

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

Sponsor: Councilmember Mosqueda

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

**Effect:** This amendment would change the reference from “may” to “will” in subsections 3.28.141.G and H when directing an officer to assess whether an individual poses a threat of harm to others and make an attempt to divert for individuals who only pose a threat of harm to themselves. This change would require an officer to both make an assessment of threat of harm to others and make an attempt to divert when an individual only poses a threat of harm to themselves.

Amend Section 3 of CB 120645 as follows:

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

\* \* \*

G. Threat of harm to others. When considering making an arrest, releasing, or diverting an individual, pursuant to subsection 3.28.141.F, officers ~~((may))~~ will determine whether the individual, through their actions and conduct, presents a threat of harm to others. This determination will occur after probable cause has been established. 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.

#### H. Threat of harm to self

1. If an officer determines there is probable cause to arrest, and the officer's assessment indicates that the individual does not pose a threat of harm to others, the individual only poses a threat of harm to self.

2. An officer ~~((may))~~ will attempt to contact and coordinate efforts for diversion, outreach, and other alternatives to arrest. An officer may arrest at the officer's discretion to avoid additional self harm.

3. An officer will not arrest when the individual only poses a threat of harm to self absent articulable facts and circumstances warranting such action.

4. The threat of harm assessment will govern officer decisionmaking and will not be 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.

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