



Melissa Erlbaum, MPA  
Executive Director

February 12, 2018  
Senate Committee on Judiciary  
**Re: Support for SB 1562**

Chair Prozansky and Vice-Chair Thatcher and Members of the  
Senate Committee on Judiciary:

My name is Melissa Erlbaum, and I am the executive director of Clackamas Women's Services (CWS), a community-based non-profit agency that has supported survivors of domestic and sexual violence, stalking, trafficking and elder abuse on their path to safety and stability for over 30 years.

As a professional who has worked in this field for over 22 years, I can tell you what survivors of near-fatal strangulation have known for years-- what research now proves: offenders and rapists do not always strangle their partners to kill them; they often strangle them to let them know they can kill them—any time they wish. Once a victim knows this truth, they live under the power and control of their abusers day in and day out. And when they are left to exercise this power they cause serious medical and psychological damage in the process, even though we cannot always see the damage externally.

What we have learned over the years is that strangulation is especially prevalent in domestic violence and sexual assault cases. Perpetrators use strangulation to exert power and control over their victim.



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Victims of domestic and sexual violence often minimize the violence. They minimize their injuries. They do this to protect themselves from future assault because they have learned that the abuser will come back for them and the abuse will get worse. They do this because we tell them that when he puts his hand around your neck and applies pressure, and you literally feel the imminence of death, it is only a misdemeanor and there is not much we can do. We minimize the crime. We teach victims to do the same. Victims are testing us for their survival. Research over decades repeatedly shows us that it takes an average of seven attempts to leave before a victim is able to escape the violence. Here is the hard truth, research shows us what advocates see every day, victims are dipping their toe, they are feeling us out, they are seeking to understand how we will respond to the daily terrorism that they face. When we tell them that a rape and kidnapping and robbery are a felony but not strangulation, well, we tell them all they need to know- that we cannot protect you.

Near-fatal and non-fatal strangulation has serious medical effects, such as internal hemorrhage, lacerations, miscarriages, chronic pneumonia, brain injury, strokes, and delayed death. It is because of this that we must take the crime seriously and the devastating implications seriously. These injuries become worse over time and more severe with each strangulation.

**Without question, strangulation is one of the most lethal forms of domestic violence.** We know that a man who strangles a woman once is 750 % more likely to later kill her.

*Finding a Path Forward to Safety, Justice and Healing*

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Recognizing the status of the crime as a felony is an appropriate recognition of the lethality of the behavior, and will send a message to all as to the severity of the crime. Most importantly, the bill will contribute to victim safety.

Oregon was once a leader, one of the first states to classify strangulation as a felony if it occurred in the presence of a child or if the victim is pregnant. We know that the risk that strangulation causes miscarriages is significant enough to warrant a felony. We know that a child witnessing their mother being taken to the brink of death over and over means the child can suffer from PTSD and be eight times more likely to become an abuser or a victim in their adult life.

We now need to ask ourselves a serious and long-overdue question: Why do we require a victim to have children present during a terrifying crime that we know causes significant medical impairments, delayed death and lifelong psychological damage before it is considered a felony? Do we want domestic violence advocates to safety plan with victims to call their children into the room to watch the strangulation for us to take it seriously? Of course not. But this is the question victims ask us all the time.

Let's be clear. We are saying to victims- care for your children, protect them from the abuser. Don't let your children see the abuse, it causes serious damage to their development. But you



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can suffer a lifelong injury that is irreversible as a result of being strangled and we still expect you to care for them and protect them. Victims matter just as much as their children matter. Strangulation is serious, strangulation is lethal, period.

I am confident that the State of Oregon cares about victims of domestic and sexual violence and does not intend to send a message that indicates otherwise. We know more now, so we must do more now. We know better now, so we must do better now.

The newly re-authorized Violence Against Women Act (VAWA) added strangulation and suffocation language to federal law for the first time, and the vast majority of states appropriately classify this dangerous and life threatening crime as a felony. Oregon must take a stand to protect the lives of victims suffering in daily terror.

On behalf of the CWS staff, Board of Directors, and the survivors we serve, we ask that you support SB 1562.

Sincerely,

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Lastly, I would like to formerly ask the Committee to view, the Law Enforcement Strangulation Training Video produced by DPSST, OSSA and OACP that was requested to law enforcement, advocates and victims to be shown for this public hearing.

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