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St. Louis County Department of Police--A Study in Functional Consolidation, The

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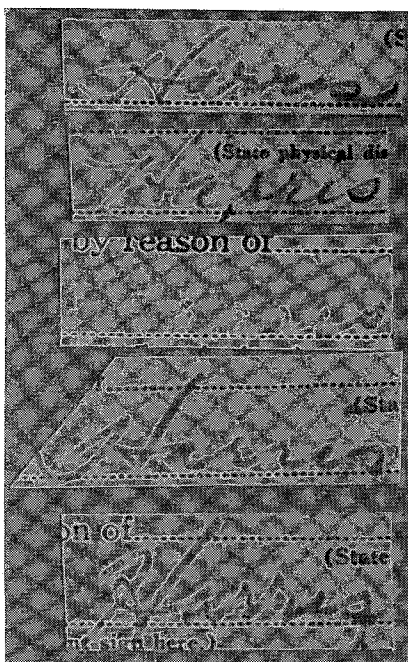


Figure 3

“d” and “l”, and the slim “h” in most of the signatures.

This last series “Dye” (figure 5) was picked because of the Greek “e”. It is an eye catcher, and the differences between the rest of the signatures might go unnoticed.

There are over 2,300,000 signatures on file at the Los Angeles County Voters Registration. Because of the limited writing in each signature it is only practical to compare handwriting of persons with the same name. Results might be even more enlightening, if Smith’s handwriting could be compared with Brown’s and Jones’s.

CONCLUSIONS

Since some people write quite a bit alike, the following suggestions might be kept in mind, in addition to the age old rule of *always* obtaining plenty of specimen writing.

1. Certain “highly identifying” letter forms are not necessarily so identifying. Caution should be

exercised placing too much emphasis on *one* particular feature in a writing.

2. When comparing these so-called “high identifying” characters in two writings, they must correspond just as the other letters (Greek “e’s” can be made in a dozen different ways).

3. The importance of considering movement and manner (line quality) in a handwriting identification problem is emphasized.

4. Slight but persistent differences in slant, shading, letter forms, and movement between two specimens of handwriting is a strong indication that they are by different writers.

5. In examining a handwriting problem, the number of suspects be limited or must it be determined that one suspect, and only one in all the nation, wrote the document?

6. People who write alike have a great natural potential in imitating one another’s writing. As a result, therefore, it is important to examine the handwriting of all parties involved.

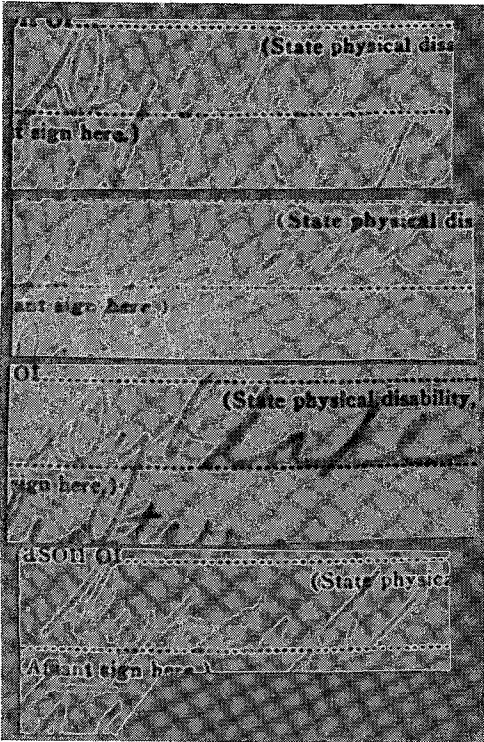


Figure 4

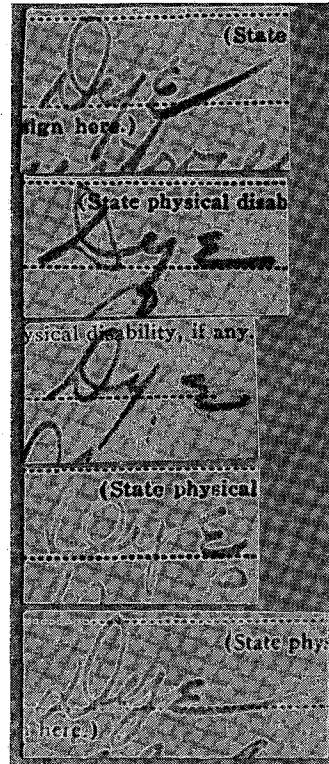


Figure 5

THE ST. LOUIS COUNTY DEPARTMENT OF POLICE

A Study in Functional Consolidation

GORDON E. MISNER

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EDITOR.

On November 2, 1954, the voters of St. Louis County, Missouri took an important step in the direction of unifying the multifarious nature of police organization in their county and bringing some semblance of administrative order to an area afflicted with the frustrations of competing and often overlapping jurisdictions. Replacing the sheriff system of the county with a professional and non-political county police department, the voters accepted the challenge and removed some of the devious effects of police organization based upon the traditional "home rule" pattern. Prior to the establishment of the new department, police effort throughout the county was dissipated by the proliferation of 97 separate agencies and the citizens of the unincorporated sections of the county often suffered from inefficient and politically-motivated enforcement of the law. In an area such as St. Louis County, organization was the very key to solution, and the St. Louis County Department of Police represents one of the most important developments in county police organization in recent history.

County departments of police certainly do not represent new types of police organization.¹ The character and the substantive features of the St. Louis County department do represent, however, certain innovations in county law enforcement. Developments in St. Louis County may present a useful pattern for police organization in other metropolitan or highly urbanized areas. Briefly, the voters of St. Louis County revised some of the normal concepts of "home rule" government. Leaving intact the major principles of "home rule" law enforcement, the voters of the county

approved the establishment of a County Department of Police with county-wide police powers. They approved the removal of law enforcement from the vicissitudes and uncertainties of county politics. In an amendment to the county charter, the voters deprived the Sheriff and the Constables of their normal law enforcement powers. And in an attempt to bring to the county a uniform and professional system of law enforcement, the voters approved many sound principles of government and police administration.

In principle, the citizens of the county have realized the following important gains:

1. Law enforcement by the county department is maturely responsive to the voters, through their elected representatives;

2. The voters are assured a continuity of law enforcement policy through the medium of a bipartisan five-member Board of Police Commissioners;

3. The chief law enforcement officer of the county has been removed several steps from the political process and chosen solely upon his professional experience and training;

4. Rigid and sensible employment standards and a merit system have been adopted, thus protecting the non-political character of law enforcement;

5. Incorporated areas are able to contract with the County Department for the provision of police services, thus effecting tax savings and more importantly, reassuring county-wide uniformity of law enforcement policy;

6. Through a unique plan for deputization, it is possible for members of municipal police agencies to be deputized and to receive county law enforcement powers. In return for this authority, they must agree to adopt certain policies of the County Department and to submit their opera-

¹ Variations of county police departments are to be found in Nassau County, N. Y., Baltimore and Montgomery Counties, Md., Fairfield and Arlington Counties, Va., among others.

tions to periodic scrutiny of the County Department; and,

7. Finally, in an effort to achieve more uniform crime reporting throughout the County, the Superintendent of the County Department of Police has been given the responsibility for the compilation of county-wide crime statistics.

The important results which the establishment of the St. Louis County Department of Police has already achieved and has still to achieve were not accomplished overnight, however. Each stage in the development of the Department is illuminating and interesting to students of police administration. Furthermore, while limited to the police field, developments in St. Louis County offer interesting and provocative possibilities to students of other governmental functions.

LEGAL STEPS TOWARD A SOLUTION

Citizen dissatisfaction with the traditional concept of county law enforcement was brought to a head by an unfortunate incident involving members of the Sheriff's staff. On July 15, 1953, while gathered at a Sheriff's picnic, the county's Chief Deputy Sheriff was shot, following an argument by another deputy sheriff. Subsequent investigation disclosed that the dispute centered around division of reward money. Further, investigators from the Missouri Attorney General's office discovered other unhealthy conditions existing in the county Sheriff's office. Heavy press play of the incident in the news and editorial columns of the *St. Louis Post Dispatch* and other papers helped to kindle interest in an attempt to remodel county law enforcement. Research by a citizens commission into the general pattern of law enforcement in St. Louis County disclosed weaknesses not only in the Sheriff's office, but in the general county-wide pattern of police organization.²

On July 15, 1953, the St. Louis County Council passed a resolution establishing the Citizens Commission on Law Enforcement in St. Louis County. This Committee, headed by Arthur B. Shepley, Jr., held exhaustive hearings and submitted its final recommendations some ten months later. In the enabling resolution, the County Council authorized the Citizens Commission to:

study... the overall structure of law enforcement

² Cf. Citizens Commissions on Law Enforcement in St. Louis County, A REPORT ON THE MUNICIPAL POLICE DEPARTMENTS IN ST. LOUIS COUNTY, and REPORT OF THE CITIZENS COMMISSION ON LAW ENFORCEMENT IN ST. LOUIS COUNTY, hereinafter referred to as the CITIZENS COMMISSION REPORT.

[in the county] and report to the Council its findings, including any recommendations such Commission may choose to make with reference to the improvement of the system of law enforcement in St. Louis County and its incorporated areas...³

The Citizens Commission was not limited, therefore, to recommend reform in the existing structure of law enforcement. Rather, it was given the "go ahead" even to recommend a radical departure from the traditional concepts of county police organization.

Furthermore, the Citizens Commission was empowered by the Council, not only to examine law enforcement in the unincorporated areas of the county, but also to examine the system of law enforcement in the municipalities. Implicit in the resolution which established the Commission was the hint that there was a relationship between the administration of law enforcement in the incorporated and in the unincorporated areas. Several of the initial meetings of the Commission were specifically directed to the securing of comments and suggestions of both county and municipal officials. In addition to information gained during hearings, the Commission had access to the research resources of the Governmental Research Institute of St. Louis, and called in Bruce Smith as professional consultant. Grant H. Buby of the Governmental Research Institute was sent to examine the structure of the county police departments of Baltimore County, Maryland, and of Nassau County, New York.

Concerning the more effective utilization of the police resources of St. Louis County, the Citizens Commission examined several alternative proposals. A summary of these alternatives is, as follows.

1. The establishment of a joint or unified St. Louis [City]-County Police Department for the entire St. Louis metropolitan area;
2. Compulsory consolidation of all police departments in St. Louis County;
3. An integrated police department for St. Louis County, embracing all unincorporated areas and in addition those municipalities in the County wishing voluntarily to avail themselves of the services and facilities of the County police department;
4. Strengthening of the present St. Louis County Sheriff's Office.⁴

³ CITIZENS COMMISSION REPORT p. 1, italics added.

⁴ *Ibid.*, p. 12.

The Citizens Commission's members were keenly aware:

of the responsibility vested in it to recommend changes in County law enforcement procedures which (1) would markedly improve existing conditions, (2) could readily be effectuated, and (3) would comprise so practical a solution as to warrant general acceptance.⁵

In view of the above considerations, therefore, members of the Commission could not conscientiously recommend either the proposal for a unified St. Louis City and County Police Department or the proposal for compulsory consolidation of the police departments of St. Louis County.

... from the viewpoint of ideal police administration' proposals for both... only had much to commend them. Under both proposals, a single police administration would have responsibility for, and sole jurisdiction over, police activities and services in a large metropolitan area...⁶

But each was unacceptable to members of the Commission, for there was involved in each of them both legal and political questions which would not yield themselves to early solution.⁷

Neither did the members of the Commission feel that the proposal to strengthen the Sheriff's Office was acceptable. There was unanimous agreement:

that the Commission should not consider possible means of further improving the operation and organization of the Sheriff's Office, *since any such proposal could not remedy the inherent weakness of that office or of the Sheriff system generally—namely, its elective and inevitably political character.*⁸

Interestingly enough, provisions of the 1945 Missouri Constitution permitted the members of the Commission to give serious consideration to curtailing the activities and responsibilities of the Sheriff. Steps to alter that office would not require Constitutional amendment. Under the 1945 Constitution, the Sheriff was no longer a Constitutional Officer. Instead of limiting forms of county organization to those provided by Constitution, alternative forms of county government were provided by general law.⁹ It might be said, therefore,

⁵ *Ibid.*, p. 14.

⁶ *Ibid.*, p. 12.

⁷ In this connection, the work of the St. Louis Metropolitan Survey is interesting.

⁸ CITIZENS COMMISSION REPORT, p. 12; italics added.

⁹ MISSOURI CONSTITUTION, 1945, Article VI, Sect. 9.

that the foresight of the delegates to the 1945 Constitutional Convention made possible the establishment of the St. Louis County Department of Police.

Finding three of the four alternative proposals unacceptable, the Citizens Commission recommended the establishment of an integrated county police department for the unincorporated areas of the county. This recommendation took the following form:

(1) Amendment of the Home Rule Charter of St. Louis County to provide for the establishment of a County Department of Police with all the police powers and duties then vested either in the Sheriff or in the Constables;

(a) Provision to be made for the *voluntary* contracting between the County and the municipalities for the provision of police services;

(b) Provision to be made for the deputization of certain municipal police officers by the County;

(2) Appointment by the County Supervisor of a bi-partisan five-member Board of Police Commissioners;

(3) Provision for Civil Service protection to members of the Department;

(4) Provision for disability and retirement benefits for members of the Department; and,

(5) Establishment of a County Jail Warden.¹⁰

The final recommendations of the Citizens Commission represented the crystallization of many ideas and concepts. Rather than emotional reaction to the exposure of unhealthy conditions in county law enforcement, the recommendations of the Citizens Commission stemmed from an exhaustive and painstaking analysis of the current law enforcement pattern. The prescription of the Commission sought to reconcile law enforcement realities with the problems of a growing urban county. The recommendations were designed to neutralize as much as possible the divisiveness and the ineffectiveness which often results from police organization along traditional lines. Seeking to recognize the essence of the non-political character of law enforcement, the recommendations were designed to remove county police employees from the capriciousness of a political system and to

¹⁰ CITIZENS COMMISSION REPORT, p. 5. The last recommendation was never enacted into law. The Department is awaiting legislation establishing a retirement and disability fund, and the department operates under a merit system.

make them responsive to the public through a non-political, professional police administrator. Commenting editorially, the *St. Louis Post Dispatch* stated:

What the growing urban county needs now is a professional police force, well trained, protected by civil service, and directed clearly apart from politics. That is exactly what the Citizens Commission proposed.

If the County Council approves the Citizens Commission plan, county voters will be asked to vote on a charter amendment. The choice will be between an efficient police and the sheriff's system. The outcome should not be in doubt.¹¹

Since 1950, St. Louis County had been operating under a liberal home rule charter. Furthermore, broad provisions of the Missouri Constitution provided an environment favorable to functional consolidation. The Constitution gave municipal and other political units broad discretionary powers to merge and to consolidate functions and political units. For example:

Any municipality or political subdivision of this state may contract and cooperate with other municipalities or political subdivisions thereof, or with other states or their municipalities or political subdivisions, or with the United States, for the planning, development, construction, acquisition or operation of any public improvement, or for a common service in the manner provided by law.¹²

The Missouri Constitution further provided:

[A county home rule charter] may provide for the vesting and exercise of legislative power pertaining to public health, police and traffic, building construction, and planning and zoning, in the part of the county outside incorporated cities; and it may provide or authorize its governing body to provide, the terms upon which the county shall perform any of the services and functions of any municipality, or political subdivision in the county, except school districts, when accepted by a vote of a majority of the qualified electors voting thereon in the municipality or subdivision, which acceptance may be revoked by like vote.¹³

There were, therefore, no constitutional questions to be resolved or to block even temporarily the accomplishment of the recommendations of the Citizens Commission.

The final report of the Commission was released

¹¹ ST. LOUIS POST DISPATCH, July 29, 1954.

¹² MISSOURI CONSTITUTION, Article VI, Sect. 16.

¹³ *Ibid.*, Article VI, Sect. 18c.

on April 28, 1954. On August 25th, the County Council approved the recommendations in the form of an ordinance which placed the matter of Charter amendment before the people. Citizens organized an "Information Drive" through which to explain the proposed police organization to the voters. In November, the voters gave their overwhelming approval to the charter amendment by a vote of 123,976 to 25,834.

DEPARTMENTAL ORGANIZATION

Concerning the distribution of police powers and duties, the charter amendment provided:

All powers and duties of the offices of Sheriff and Constables of the County with respect to preservation of order, prevention of crimes, and misdemeanor, apprehension and arrest, conserving the peace, and other police and law enforcement functions other than those relating to civil actions and the detention, care, custody, and control of persons and prisoners in the County Jail, provided by law, shall be vested in and performed by the Superintendent of Police and the Department of Police of the County as hereinafter provided, and the Sheriff and Constables of the County shall have no power or duties with respect to the same except when called upon by the Superintendent of Police as hereinafter provided.¹⁴

Concerning the vital question of police control, the amendment to the Charter provided:

(a) The Board of Police Commissioners shall consist of five citizens of the State of Missouri, resident freeholders of the County for not less than three (3) years next preceding their appointment and thirty (30) years or more of age. Not more than three members of the Board shall belong to the same political party, and none shall hold any other public office in the County or elsewhere, members of the organized militia or reserved corps of the Armed Services and notaries public excepted. The members of said Board shall be appointed by the County Supervisor with the approval of a majority of the entire County Council.¹⁵

The amendment to the Charter also provided a twenty-day waiting period between the date the member was approved and the date he took office. This procedure permitted sufficient time during which the appointment might be challenged.

All such appointments shall become effective twenty

¹⁴ HOME RULE CHARTER FOR ST. LOUIS COUNTY, MISSOURI, Article II, Sect. 4.10.

¹⁵ *Ibid.*, Article II, Sect. 4.40.

(20) days after such approval unless disapproved prior thereto by a majority of the Circuit Judges of the County.

Each member of the Board shall . . . serve . . . a term of three years. . . .

Any member of the Board may be removed from office by the County Supervisor with the approval of a majority of the entire County Council. . . .¹⁶

That the Board was to concentrate its attention on the policy level of the Department of Police and leave the day-to-day operation of the Department to the Superintendent is illustrated by the clear delineation of their respective duties. The Board was delegated the following powers and duties:

(1) to appoint as Superintendent of Police a person qualified and experienced in police administration and law enforcement. . . . (2) to hear and determine appeals from decisions of the Superintendent of Police on disciplinary matters arising in the Department; (3) to formulate standards for observance by Police Departments of municipalities of the County, in order to secure deputization of their personnel by the Superintendent; (4) to promulgate, upon recommendation of the Superintendent of Police, a manual of rules and regulations for the qualifications, conduct, and discipline of personnel of the Department of Police and its operations; (5) to have such other powers and duties with respect to police administration and law enforcement as the Council may by Ordinance provide.¹⁷

As a substitute for the politically chosen, and often politically oriented office of Sheriff, the charter amendment provided for the selection of a professionally trained and experienced administrator. It provided that:

The Superintendent of Police shall be head of the Department of Police and be responsible to the Board for the operation of the Department . . . and for the efficient and effective administration and performance of the duties, powers and functions of suppression of crime and other policing and law enforcement, including traffic control, in the County. . . .¹⁸

To insulate the Superintendent from political considerations, the *Administrative Code of St. Louis County* further provided that each member of the Board of Police Commissioners take an oath affirming that in every case of appointment or removal of the Superintendent of Police, no action based

upon the political opinion of the individual would be taken. The oath was also designed to protect members of the Department from action based upon their individual political opinions.¹⁹

The charter amendment provided that the new St. Louis County Department of Police would become effective July 1, 1955. It also provided that the Superintendent should be appointed by the Board not later than April 1, 1955. Colonel Albert E. DuBois was appointed as the Department's first Superintendent. Appointed as Deputy Superintendent, with primary responsibility for training, was Lt. Raymond W. Hensley, on leave as commander of the training academy of the Kansas City Police Department.²⁰

The chronology of action taken during the organizational period of the department should be of interest to students of police administration. Police departments normally evolve over considerable periods of time; rarely are they organized in the span of two short months! The responsibility for adopting regulations concerning operation and organization of the Department rested with the Board of Police Commissioners. The regulations approved comprised two sections: the first dealing with departmental organization, details of personnel administration, minimum standards for employment, details of the merit system, and a code of discipline and ethics; the second section consisted of thirty pages outlining a comprehensive order of medical standards. Included in the first section of the regulations was the so-called "Grandfather's Clause," giving the conditions under which members of the Sheriff's and Constable's offices could join the new department.²¹

The Code of Discipline and Ethics specifically outlined the standards of official and unofficial conduct expected of members of the Department, and vested in the Superintendent judgment in disciplinary matters, subject to appeal to the Board. It provided that ". . . an offense against this Code may be punished by discharge or such lesser punishment deemed appropriate by the Superintendent. . . ." Such lesser punishment might consist of the following:

- (a) Reduction in rank and pay
- (b) Suspension without pay
- (c) Fine

¹⁹ Sect. 23.03.

²⁰ Deputy Superintendent Hensley was elevated to the post of Superintendent on June 21, 1956, upon the resignation of Colonel DuBois.

²¹ St. Louis County Department of Police, DEPARTMENTAL REGULATIONS, Sect. 1, para. 5.2.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*, para. (c).

- (d) Reprimand
- (e) Admonishment
- (f) Loss of accumulated compensatory time off, or any portion thereof.²²

Regarding the equipment for the new department, the charter provided that:

All records, equipment and other property and things of whatsoever nature now used in connection with or relating to police duties and law enforcement of any office of the County, the powers and duties of which are now or shall hereafter be assigned to the Department of Police shall be transferred and delivered to that Department as of the effective date of this Section.²³

This equipment consisted of twenty automobiles, filing equipment, and some records, six shotguns, a camera, four resuscitators, radio equipment, and other items of office furniture.²⁴

At 12:01 A.M., July 1, 1955, the St. Louis County Department of Police became an operational reality. At that time, Colonel DuBois became responsible for the policing of the unincorporated areas of the county. In addition, the Superintendent provided police service to those incorporated areas which did not then possess policing agencies. The Department's personnel consisted for the most part of fifty-three former deputy sheriffs and deputy constables.²⁵ The regulations of the Department afforded reasonable tenure and permanent rank, but they also provided for temporary promotions during the organizational period.²⁶ Pending merit system tests and examinations, therefore, rank was often made and lost rapidly. All ranks in the Department are now permanent.

Present personnel of the Department consist of the following:

Commissioned (Sworn) Personnel:

1	Superintendent
1	Deputy Sup't
5	Lieutenants
13	Sergeants
75	Police Officers
—	
95	Commissioned Personnel
18	Civilian Personnel
—	
113	Total

²² *Ibid.*, para. 7.31.

²³ HOME RULE CHARTER, Sect. 49.40.

²⁴ St. Louis County Department of Police, ANNUAL REPORT, 1955-56, p. 3.

²⁵ As of May, 1957, thirty-nine of these officers remained on the Department's staff.

²⁶ DEPARTMENTAL REGULATIONS, para. 3.1.

The plan of the St. Louis County Department of Police included two rather unique features. These were, first, the program for the deputization of municipal police officers; second, the plan by which the Department may provide police service to municipalities on a contract basis. Regarding the first, Missouri law does not grant to municipal police officers the right of "hot pursuit" outside the confines of their jurisdictions in the case of violations of municipal ordinances. Under the plan developed in St. Louis County, the officers of selected municipal departments may be deputized by the Superintendent and be given county-wide jurisdiction when in "hot pursuit" or when called upon by the Superintendent to render aid. The standards governing such deputization carry further the philosophy implicit in the reorganization: namely, that law enforcement, by its very nature, must remain free of partisan considerations and influences. Under the standards for deputization, each municipal department desiring to secure and retain such deputization shall:

(a) Be free from political influence inimical to proper law enforcement; that is to say, the department and its personnel must be free to do a conscientious job of law enforcement without hindrance by political pressures or considerations.

(b) Not employ or retain any person as a member of its department who has been convicted of a felony or a misdemeanor, other than a misdemeanor considered not infamous, or any person who knowingly supplied misleading or incorrect information in his application or made a false oath in connection with his deputization.

(c) Within the limitations of its financial resources and manpower requirements, make conscientious effort to secure for the personnel of its department adequate training and to that end to participate, insofar as possible, in the training courses offered by or under the auspices of the St. Louis County Police Department.

(d) Cooperate with the St. Louis County Police Department in establishing uniform crime reporting procedures. . . .²⁷

Implicit, therefore, in the deputization program is the municipal police department's acceptance of the same standards which govern the County Department. The County Department is enabled to introduce a modicum of uniformity and standardization into the operations of municipal departments throughout the county. In the case of municipal areas, a dual jurisdiction already exists

²⁷ St. Louis County Department of Police, PROCEDURES FOR THE DEPUTIZATION OF COMMISSIONED PERSONNEL OF MUNICIPAL POLICE DEPARTMENTS, p. 1.