
Testimony in Support of Assembly Bill A4588
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Assembly Judiciary Committee
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Thank you Chair Mukherji, Vice-Chair Murphy, and the other members of the Committee for the opportunity to testify in support of Assembly Bill A4588. My name is Trish Perlmutter, and I am Policy Counsel for Partners for Women and Justice. Partners provides free legal assistance to low-income victims of domestic violence, who are seeking final restraining orders and related relief, in Essex, Union, Middlesex, Hudson and Passaic Counties. Our advocacy work is informed by our expertise in the family court system. Partners is grateful for the committee's leadership on domestic violence legislation.

Partners supports passage of A4588, which would elevate this offense to a second degree crime, thereby increasing the penalty for conviction of the crime of aggravated assault against a victim of domestic violence by knowingly or recklessly obstructing the breathing or blood circulation of the victim (hereinafter referred to as "nonfatal strangulation").

Over one-quarter of all criminal complaints in New Jersey were for domestic violence offenses, totaling 34,721 domestic violence cases in 2019 alone. Of those, almost 6 percent (2,033) were nonfatal strangulation charges.¹ While Partners could not identify information on the outcome of the nonfatal strangulation cases, data from the Administrative Office of the Courts suggests that most domestic violence cases result in minimal jail time and that prosecutors routinely downgrade cases to municipal court charges.²

By exerting control over a victim's airway, a perpetrator of nonfatal strangulation exercises total power and control over the victim. Nonfatal strangulation is linked to a seven-fold increase in the likelihood of homicide.³ As this committee is no doubt aware, "non-lethal strangulation is an important predictor for future lethal violence among women who are experiencing IPV [intimate partner violence]."⁴ Victims are often subjected to repeated non-

¹ Criminal Justice Reform, Report to the Governor and the Legislature 2019 at 32-33,

<https://njcourts.gov/courts/assets/criminal/cjrannualreport2019.pdf?c=ft2>.

² See Annual Report on the Prevention of Domestic Violence Act 2017 at 29, 35,

<https://njcourts.gov/courts/assets/family/2017dvannualreport.pdf?c=zr6> (reporting data indicating that 60% of Superior Court charges are downgraded or referred to the Family Division, 10% are dismissed, and 14% result in guilty pleas; in Municipal Court over 80% of cases result in dismissal).

³ Glass, Nancy, et al., *Non-fatal strangulation is an important risk factor for homicide of women*, 35 *The Journal of Emergency Medicine* 7 (2008).

⁴ *Id.*

fatal strangulation assaults which, even when death does not result, can cause traumatic brain injury, in addition to other long-term health consequences.⁵

The criminal system is the response of last resort for most victims of domestic violence. Failure to protect victims of domestic violence from life-threatening harm simply perpetuates systemic injustices against marginalized and impoverished victims of intimate partner violence. Safety of the victim and the community is one of the three tenets of New Jersey's groundbreaking Criminal Justice Reform Act. Incarceration of these most dangerous offenders is essential to prevent the tragic loss of life.

In supporting this bill, Partners is cognizant that not every case with allegations of nonfatal strangulation will warrant treatment as a second degree crime. A future goal is the expansion of the forensic nurse examiner program, available for sexual assault victims, to cases of nonfatal strangulation, to ensure that victims' injuries (often invisible on external examination) are diagnosed, treated, and documented.⁶ In addition, Partners supports increased funding for prevention services, including for culturally specific organizations, to reduce the harm from intimate partner violence.

Partners urges the Committee to vote in favor of A4588 and protect victims of non-fatal strangulation. Thank you.

⁵ A recent study found that 38% of victims were subjected to multiple strangulation and that non-fatal strangulation is correlated with high rates of sexual violence. Messing, JT, et al., *Differentiating among Attempted, Completed, and Multiple Nonfatal Strangulation in Women Experiencing Intimate Partner Violence Women's Health*, Issues 1 (2018); see also Jerrod Brown, Ph.D., *Strangulation, Domestic Violence, and Brain Injury: An Introduction to a Complex Topic* <https://www.biausa.org/public-affairs/media/strangulation-domestic-violence-and-brain-injury-an-introduction-to-a-complex-topic>.

⁶ See Michael Armstrong Jr, MD; Gael B. Strack, Esq, *Recognition and Documentation of Strangulation Crimes A Review*, JAMA Otolaryngol Head Neck Surg. 2016;142 (9): 891-897.