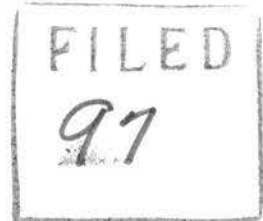


March 22, 1973

OPINION LETTER NO. 97  
Answer by Letter - Boicourt

Honorable Donald L. Manford  
Missouri Senate, District 8  
Room 425 State Capitol Building  
Jefferson City, Missouri 65101



Dear Senator Manford:

This letter is in response to your request for an official opinion from the Office of the Attorney General concerning the questions (1) whether Section 66.250 is applicable to uniformed and non-uniformed personnel of police departments in fourth class cities within a first class county having a charter form of government; (2) whether a county sheriff in a first class county having a charter form of government is within the classification of a county police department within the meaning of Section 66.250; (3) whether, if the sheriff does not fall within such classification, some other person is the chief law enforcement officer of such a county; and, (4) who has authority to prescribe hours and schedule the training for police officers pursuant to Section 66.250 in first class counties having charter forms of government.

Section 66.250, (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

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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.

"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."

You have inquired whether this section applies to the personnel of municipal police departments in Jackson County. Jackson County is a first class county and, effective January 1, 1973, became a first class county with a charter form of government.

You will note that language of Section 66.250 requires "[a]ny person appointed . . . to serve as a police officer in any police

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department in any county of the first class having a charter form of government shall . . . cause to be filed . . . proof that he has satisfactorily completed a law enforcement officer training course . . ." We have concluded that the uniform and non-uniform personnel of police departments of cities of the fourth class within Jackson County fall within the language of Section 66.250 because that language broadly specifies that the training provisions thereof applies to "any police department in any county of the first class having a charter form of government . . ."

In response to the second portion of your opinion request inquiring whether the sheriff's department of Jackson County falls under the statutory classification of a "county police department" within the language of Section 66.250, you will find enclosed Attorney General's Opinion No. 126, addressed to Senator Jack E. Gant on October 11, 1972. We specifically refer you to the following language located at pages 2-3 of that opinion:

"St. Louis County has its own police department which fulfills the police requirement for St. Louis County, State on Inf. Dalton ex rel. Shepley v. Gamble, 280 S.W.2d 656 (Mo. 1955) whereas the police function for Jackson County will be provided by the sheriff's office under Article VII of the Constitutional Home Rule Charter which authorizes the election of a sheriff and the appointment of officers by him. Thus, whether such police function is fulfilled by the sheriff's office or by the county police department makes no difference in the premises since both are 'police departments' in our view within the language of present Section 66.250 which broadly includes 'any police department in any county of the first class having a charter form of government.'"

The final inquiry included in your opinion request concerns who has authority to prescribe the hours and schedule the training necessary to satisfy the requirements of Section 66.250. The statute requires completion of

". . . 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

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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."

The hours of attendance and schedules of an appointed police officer in a first class charter county are set by the person in charge of such police force in each governmental entity which itself conducts a police training course authorized by law if the officer attends such course. The hours of attendance and schedules of such an officer taking a course not conducted by such governmental entity are determined by the person in charge of the training course.

Very truly yours,

JOHN C. DANFORTH  
Attorney General

Enclosure: Op. No. 126  
10/11/72, Gant

Op No. 97 to Manfred

February 15, 1973

Mr. Ralph Martin  
Prosecuting Attorney  
Jackson County Courthouse  
Kansas City, Missouri 64106

Dear Ralph:

Please find enclosed a recent Attorney General's Opinion concerning the application of Section 66.250, RSMo, to Jackson County. At present, this office is in the process of drafting an opinion relating to other aspects of Section 66.250 to Jackson County. This opinion is being prepared upon the request of the Honorable Donald Manford. I have requested that a copy of this opinion be directed to you upon its issuance.

Best personal regards.

Very truly yours,

G. Michael O'Neal  
Chief Counsel, Criminal Division

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Enclosure

bcc: Marge McGrath ✓