

BOARD OF POLICE COMMISSIONERS) Under the Missouri Statutes the St. Louis
(St. Louis)) Board of Police Commissioners may employ
) policewomen with the same duties, powers
) and privileges as policemen.

May 17, 1951

5/22/51

Honorable William L. Holzhausen
President
Board of Police Commissioners
1200 Clark Avenue
St. Louis, Missouri

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Dear Sir:

I have before me, for answer, your request for an opinion which is as follows:

"The Board of Police Commissioners respectfully requests an opinion from you whether under the Missouri Statutes we can employ policewomen with the same duties, powers and privileges as policemen.

"In connection with the subject matter, we refer you to Sections 84.100, 71.200, and 71.210 of the Revised Statutes of the State of Missouri for the year 1949.

"You will observe that Section 84.100 refers to 'policemen,' while the other two sections cited above are much broader in their scope."

Section 84.100, RSMo 1949, the main subject of your request, is as follows:

"To enable said boards to perform said duties imposed upon them, they are hereby authorized and required to appoint, enroll and employ a permanent police force for the said cities,

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which they shall equip and arm as they may judge necessary. The number of patrolmen to be appointed shall not be more than fourteen hundred and five, of which number not more than one hundred and fifty thereof are to be probationary patrolmen. The number of turnkeys to be appointed shall be thirty-five, and in the appointment of such turnkeys, retired and disabled policemen shall be given the preference. Together with the officers mentioned in section 84.150, such number of patrolmen, probationary patrolmen and turnkeys may be increased to such additional force as extraordinary emergencies may require, and any ordinance of the municipal assembly or common council tending to diminish the number of men above specified shall be null and void. The boards alone shall have the power to determine whether such extraordinary emergencies requiring additional patrolmen, probationary patrolmen or turnkeys exist or not, and their finding in the matter is not subject to review by any other power."

We believe that Section 1.030, RSMo 1949, clarifies the wording used in Section 84.100, supra, said section is as follows:

"1. Whenever, in any statute, words importing the plural number are used in describing or referring to any matter, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used.

"2. When any subject matter, party or person is described or referred to by words importing the singular number or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals, shall be deemed to be included."

(Underscoring ours.)

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Taking paragraph 2, Section 1.030, supra, into consideration when reading Section 84.100, supra, we find that the words 'policemen' and 'patrolmen,' etc., the masculine gender, shall be deemed to include the words 'policewomen' and 'patrolwomen,' etc., the feminine gender. This statute (1.030) then by its terms makes it necessary to include the female gender where the masculine gender is referred to in Section 84.100, supra.

Sections 71.200 and 71.210 are as follows:

"71.200. Women as members of police force.--All cities in this state now containing or that shall hereafter contain five thousand inhabitants or more shall have power to appoint women as members of the police force and to prescribe their duties and provide for their compensation.

"71.210. Women members of police force--appointment.--The power to appoint women as members of the police force and to prescribe their duties and provide for their compensation as provided for in section 71.200, shall be exercised by that department of each of the several city governments of the state that now is or shall be invested with the power to appoint other members of the police force."

These sections of the statutes, without any doubt, give the department that now is or who shall be vested with the power to appoint other members of the police force, in cities having five thousand (5,000) inhabitants or more, the power to appoint women as members of the police force, to prescribe their duties and provide for their compensation.

CONCLUSION

It is, therefore, the opinion of this department that

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the Board of Police Commissioners of the City of St. Louis
may employ policewomen with the same duties, powers and
privileges as policemen.

Respectfully submitted,

APPROVED:

A. BERTRAM ELAM
Assistant Attorney General



J. E. TAYLOR
Attorney General

ABE/th