



April 1, 2022

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 California Innocence Coalition (CIC) writes to you in strong support of AB 1608 (Gipson), 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, reliable cause of death investigations.

The CIC consists of the three innocence projects in California: the California Innocence Project, the Northern California Innocence Project and the Loyola Project for the Innocent. Our dual mission begins with exonerating wrongly convicted individuals; we then leverage our expert knowledge of wrongful convictions to identify good sense reforms that ensure justice for innocent Californians. CIC has won the freedom of over 70 wrongly imprisoned individuals who collectively lost over 800 years in prison for crimes they did not commit.

The overarching contributor to nearly every wrongful conviction case is bias, particularly implicit bias. Implicit bias is exacerbated when coroner's offices, who are tasked with determining manner and cause of death based on science and their medical training, are not separate from Sheriff's departments who have the potential to influence a coroner's findings based on what they believe happened in a case. The combination of the sheriff's duty to solve a case and coroners' duty to offer a scientifically neutral cause-of-death determination creates a conflict of interest wherein a sheriff's duty can bias the latter's determination of the cause of death. To this point, a recent study, led by renowned cognitive scientist Itiel Dror, found that when forensic pathologist's cause-of-death investigations are informed by medically-irrelevant information about the case provided by law enforcement, the cause-of-death conclusions are particularly susceptible to outside, implicit bias and thus more likely to be unreliable. Of greatest concern, the study discovered that information provided by law enforcement to coroners regarding

the race and identity of individuals involved in an investigation led to drastically different cause-of-death determinations. The study provides direct evidence as to why separating the law enforcement duties of a sheriff and the forensic duties of a coroner, just as AB 1608 sets out to achieve, is crucial to safeguarding against both biased, unreliable cause-of-death conclusions and the wrongful convictions these conclusions can ultimately generate.

Another example supporting the need for AB 1608 is the tragic case of Angelo Quinto. In December of 2020, Angelo Quinto, a Navy veteran from Northern California, was tragically killed by police. Angelo had been suffering from a mental health episode when his family called the police for help with de-escalating the situation. While Angelo lay face down and bloodied with handcuffs behind his back, a responding officer knelt on Angelo's neck for at least four and a half minutes while another officer restrained his legs. Angelo lost and never regained consciousness – he died in a hospital three days later.

The Contra Costa County Coroner's Office ruled that Angelo's death was the result of "excited delirium." The diagnosis is both unclear and controversial.¹ Primarily, the term is attributed to sudden unexplained deaths of individuals while in police custody. In other words, it provides a justification for excessive police force.

Angelo's death has garnered great attention and increased scrutiny on diagnoses used to shield and absolve officers from accountability. According to a 2020 study by the Oregon Health & Science University School of Medicine, published cases of excited delirium rarely, if ever, happen independently of police involvement. Additionally, in July of 2021, the American Medical Association adopted a new policy opposing the "excited delirium" diagnosis.² Specifically, their position is that the "current evidence does not support 'excited delirium' as an official diagnosis." And other recognized organizations, like the National Institutes of Health, note that much more research must be discovered in this area.

The blanket diagnosis has, in part, reinvigorated the need for greater transparency in the investigation medical examination process. It has also led to a goal of eliminating potential conflicts of interest in law enforcement. This bill seeks to solve this perception of bias by ensuring 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.

All 58 counties in California have a sheriff's department, but only ten counties have a separate coroner or medical examiner's office. Currently, state law 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. Their coroners are independent medical examiners, who are required to be licensed physicians and surgeons duly qualified as a specialist in pathology.

¹ Jennifer K. Brody, Ayana Jordan & Sarah E. Wakeman, *Excited delirium: valid clinical diagnosis or medicalized racism? Organized medicine needs to take a stand*, STAT (Apr. 6, 2021), <https://www.statnews.com/2021/04/06/excited-delirium-medicalized-racism-organized-medicine-take-a-stand/>.

² 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>.

A consistent statewide policy towards independent coroner's offices would help to ensure that medical examinations and investigations of deaths are conducted objectively. For these reasons, the California Innocence Coalition supports AB 1608.

Sincerely,
The California Innocence Coalition



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