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April 26, 2021

Honorable Lorena Gonzalez
Chair, Appropriations Committee
California State Assembly
State Capitol, Room 2114
Sacramento, CA 95814

RE: AB 490 (GIPSON) as amended March 18, 2021 SUPPORT

Dear Assemblymember Gonzalez:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 490**. This bill is scheduled to be heard before Assembly Appropriations Committee.

DRC knows firsthand how carotid restraints can result in injury or death of people with disabilities. For years, we have worked to end the use of this restraint in places of learning and treatment facilities and have advocated for alternatives to this deadly restraint including verbal de-escalation tactics. Its use by law enforcement officers has generated the same tragic outcomes, as evidenced by the high-profile death of George Floyd and several others. This practice needs to stop.

DRC was pleased to support AB 1196 (Gipson) which banned 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. However, the technique used by law enforcement on Floyd regarded a "knee-to-neck" restraint, is also encompassed by the larger term "positional asphyxia." Police never actually applied the chokehold in this case – Office Derek Chauvin knelt on

Floyd's neck, and he did so for more than nine minutes until Floyd lay lifeless.

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" that reduces one's ability to breathe.

AB 490 will create a uniform statewide policy on restraints that cause positional asphyxia to ensure that they can no longer be improperly applied on Californians. For these reasons, DRC supports this bill. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

A handwritten signature in cursive script that reads "Gregory Cramer".

Gregory Cramer
Senior Legislative Advocate
Disability Rights California

cc: Honorable Members, Assembly Appropriations Committee
Honorable Mike Gipson, California State Assembly
Esthela Pacheco, Legislative Director, Office of Assemblymember
Gipson