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Dear Chair, Vice Chair and Committee Members:

The State's Attorney's Office for Frederick County supports this bill and its clear criminalization of strangulation as a First Degree Assault. Strangulation can lead to loss of consciousness within second and death within minutes. According to the Training Institute for Strangulation Prevention, 68% of women experiencing domestic violence will experience near-fatal strangulation by their partner. For these women, their odds of being killed by their partner increase by 750% compared to victims who have never been strangled. Therefore, strangulation should be vigorously prosecuted because it is both a serious assaultive crime and a precursor to homicide. There is no greater responsibility of law enforcement than the preservation of life.

However, strangulation assaults pose a challenge to law enforcement and prosecutors because they often leave no marks or external evidence of injury. This makes strangulation an effective way for abusers to incapacitate and terrify their victims, yet escape accountability proportionate to their crime, because there is little obvious injury to corroborate a victim's account of a terrifying assault. A felony characterization by the legislature of the crime is therefore necessary to protect victims and hold abusers accountable for their terror.

Here in Frederick County, we have come a long way in recent years in our understanding of the severity of strangulation assaults, due in large part to the establishment of our domestic violence unit in 2019 and our close working relationship with the forensic services department at Frederick Memorial Hospital. For example, in 2017, we had a strangulation investigated and charged as a second degree assault, despite loss of consciousness and a forensic examination with clear injury. This was not uncommon. The same facts today would certainly lead to a prosecution for first-degree assault. Consistent with the profile of a strangler, that particular offender went on to violate his probation by kidnapping, again strangling, and threatening the same Victim within a year. Through her own strength and law enforcement intervention, she was able to testify at his violation of probation hearing, and he is now in prison where he could have been much earlier had strangulation been as well-understood three years ago.

Maryland is one of only 3 states that does not have a felony strangulation law, and we hope that changes in this session so we can continue to provide safety and justice to victims of intimate partner violence.

Thank you,

J. Charles Smith, III
State's Attorney