

Amendment 6 Version 1 to CB 120645 - MO Public Safety and Health Response to the Opioid Crisis
ORD

Sponsor: Councilmember Nelson

Changing direction to officers when making an assessment of threat of harm to others from
mandatory to discretionary

Effect: This amendment assumes passage of Amendment 1/sponsor substitute. This amendment would change the reference from “will” to “may” in subsection 3.28.141.F when directing an officer to assess whether an individual poses a threat of harm to others. This change would leave the determination of whether to make such an assessment within the officer’s discretion when enforcing crimes of public use or knowing possession of controlled substances.

Amend Section 3 of CB 120645 as amended as follows:

3.28.141 Policies governing arrests for public use and possession of controlled substances

* * *

F. Threat of harm to others. When considering making an arrest, releasing, or diverting an individual, pursuant to subsection 3.28.141.E, for knowing possession or public use, officers ~~((will))~~ may determine whether the individual, through their actions and conduct, presents a threat of harm to others. This determination is based on the totality of the circumstances and the officer’s training and experience. SPD policy will identify factors to guide officers when assessing the threat of harm presented by the individual. The threat of harm assessment governs officer decisionmaking and is not an element of the crime to be proved during the prosecution of the crimes described in subsection 3.28.141.A and cannot be used as a defense at trial.

* * *