

Ali Rosa-Salas

Public Safety Committee Hearing

June 8<sup>th</sup>, 2010

**Testimony for Strangulation Prevention Act (S6987A)**

Good Morning, my name is Ali Rosa-Salas. I am speaking on behalf of Executive Director Sonia Ossorio of the National Organization for Women of New York City in support of the Strangulation Prevention Act S6987A . Currently in New York, choking is not considered a serious crime unless the victim shows signs of physical injury. NOW-NYC believes that it is crucial for New York Legislatures to pass the Strangulation Prevention Act because it makes choking a crime. As the United States' largest women's rights organization, the National Organization for Women has historically been on the front lines, advocating for the end of violence against women as well as gender equality in our criminal justice system. The Strangulation Prevention Act will close a major loophole in our law by ensuring that abusers will be held accountable for their violence before their brutality results in the death of those they terrorize.

Choking is a terrifying form of abuse that often has more serious consequences than punching, hitting, and other kinds of physical violence; With 11 pounds of pressure placed on a neck for only 10 seconds, one can go completely unconscious. After a victim is choked, he or she can die hours or even days later due to damage to the neck and/or lack of oxygen to the brain. In the United States, one out of every ten deaths is due to strangulation. Choking is a crime that is all too common in domestic violence and sexual abuse cases; it is important to note that it is an assault that often leaves very few or no visible signs at all. About half of the

states in our country have enacted legislation that regards choking as a criminal offense.

However in New York, the only charge police can file when a batterer chokes their victim is for harassment, which is not even a misdemeanor offense. Also, the bar for evidence of physical injury is set far too high to make an arrest even when choking evidently occurred. Because of this loophole in our state's law, batterers often use strangulation as a means to terrorize their victims. Many of these perpetrators become repeat offenders because their violence continues to go unpenalized.

It is critical that New York State have a law that criminalizes intentional strangulation that cuts off a person's airflow, whether or not physical evidence exists. In most strangulation cases, police cannot arrest an abuser if the victim does not show any proof of physical injury. NOW supports State Senator Eric Schneiderman's Strangulation Prevention Act because it will deem choking someone as a violent felony, whether or not a victim becomes unconscious or shows signs of physical injury. Senator Schneiderman's Strangulation Prevention Act will tackle a significant injustice in New York State legislation that disproportionately impacts women who are victims of domestic and sexual violence. If passed, this bill will make certain that when a victim who has been choked calls 911, their attacker will be held to consequences fitting of the horrendous crime committed upon them.