



What does strangulation in Montgomery County look like?

An analysis of strangulation in protective order hearings in Montgomery County, Maryland

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Court Watch Montgomery reduces intimate partner violence by ensuring that victims have access to responsive justice and vital services so the violence can be stopped, quickly and permanently.

A special “thank you” to Court Watch Montgomery’s dedicated volunteers, who spend countless hours collecting data in protective order hearings, sharing insights, and inputting data to make our work possible.

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Who is Court Watch Montgomery?

Court Watch Montgomery's (CWM) mission is to reduce intimate partner violence (IPV) in Maryland by ensuring victims have access to responsive justice and vital services that can stop the abuse quickly and permanently. We work towards the day when all domestic violence victims coming to court for legal protection are safe, treated with respect, and receive comprehensive legal protections that help stop their abuse. We advocate for ongoing systemic change for domestic violence survivors through our court monitoring program. We have approximately 70 volunteers who attend criminal and civil domestic violence hearings. These volunteers fill out a detailed form that covers the specifics of each case, including items such as case dispositions, important dialogue, and ordered reliefs. We compile these details into our database then publish reports on our findings and make recommendations to both the county and state.

What is strangulation and why does it matter?

According to the Training Institute on Strangulation Prevention, strangulation is “the obstruction or restriction of blood vessels and/or airflow in the neck resulting in asphyxia.” This act is frequently mislabeled colloquially as “choking” when choking is actually an inability to breathe because of a blockage of the airway *inside* the throat by a food or another object. This mischaracterization often downplays and sexualizes what is actually a very serious crime.

Over the years, the domestic violence field has learned a lot about the dangers of strangulation for victims. A known red flag for homicide by an intimate partner is a pattern of abuse (Violence Free Minnesota, 2018, p 13). In 1986, a researcher at Johns Hopkins University named Jacquelyn Campbell created a social assessment tool meant to determine the level of danger a victim has of being killed by an intimate partner (Danger Assessment, 2020). The danger assessment was later adapted and shortened in 2003 by the Maryland Network Against Domestic Violence as a “lethality assessment” for police and domestic violence service providers (MNADV, n.d.). This tool has been widely accepted and utilized for decades by victim service providers as a tool to standardize assessments of risk of lethality. Campbell's danger assessment and lethality assessments list abuses with varying levels of severity on a weighted scale; included in this list is strangulation. Being previously strangled by a partner increases the odds that the victim will be killed by 750% (Training Institute on Strangulation Prevention, n.d.).

In 2018, a state report showed how widespread this danger is when it reported that 44% of homicide victims killed by an intimate partner that year had been strangled by their perpetrator (Violence Free Minnesota, 2018, p 7). Though the connection between strangulation and homicide is strong, it is important to realize that this act is not always used against victims with the intention of killing them. Strangulation is proven to have long lasting and, in some cases, deadly consequences for victims but it is also the perfect power and control mechanism for abusive intimate partners (Thomas et al, 2014, p 17). For many victims, the realization that their intimate partner could so easily cause them to lose consciousness or even end their life is not only intimidating, but incredibly dangerous (Thomas et al, 2014, pp 6 and 20). Showing that you have so much control over someone that you can decide when they can and cannot breathe is a powerful and deadly combination.

Where strangulation becomes more of a gray issue is in its lack of evidence. Because it only takes 5-10 seconds and a minimal amount of pressure for a victim to lose consciousness, only half of strangulation victims have visible injuries and only 15% of injuries that are visible are able to be photographed (Training Institute on Strangulation Prevention, n.d.). Though the

injuries might not be visible, they can be extreme. Injuries can include stroke, miscarriage, and breathing or vision changes (Jennings, 2016, p 5); many of these injuries can appear days or weeks after the assault and result in death (Training Institute on Strangulation Prevention, n.d.).

Methodology for this Analysis

How does CWM decide what cases should be included in data collection?

It is important for the purposes of this report to detail the types of relationships necessary to be a case in which CWM will collect data. Because CWM provides expertise in IPV, it is important to understand the legal definition of domestic violence. Maryland law outlines domestic violence as abuse between family or household members (Family Law §4–501m). This abuse can include the following acts: Assault in any degree; An act that places a person in fear of imminent serious bodily harm; An act that causes serious bodily harm; Rape or sexual offense; Attempted rape or sexual offense; Stalking; or False imprisonment; Revenge porn (Family Law §4–501b). Legally, individuals filing in civil court for protections (known in domestic violence cases as a petitioner) must have a specific relationship to the alleged abuser (known in domestic violence cases as a respondent) in order to be eligible for a protective order. We clarify this because we define a “court watch case” as a protective order or criminal hearing where there is or was a consensual, romantic relationship between the petitioner and the respondent. For the purposes of this report, we use the term petitioner to be representative of a victim and the term respondent to be representative of an abusive partner.

From October 2011 to November 2019, Court Watch has monitored 226 civil protective order (PO) cases where a petitioner’s testimony alleged strangulation by the respondent. Due to the severity of strangulation, we wondered if there was a connection between strangulation testimony and respondents having additional protective orders and/or criminal cases against them that might document a pattern of abuse. We tracked any criminal cases that were related to domestic violence (e.g. assault, stalking, malicious destruction, and so on) and excluded any charges that were related to traffic incidents, loans/debt, commercial/work-related, or family law cases that were exclusively divorce or child custody. Using [Maryland Judiciary Case Search](#), we searched for each respondent’s name to find any additional protective orders and/or criminal cases against them. While using Case Search, we looked at either the five most recent cases (noting if the respondent had more than five) or during the last five years if the cases were spread out. Finally, in order to ensure that any additional cases we found were associated with the same respondent that we have in our protective order database, we cross referenced dates of birth with each respondent’s name. Because some of the 226 protective order cases we monitored are no longer documented in Case Search, we were only able to collect the dates of birth for 181 of the total 226 respondents. Our analysis is based on the 181 respondents who were still logged in Case Search and were verified with their dates of birth.

Findings

Profile of our strangulation cases

1. **Relationship:** The majority of our strangulation cases (58%) indicate that the petitioner and respondent were either dating and living together or dating and living separately at the time of filing their order.
2. **Children:** In 10% of our strangulation cases, the current relationship of the petitioner and respondent was unknown, but they share a child in common. Of the cases where the parties’

current relationship was known, 67% of the petitioners had a child in common with their respondent.

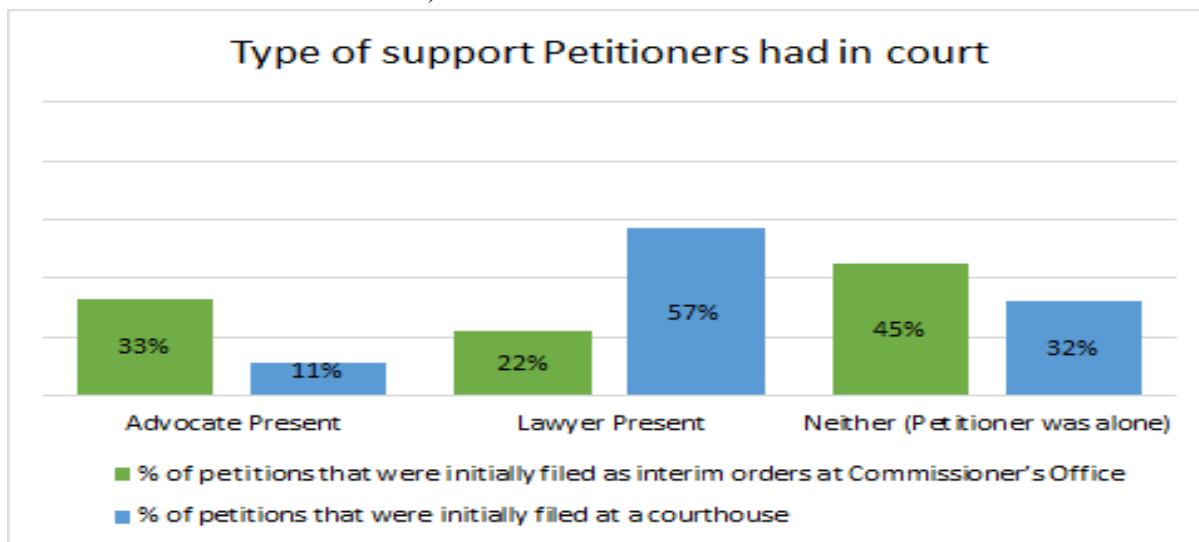
3. **Disposition of Protective Order Hearings:** 135 cases (75%) of our 181 cases involving strangulation resulted in a final protective order. 14% of cases were denied and 11% were dismissed. According to Case Search, the reason stated for the denial of an order is the petitioner failing to meet their burden of proof. The reason for dismissals, according to Case Search, were that the petitioner either requested a dismissal or the petitioner failed to appear in court for the hearing. These numbers were not surprising when compared to our database's total outcomes (displayed in the table below). Given the severity of a strangulation allegation, we were pleased to see that a vast majority of these cases resulted in a final protective order (75% for strangulation versus 48% for other types of cases). Additionally, in cases where petitioners feel that their abuse has escalated to a dangerous level, these percentages show that the petitioners are less likely to have the case dismissed. This is likely because more extreme violence implores more consistent follow through with court dates and also that they are less likely to dismiss their case for other circumstances (e.g. "working it out" with the abuser or the petitioner is no longer in fear for his/her safety after having a temporary order for one week).

Disposition of Protective Order Hearings	Strangulation cases	Non-strangulation cases
Order Denied	14%	11%
Order Dismissed	11%	41%
Final Order Granted	75%	48%
Grand Total	100% (181 cases)	100% (3874 cases)

4. **Representation in Court:** On average, only 25% of petitioners who alleged strangulation in their testimony had an advocate present with them in court. Although 35% had a lawyer, that still leaves close to half of the petitioners at their hearings alone. The table below breaks down the types of support for petitioners during their protective order hearings:

Type of support Petitioners have in court	Total number of petitions filed	% of petitions with type of support
Advocate Present	44	25%
Lawyer Present	61	35%
Neither (Petitioner was alone)	71	40%
Grand Total	176	100%

Over half (57%) of the petitioners who filed at the courthouse during business hours had lawyers. The chart below compares types of petitioner support broken down by where the case was initially filed (in the courthouse during normal business hours or a Commissioner's Office outside of normal business hours):



You might be asking why these data matter. These data show us that, even though we know having support from advocates and attorneys in court improves victim outcomes, we still have 40% of our high-risk strangulation victims who are present in court alone. From our second table, we can safely conclude that filing a petition in the courthouses during normal business hours means that a victim is more likely to be connected with an attorney. However, we know from our data that the majority of these victims (68%) are filing their petitions as interim orders (meaning outside of normal business hours at a Commissioner's Office instead of at a courthouse). This is not surprising when we consider the idea that strangulation (or attempted strangulation) is an emergency situation. What was surprising to us was that an alleged strangulation victim filing an interim order was three times more likely to get connected to an advocate than a victim filing in the courthouse during normal business hours. While we cannot conclude for certain why this is the case, we speculate that this has something to do with the escalation of violence. As victims experience more frequent and worsening violence, they could be increasing their odds of connecting with resources that victims who are in less imminent danger may not encounter. These types of resources could be interactions with law enforcement, domestic violence crisis services, medical professionals in an emergency room, or other social services. Since this is speculative, we do recommend a deeper look into how and when we are connecting victims with resources in Montgomery County to ensure that all victims are connected with important, life-saving resources.

Is there more to the history of abusers who strangle?

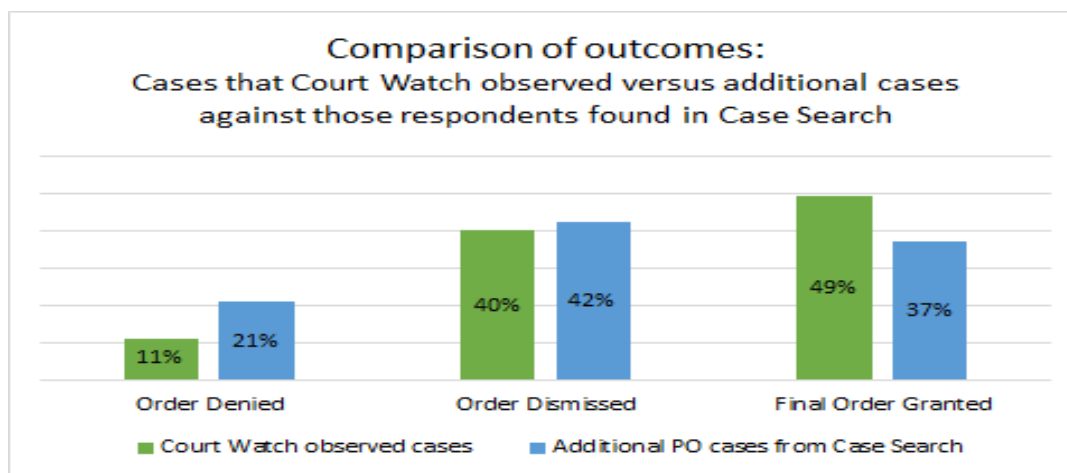
1. Though protective orders are civil matters, we also found criminal cases against over half (54%) of the respondents from the protective order hearings that alleged strangulation.

- a. Within the 54% of respondents who have criminal cases, 51 out of 97 respondents (or 53%) had between two to five criminal cases against them within the last five years. *The table below depicts the number of respondents and the number of criminal cases against those respondents.

# of Criminal Cases against Respondent	Total # of Respondents	%
1 case	37	38%
2 to 5 cases	51	53%
6 or more cases	9	9%
Grand Total	97	100%

2. In contrast to criminal cases, only 32% of the respondents had *additional* protective order cases against them.

- a. However, within the 32% of respondents who *did* have additional protective order cases against them, we found that 80% (or 42 respondents) had either one or two more additional cases against them. This means that among only 42 respondents, there are a total of 98 *additional* protective order cases.
- i. Of the 98 additional protective order cases, the most frequent outcome was dismissal of the order (42%). This table shows the outcomes of the additional POs against the respondents versus all cases where Court Watch observed a final outcome.



Due to the dynamics of domestic violence, it was not surprising that there is a higher percentage of criminal charges (54%) than there are additional protective orders (32%) against

these respondents. Oftentimes, when there is enough evidence against an abuser and the prosecution has a solid case to prove beyond a reasonable doubt that a crime has occurred, the decision to move forward on prosecuting the abuser is no longer in the hands of the victim. A strong case will probably move forward regardless of whether or not the victim wishes for the abuser to be charged.

However, the fact that the number of additional orders is more than double the number of respondents is staggering. We find the data in this section to be very concerning because a final order is only granted in these additional protective order cases 37% of the time compared to our observed non-strangulation cases where they are granted 48% of the time. This is concerning to us for two reasons. First, the additional petitions against respondents who are accused of strangulation were denied by a judge 21% of the time. This means that, despite these abusers having multiple interactions with the law and having been accused of strangulation, the additional cases against them are denied 10% more often. Secondly, the dismissal rate is 42% meaning that this is the most common outcome for instances with multiple protective orders. What the domestic violence field has learned from Lethality Assessments is that victims who were at the *highest risk* of homicide by the hands of an intimate partner were also the victims who were *least likely* to believe their partners were dangerous and, therefore are sometimes less likely to follow through with their orders and court dates. This bleak truth is highlighted by the 42% dismissal rate and could potentially lead to the deaths of our highest risk victims.

Conclusion and Recommendations

What we have learned from this report is that we are still failing victims in our county in two main ways:

1. Judges are denying too many of the petitions against respondents who pose a greater threat to the victims in our community. These data clearly show that these respondents have documented patterns of abusive behavior both in the criminal and civil systems, yet judges are denying the orders 21% of the time. This means we are not doing enough for the safety of strangulation victims where one protective order is clearly not enough to alter a dangerous abuser's behavior. When victims feel the need to file additional protective orders against the same abusers, we need to pay attention and we need to ensure they are getting sufficient legal protections.
2. 40% of our high-risk victims are still attending court alone despite long-standing evidence that shows it is a best practice to have advocates and attorneys present for victims. We recommend Montgomery County's direct victim service providers look into how and when they are connecting with victims. Arguably, addressing this issue could also solve many other problems. An attorney or advocate who is present while victims are drafting their petitions, means there is a professional who can draw attention to these patterns of abuse and show judges the importance of granting these orders. Additionally, an advocate connecting with victims can reduce the dismissal rates by discussing their risk levels, goals for their future, and inform them of the potential danger associated with

not completing the protective order process. Our hope is that our community will strive for all programs to meet victims where they are most vulnerable in order to link them to critical and life-saving services and ensure that victims know their options.

Strangulation is a crime our county and the public need to take more seriously. Fortunately, Maryland's legislature took action this year when it passed House Bill 233 and Senate Bill 212. This bill changed strangulation and intentional suffocation from a second-degree assault charge (which is the same category as slapping) to a first-degree felony that carries a harsh penalty for inflicting serious bodily harm on another person. Court Watch Montgomery is proud to report that we were a catalyst for this much needed change with our many dedicated community partners. Though we have taken steps towards addressing strangulation, there is still so much work to be done.

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