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ST. LOUIS
POLICE

: Board of Police Commissioners of the City of
: St. Louis has no power to increase the
: compensation of commissioned personnel of the
: St. Louis Police Department; nor does it have
: the power to pay to such personnel a "cost of
: living" bonus.

FILED
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June 17, 1954

Board of Police Commissioners
1200 Clark Avenue
St. Louis, Missouri

Attn: Honorable Jeremiah O'Connell, Chief of
Police.

Gentlemen:

We have your opinion request of June 7, 1954,
which request reads as follows:

"At the meeting of the Board of Police Commissioners, the Board directed me to write you for an opinion re salaries received by the commissioned personnel of the St. Louis Police Department. All commissioned personnel of our department are now receiving the salaries specified in the Revised Statutes of Missouri, 1949, as amended 1951.

"You will note that subparagraph 2 of the Revised Statutes of Missouri, Chapter 84.160, states the rate of salary therein provided shall not be less than the amounts provided. However, it does not state whether or not the Board has the authority to increase the salaries over and above the amounts provided in said section and the Board would like an opinion as to whether or not it has the authority to increase salaries over the amount specified in Section 1.

"The Board would also like to have an opinion of the legality of paying a 'Cost of Living Bonus' over and above the regular salaries of the commissioned personnel of the Police Department."

Board of Police Commissioners,
Attn: Honorable Jeremiah O'Connell:

Section 84.160, Laws of Missouri, 1951, page 323,
to which you refer in your letter, reads as follows:

"The chief of police shall receive ninety-five hundred dollars per annum; the assistant chief of police shall receive seventy-one hundred dollars per annum; the chief of detectives shall receive seven thousand dollars per annum; the inspector of police shall receive seven thousand dollars per annum; each major shall receive sixty-five hundred dollars per annum; each captain shall receive fifty-six hundred dollars per annum; each lieutenant shall receive five thousand dollars per annum; each sergeant who has served more than five years as a sergeant shall receive four thousand four hundred forty dollars per annum; each sergeant who has served five years or less as a sergeant shall receive four thousand three hundred twenty dollars per annum; each corporal who has served more than five years as a corporal shall receive four thousand eighty dollars per annum; each corporal who has served five years or less as a corporal shall receive three thousand nine hundred sixty dollars per annum; each patrolman during his first year of service as a patrolman shall receive three thousand six hundred sixty dollars per annum; during his second year of service he shall receive three thousand seven hundred twenty dollars per annum; during his third year of service he shall receive three thousand seven hundred eighty dollars per annum; during his fourth year of service he shall receive three thousand eight hundred forty dollars per annum; each probationary patrolman shall receive three thousand four hundred eighty dollars per annum; each turnkey shall receive three thousand dollars per annum. Each of the above-mentioned salaries shall be payable in

Board of Police Commissioners,
Attn: Honorable Jeremiah O'Connell;

semi-monthly installments. The rate of the salaries herein provided shall not be less than the amounts provided, and any act of the municipal assembly or common council of said cities tending to lower the above shall be null and void. It shall be the duty of the municipal assembly or common council of said cities to make the necessary appropriation for the expenses of the maintenance of said police force in the manner herein and hereafter provided."

We have concluded that neither said section, nor any other statute we have discovered, gives the Board any authority to raise the salaries of commissioned personnel above that specified therein.

The rule respecting the amount of compensation of public officers is thus stated in 43 Am. Jur., Public Officers, Section 341, page 134:

"Any right which a public officer may have to a salary or compensation must generally be found in some provision of the law, for whatever may be the character of the compensation, whether an annual salary, a per diem allowance, or fees for particular services, it must depend upon the will of the people speaking through their Constitution, statutes, or ordinances. * * *."

The statute quoted above provides that a given officer "shall receive" a specified salary. It does not provide that such officer shall receive "not less than" such sum, or "not more than" such sum. It sets the salary, not the upper or lower limits of such salary.

We do not believe the provision that such salaries "shall not be less than the amounts provided" impliedly gives any body the power to provide salaries greater in amount.

By the same reasoning the Board does not have the power to pay a "cost of living" bonus to the commissioned personnel of the St. Louis Police Department.

Board of Police Commissioners,
Attn: Honorable Jeremiah O'Connell:

CONCLUSION

It is the opinion of this office that the Board of Police Commissioners of the City of St. Louis has no power to increase the compensation of commissioned personnel of the St. Louis Police Department above that specified in Section 84.160, Laws of Missouri, 1951, page 323; nor does it have the power to pay to such personnel a "cost of living" bonus.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Don Kennedy.

Very truly yours,

JOHN M. DALTON
Attorney General

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