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AB 490 – The Angelo Quinto Act of 2021

PURPOSE

Assembly Bill 490 seeks to ban the use of positional asphyxia restraints statewide by law enforcement.

BACKGROUND

Last year, after the high profile death of George Floyd by law enforcement in Minneapolis, social unrest sprawled around the nation. California was able to pass its own landmark legislation to ban law enforcement from using chokeholds. While designed to incapacitate or render subjects unconscious, the holds were proven in practice to be dangerous and often lethal.

Chokeholds (also called airway holds) are a defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe to restrict oxygen or blood flow. Carotid restraints (sleeper holds) were one of the most commonly used strangleholds. To perform this hold, a police officer would apply pressure on either side of the windpipe—but not on the windpipe—to slow or stop the flow of blood to the brain via the carotid arteries.

However, the technique used by law enforcement on Floyd regarded a “knee-to-neck” restraint, encompassed by the larger term “positional asphyxia.” Police never actually applied the chokehold in this case – Officer Derek Chauvin knelt on Floyd’s neck, and he did so for more than nine minutes until Floyd lay lifeless.

Despite the name, positional asphyxia is not just about the position of the subject’s body. There are precipitating factors that make positional asphyxia deadly. These factors include intoxication due to alcohol, drug use, obesity, psychiatric illnesses, and physical injury. Additionally, in-custody death is one of the great tragedies in law enforcement, and one of the most common causes is positional asphyxia.

In December of last year, Angelo Quinto, a Navy veteran from Northern California, was tragically

killed by police. Quinto had been suffering from a mental health episode when his family called the police for help in order to de-escalate the situation. While Quinto lay facedown and bloodied with hand cuffs behind his back, a responding officer knelt on Quinto’s neck for nearly five minutes while another officer restrained his legs. Quinto lost and never regained consciousness – he died in hospital three days later.

The circumstances of Angelo Quinto’s death are a stark parallel to George Floyd’s, which both exposed gray area and loopholes in use-of-force policies.

While current statewide use-of-force policy now prohibits law enforcement from using any type of chokehold, including the carotid restraint, it does not explicitly address using a “personal body weapon” like a knee on a suspect’s neck.

EXISTING LAW

California law (GC § 7286.5.) provides that a law enforcement agency shall not authorize the use of a carotid restraint or choke hold by any peace officer employed by that agency.

SUMMARY

AB 490 will create a uniform statewide policy on positional asphyxia restraints, which encompasses the knee-to-neck technique, to ensure that they can no longer be improperly applied on Californians.

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