

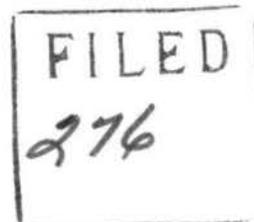
POLICE:  
RESIDENCE:  
ST. LOUIS CITY:

The City of St. Louis has no authority to require that officers of the police force of such city hired after a specified date reside within the city.

OPINION NO. 276

October 16, 1972

Honorable Fred Williams  
State Representative  
5621 Chamberlain  
St. Louis, Missouri 63112



Dear Representative Williams:

This opinion is in response to your opinion request in which you inquire with respect to the recent controversy that has arisen in the City of St. Louis concerning the question whether the board of aldermen may by ordinance require that police officers of the city hired after a specified date be residents of such city.

We understand that the board of police commissioners has promulgated a rule that police officers be residents of the City of St. Louis or of St. Louis County.

The provisions respecting the police force of the City of St. Louis and the authority of the board of police commissioners are contained in Sections 84.010 to 84.340, RSMo. Under Section 84.010, RSMo, the city is prohibited from passing any ordinances which in any manner conflict or interfere with the powers or the exercise of powers of the board of police commissioners. Under subsection 2 of Section 84.170, RSMo, the board is "authorized to make all such rules and regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the state, as [it] may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police." Under Section 84.100 (House Bill No. 1144, 76th General Assembly, Second Regular Session), the board is also given express authority and is required "to appoint, enroll and employ a permanent police force."

Further, it is noteworthy that Section 84.220, RSMo makes it a crime for "[a]ny officer or servant of the mayor or common council or municipal assembly" to "hinder or obstruct the organization or maintenance of said board of police, or the police force" thereby indicating a clear legislative intent to keep the

Honorable Fred Williams

board and the force independent from municipal control. Later legislation, such as Section 84.150 (House Bill No. 1144, 76th General Assembly, Second Regular Session) expressly provides for approval of the municipal board of estimate and apportionment with respect to the numbers of such officers and although such section is not directly applicable in these premises it is at least one instance where the legislature has indicated that express statutory approval would have to be given the city to authorize interference with the operation of the police force.

In addition we note that the Missouri Supreme Court has consistently held that municipal corporations are subordinate to the sovereign power of the state and that the police force of the City of St. Louis being a metropolitan police force created by statute is not solely a matter of local concern. State ex rel. Sanders v. Cervantes, 480 S.W.2d 888 (1972).

There should be no doubt that these statutes still apply to the City of St. Louis despite a change in population. Section 1.100, RSMo Supp. 1971.

We also note that we find no constitutional or statutory provision requiring that such police officers be residents of the city.

#### CONCLUSION

It is the opinion of this office that the City of St. Louis has no authority to require that officers of the police force of such city hired after a specified date reside within the city.

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

Very truly yours,



JOHN C. DANFORTH  
Attorney General