

Amendment 7 Version 1 to CB 120645 - MO Public Safety and Health Response to the Opioid Crisis
ORD

Sponsor: Councilmember Nelson

Changing direction to officers when an individual is a harm to self 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.G.2 when directing an officer to make an attempt to contact diversion, outreach, or other alternatives to arrest. It would remove the qualifying language that exempts officers from making such an attempt if there is a appropriate or viable care strategy to transport the individual, as the direction to make the attempt is now within the officer’s discretion. Lastly, this amendment would revise subsection 3.28.141.G.3 to remove the reference to SPD policies describing “additional articulable facts and circumstances” that warrant arrest referred to in the previous clause.

Amend Section 3 of CB 120645 as amended as follows:

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

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G. 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 ~~((will then make a reasonable))~~ may attempt to contact and coordinate efforts for diversion, outreach, and other alternatives to arrest ~~((, but officers are not required to make such reasonable attempt when the appropriate or most viable care strategy appears to be transport to a diversion point of contact, a medical care facility, a crisis care center,~~

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~~or a diversion facility)).~~ 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(~~(-and SPD policies and/or training will identify what additional articulable facts and circumstances would warrant arrest)).~~

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 ((possession and public use)) and cannot be used as a defense at trial.

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