

Reflections on the Family Justice Center Movement Around the World

Casey Gwinn, J.D., President
Alliance for HOPE International



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Non-Fatal Strangulation and Coercive Control

Gael Strack, JD, CEO Alliance for HOPE International,

Remember your kid-like spirit



Lesson Learned: Casondra Stewart and Tamara Smith



Training Institute on Strangulation Prevention



- Project of Alliance for HOPE International
- Launched October 2011 by USDOJ, Office on Violence Against Women
- Most comprehensive training program in the U.S.
- Fee-based Training for All Professionals
- Supported by a team of National Advisors and Faculty
- Work in three committees: Medical, Legal and Advocacy

“

Strangulation is
the calling card of a **Killer**

Gael Strack

strangulationtraininginstitute.com



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Violence: Recognition, Management and Prevention

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

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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

Keywords—intimate partner violence; strangulation; risk of homicide

INTRODUCTION

The 1993 National Mortality Followback Survey of

Key findings from Oklahoma Lethality Assessment Study of 1,008 LAP Victims (2018)

- 79.66% reported some form of strangulation
 - 11.70% reported attempted;
 - 30.16% reported completed
 - **37.80 reported multiple**
- Victims of all strangulation were more likely to be sexually assaulted.
- Victims of multiple strangulations were more likely to report; believed abuser was capable of killing them; suffered a miscarriage; lost consciousness; sought medical treatment and felt powerless.
- **Conclusion: Multiple strangulations mean higher risk of homicide and health consequences**

Strangulation & Sexual Assault - UK



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Journal of Forensic and Legal Medicine

journal homepage: <http://www.elsevier.com/locate/yjflm>



Research Paper

'I thought he was going to kill me': Analysis of 204 case files of adults reporting non-fatal strangulation as part of a sexual assault over a 3 year period

<https://doi.org/10.1016/j.jflm.2021.102128>



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ARTICLE INFO

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ABSTRACT

Background: There is growing awareness internationally around the prevalence and dangerousness of non-fatal strangulation (NFS). The aim of this study was to: (i) identify the prevalence of NFS in patients presenting to the Saint Mary's Sexual Assault Referral Centre (SARC), Manchester, UK for an acute forensic medical examination (FME) after a report of rape or sexual assault, (ii) explore the characteristics of patients reporting NFS compared to those who did not and (iii) explore the prevalence of various symptoms and signs associated with NFS.

Strangulation = High Risk

“Where the alleged perpetrator was a partner or ex-partner the median DASH RIC score was 15. Any score over 14 is considered high risk.”

<http://bear.buckingham.ac.uk/108/2/SusanE%20final.pdf>



kill women in intimate relationships. Over the past three decades, this method of killing accounts for up to 37 per cent of deaths of women by male partners. Strangulation is both gender and context specific making it a high risk factor affecting the lives of women. The lack of understanding of the seriousness of strangulation, together with the legal construction of intention allows men to disavow murder and be found guilty of only unlawful act manslaughter. In most

disavow murder and be found guilty of only unlawful act manslaughter. In most American and Australian Federal States and in Canada and New Zealand, legislation criminalises strangulation and is also an aggravating factor in sentencing in both non-fatal and fatal cases. This article makes a plea for law reform in England and Wales and a challenge to the prevailing discourse in

They are Killers



Casey Gwinn, President,

- “The most dangerous domestic violence offenders strangle their victims. The most violent rapists strangle their victims. We used to think all abusers were equal. They are not. Our research has now made clear that when a man puts his hands around a woman, he has just raised his hand and said, “I’m a killer.” They are more likely to kill police officers, to kill children, and to later kill their partners. So, when you hear “He choked me”, now we know you are the edge of a homicide.”

DOMESTIC VIOLENCE REPORT™

LAW • PREVENTION • PROTECTION • ENFORCEMENT • TREATMENT • HEALTH

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Strangulation and Domestic Violence: The Edge of Homicide

by Gael Strack, J.D. and Casey Gwinn, J.D.

In March 1995, as San Diego's coordinated community response to domestic violence was getting national attention with a 50% drop in domestic violence homicides since 1985, Sgt. Anne O'Dell, the founder of the Police Department's specialized Domestic Violence Unit, called us as the founders of the City Attorney's specialized Child Abuse/Domestic Violence Unit to question whether any of us were treating so called "choking" cases seriously. Her soul searching, and soon ours, came from the first two domestic violence homicides of 1995: two teenagers with small children who lost their lives after a history of domestic violence and reports of being "choked" by their boyfriends. The City Attorney or the District Attorney prosecuted none of the reported cases. And then both Cassandra Stewart and Tamara Smith were murdered.

The deaths of Cassandra Stewart and Tamara Smith triggered profound changes in San Diego and ultimately around the world, but such profound change started with Gael Strack going into the file room of the San Diego City Attorney's Child Abuse/Domestic Violence Unit and reviewing every case where

See EDGE OF HOMICIDE, page 90

Law Reform Targets the Crime of Strangulation

by Casey Gwinn, J.D., Gael Strack, J.D., and Melissa Mack

"Actually, when I came out of that [strangulation incident], I was more submission—more terrified that the next time I might not come out—I might not make it. So I think I gave him all my power from there because I could see how easy it was for him to just take my life like he had given it to me."

—Former San Diego Family Justice Center Client (2010)

Survivors of non-fatal strangulation have known for years what prosecutors and civil attorneys are only recently learning: Many domestic violence offenders and rapists do not strangle their partners to kill them; they strangle them to let them know they can kill them—any time they wish. Once victims know this truth, they live under the power and control of their abusers day in and day out. This complex reality creates challenges for prosecutors who have to decide whether to prosecute non-fatal strangulation cases

as attempted murders, serious felony assaults, or misdemeanors.

For many years in California and across the country, prosecutors have failed to treat non-fatal strangulation assaults as serious crimes, due to lack of physical evidence. Today, because of (1) involvement of the medical profession, (2) specialized training for police and prosecutors, and (3) ongoing research, strangulation has become a focus area for policymakers and professionals working to reduce intimate partner violence and sexual assault.

As of May 2014, 37 states and one territory (U.S. Virgin Islands) have passed strangulation laws that provide clear legislative definitions of the violent, life threatening assault now properly referred to as "strangulation."¹ One state, Utah, passed an "Intent of the Legislature" resolution, which made legislative findings to help

See LAW REFORM, next page

About This Issue . . .

We are delighted to present this special issue on Strangulation, a topic of great interest because of the importance of the issue today, particularly in light of the high lethality of these cases, the profound consequences for survivors, and the challenges for law enforcement. We are especially pleased that Gael Strack and Casey Gwinn are Guest Editors. These two former prosecutors are leading national experts on strangulation as well as founders of the Family Justice Center movement.

D. Kelly Weisberg, Editor, Domestic Violence Report

ALSO IN THIS ISSUE

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Men Who Strangle Women Also Kill Cops

by Casey Gwinn, J.D.

In September 2008, Martínez Police Department Sgt. Paul Starczyk was killed by Felix Sandoval outside the Elegant Hair Salon in Martínez, CA. Paul was 47 years old and married with three children. I did not know Paul, but the story of his tragic death and the death of Catalina Torres, a volunteer advocate at a local domestic violence shelter, came up on a Google Alert I had that documented officers who were killed in the line of duty in domestic violence-related incidents. Paul gave his life trying to save Felix's estranged wife, Maria, and her three children. He and Catalina both died as heroes: laying down their lives to save others.

Less than a month later, I visited Martínez, CA, during a planning meeting for a Family Justice Center in nearby Richmond, CA. I went to pull Maria's restraining order application at the courthouse. In her declaration, months before she died, she described a history of domestic violence including prior strangulation assaults by Felix. It was not the first time I had seen cases where an abuser had strangled his partner and then later killed a police officer. But I could not get this case out of my head.

National studies have found that 14% of officers killed in the line of duty are killed in domestic violence or "domestic dispute" incidents.¹ But what if we have been asking the wrong question? Instead of asking how many officers die in domestic violence incidents, perhaps we should be asking, what is the relationship history of the cop killer? What are his prior relationships like? Is there a correlation between domestic violence history and later homicide of law enforcement officers? And because of our focus at the National Family Justice Center Alliance on the lethal nature of strangulation assaults, why not look at the cop killer's relationship history and see if we can find strangulation in his history? We know that a man who strangles a woman once is 800% more likely to later kill her.² What if men who "choke" women are most

dangerous to police officers as well? What if a strangulation assault is not only a lethality marker for female victims, but is also a lethality marker for police officers?

It was time to challenge friends to look at the issue. First, Nampa Police Chief Craig Kingsbury agreed to look at the last ten officer-involved critical incidents in Nampa, Idaho. Thankfully no officer died in those incidents, but each involved the shooting of an officer or the shooting of a criminal suspect by an officer. He recruited a graduate student at Boise State to pull the last ten incidents where an officer shot someone or someone shot an officer. They asked two questions:

What if a strangulation assault is not only a lethality marker for female victims, but is also a lethality marker for police officers?

(1) how many of the criminal suspects had a public records act history of domestic violence; and (2) how many of the criminal suspects had a public records act history of non-fatal strangulation assault against a prior partner? The results got our attention: 80% of the criminal suspects had a prior domestic violence history and 30% had a prior history of non-fatal strangulation against a partner. And this was only a public records act check. We did not have a social or relationship history of the perpetrator. We did not interview all his prior partners. But clearly those willing to attack a police officer or pull a gun on an officer had a substantial history of violence against women.

Soon after the Nampa review was completed, Supervising Riverside County Deputy District Attorney Jerry Fineman called to say he was going to conduct a public records act check of the killers of law enforcement officers in Riverside County California. Jerry has a long history of specialized prosecution work around gender-based crimes and has served as the Chair of

the California District Attorneys Association's Domestic Violence Legislative Committee. He is a true advocate and zealous prosecutor. Jerry's review is now complete and posed on the Training Institute for Strangulation Prevention's online Resource Library.³ The findings clearly show the danger to law enforcement officers of men who strangle women and should promote more research on this topic.

Jerry Fineman identified eight law enforcement officers who died in the line of duty from intentional homicide between 1993 and 2013. His review of the killers' histories was limited to public records. Significantly, he found that 50% of them had a public records

act history of strangulation assault and each of them had a history of domestic violence. A fifth officer was killed by a man with a history of domestic violence but no public record was found to document strangulation history. A sixth officer was killed by a man whose prior girlfriend had warned other women to stay away from him, but there was no public records act history of domestic violence or strangulation. The five officers killed by men with a history of domestic violence and/or strangulation assault deserve to be remembered:

- 1993: Deputy Kern Hinnergard
- 1997: Deputy James Lehmann, Jr.
- 1999: Deputy Eric Thach
- 2001: Officer Doug Jacobs III
- 2010: Officer Ryan Bonaminio

Fineman concluded that there does appear to be a link between strangulation assault and intentional homicide of police officers. Though the sample size for research purposes was small, he also pointed out that these numbers

See MEN WHO STRANGLE, page 97

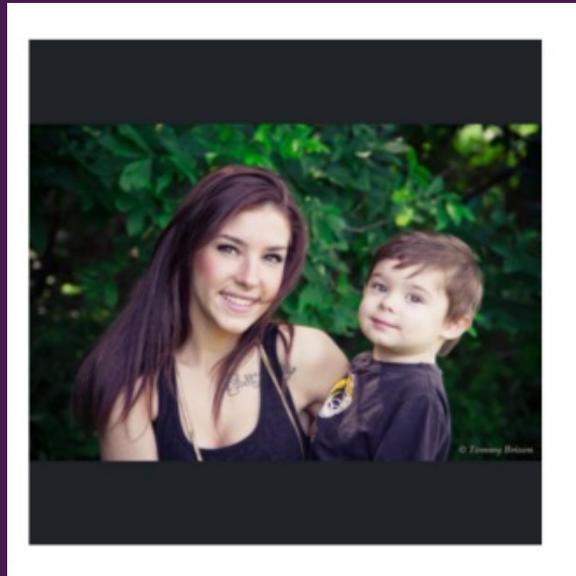
In the US, 48 States, 20 Tribes, 2 Territories, Federal and Military have passed felony strangulation Laws. And, Australia, New Zealand, Canada, UK & Ireland have joined.



Washington Legislature:

- “The legislature finds that assault by strangulation may result in immobilization of a victim, may cause a loss of consciousness, injury, or even death, and has been a factor in a significant number of domestic violence related assaults and fatalities.
- **Strangulation is one of the most lethal forms of domestic violence.**
- While not limited to acts of assault against an intimate partner, assault by strangulation is often knowingly inflicted upon an intimate partner with the intent to commit physical injury, or substantial or great bodily harm.
- **The particular cruelty of this offense and its potential effects upon a victim both physically and psychologically, merit its categorization as a ranked felony offense under 9A.36 RCW.”**
- State v. Rodriguez, 187 Wash.App. 922 (2015)

Our New Focus: Suspicious Deaths (Suicides/Strokes)



Justice for Libby Caswell



What do we know about staged crime scenes? – Gael Strack

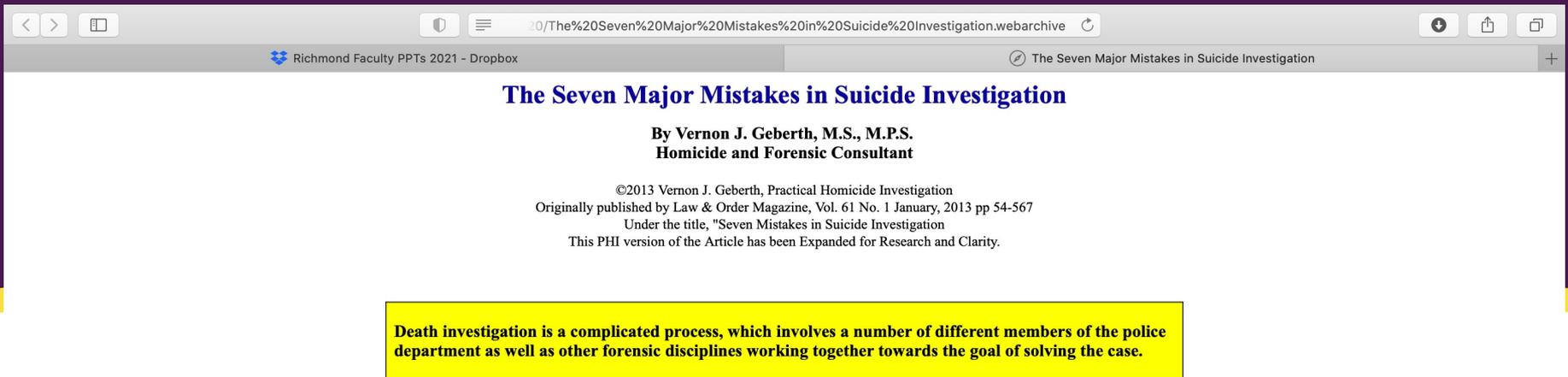
Well-known findings:

- You can manually strangle someone to death and leave no external visible marks.
- Strangulation by ligature is a common method of homicide.
- Suicide by self-strangulation is not.
- Many investigators and forensic pathologists believe that it is impossible to carry out self-strangulation as a means of suicide.
 - (Demirci, et al, 2009; Doberentz, et al, 2020)
- Typical ligature used are scarfs, belts, cords, ties, cable ties, some **knot or locking mechanism**

Definition:

- A staged crime scene involves deliberate alteration of evidence by the offender to simulate events that did not occur for the purpose of misleading authorities.
 - Geberth, 2006; Turvey, 2000.
- Recognized in the literature for over a century.
 - Schlesinger, et al, 2014
- 16% are staged to look like a suicide.
 - Turvey, 2000.
- **19% of DV homicides are staged.**
 - Schlesinger, et al, 2014

Strangulation is easy to miss. Easy to stage.



The Seven Major Mistakes in Suicide Investigation

**By Vernon J. Geberth, M.S., M.P.S.
Homicide and Forensic Consultant**

©2013 Vernon J. Geberth, Practical Homicide Investigation
Originally published by Law & Order Magazine, Vol. 61 No. 1 January, 2013 pp 54-567
Under the title, "Seven Mistakes in Suicide Investigation"
This PHI version of the Article has been Expanded for Research and Clarity.

Death investigation is a complicated process, which involves a number of different members of the police department as well as other forensic disciplines working together towards the goal of solving the case.

Introduction

There may very well be miscommunications, which result in serious errors that affect the outcome of the case due to the various responsibilities uniform officers, detectives, medical examiners to forensic experts, prosecutors as well as others in the process. This is especially true in the investigation of suicide.

Mistake#1 Assuming the Case is A Suicide Based on the Initial Report

If the case is reported as a “**Suicide**,” the police officers who respond as well as the investigators automatically tend to treat the call as a suicide. It is a critical error in thinking to handle the call based on the initial report. The immediate problem is that psychologically one is assuming the death to be a suicide case, when in fact this is a basic death investigation, which could very well turn out to be a homicide. The investigator cannot “**assume**” anything as a professional law enforcement officer.

2013: Geberth's - Seven Mistakes:

1. Assuming the Case is A Suicide Based on the Initial Report
2. Assuming "The Suicide Position" At the Crime Scene
3. Not Handling "The Suicide" as a Homicide Investigation
4. Failure to Conduct Victimology
5. Failure to Apply the Three Basic Investigative Considerations To Establish if the Death is Suicidal in Nature
6. Failure to Properly Document any Suicide Notes
7. Failure to Take Each Factor to its Ultimate Conclusion

What we know today now about classic characteristics of a suspicious death:

- Premature death
- Scene involves a suicidal death
- Evidence one partner wants to end relationship
- Prior history of domestic violence
 - Prior strangulation (Glass, 2008)
- Woman found dead in her home, in bedroom
- Woman found dead by current or previous spouse
 - The Perfect Murder: An exploratory Study of Staged Murder Scenes and Concealed Femicide (Bitton/Dayan, 2019)

Suicide or Murder: What Really Happened to Libby Caswell in Room 319?



Bill Smock, MD
Police Surgeon:
Louisville Metro Police Department



Classifications of Manner of Death

- Natural causes
- Accidental
- Suicide
- Homicide
- Undetermined



Ruled: Undetermined

PATHOLOGIC DIAGNOSIS

I. Asphyxia.

- A. Belt ligature encircled around the decedent's neck with upward slanting ligature furrow.
- B. Numerous petechial hemorrhages of lower extremities.
- C. No evidence of deep soft tissue hemorrhage or fracture of neck structures.

II. Acute methamphetamine intoxication, see toxicology report.

III. Superficial abrasions and contusions of the body as described.

IV. No evidence of significant trauma, fracture, or natural disease process is identified.

CAUSE OF DEATH

Asphyxia.

MANNER OF DEATH

Undetermined.

- (A) = Abrasion
- (C) = Contusion
- (L) = Laceration
- (S) = Scar
- (T) = Tattoo

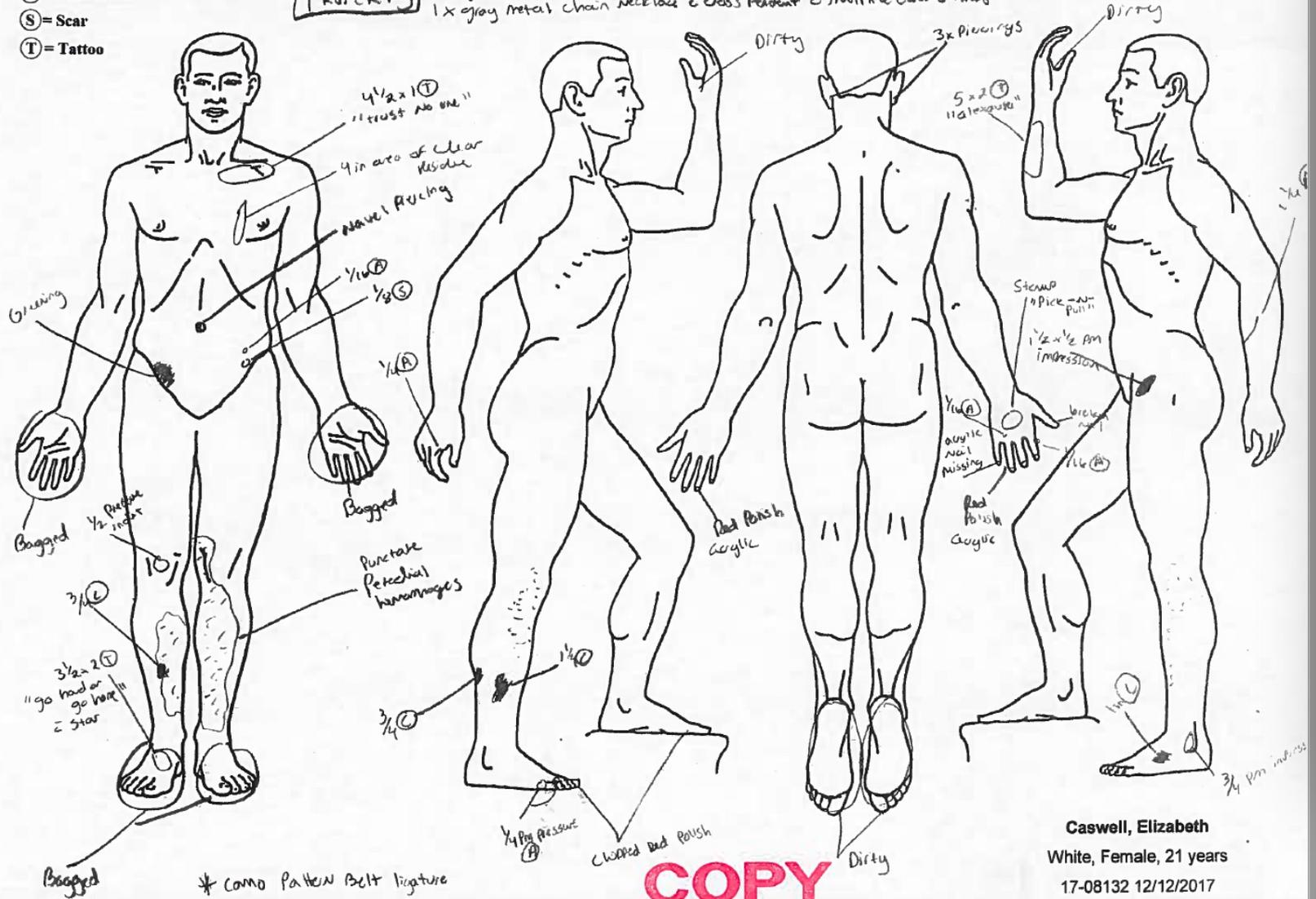
- (X) = EKG Pad
- (X) = Defib. Pad

CIAD

Gray Sweatpants, White t-shirt, White bra, Gray/black bra, 1 pink sweatshirt, 1 black sweatshirt
Blue/black underwear

PROPERTY

2 x gray metal earrings & clear stones, 1 x gray metal Navel ring & clear stone
1 x gray metal chain necklace & cross pendant & multiple clear & tones



COPY

Caswell, Elizabeth
White, Female, 21 years
17-08132 12/12/2017
Dr. B. Robert Pietak

Based upon a reasonable degree of medical & scientific certainty, I am of the opinion

- Ms. Libby Caswell died of asphyxia from the application of pressure applied to her neck and chest.
- Ms. Libby Caswell's death was a homicide.
- the scene of Ms. Libby Caswell's death was staged to appear to be a suicide.



But wait, there is more ...

“You don’t anything, until you know everything”

Status of Relationship

- Long History of Domestic Violence
 - Statements from Family & Friends
 - Police Reports
 - Restraining Orders
 - History of compression (lays or sits on top of Libby)
 - **Strangled 1 week prior to her death**
 - Afraid to go home, fear for herself and family
- Mom cited for nuisance violence for calling the police too many times.
- **Lethality assessment: High Risk** 9/10 Mosaic, 178/200 conducted with Mom and Rachael Frost

Family/Friends - Victimology

- Libby was not suicidal
- Libby fearful for her safety and safety of her family
- Libby believed she needed to stay with Devon to keep others safe
- Libby told family and others about being strangled. Very emotional and upset last time seen by family (7 days before her death)
- Libby **believed he was going to kill her** at Gary's House
- Devon threatened friend if he allowed Libby to stay with them (day before her death)
- Maintained a secret facebook page to maintain contact with friends – “Beth Alexandra”

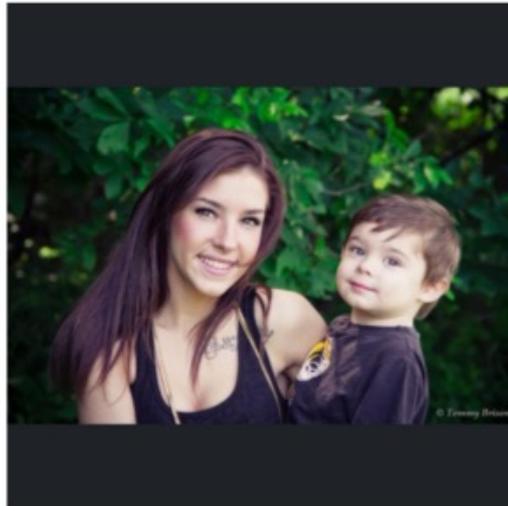
Suspect Profile

- Likely high ACE score, witnessed abused, suffered abused, divorced parents, both in juvenile dependency and delinquency system.
- Dropped out of high school
- Long history of domestic violence with Libby
- Abusive to Libby's parents, subject to restraining order
- History of drug abuse, selling drugs, thefts – Criminal Record
- Criminal history before and after Libby's death
- Arrested for suspicion of the death of friend, Beau Mollinder – playing Russian Roulette;
- Abusive to subsequent girlfriend, Holly Brown. Holly told Cindy - Devon was mentally and physically throughout their entire relationship. Threatened her several times with physical harm during pregnancy.
- Arrested for armed burglary and grand theft auto
- Currently in Jail in Jackson County

Was this a suspicious death? YES

- Premature death? **YES (21)**
- Scene involves a suicidal death? **YES, hanging**
- Evidence one partner wants to end relationship? **YES, Libby**
- Prior history of domestic violence? **YES, long HX**
 - Prior strangulation (Glass, 2008)
- Found dead in her home, in bedroom? **YES, hotel**
- Found dead by current or previous spouse? **YES, Devon**
 - The Perfect Murder: An exploratory Study of Staged Murder Scenes and Concealed Femicide (Bitton/Dayan, 2019)

Questions?





Robert Feldman found guilty of first-degree murder in the 2015 death of his wife in Denver

Stacy Feldman's body was found in their south Denver home

By **KIERAN NICHOLSON** | knicholson@denverpost.com | The Denver Post

PUBLISHED: April 19, 2022 at 6:28 p.m. | UPDATED: April 19, 2022 at 7:03 p.m.

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A Denver jury found a 58-year-old man guilty Tuesday of first-degree murder in the 2015 death of his wife.

Robert "Bob" Feldman was convicted after the jury deliberated for about two hours for the death of 44-year-old Stacy Feldman, according to the Denver District Attorney's Office. Her body was found in their south Denver home on March 1, 2015.

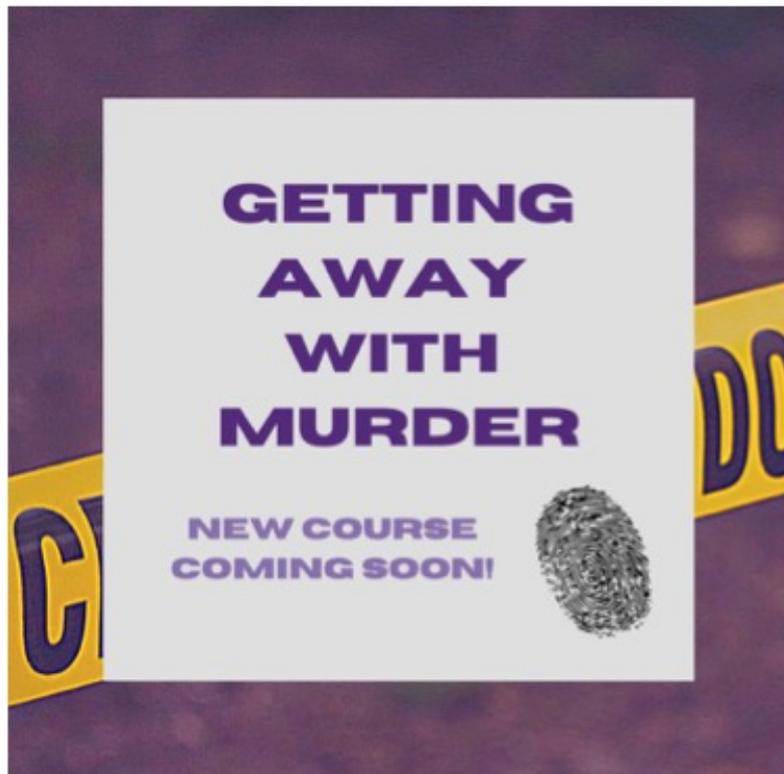
At the time of her death, Stacy had just discovered that Feldman was having an extramarital affair. Feldman collected a \$750,000 insurance payout after his wife's death. The long-awaited trial started on April 6.

"Despite his creative efforts to evade justice, today Robert Feldman was found guilty of murdering his wife. Stacy



Stacy Feldman, who was murdered in 2015 (Photo via Facebook)

In October 2022



- Family Members
- Dr. Brent Turvey & Dr. Smock – leading forensic experts
- 3 ½ days
- 4 Cases/Crime Scenes
 - Stacy – Accidental fall in the bathtub
 - Libby – Suicide by hanging (his belt)
 - Mary – Suicide by cord pulled tight (going through divorce)
 - Emily – Suicide by hanging outside

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To **22828** to get started.

Message and data rates may apply.

Collection of Facebook Live Videos

(Available to view on our Facebook Page)



Join us for a

SNEAK PEEK

from the Institute

THE FIRST WEDNESDAY OF EVERY MONTH

8:00 - 8:15 am PST



29th August Advanced Course on Strangulation Prevention

28th August Advanced Course on Strangulation Prevention



August 16-19, 2022
San Diego, California

2 Day Virtual Pediatric Strangulation Training – September 2022

- Day 1 – All Things Medical
 - Context
 - 50% kids are present during strangulation
 - 10% kids are strangled when mom is strangled
 - 1% of kids report
 - Kids are different
 - Signs & Symptoms are Similar
 - Out of control, not power & control
 - Current research
- Day 2 – All Things Legal
 - Investigation Tips
 - Emerging Law
 - Institute Resources
 - Recommendations

SIGNS AND SYMPTOMS OF STRANGULATION

NEUROLOGICAL

- Loss of memory
- Loss of consciousness
- Behavioral changes
- Loss of sensation
- Extremely weakness
- Difficulty speaking
- Fainting
- Urination
- Defecation
- Vomiting
- Dizziness
- Headaches

SCALP

- Petechiae (tiny red spots)
- Bald spots (from hair being pulled)
- Swelling on the head (from blunt force trauma or falling to the ground)

EYES & EYELIDS

- Petechiae to eyeball
- Petechiae to eyelid
- Bloody red eyeball(s)
- Vision changes
- Droopy eyelid

EARS

- Ringing in ears
- Petechiae on earlobe(s)
- Bruising behind the ear
- Bleeding in the ear

FACE

- Petechiae
- Scratch marks
- Facial drooping
- Swelling

MOUTH

- Bruising
- Swollen tongue
- Swollen lips
- Cuts/abrasions
- Internal Petechiae

CHEST

- Chest pain
- Redness
- Scratch marks
- Bruising
- Abrasions

NECK

- Redness
- Scratch marks
- Finger nail impressions
- Bruising (thumb or fingers)
- Swelling
- Ligature or Clothing Marks

VOICE & THROAT CHANGES

- Raspy or hoarse voice
- Unable to speak
- Trouble swallowing
- Painful to swallow
- Clearing the throat
- Coughing
- Nausea
- Drooling
- Sore throat
- Stridor

BREATHING CHANGES

- Difficulty breathing
- Respiratory distress
- Unable to breathe

Illustration & Graphics by Yesenia Aceves

Source: Strangulation in Intimate Partner Violence, Chapter 16, Intimate Partner Violence. Oxford University Press, Inc. 2009.



v 10 2017