

1 [Supporting California State Assembly Bill No. 490 - The Angelo Quinto Act of 2021]

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3 **Resolution supporting California State Assembly Bill No. 490, “The Angelo Quinto Act**
4 **of 2021,” authored by Assembly Member Mike Gibson, to prohibit law enforcement**
5 **from authorizing techniques or transport methods that involve a substantial risk of**
6 **positional asphyxia.**

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8 WHEREAS, On December 23, 2020, Antioch police officers restrained Angelo Quinto,
9 a Navy veteran from Northern California, by kneeling on his neck for over four minutes during
10 which time Mr. Quinto lost consciousness. Angelo Quinto was transported to a nearby
11 hospital, but never regained consciousness and died three days later; and

12 WHEREAS, On May 25, 2020, Derek Chauvin, a police officer with the Minneapolis
13 Police Department, knelt on George Floyd's neck for 9 minutes and 29 seconds after Mr.
14 Floyd was handcuffed and lying face down. Immediately after, Mr. Floyd entered cardiac
15 arrest and lost his life; and

16 WHEREAS, These are just two examples out of the countless instances of police
17 officers and other members of law enforcement dangerously and recklessly restraining
18 individuals with no regard for their safety or wellbeing; and

19 WHEREAS, The circumstances of Angelo Quinto’s death are a stark parallel to George
20 Floyd’s, which both exposed gray areas and loopholes in use-of-force policies; and

21 WHEREAS, As elected officials, it is our responsibility to take a hard look at our law
22 enforcement’s use of force policies, not just locally but at a state and federal level; and

23 WHEREAS, Existing California state law authorizes a peace officer to make an arrest
24 and use reasonable force to affect the arrest, to prevent escape, or to overcome resistance;
25 and

1 WHEREAS, Existing California state law prohibits a law enforcement agency from
2 authorizing the use of a carotid restraint or a choke hold, but does not specifically prohibit
3 positional asphyxia; and

4 WHEREAS, Positional asphyxia means situating a person in a manner that
5 compresses their airway and reduces the likelihood that they will be able to breathe normally;
6 and

7 WHEREAS, Positional asphyxia includes, without limitation, the use of any physical
8 restraint technique, device, or position that causes a person’s respiratory airway to be
9 compressed or impairs the person’s breathing or respiratory capacity, including any technique
10 in which pressure or body weight is unreasonably applied against a restrained person’s neck,
11 torso, or back, or positioning a restrained person in a prone or supine position without proper
12 monitoring for signs of asphyxia; and

13 WHEREAS, In-custody death is one of the great tragedies in law enforcement, and one
14 of the most common causes is positional asphyxia; and

15 WHEREAS, Assembly Member Gibson’s bill, Assembly Bill No. 490 (AB 490) will
16 create a uniform statewide policy to prohibit a law enforcement agency from authorizing
17 techniques or transport methods that involve a substantial risk of positional asphyxia; and

18 WHEREAS, AB 490 is supported by the ACLU of California, the National Action
19 Network, and the Consumer Attorneys of California; now, therefore, be it

20 RESOLVED, That the San Francisco Board of Supervisors hereby supports California
21 Assembly Bill No. 490, “The Angelo Quinto Act of 2021,” and urges the California State
22 Legislature to pass this bill in order to keep our communities safe from police violence; and,
23 be it

24 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
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1 Board to transmit a copy of this Resolution to the California Senate President pro Tempore
2 Toni Atkins, California Assembly Speaker Anthony Rendon, Governor Gavin Newsom, and
3 the Bill's primary sponsor, State Assembly Member Mike Gipson.

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