



CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Harrison, and Councilmember Hahn

Subject: Support for AB-1608 (Angelo Quinto Act of 2022)

RECOMMENDATION

Send a letter to the state legislature in Support of Assembly Bill 1608: Independent Coroner's Offices (Gipson).

BACKGROUND

California law currently does not require a sheriff to have any medical background or certification to assume the duties of a coroner, in contrast to independent medical examiners, who are required to be a licensed physician and surgeon duly qualified as a specialist in pathology. California is also currently one of only three states that actually allows counties to combine the offices of coroner and sheriff. All 58 counties in California have a sheriff's department but not all have a separate coroner or medical examiner's office. The duties of the coroner are currently combined with the sheriff's department in 48 counties.

When the Contra Costa County Coroner's Office ruled that the death of Angelo in December 2020 was the result of "excited delirium" – a controversial explanation typically applied when people die in police custody – it sparked a renewed debate over the validity of a medical diagnosis that is increasingly being rejected by the medical profession.

In July of 2021, the American Medical Association adopted a new policy opposing the "excited delirium" diagnosis.¹ The AMA's stated position is that the "current evidence does not support 'excited delirium' as an official diagnosis." Additionally, neither the World Health Organization, nor the American Psychiatric Association, recognize this term.

AB 1608 stems from two bills, AB 1196 (Gipson) and AB 490 (Gipson), which Governor Newsom signed in light of the tragic deaths of George Floyd and Angelo Quinto. Specifically, this bill would separate the duties of the coroner from the duties of the sheriff.

¹ Cristina Mutchler, *New AMA policy opposes "excited delirium" diagnosis*, American Medical Association (Jun. 14, 2021), <https://www.ama-assn.org/press-center/press-releases/new-ama-policy-opposes-excited-delirium-diagnosis>.

The Berkeley City Council voted to submit a letter in support of AB 490 in 2021, prior to its passage.

AB-1608 is co-sponsored by ACLU California Action, California Faculty Association, California Families United For Justice, Justice for Angelo Quinto, The Miles Hall Foundation, Secure Justice, and the Union of American Physicians and Dentists AFSCME Local 206.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

1: Letter

The Honorable Mike Gipson
California State Capitol
P.O. Box 942849
Sacramento, CA 94249-0064

**RE: AB 1608 (Gipson) The Angelo Quinto Act of 2022: Independent Coroner's Offices –
SUPPORT**

Dear Assemblymember Gipson,

The City Council of the City of Berkeley is proud to write in support of AB 1608, The Angelo Quinto Act of 2022: Independent Coroner's Offices, which will separate the duties of the Coroner's Office from the duties of the Sheriff's Office across all counties in California. This division will strengthen the medical examination process, thereby increasing accountability and transparency by providing independent, quality, cause of death investigations.

We were also proud to support your previous bill, AB-490 (2021), to prohibit law enforcement use of restraint techniques that cause positional asphyxia, which led to the tragic killing of Antioch resident Angelo Quinto in December 2020. Quinto's death has also led to increased scrutiny on diagnoses such as "excited delirium" that hinder accountability for law enforcement officers. Medical professionals and groups such as the American Medical Association have consistently rejected the validity of this vague diagnosis.

However, state law currently does not require a sheriff to have any medical background or certification to assume the duties of a coroner. California is also only one of three states that allow the combination of the offices of the coroner and sheriff, which perpetuates the potential for conflicts of interest in law enforcement handling the duties of the coroner. Counties like Los Angeles, San Diego, and San Francisco have already separated the duties of the coroner from the sheriff, and they are required to be licensed physicians and surgeons duly qualified as a specialist in pathology.

This bill would help ensure that all local death investigations are conducted independently and objectively by an independent Medical Examiner's Office that is separate from the Sheriff's Office. We are proud to support this bill and grateful for your efforts.

Sincerely,

The Berkeley City Council,
2180 Milvia St
Berkeley, CA 94704

