Strangulation: Dealing with the Most Dangerous Men in the World

Casey Gwinn, Esq.
July 30, 2019
Byron Shepard – DV Strangler/Killer
In Memory of Justin Terney, 22
And we honor so many...
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
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
2017 Analysis of Alliance for HOPE International

33 of 44 (75%) law enforcement officers killed in 2017 in intentional homicides were killed by men with a history of domestic violence (and often strangulation) in a simple Internet search...
And we remember…

Rose Garner
And we don’t forget the children…

The Dumas Children
Men Who Strangle, Cop Killers, and Mass Murderers Have One Thing in Common…

Childhood Trauma…

www.strangulationtraininginstitute.com
Mass Murderers in America

“The majority of all mass shooters in America grew up in homes with some mix of child abuse, domestic violence and/or drug and alcohol abuse. Though not all children growing up in homes with abuse become mass murderers, there is no question that focusing on trauma-exposed children should be one of our highest priorities. Children of trauma grow up to repeat the generational cycle of violence and the "splash zone" of their rage produces mass murder. One recent study found that 57 percent of all mass murders involve a perpetrator shooting a spouse, former spouse or current or former intimate partner along with children, family members or others present at the time. The vast majority of the killers grew up in domestic violence homes.” Casey Gwinn

We Know What Grows in Our Communities…

Ronald Wayne Frye killed his landlord over a rent dispute…
RONALD WAYNE FRYE
October 9, 1968

EXECUTION DATE:
AUGUST 31, 2001 (North Carolina)
By the time they kill a police officer or become mass murderers...

No one cares about their childhood trauma but don’t forget the importance of addressing it in your homicide prevention strategy...
Repeated failures at goals result in a general expectation that future goal attainment is not likely – “Why try?”

- **HOPE**
  - Goal is significantly blocked.

- **RAGE**
  - Unable to adjust goal. Pathways are unavailable.

- **DESPAIR**
  - Loss of Motivation

- **APATHY** (Hopeless)
In aggressors, loss of hope often leads to...
Omar Mateen – DV/Strangler
Cedric Ford—DV Strangler

Excel Industries shooting;
Hesston, Kansas; 3 killed; 16 injured; 2016
Esteban Santiago – DV Strangler
Dylan Roof --- Charleston Church Mass Killing; Elliott Rodger – UCSB; Robert Lewis Dear – Colorado Springs Planned Parenthood

Dylann Roof, Elliot Rodger, Robert Lewis Dear Photo: Getty; AP; Getty
Mohamed Lahouaiej Bouhlel – July 2016 – Nice, France – Killed more than 80 including 10 children
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.
Violence: Recognition, Management and Prevention

NON-FATAL STRANGULATION IS AN IMPORTANT RISK FACTOR FOR HOMICIDE OF WOMEN

Nancy Glass, PHD, MPH, RN,* Kathryn Laughon, PHD, RN,† Jacquelyn Campbell, PHD, RN,* Carolyn Rebecca Block, PHD,‡ Ginger Hanson, MS,§ Phyllis W. Sharps, PHD, RN,* and Ellen Taliaferro, MD, FACEP||

*School of Nursing, Johns Hopkins University, Baltimore, Maryland, †School of Nursing, University of Virginia, Charlottesville, Virginia, ‡Illinois Criminal Justice Information Authority, Chicago, Illinois, §School of Nursing, Oregon Health and Science University, Portland, Oregon, and ||Health After Trauma Project, Creekside Communications, Half Moon Bay, California

Reprint Address: Nancy Glass, PHD, MPH, RN, School of Nursing, Johns Hopkins University, 525 N. Wolfe Street, Room 439, Baltimore, MD 21205

Abstract—The purpose of this study was to examine non-fatal strangulation by an intimate partner as a risk factor for major assault, or attempted or completed homicide of women. A case control design was used to describe non-fatal strangulation among complete homicides and attempted homicides (n = 506) and abused controls (n = 427). Interviews of proxy respondents and survivors of attempted homicide were conducted.

Keywords—intimate partner violence; strangulation; risk of homicide

INTRODUCTION

The 1993 National Mortality Followback Survey of deaths (22,057 decedents aged 15 years and older) shows
“Surviving victims of strangulation assault are 750% more likely of becoming a homicide victim.”

· (Glass, et al, 2008).
The loss of hope in survivors plays itself out everyday across the country...
Gael Strack, J.D.
CEO and Co-Founder

• “Our study proved it – most victims of strangulation will not have visible external injuries. The lack of injuries and the lack of training caused the criminal justice system to minimize strangulation. We failed victims. But now we know – it’s lethal. There are serious immediate and long-term health consequences.”
In Memory of Casondra Stewart and Tamara Smith
Training Institute on Strangulation Prevention

- Project of the Family Justice Center Alliance
- Launched October 2011
- The leading training institute in the country on strangulation assaults
Dr. Bill Smock, Police Surgeon
Louisville, KY

“Every victim of a crime has some sort of evidence on them. That's why staff is trained to recognize and preserve the evidence.”

"It's critical for the doctors and nurses that take care of these patients to recognize and preserve that evidence.”

James Henderson, Consultant, BWJP

Our world will be safer and we can deter chronic abusers if police arrest, prosecutors prosecute and judges impose sentencing for the crimes they commit with the crime. Strangulation is one of those crimes that has gone undetected is it not attempted strangulation but attempted murder. The message must be loud and clear: we see you and this highly lethal behavior will not be tolerated in our community.
Michelle Morgan

- Director
- One Safe Place Fort Worth
Alliance for HOPE Team

Casey Gwinn  Gael Strack  Yesenia Aceves  William Ackerman  Melissa Aguiar  Natalia Aguirre  Jackie Anderson  Chelsea Armstrong

Yvette Beltran  Alison Bildsoe  Michael Burke  Arturo Bustos  Alek Gastelum  Karly Gersberg  John Hamilton  Gloria Kyallo

Trish Middleton  Cami Morrill  Raeanne Passantino  Alexa Peterson  Madison Ryan  Rylie Shore  Brynne Spain  Amy Stobbe  Dalia Zarate

Chan Hellman Ph.D. Lead Researcher  Bill Smock, MD. Medical Director

www.strangulationtraininginstitute.com

CREATING PATHWAYS TO HOPE
strangulationtraininginstitute.com

Join us for our four-day Advanced Strangulation Course in Fort Worth, Texas from October 24-27, 2017. Priority will be given to OVW grantees and those attending in multi-disciplinary teams from the same jurisdiction.

www.strangulationtraininginstitute.com
New on our website:

- Front page redesigned for easier use
- New resources in English and Spanish
- New publications
- News from around the world
- New videos and testimonials
Webinars (2016)

- Clinical Documentation
  - Dr. Smock & Kim Nash (Jan 2016)
- What Every Advocate Should Know
  - Casey Gwinn & Gael Strack (June 2016)
- The Long Term Consequences
  - Dr. Smock (Sept 2016)
- Developing a Strangulation Response Team
  - Shasta (Oct 2016)
- Working with deaf victims who are strangled
  - Casey Gwinn & Dr. Cindi Cassady (Dec 2016)
Webinars (2017)

• Imaging Recommendations for the Strangled Patient/Victim, Strack & Drs. Smock, Green, Riviello & Weaver, July 10, 2017
• What We Learned in 2017: Updates from the Training Institute on Strangulation Prevention,, Jan 2018
• Pediatric Strangulation 1 & 2, Strack, Smock, Baldwin-Johnson, Snyder, Faugno, Severs, 2018
Videos from 2018:

- **Do You Need a Paramedic?**
  - 30 minute training video for paramedics

- **The Danger of Strangulation**
  - 8 minute training video on how EMS can evaluate the strangled victim

- **The Last Warning Shot – Colorado Roll Call Video**
  - 10 minute line-up training video for law enforcement

- **Oregon Senate Committee Police**
  - 60 minute senate hearing on why strangulation should be a felony

- **Understanding the Need for Computed Tomography Angiography (CTA) with Survivors of Strangulation.**
  - 4 minute training video with Dr. Smock for physicians and medical professionals on Imaging Recommendations for the strangled victim
Webinars from 2018

- **Strangulation Survivors Speak Out**
  - Michelle, Joyce and Sara with Gael Strack, Dr. Smock & Michael Burke

- **Handling Strangulation Cases at the Frontlines**
  - Dr. Campbell, Dr. Riviello, Gael Strack, Audrey Bergin, Suzann Stewart, Kathy Bell & Michelle Morgan

- **Strangulation for Advocates with Gael Strack**
  - Sponsored by Army Community Services Family Advocacy Program

- **Pediatric Strangulation, Part 2**
  - Dr. Cathy Baldwin, Dr. Smock, Gael Strack, Diana Faugno, Val Sievers. & Jennifer Green

- **What We learned in 2017**
  - Casey Gwinn, Gael Strack & Dr. Smock
First Responders Chapter:
The Critical Role of Dispatchers in Non-Fatal Strangulation Cases

- Discusses the importance of 911 tapes and their use in successful cases
- Provides information on vicarious trauma with links to the IACP Vicarious Trauma Toolkit
- Describes signs and symptoms of strangulation and questions for dispatchers to use with 911 callers
- Features resources for dispatchers including the strangulation assessment card
- Spotlights in house dispatcher, Irma Young from Marksville City Police Department and her 43 years of service
Paramedics Chapter: “Do You Need a Paramedic?”
The Role of Emergency Medical Services (EMS) in Non-Fatal Strangulation Cases

- Provides detailed information on why training is critical for EMS responders
- Features resources including links to training video clips, the strangulation assessment card, and additional articles
- Provides information on when to transport a victim who has been strangled
- Recognizes Ken Shetter, a featured leader who has passed a new ordinance leading the way for survivors of non-fatal strangulation
PHYSIOLOGICAL CONSEQUENCES OF STRANGULATION
Occlusion of Arterial Blood Flow: Seconds to Minutes Timeline

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

0 seconds
- Pressure Applied: Occlusion of carotid arteries
- Time to Render Unconscious ≈ 6.8 seconds (Adult Male)

6.8 sec.
(5-10 sec.
range)

14 sec.
(11-17 sec.
range)

15 sec.
(minimum)

30 sec.
(minimum)

62 sec.

152 sec.

Anoxic Seizure

Loss of Bladder Control

Death/Respiration Ceases
Beginning Time
(First patient, 1/14 dead at 62 seconds)

Death/Respiration Ceases
Ending Time
(All patients, 14/14 dead between 62 and 152 seconds)

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.

3 Training Institute on Strangulation Prevention: strangulationtraininginstitute.com

strangulationtraininginstitute.com

This project is supported all or in part by Grant No. 2016-TA-AX-K087 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.
Updated Interactive Legislative Map

LEGISLATION MAP

Click here to view Military Law... | Click here to view Federal Law... | Click here to view U.S. Virgin Islands...

- Brochure - English and Spanish
- E-News Archive
- Hospitals adopting Recommendations

Legislation Map
- Alabama (2012)
- Alaska (2009)
- Arizona (2011)
- Arkansas (2009)
- California (2011)
- Colorado (2016)
- Connecticut (2007)
- Delaware (2010)
- Federal (2013)
- Florida (2007)
- Georgia (2014)
In the US, 48 States, 20 Tribes, 2 Territories, Federal and Military have passed felony strangulation laws –
Pregnancy Protocol

- CTA is safe for all stages and lactating patients
- CT neck is safe for all stages and lactating patients
- MRI is safe for all trimesters and/or lactating patients
- Special thanks to:
  - Dr. Michael Weaver
  - Dr. Ralph Riviello
  - Dr. Sally Henin
  - Barbra Bachmeier
  - Annie Lewis O’Connor
  - Jen Johnson
  - Stacey Mitchell
Federal Sentencing Guidelines

• “Comment and testimony that the Commission received indicated that strangulation and suffocation in the domestic violence context is serious conduct that warrants enhanced punishment regardless of whether it results in a provable injury that would lead to a bodily injury enhancement; this conduct harms victims physically and psychologically and can be a predictor of future serious or lethal violence.

• 79FR25996, doc No. 2014-10264
Federal 18 USC 113 – VAWA 2013

• TITLE 18 USC § 113
• ASSAULT WITHIN MARITIME AND TERRITORIAL JURISDICTION
• (a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:
  • (8) Assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate, by a fine under this title, imprisonment for not more than 10 years, or both.
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.
Other laws:

- **States added Chest/Torso:**

- **Tribal**

- **Territories**
  - Virgin Islands (2010) and Guam (2016)

- **Bail**

- **Sentencing**
  - Idaho (2018)
Favorite Statutes

- Virginia's no-bail presumption for individuals arrested for strangulation
  - Virginia No-Bail Presumption
- Ohio's comprehensive bail statute that allows judges to consider a long list of important factors including the seriousness of strangulation
  - Ohio Bail Statute
- Wisconsin's statute that defines petechia as a form of substantial bodily harm
  - Wisconsin Petechia Statute
- Mississippi's statute that includes positional asphyxia by defining strangulation to include restricting the flow of oxygen or blood by intentionally applying pressure on the neck, throat or chest of another person by any means or to intentionally block the nose or mouth of another person by any means."
  - Mississippi Statute on Chest Pressure
- Massachusetts' strangulation law protects pregnant victims and victims with protection orders with a penalty of up to 10 years in prison
  - Massachusetts Statute on Pregnant Victims and Protection Orders
- VAWA 2013 under 18 USC 113 requires no injury for a conviction for strangulation and/or suffocation and provides for a 10-year maximum sentence
  - VAWA Strangulation/Suffocation Statute
- California's newest strangulation bill will require law enforcement officers to give victims a warning about the seriousness of non-fatal strangulation assaults
  - California Strangulation Warning Law
Newest California Statute

- **DUTY TO WARN:** New law requires a statement informing the victim that strangulation may cause internal injuries and encouraging the victim to seek medical attention.

- **DUTY TO TRACK:** New law requires documenting when the incident involves strangulation or suffocation.
Advisal from law enforcement:

• “I have a duty to warn you that strangulation is serious and can cause internal injuries, brain damage, delayed consequences such as strokes, thyroid issues, miscarriage and/or death. Research shows that if you are strangled even one time, you are 750% more likely to be killed by your partner. We strongly encourage you to work with an advocate and seek immediate medical attention.”
Wisconsin Section 939.22 (38)

- “Substantial bodily harm" means bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth.
Give Hope!
How to Reach Us
www.familyjusticecenter.com
www.strangulationtraininginstitute.com

Casey Gwinn, Esq.
casey@allianceforhope.com
619-980-8883

Gael Strack, Esq.
gael@allianceforhope.com
760-445-3559
Thank you, OVW!

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.