

RESOLUTION NO. 21-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, IN SUPPORT OF ASSEMBLY BILL 490 THE ANGELO QUINTO ACT OF 2021, SEEKING TO BAN THE USE OF POSITIONAL ASPHYXIA RESTRAINTS STATEWIDE BY LAW ENFORCEMENT (CITY COUNCIL)

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 Gipson'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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

The 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,

FURTHER RESOLVED, that the City Council hereby directs the Clerk of the Council 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 Gipson.

PASSED, APPROVED, and ADOPTED this 4th of May, 2021

Mayor Lula Davis-Holmes

ATTEST:

Deputy Clerk Joy Simarago

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Joy Simarago , Deputy Clerk of the City of Carson, California hereby attest to and certify that the foregoing resolution, being Resolution No. 21-057 adopted by the Carson City Council at its meeting held on the 4th day of May, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Deputy Clerk Joy Simarago