

**DRAFT**

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**

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**RESOLUTION SUPPORTING CALIFORNIA STATE ASSEMBLY BILL NO. 490, "THE ANGELO QUINTO ACT OF 2021," AUTHORED BY ASSEMBLY MEMBER MIKE GIBSON, TO PROHIBIT LAW ENFORCEMENT 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. Angelo Quinto was transported to a nearby hospital, but 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. 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 circumstances of Angelo Quinto's death are a stark parallel to George Floyd's, which both exposed gray areas and loopholes in 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 make an arrest and use reasonable force to affect the arrest, to prevent escape, or to 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 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**, Assembly Member Gibson’s bill, 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 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, Governor Gavin Newsom, and the Bill’s primary sponsor, State Assembly Member Mike Gibson.

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

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