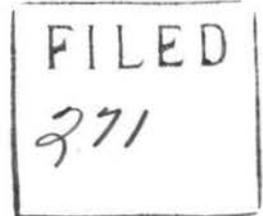


CHARTER COUNTIES: Neither the regular police officers
COUNTIES: of the Police Department of the City
POLICE: of St. Louis nor the reserve officers
CONSTITUTIONAL LAW: of such city appointed under the pro-
visions of Section 84.175, RSMo (House
Bill No. 1144, 76th General Assembly, Second Regular Session) are
under the provisions of Section 66.250, RSMo (Senate Bill No. 389,
76th General Assembly, Second Regular Session) requiring certain
training or experience of police officers in police departments
in any county of the first class having a charter form of government.

OPINION NO. 271

October 6, 1972

Mr. Richard M. Miller, Secretary
Board of Police Commissioners
City of St. Louis
1200 Clark Avenue
St. Louis, Missouri 63130



Dear Mr. Miller:

This opinion is in answer to your question in which you ask:

"Are members of the police reserve force, as authorized by Section 84.175 RSMo., subject to the minimum training provisions of Section 66.250.?"

Section 84.175, as newly enacted by House Bill No. 1144 of the 76th General Assembly, Second Regular Session, provides:

"1. Upon recommendation of the chief of police, the board may authorize and provide for the organization of a police reserve force composed of residents of the city who qualify under the provisions of section 84.120. Such reserve force shall be under the command of the chief of police and shall be provided training, equipment, uniforms, and arms as the chief shall direct with the approval of the board; and when assigned to active duty the members of the reserve force shall possess all of the powers of regular police officers and shall be subject to all laws and regulations applicable to police officers; provided, however, that the city council or other governing body of any such city may in

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its discretion fix a total in number which the reserve force may not exceed.

"2. In event of riot or other emergencies as declared and defined by the mayor, in concurrence with the board, the board, upon recommendation of the chief, may appoint special officers or patrolmen for temporary service in addition to the police reserve force herein provided for, but the length of time for which such officers or patrolmen shall be employed shall be limited to the time during which such emergency shall exist."

Section 66.250, RSMo, to which you refer, as amended by Senate Bill No. 389, 76th General Assembly, Second Regular Session, provides:

"1. Any person appointed after September 28, 1971, to serve as a police officer in any police department in any county of the first class having a charter form of government shall, if he has not heretofore completed the training required by this subsection, within six months from the date of the appointment, cause to be filed with the prosecuting attorney of the county proof that he has satisfactorily completed a law enforcement officer training course conducted by the Federal Bureau of Investigation National Academy or the Southern Police Institute of Louisville, Kentucky, or a training course with a minimum of six hundred hours of instruction conducted by the county police department alone or in cooperation with any municipal police department authorized by law to operate police training courses, the state highway patrol, or any accredited course for police officers approved by such county police department; provided that any person who has successfully completed a basic police recruit training course conducted by the St. Louis County and Municipal Police Training Academy, the City of St. Louis Police Academy or the Kansas City Police Academy, or who has eight continuous years' of service and experience as a full-time police officer, shall have fulfilled the requirements of this law.

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"2. Any person so appointed who fails to comply with the provisions of this section within the six months' period shall not thereafter receive any compensation nor shall he be authorized to act as a police officer until he has complied.

"3. The chief executive officer of each police department shall be responsible for the enforcement of this section, and shall notify the prosecuting attorney of the county of the appointment of any new officer not later than five days after the date of the appointment.

"4. Any person who willfully violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law."

In our view the question can be resolved simply by determining whether the Police Department of the City of St. Louis falls within the provisions of Section 66.250 because if Section 66.250 does not apply to the regular police officers of the city it follows that it does not apply to such reserve officers.

In this respect we note that such section refers to "any police department in any county of the first class having a charter form of government." The City of St. Louis is recognized as a county under section 31 of Article VI of the Missouri Constitution and Section 1.080, RSMo 1969 provides that the word "county" in any law general in its character to the whole state includes the City of St. Louis unless the construction is inconsistent with the intent of the law.

However the usual procedure that the legislature follows in including the City of St. Louis in the provisions of a law is to refer to "constitutional charter cities in this state not situated within a county", Section 137.485, RSMo 1969, or "to cities of this state now having, or which hereafter have, six hundred thousand inhabitants, or more", Section 118.020, RSMo 1969, or "all cities of this state that now have, or may hereafter attain, a population of seven hundred thousand inhabitants or over", Section 84.010, RSMo 1969, or "a city not located in a county", Section 1.100, RSMo Supp. 1971.

Further in this respect it has been held that the City of St. Louis is not legislatively classified as a county but as a city and that the provisions in the Missouri Constitution applicable to a county charter form of government do not apply to the City of St. Louis. Stemmler v. Einstein, 297 S.W.2d 467, 469, 474 (Mo. 1957).

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We conclude that the City of St. Louis is not a charter county within Section 66.250 and that the police force of the city is not within the training or experience requirements of such section.

CONCLUSION

It is the opinion of this office that neither the regular police officers of the Police Department of the City of St. Louis nor the reserve officers of such city appointed under the provisions of Section 84.175, RSMo (House Bill No. 1144, 76th General Assembly, Second Regular Session) are under the provisions of Section 66.250, RSMo (Senate Bill No. 389, 76th General Assembly, Second Regular Session) requiring certain training or experience of police officers in police departments in any county of the first class having a charter form of government.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General