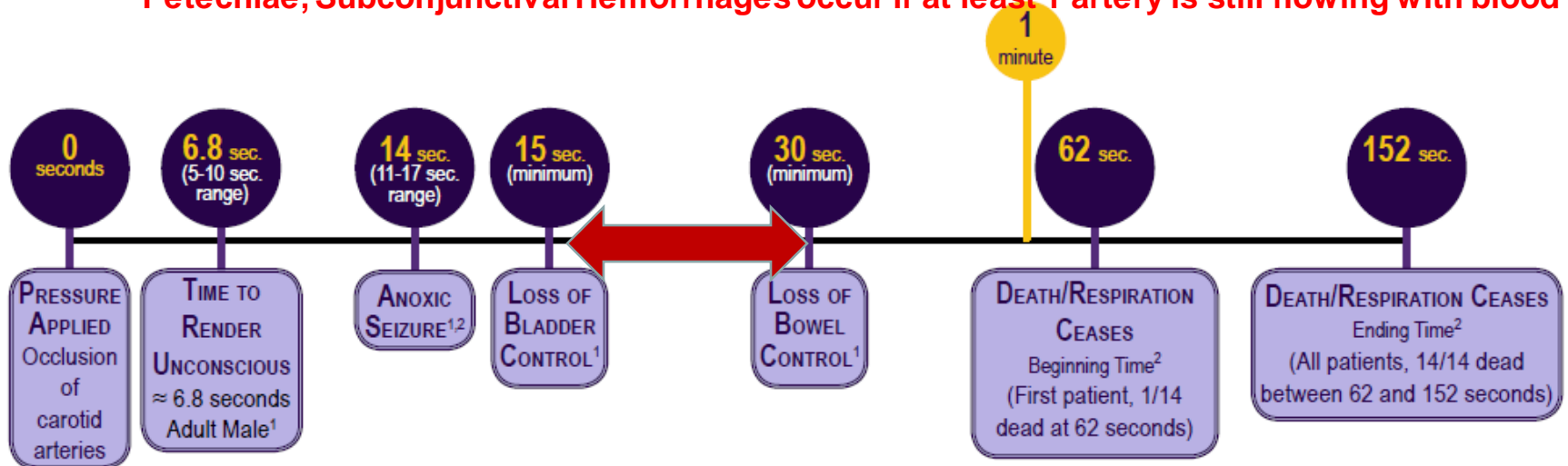
1 Acute Arrest of Cerebral Circulation in Man, Lieutenant Ralph Rossen (MC), U.S.N.R.; Herman Kabat, M.D., PH.D. Bethesda, MD. and John P. Anderson Red Wing, Minn.; Archives of Neurology and Psychiatry, 1944, Volume 50, #5.

2 Anny Sauvagneau, MD, MSc; Romano LaHarpe, MD; David King, MD; Graeme Dowling, MD; Sam Andrews, MD; Sean Kelly, MD; Corinne Ambrosi, MD; Jean-Pierre Guay, PhD; and Vernon J. Geberth, MS; MPS for the Working Group on Human Asphyxia, Forensic Med Pathol 2011;32: 104 – 107.



What about Petechiae?

Petechiae, Subconjunctival Hemorrhages occur if at least 1 artery is still flowing with blood



REFERENCES AND RESOURCES



Rossen, Active Arrest of Cerebral Circulation In Man, 1943
Reference: Training Institute on Strangulation Prevention

How do we know the timeline of events?

- Rossen study 1943
- 126 “normal” and 11 schizophrenic volunteer male prison inmates ranging in age from 17-31
- Reay 1982, Sauvageau 2011, Mitchell 2012, Stellpflug 2020
- Video Footage





[Atom Bomb Test, Bikini Atoll \(1946\) - GIF - Imgur](#)



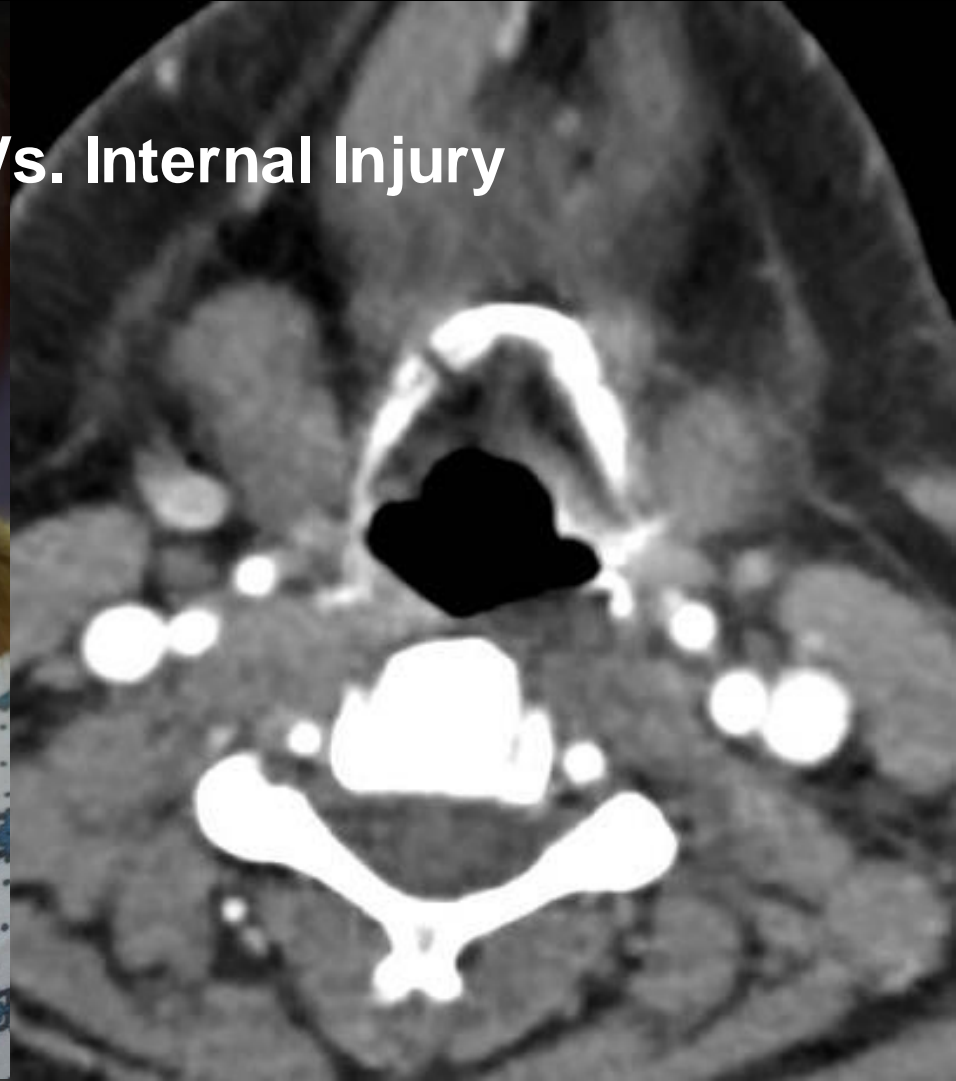


Rossen, Active Arrest of Cerebral Circulation In Man, 1943
Reference: Training Institute on Strangulation Prevention

How do we know the timeline of events?

- Rossen study 1943
- 126 “normal” and 11 schizophrenic volunteer male prison inmates ranging in age from 17-31
- Reay 1982, Sauvageau 2011, Mitchell 2012, Stellpflug 2020
- Video Footage

External Injury Vs. Internal Injury



Graphic Photo Warning!

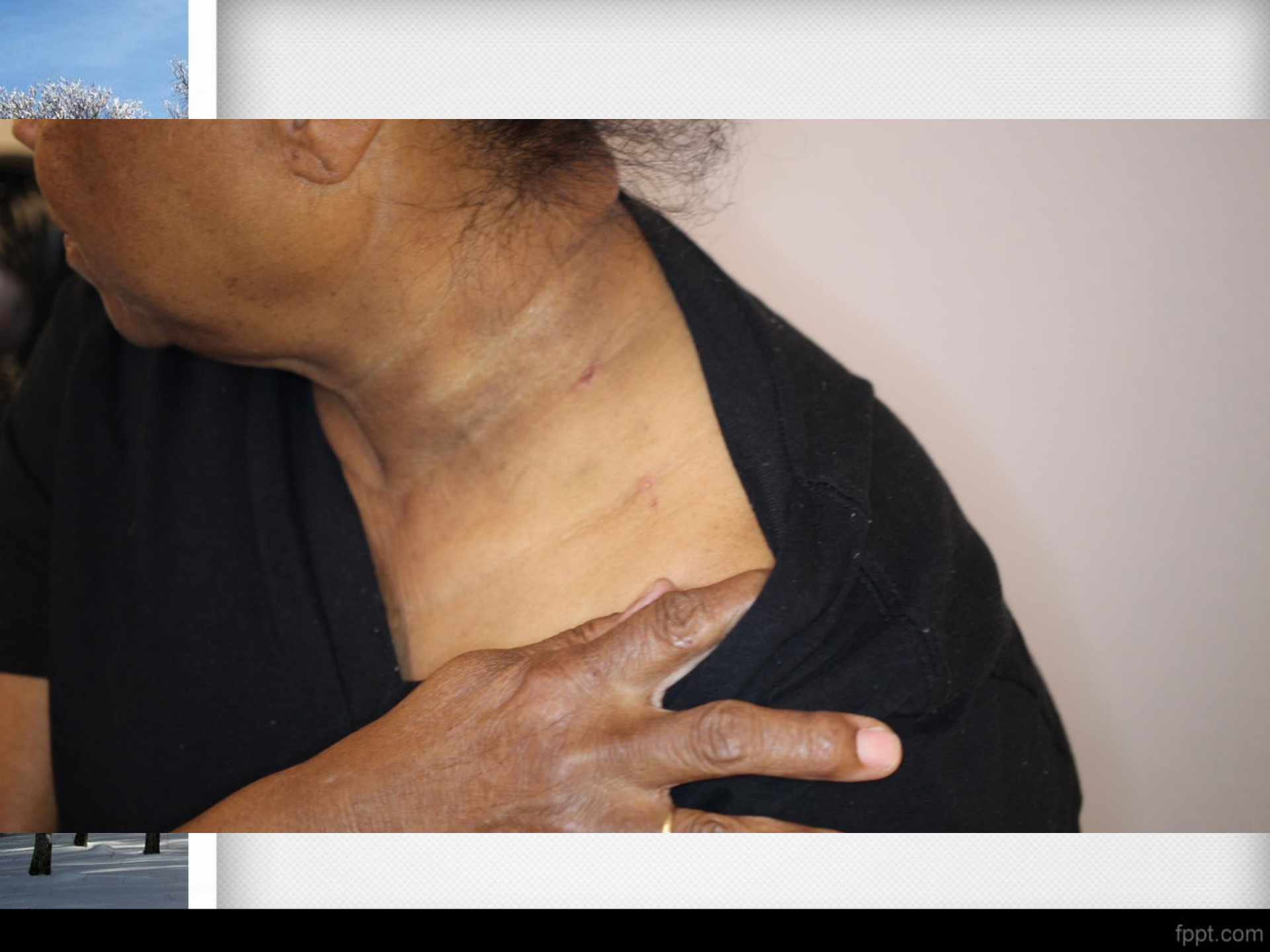


Photo courtesy of Tima Miroshnichenko at Pexels.com



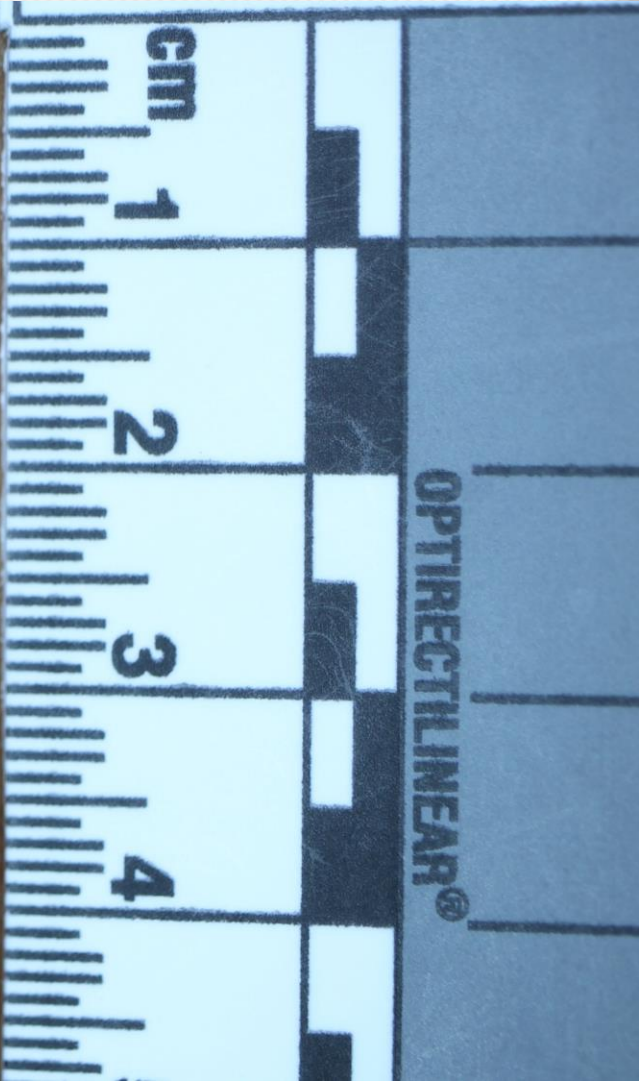
**Strangled Less
than 24 hours
prior to
examination**













Self Defense Wounds



**Hoodi
e Mark**



**Shirt
Collar
Mark**

Petechiae



Subconjunctival Hemorrhages









Bruises

- 50% of the time: bruises
- 50% of the time: **no bruises**







Rates of External Injury

- Approximately 50% of non-fatal strangulation (NFS) have no visible external injury
 - 2016 – Zilkens et al: 1000 Sexual Assaults, 7.4% had NFS. 49.4% had no visible external injury
 - 2001 – Strack et al: 300 Strangulation Patients, 151 (50.3%) had no visible external injury
- Approximately 40% of fatal strangulations have no visible external injury
 - 2019 – Di Boos, also supported by 2001 Hawley/Strack and 1981 Harm.

Rates of External Injury

- 1981 – Harm:
- “We have not presumed to offer any judgements between the intensity of the strangulation and its effects, as it was obvious that some surviving victims quantitatively presented more marked external injuries on the neck and more pronounced petechiae than did homicidal victims.”

TABLE 1

Types of injury or rape as well

Injuries

Only strangulation

Strangulation and other injuries

Bone fractures

Self-defence on arms and

*Number

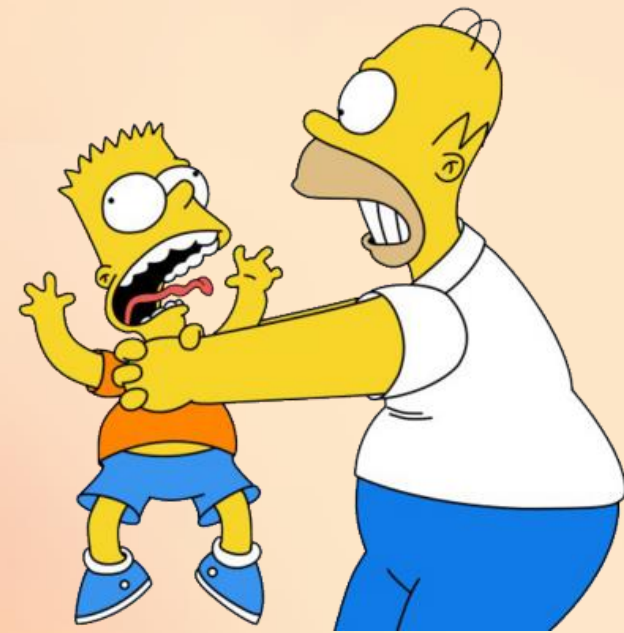
**Strangulation

***Fractures

†Six corresponding injuries; one found.



Internal Injuries/Complications



- Carotid Artery Dissection
- Vertebral Artery Dissection
- Hyoid Fracture
- Laryngeal Fracture
- Laryngeal Nerve Injury
- Phrenic Nerve Injury
- Hematoma
- Voice Changes
- Dyspnea
- Difficulty/Pain Breathing
- Facial Palsy
- Loss of Consciousness
- Hypoxic Brain Injury
- **Anoxic Brain Injury/Traumatic Brain Injury**
- Stroke (Ischemic event)
- Cerebral Edema
- Anxiety/Depression
- Suicidal Ideation
- Chronic Memory Problems
- Headaches
- Disability

Jerry Fineman
Ret. Assistant District Attorney
Riverside County District Attorney's Office



FIVE MYTHS ABOUT STRANGULATION

Prepared by Gerald Fineman, Assistant District Attorney, Riverside County, and Dr. William Green, Medical Director, California Clinical Forensic Medical Training Center/ CDA

1 MYTH STRANGULATION AND CHOKING ARE THE SAME THING FACT STRANGULATION is the <u>external</u> application of physical force that impedes either air or blood to or from the brain. CHOKING is an <u>internal</u> obstruction of the airway by a foreign object. SOLUTION Use a diagram. Compare to the flow of electrical current. Compare to the flow of air/water through a closed system (fish tank).	2 MYTH STRANGULATION ALWAYS LEAVES VISIBLE INJURIES FACT Studies show that over half the victims of strangulation lack visible external injury. A victim without visible external injury can still die from strangulation. SOLUTION Demonstrate cutting off blood flow to your fingertips by squeezing your wrist with your other hand. Upon release of the grip, you will likely have no identifiable marks. If you do, they will be very short in duration.	3 MYTH IF THE VICTIM CAN SPEAK, SCREAM, OR BREATHE, THEY ARE NOT BEING STRANGLED FACT Since strangulation involves obstruction of blood flow, a person can have complete obstruction and continue breathing until the moment they die from lack of oxygenated blood flow to the brain. SOLUTION Again, grab your wrist and squeeze. You can still breathe, yet blood flow is obstructed to the fingertips. If this was the victim's neck, they could still have an open trachea (windpipe) but have lack of blood flow to the brain.	4 MYTH STRANGULATION CANNOT BE HARMFUL BECAUSE MANY PEOPLE PRACTICE IT (MARTIAL ARTS, MILITARY, LAW ENFORCEMENT) FACT Martial arts are a form of combat. The military and law enforcement use strangulation as a lethal form of force. RISK There are numerous incidents of death resulting from strangulation. This can even occur during otherwise supervised events, such as sporting events, law enforcement training, etc.	5 MYTH STRANGULATION VICTIMS SHOULD BE ABLE TO DETAIL THEIR ATTACK FACT <u>Trauma</u> impacts the brain's ability to store memory. In addition, the hippocampus (part of the brain where memory is stored) is the most sensitive to <u>oxygen deprivation</u> . When a victim is strangled, both factors can impact the ability to recall. SOLUTION Give the example of how limiting the flow of electricity to a digital recording device will prevent it from recording.
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



strangulationtraininginstitute.com | institute@allianceforhope.com | (888) 511-3522 | 101 West Broadway, Suite 1770, San Diego, CA 92101

This project is supported all or in part by Grant No. 2016-TA-AX-K067 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Laura Zimm

Assistant Public Defender
Duluth, Minnesota &
Advisory Member





Typical Defenses

- Self defense
 - Defendant statement?
 - Needs to be defending from a deadly attack



Typical Defenses

- Not intentional
 - Impediment of blood/air flow takes time
 - Know the medical research



Typical Defenses

****Accidental Carotid
Sinus Stimulation**

*Carotid sinus
stimulation can reduce
heart rate and blood
pressure, but it does not
cause cardiac
arrhythmia and death



Typical Defenses

- Victim is “feigning” strangulation
 - Due to commonly lacking visible injuries, the signs are the same for a victim who is lying
 - Medical opinion would be affected by victim’s inaccurate information
 - DNA swab for victim’s neck? Defendant’s hands?



Typical Defenses

- No visible injury, no petechial hemorrhages, no urination, no defecation = no strangulation
 - Know the medical research



Typical Defenses

IF petechia hemorrhages-
were non strangulation
causes ruled out?



Non- Strangulation causes of petechia

prolonged straining (cough, vomit, birth, weightlift)

-medications (phenytoin, penicillin, quinine, warfarin

Naproxen, heparin, cortisone, aspirin...)

-infectious diseases (cmv, endocarditis, mononucleosis,

Rocky mountain spotted fever, scarlet fever, sepsis,

Strep throat, viral hemorrhagic fevers, ebola, typhus)



Non-
Strangulation
causes of
petechia

non infectious diseases
(vasculitis,
thrombocytopenia,
leukemia, scurvy, vitamin k
deficiency, celiac,
hypocalcemia, Kawasaki,
aplastic anemia, lupus,
marasmus...)



Consent Defense

- You cannot consent to what can kill you
- To date, there is not a single appellate court decision anywhere in this country that has accepted consent as a defense in an assault or abuse prosecution arising from BDSM conduct (Bondage, Discipline/Dominance, Submission/Sadism, and Masochism)



Consent Case Law – Public Policy

- As a matter of public policy, a person cannot avoid criminal responsibility for an assault that causes injury or carries a risk of serious harm, even if the victim asked for or consented to the act



Consent Defense

If persistent in the defense, the defendant will usually have to testify.

- *was there a “contract”
- *did defendant know of the dangers
- *what was the parties relationship
- *any priors
- *did the victim call the police
- *defendant’s subsequent actions



Mixed Martial
Arts Fighters

MMA fighters are
strangled all the time with
no injuries

*Not True

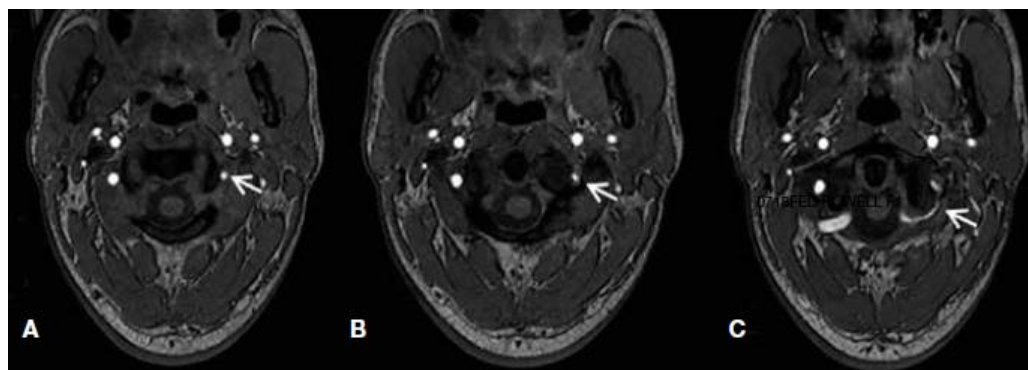
What about Mixed Martial Arts?

- Recent studies examine whether “chokes” can lead to brain trauma and chronic traumatic encephalopathy (CTE)
- 2 studies claim “choking” can lead to CTE
- 2018 a study was published discussing the risk of Vertebral Artery Dissection from chokeholds in combative sports. A more recent case study was published suggesting that in addition to this, repetitive chokes may be concerning from a cognitive impairment perspective.
- Chronic intermittent hypoxia brought about by choking and grappling of the neck, which are commonly used in MMA, may contribute to neuronal dysfunction via reduction in cerebral tissue oxygenation.

Combatives Doctors Cautioned to Lookout for Vertebral Artery Dissection Following Complications From Chokeholds

Posted on December 11, 2018 by EMagraken

Adding to this site's combat sports safety study archives a recent article was published warning doctors overseeing combative sports training to be aware of the risk of spontaneous vertebral artery dissection following a chokehold submission.



Identifying the Dominant Aggressor

Gael Strack, CEO & Co-Founder

Self-Defense: 65% (Harm, 1981): No. 1 Backs of Hands; No. 2 Face/Shoulder



Why suspect exams?

- One strangulation study found 13 out of 20 suspects (stranglers) had injuries upon examination. (Harm, 1981)
- Scratch marks to the face.
- Scratch marks to the hand.

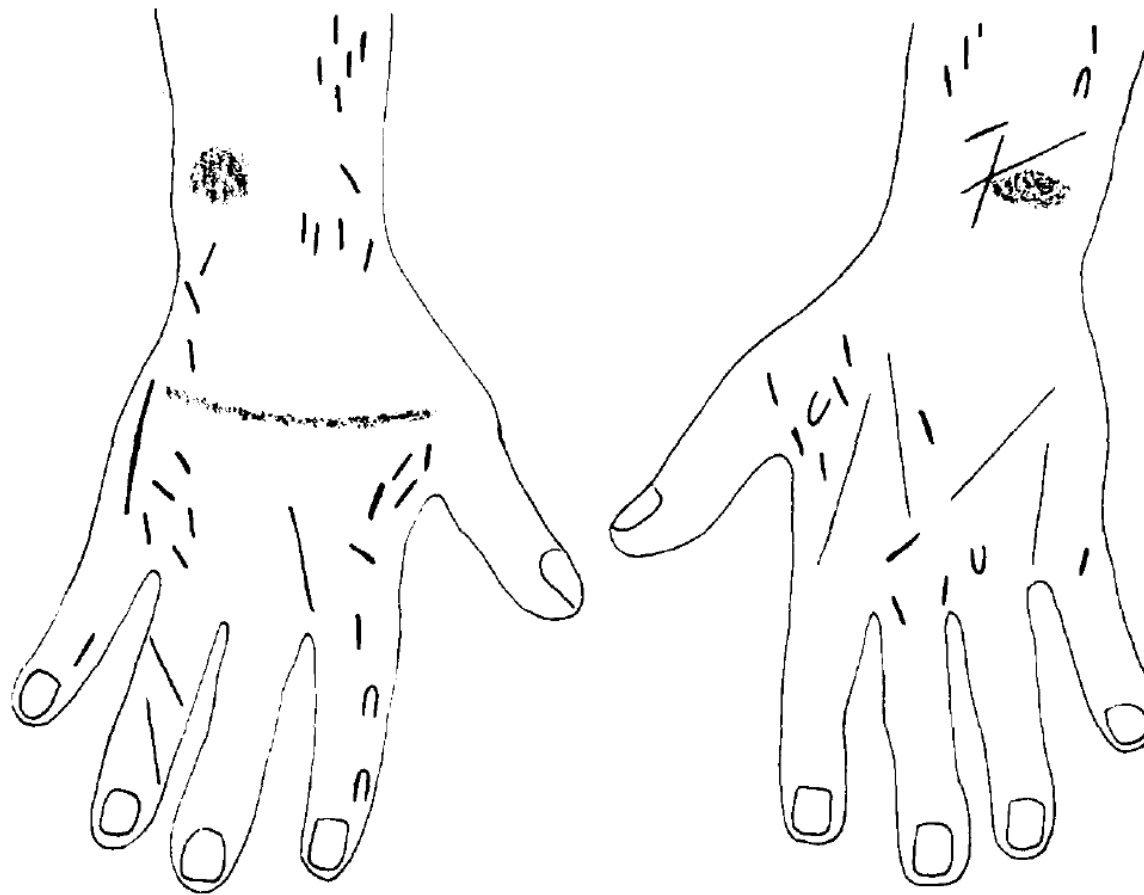


Fig. 11. Schematic presentation of all the injuries on the hands of 13 throttlers found at examination after throttling. For interpretation of signs see Fig. 9.

For that reason, there were many injuries on knees and lower legs. No less than 3 of 13 rapists were bitten on the hand by the victim.

Injuries on Suspects/Stranglers

Rapists

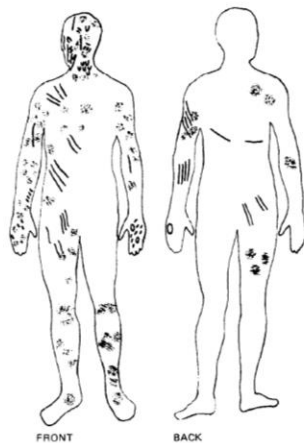


Fig. 10. Schematic presentation of all injuries on 13 injured rapists found at examination after rape. For interpretation of signs see Fig. 9.

TABLE 8

Types of injuries found on body regions of the same number of injured assailants – 13 throttlers and 13 rapists at examination after homicidal throttling or rape

Region of body	Nail marks		Bite marks		Non specific bruises and scratches		Σ*
	T**	R	T	R	T	R	
Face and neck	2	5	0	0	1	3	3
Trunk and upper arms	3	7	0	0	3	6	4
Forearms and hands	10	4	0	3	3	3	11
Legs	0	1	0	0	1	4	1
Σ***	11	11	0	3	7	8	13

*Σ = Total of throttlers or rapists with injuries of given regions.
 **T = Number of 13 throttlers (T) and 13 rapists (R) with given injuries on given regions.
 ***Σ = Total of throttlers or rapists revealing given injuries.

Non-Rapist

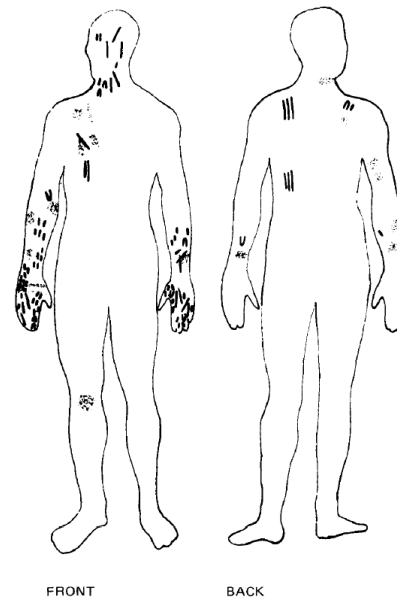


Fig. 9. Schematic presentation of all injuries on 13 injured throttlers found at examination after throttling. Short lines: impressions. U-shaped: claws. Long lines: scratches. Gray areas: non-specific injuries. Circles: bite marks.

Upcoming Webinar on Identifying the Dominant Aggressor

Register for our upcoming
Free Webinar:

How to Identify the Dominant Aggressor in Strangulation Cases

Tuesday, August 23rd

11 AM PST, 12 PM MST, 1 PM CST, 2 PM EST

Strangulation impacts all professionals working on sexual assault, domestic violence, dating violence, and stalking cases, in particular. Today, we know unequivocally that strangulation is one of the most lethal forms of domestic violence. Unconsciousness may occur within seconds and death within minutes.

Did you know that at least 50% of the time strangled victims will have no visible injuries from being strangled while their assailants will likely have visible injuries from victims trying to defend themselves up to 65% of the time? One strangulation study found 13 out of 20 suspects (stranglers) had injuries upon examination, including scratch marks to their face and hands. (Harm, 1981).

DOMESTIC VIOLENCE REPORT™

LAW • PREVENTION • PROTECTION • ENFORCEMENT • TREATMENT • HEALTH

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June/July 2022

Book Review

Re-Set Needed on Parental Alienation

by Julie Saffren, JD

With the publication of *Challenging Parental Alienation: New Directions for Professionals and Parents*,¹ Professors Jean Mercer and Margaret Drew make a tremendous contribution to the work of professionals who are involved in child custody matters. As its title suggests, the book is intended for those professionals who are increasingly addressing parental alienation in child custody decision making. This book makes crystal clear, on multiple levels, the danger and harm of the entrenchment of the doctrine of parental alienation as well as the weak scientific and legal foundations upon which the concept of the parental alienation belief system rests. Indeed, a more apt book title might have been "Everything You Thought You Knew About Parental Alienation Is Wrong!"

This copiously researched and authoritative volume issues a clarion call to professionals in the child custody arena: Proclaim that collective corrective action is broadly needed in multiple areas. Parents alone cannot drive the changes that our systems and institutions require now. *Challenging Parental Alienation* helps researchers find topic areas where research is desperately needed, especially in areas

See PARENTAL ALIENATION, page 77

Important Takeaways From the Murder of Gabby Petito

by Gael Strack, Casey Gwinn, Joe Bianco, Jerry Fineman and Dan Rincon

On body-camera footage — toward the end of their 75-minute contact — an officer approaches a young woman sitting in the back seat of a police vehicle.¹ She appears emotionally exhausted and anxious, not sure what will happen next or when the encounter will end. She receives good news. The patrol officer tells her she is not going to be cited or arrested for domestic violence. She is free to go. "You can take the van. We have made arrangements for your fiancé to stay at a hotel. We want you to take a break from each other. I'm going to talk to your fiancé and tell him the same thing." After her ordeal, the woman, who likely had never had an encounter with law enforcement before and after almost being arrested, was asked a question by the patrol officer: "Do you want me to say something anything to him? ... Do you want me to tell Brian you love him?" The young woman tears up, initially looks away but then slightly nods her head in a "yes" motion but only says: "Make sure he doesn't forget his phone charger. It is definitely dead."

It was August 21, 2021, when the officers concluded their interaction with Gabby Petito and Brian Laundrie in Moab, Utah, and deemed it a "mental health crisis." The officer's final comments to Gabby and Brian suggest he believed everything was going to be all right if they promised not to see each other until the next day and if each said they loved each other before he left.

And no law enforcement protocol in America justifies such an approach by an officer. Weeks later Gabby's remains would be discovered, 485 miles away, in Grand Teton National Park. The cause of death was strangulation.

Gabby's parents lost contact with their daughter on August 30 and were alarmed when Brian Laundrie returned to Florida in Gabby's van on September 1, without Gabby. Gabby was 22 years old and had been traveling cross-country with her fiancé Brian Laundrie. On television news, after Gabby went missing, America witnessed the concerted effort of local and federal law enforcement agencies to find her.

Tragically, media attention and law enforcement collaboration could not save Gabby: eight days after her parents reported her missing, law enforcement officers found Gabby's body. Then, Brian Laundrie disappeared, and local and federal authorities began a manhunt for him. Ultimately, Laundrie's remains were found in a Florida nature reserve. The medical examiner ruled he died by suicide. In his notebook, he took responsibility for Gabby's murder.

What Happened to Gabby on August 12, 2021?

Earlier, on August 12, 2021, the Moab City Police Department responded to reports from concerned

See TAKEAWAYS, next page

ALSO IN THIS ISSUE

Case Summaries	71
DV Hotline Recognizes Six Million Milestone	84

35 States with Primary Aggressor Laws as of 2018

- Alabama, Alaska, Arizona, Arkansas, California, **Colorado**, Connecticut, Florida, Georgia, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin

Dominant Aggressor -PC13701(b) mandates:

- Must make effort to identify dominant aggressor
- Most significant aggressor not first to strike
- Avoid dual arrests
- Factors which must be considered:
 - Intent of the law to protect victims
 - Threats creating fear of physical violence
 - History of domestic violence
 - Whether either person acted in self defense

EXPERT WITNESSES

DEFENSE EXPERT

- Should assist the defense with an evaluation of the state's medical evidence and expert report (if any)
- Should meet with the defense attorney and review questions, included anticipated cross examination
- Are the state's opinions based on the current medical and forensic literature?
- Provide the state with medical and forensic literature

STATE'S EXPERT

*Are you going to be able to use the expert's testimony to your advantage?

OR

*Is this an expert that you must try to “destroy”?

ATTACK the INFORMATION
OPINION
EXPERT

ATTACKING THE INFORMATION

- Did they get everything to review?
- Who gave it to them?
- When did they get it?
- Who have they talked to about the case?
- When did they talk to them?

ATTACKING THE OPINION

- Opinion is based on flawed information
- Opinion is based on a hypothetical set of facts that don't exist

ATTACKING THE STATE'S EXPERT

- Prior inconsistent statement
- Always a state's expert
- Prior writings
- Experience
- Reliance on treatises/research
- Financial benefit
- Level of uncertainty
- Examination effort-other causes

ATTACKING THE STATE'S EXPERT

- Keep them in their lane
 - Limit area of expertise
- Use the State's expert for your case
 - Other causes of petechia
 - Medical findings don't match victim's statement/scene investigation

Questions

It's easy to join our mailing list!

Just send your email address by text message:

Text

HOPEGIVER

To **22828** to get started.

Message and data rates may apply.

29th August Advanced Course on Strangulation Prevention

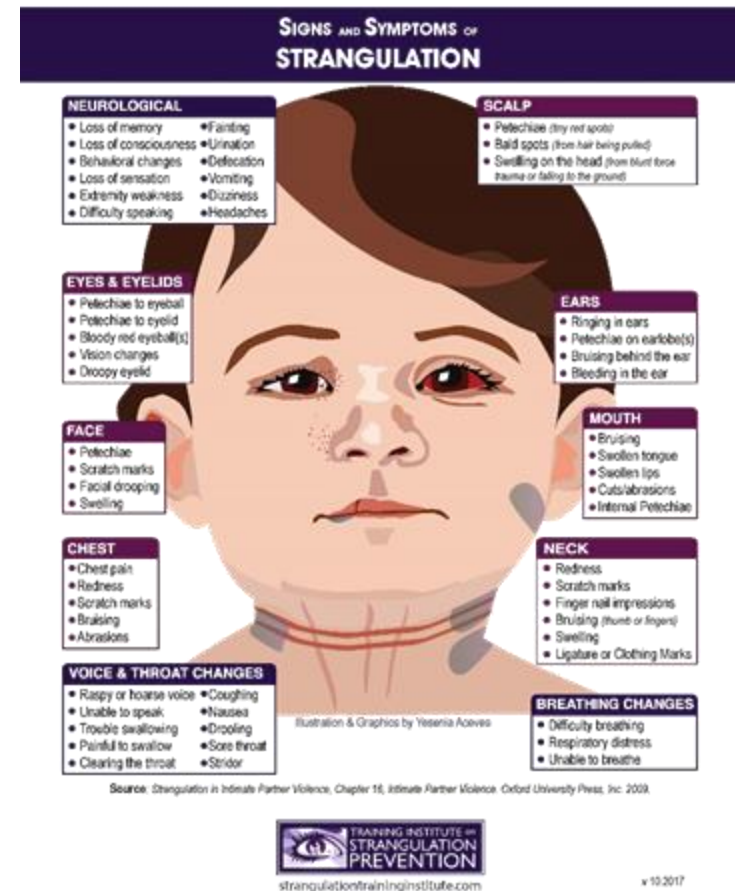
28th August Advanced Course on Strangulation Prevention



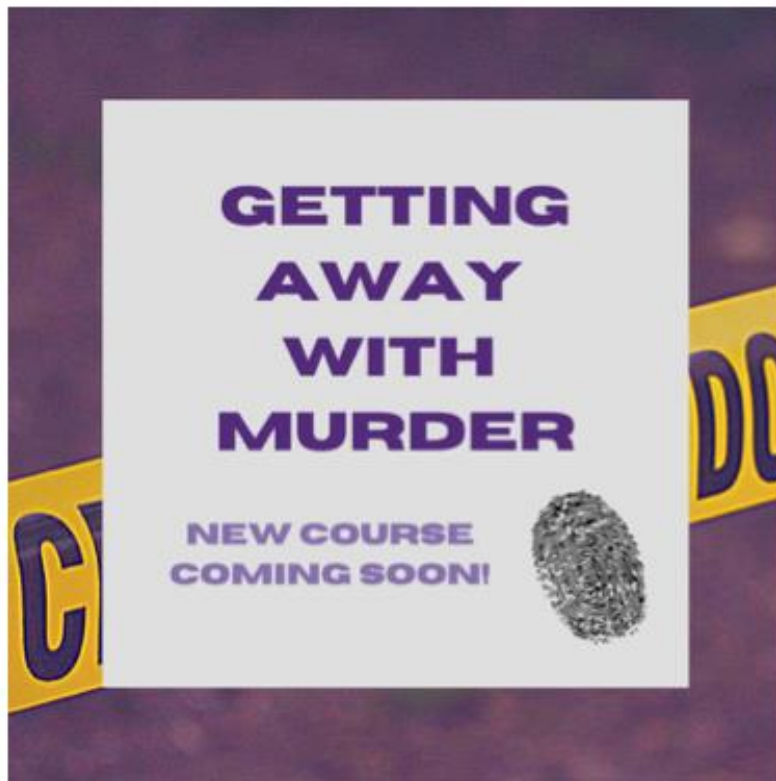
August 16-19, 2022
San Diego, California

2 Day Virtual Pediatric Strangulation Training – September 2022

- Day 1 – All Things Medical
 - Context, ACEs
 - 50% kids are present during strangulation
 - 10% kids are strangled when mom is strangled
 - 1% of kids report
 - Kids are different
 - Signs & Symptoms are Similar
 - Out of control, not power & control
 - Current research
- Day 2 – All Things Legal
 - Investigation Tips
 - Emerging Law
 - Institute Resources
 - Recommendations
 - Giving HOPE



In October 2022



- Family Members
- Dr. Brent Turvey & Dr. Smock – leading forensic experts
- 3 ½ days
- 4 Cases/Crime Scenes
 - Stacy – Accidental fall in the bathtub
 - Libby – Suicide by hanging (his belt)
 - Mary – Suicide by cord pulled tight (going through divorce)
 - Emily – Suicide by hanging outside

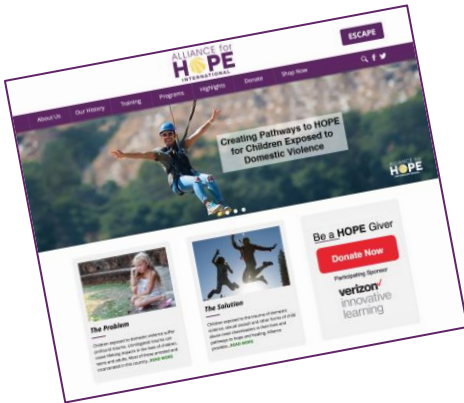
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@familyjustice

Thank you!

Gael Strack, JD, CEO & Co-Founder
Alliance for HOPE International,
Training Institute on Strangulation
Prevention



Special Thank You to OVW!

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