

JUVENILE COURT:
JUVENILE OFFICERS:
MENTAL ILLNESS:
MENTAL HOSPITALS:

A juvenile officer is not a police officer within the meaning of Section 202.803, RSMo 1959.

OPINION NO. 366

July 28, 1966

Dr. George A. Ulett, Director
Division of Mental Diseases
722 Jefferson Street
Jefferson City, Missouri



Dear Dr. Ulett:

This opinion is in response to a request by your office concerning whether or not a juvenile officer or deputy juvenile officer is considered a "police officer" within the meaning of Section 202.803, RSMo 1959, relative to hospitalization of individuals without medical certification — emergency procedure. Section 202.803 in part reads as follows:

"1. Any health or police officer may take an individual into custody, apply to a hospital for his admission and transport him thereto for temporary confinement if such officer has reason to believe that * * *".

This section differs from Section 202.800, RSMo, in that the latter section also permits "any other person" to make written application to the hospital upon medical certification.

We have given quite some thought to the definition of "police officer" as contained in Section 202.803 and are of the opinion that the definition must be restricted to its ordinary meaning. As stated in Webster's New International Dictionary, page 1754, "police officer" is defined as "a member of a police force."

Also, in Black's Law Dictionary, Fourth Edition, page 1317, police officer is defined as "One of the staff of men employed in the cities and towns to enforce the municipal police, i.e., the laws and ordinances for preserving the peace and good order of the community. Otherwise called 'policeman'".

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This is not to say that "police officer" is restricted to municipal officers since obviously, the legislature intended the term to apply to other individuals with police functions in other political subdivisions. In an opinion which we issued to C. Frank Reeves, 10-8-57, we equated "police officer" as contained in this section with "sheriff" on the basic rule of statutory construction that we must seek the lawmaker's intent and if possible effectuate that intent. *Laclede Gas Company vs. City of St. Louis*, 363 Mo. 842, 253 S.W.2d 832.

The term "police officer" cannot be extended however, without giving broad powers to persons not authorized by the legislature either specifically or by necessary implication. Considering that the exercise of this emergency hospitalization procedure has a definite impact upon the individual who is allegedly mentally ill since it is without medical certification, we must conclude that a "juvenile officer" was not intended to be within the meaning of "police officer" as contained within Section 202.803.

CONCLUSION

It is the opinion of this office that a juvenile officer is not a police officer within the meaning of Section 202.803, RSMo 1959.

The foregoing opinion which I hereby approve was prepared by my assistant John C. Klaffenbach.

Yours very truly,


NORMAN H. ANDERSON
Attorney General