

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. _____

AN ORDINANCE

amending Chapter 16 of the City Code as it relates to the use of force by law enforcement officers; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 16 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 16-112. Law enforcement officer's use of force in making an arrest.

(a) A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person ~~he~~ the officer reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, ~~he~~ the officer is, subject to the provisions of paragraph (b), ~~and~~ (c) and (d) of this section, justified in the use of such physical force as ~~he~~ the officer reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

(b) Notwithstanding any provision in this code or police department policy to the contrary, officers of the Columbia Police Department are prohibited from using neck restraints in the discharge of their duties, including chokeholds or carotid restraints. A "chokehold" means any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or the frontal area of the neck with the purpose, intent, or effect of controlling a subject's movement or rendering a subject unconscious by blocking the passage of air through the windpipe. A "carotid restraint" means any technique applied in an effort to control or disable a subject by applying pressure to the carotid artery, jugular vein, or sides of the neck with the purpose, intent, or effect of controlling a subject's movement or rendering a subject unconscious by constricting the flow of blood to and from the brain.

(c) The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

(e-d) A law enforcement officer in effecting an arrest or in preventing an escape from custody is not justified in using deadly force unless the use of deadly force is authorized under state or federal law.

(d-e) The defendant shall have the burden of injecting the issue of justification under this section.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2020.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor