

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT NIKKI FORTUNATO BAS AND
COUNCILMEMBERS DAN KALB AND CARROLL FIFE

RESOLUTION SUPPORTING CALIFORNIA STATE ASSEMBLY BILL NO. 490, "THE ANGELO QUINTO ACT OF 2021," INTRODUCED BY ASSEMBLY MEMBERS GIPSON AND BONTA, TO PROHIBIT LAW ENFORCEMENT AGENCIES FROM AUTHORIZING TECHNIQUES OR TRANSPORT METHODS THAT INVOLVE A SUBSTANTIAL RISK OF POSITIONAL ASPHYXIA

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

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

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

WHEREAS, the tragic and similar circumstances surrounding the deaths of Angelo Quinto and George Floyd exposed deficiencies in law enforcement agency use-of-force policies; and

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

WHEREAS, existing California state law authorizes a peace officer to use reasonable force to effect an arrest, prevent escape, or overcome resistance; and

WHEREAS, existing California state law prohibits a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, but does not specifically prohibit a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia; and

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

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

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

WHEREAS, California Assembly Bill No. 490 (“AB 490”) will create a uniform statewide policy to prohibit a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia; and

WHEREAS, AB 490 is supported by the American Civil Liberties Union (“ACLU”) of California, the National Action Network, and the Consumer Attorneys of California; now, therefore, be it

RESOLVED: That the Oakland City Council hereby supports California Assembly Bill No. 490, “The Angelo Quinto Act of 2021,” and urges the California State Legislature to pass this bill in order to keep our communities safe from police violence; and, be it

FURTHER RESOLVED: That the City Council hereby directs the City Clerk to transmit a copy of this Resolution to the California Senate President pro Tempore Toni Atkins, California Assembly Speaker Anthony Rendon, and Governor Gavin Newsom.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California