

CITIES:  
POLICE BOARDS:  
ST. LOUIS BOARD OF  
POLICE COMMISSIONERS:

St. Louis Board of Police Commissioners may discontinue the use of a station house if it deems it is no longer needed in the administration of police matters in the particular police district.

April 27, 1960



Honorable John W. Joynt  
Member, Missouri Senate  
Second District  
1221 Locust Street  
St. Louis 3, Missouri

Dear Mr. Joynt:

This is in response to your request of March 10, 1960, for an opinion of this office, which request reads as follows:

"Very recently an announcement was made by the St. Louis Police Department to the effect that police stations in certain Police Districts of the City of St. Louis would be closed and become inoperative. One of such police stations is in my Senatorial District and I have had a flood of telephone calls concerning the subject and indicating great alarm on the part of those individuals making the inquiries, as to the possibility of a failure and breakdown in police protection.

"Section 84.190 of Vernon's Annotated Missouri Statutes, Paragraph 1 thereof, indicates the duties and responsibilities of the Board of Police Commissioners with respect to the Board's authority in such cases as set out above.

"It would be appreciated if you would prepare for me your official opinion as to whether or not the St. Louis Police Board is authorized by law to discontinue the operation and maintenance of police stations in any or all of the several

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Police Districts of our city. It may be that the Board has already obtained from you and is acting upon and under the authority of such an opinion. If so, I should like to have a copy of your opinion as furnished the St. Louis Police Board."

It is to be noted that Sections 84.010 to 84.304, V.A.M.S., inclusive, which relate to the St. Louis Police Department, give the Board of Police Commissioners broad discretionary powers. For example, Section 84.210, supra, provides that the Board shall annually prepare and submit an estimate of the sum of money needed to enable them to discharge their duties and meet the expenses of the Police Department, and the Board of Aldermen is required to appropriate the amount submitted out of the revenue of the city after withholding enough from the revenue to pay certain preferential items, such as interest on the city's indebtedness. In *State v. Gunn*, 326 SW2d 314, 327(14), the Supreme Court of Missouri stated:

"While it has been held (*State ex rel. Beach v. Beach, Banc*, 325 Mo. 175, 28 SW2d 105) that the city has no power to question the reasonableness of the Police Board estimate, we hold that the courts may review it in a proper proceeding, solely to determine if its discretion has been arbitrarily and unreasonably exercised. \* \* \*"

Section 84.190, RSMo 1949, provides that the Board of Police Commissioners "shall divide the said cities into twelve police districts, and provide in each of them, if necessary, a station house or houses, with all things and equipment required for the same, and all such other accommodations as may be required for the use of the police." (Emphasis ours.)

Section 84.190, supra, is silent with respect to the closing of a station house, and we are unable to locate any other statute which relates to this subject. Likewise, we do not find any case wherein this question has been considered by the courts.

In the absence of a statute or case decisions on the subject, the answer to your inquiry depends upon the construction placed upon the use of the words "provide" and "if necessary" in Section 84.190, supra.

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The word "provide" is defined in Black's Law Dictionary, Fourth Edition, as: "To make, procure, or furnish for future use; to supply."

There is nothing in the above definition to indicate that once a station house has been provided by the Board that it must continue in use for all times.

The Dictionary defines the word "if" as "a condition." The word "necessary" is defined in the Dictionary as "Essential to a desirable or projected end or condition."

When the definition of the words "if necessary," set out above, is read in connection with Section 84.190, supra, the effect of the words is to clothe the Board with discretionary authority with respect to the need of a station house or houses in a particular district. Trustees of New London Township vs. Miner, et al., 26 Ohio St. 452, 457. We believe that in the absence of legislation to the contrary, the discretion to discontinue the use of a station house or houses is incident to the discretion to provide them. Ware vs. United States, 4 Wall. 617, 632. Therefore, as the Legislature has remained silent on the subject of closing station houses, we are of the opinion that the St. Louis Board of Police Commissioners may, in the exercise of its discretion, discontinue the use of a station house if and when the Board deems it is no longer needed in the administration of police matters in the particular police district.

#### CONCLUSION

Therefore, it is the opinion of this department that the St. Louis Board of Police Commissioners may discontinue the use of a station house if it deems that it is no longer needed in the administration of police affairs in the particular police district.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Calvin K. Hamilton.

Yours very truly,

JOHN M. DALTON  
Attorney General

CKH/mlw