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IN THE 19TH CIRCUIT COURT
COLE COUNTY, MISSOURI

JAMALA ROGERS and MIKE MILTON, Plaintiffs, v. STATE OF MISSOURI; ANDREW BAILEY, in his official capacity as Attorney General of Missouri, Defendants.	Case No.

PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Jamala Rogers and Mike Milton state as follows:

INTRODUCTION

1. Defendant State of Missouri (the "State") has enacted House Bill Number 495 of the 103rd General Assembly (the "Bill" or "HB 495"), which, among other provisions, would place the City of St. Louis (the "City") police force (the "Police Force") under the governance and control of a newly constituted State Board of Police Commissioners (the "State Board"), place funding requirements on the taxpayers of the City of St. Louis, and regulate the conduct of City officials with regard to the implementation of the Police Force.

2. Plaintiffs are two concerned taxpayers in the City of St. Louis who believe that the imposition of State Takeover requirements will subject the City to an unfunded mandate that diverts resources away from needed programs to *prevent* crime, overturns the democratic vote of the people with no rational basis to believe it will help increase public safety, and will derail any progress that has been made in reducing the level of violence and improving law enforcement community relations.

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3. The Bill, as passed, is attached as Exhibit A and incorporated by reference. The provisions of HB 495 relating to the governance and control of the Police Force by the State Board are referred to collectively herein as the "State Takeover Law."

4. Defendant Bailey intends to enforce all the provisions of HB 495.

5. Plaintiffs bring this action against the State and Bailey seeking a declaration of the State Takeover Law's invalidity and an injunction against its enforcement and implementation because the State Takeover Law violates (1) the Missouri Constitution's prohibition on unfunded state mandates of local activities and services and (2) the Missouri Constitution's prohibition on certain local and special laws.

PARTIES

6. Plaintiff Jamala Rogers is a resident taxpayer of the City of St. Louis.

7. Plaintiff Mike Milton is a resident taxpayer of the City of St. Louis.

8. Defendant State of Missouri is a political body organized and existing under the Missouri Constitution and the United States Constitution.

9. Defendant Andrew Bailey is the Attorney General of the State of Missouri, charged with enforcing the laws of the State.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction over the cause of action under Article X, Section 23 of the Missouri Constitution and the Declaratory Judgment Act, §§ 527.010 et seq.

11. The Attorney General's principal office and the Capitol of the State of Missouri are located in Cole County.

12. Article X, Section 23 of the Missouri Constitution expressly permits declaratory judgment actions challenging laws for violations of the Hancock Amendment.

13. As the Attorney General of Missouri, Defendant Andrew Bailey will enforce the State Takeover Law challenged herein.

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FACTUAL AND STATUTORY BACKGROUND

14. From the Civil War era until 2012, the City's police force was under the governance and control of a State Board of Police Commissioners.

15. On November 6, 2012, the people of Missouri voted on Proposition A, a statewide ballot initiative to amend the laws of the State to:

- allow any city not within a county such as the City of St. Louis the option of transferring certain obligations and control of the city's police force from the board of police commissioners currently appointed by the governor to the city and establishing a municipal police force;
- establish certain procedures and requirements for governing such a municipal police force including residency, rank, salary, benefits, insurance, and pension; and
- prohibit retaliation against any employee of such municipal police force who reports conduct believed to be illegal to a superior, government agency, or the press[.]

Mo. Sec'y State, https://www.sos.mo.gov/elections/2012ballot.

16. Proposition A passed by a nearly two-to-one vote with 63.9% in favor and 36.1% opposed, enacting the Statutory Amendment to the Revised Statutes of Missouri, Chapters 83, 84, 86, and 105, relating to Municipal Police Force (the "Local Control Law").

17. Pursuant to the Local Control Law, the City was authorized to establish a municipal police force.

18. The City then established a municipal Police Force.

19. Under the City's governance and control, the Police Force established after the public vote remains in place to this day.

20. Following the Local Control Law, the City began to pay for many services that had previously been funded by the state: under state control in 2013 and before, the City did not pay for the Police Force's legal unit, recruiters, maintenance, and other support staff. At that time, the Police Force even had its own repair garage.

21. The City now incorporates those services into the work of other departments, such as the City Counselor's Office and the Personnel Department.

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22. Even with many of those needs being spread across other departments, during the time of Local Control (2013 through 2024) the police division was the largest unit of the City's government in terms of budget and staff.

23. The City approved two rounds of raises for police officers in just the last two years: once in 2023 and earlier this year, with raises of 7% planned for next year.

24. During Local Control, the City has provided steady funding for the police department.

25. The City has struggled to consistently fund other legislative proposals such as violence prevention initiatives, resources for victims and survivors of violence, policies that increase access to affordable housing, and programs which alleviate the effects of generational disinvestment. All of these proposals have a proven history of reducing crime and increasing public safety.

26. Crime rates fell in the City of St. Louis between 2022 and 2024.

27. Despite the popular vote enacting the Local Control Law, despite the City's robust funding of the police department at the expense of other needs, and despite the falling crime rate in the City of St. Louis, HB 495 was passed by the General Assembly on March 12, 2025.

28. The governor signed the Bill into law on March 26, 2025, repealing the Local Control Law and dictating that the City's Police Force will be placed under the governance and control of the newly formed State Board.

29. The full text of HB 495 is attached as Exhibit A but key passages at issue in this action are quoted below:

- "In all cities not within a county, there shall be, and is hereby established, within and for said cities, a board of police commissioners . . . to be the governing body of the permanent police force[.]" § 84.020.1.
- "As of the effective date of this act, the board of police commissioners shall have the authority to compute and establish the annual salary of each member of the police force

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without receiving prior authorization from the general assembly, which shall not be less than the annual salary paid to any member at the time of the effective date of this act." § 84.160.1.

- "[The] municipal assembly or common council shall appropriate a minimum sum equal to the following percentages of the city's general revenue: (1) Twenty-two percent for the period ending December 31, 2025; (2) Twenty-three percent for the period beginning on January 1, 2026, and ending on December 31, 2026; (3) Twenty-four percent for the period beginning on January 1, 2027, and ending on December 31, 2027; and (4) Twenty-five percent beginning on January 1, 2028, and for all subsequent years." § 84.160.3.
- " It shall be the duty of said boards, annually on or before the last day of February of each year to prepare, in writing, on such forms as may be prescribed for budget preparation purposes by such cities for departments of city government, an estimate of the sum of money which will be necessary for the subsequent fiscal year, to enable them to discharge the duties hereby imposed upon them, and to meet the expenses of the police department. . . . Said boards shall forthwith certify such estimate to the board of common council or municipal assembly, as the case may be, of said cities, who are hereby required to set apart and appropriate the amount so certified, payable out of the revenue of said cities, after having first deducted the amount necessary to pay the interest upon the indebtedness of said cities, the amount necessary for the expenses of the city hospital and health department, the amount necessary for lighting the city, and any sum required by law to be placed to the credit of the sinking fund of said cities." § 84.210.1.

30. Prior to the passage of HB 495, the City had no minimum funding requirement for its police department.

31. Starting as of the passage of HB 495, the City will now have a new requirement to add funding to its appropriations for its police department to equal 22% of the general revenue to the City, with amounts increasing to 25% in 2028 per § 84.160.3.

32. The requirements of HB 495 for the City of St. Louis to add a minimum amount of appropriations to the police department budget will result in the City incurring increased financial obligations to meet that minimum appropriation.

33. To meet the new requirement of a minimum allocation for the police department, the City either must reallocate money from other programs and services or will have to raise taxes.

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34. The State Takeover Law gives the appointed State Board the ability to set salaries for police officers.

35. Because the St. Louis City Charter requires pay parity between police officers and firefighters and EMS, if this State Board increases the salary for police officers, then the City of St. Louis will also have to increase other salaries to match, which creates even greater financial requirements.

36. There will be even less funds available for the City to implement holistic, poverty-reducing programs that have a proven effect on increasing public safety in the region.

37. Plaintiff Jamala Rogers is a taxpayer in the City of St. Louis.

38. Plaintiff Mike Milton is a taxpayer in the City of St. Louis.

39. Plaintiff Jamala Rogers has been active in her neighborhood and the City for years, advocating for City policies that will decrease poverty and increase the community trust in law enforcement through accountability.

40. Plaintiff Mike Milton grew up in the City of St. Louis and now works as the Executive Director of Freedom Community Center, a nonprofit that has been engaged in violence prevention work with a proven effect on reducing crime.

41. Plaintiffs Jamala Rogers and Mike Milton believe that the policies they advocate for and the programs they implement will increase public safety. Funding and support for those policies are now in jeopardy because of the State Takeover Law.

42. Plaintiffs Jamala Rogers and Mike Milton believe that the State Takeover Law will impose a greater financial burden on the City with fewer budgetary dollars available for programs and services that prevent crime, resulting in less public safety for the community.

COUNT I: HB 495 VIOLATES THE PROHIBITION ON UNFUNDED MANDATES IN ARTICLE X

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43. Plaintiffs incorporate by reference the allegations in the foregoing paragraphs of this Petition.

44. The Hancock Amendment prohibits the State from imposing unfunded mandates on political subdivisions such as the City. Taxpayers, such as Jamala Rogers and Mike Milton, have standing to challenge such unfunded mandates under Article X, Section 23.

45. The State Takeover Law imposes an unfunded mandate on the City, creating new minimum funding requirements that the City must appropriate for the Police Force.

46. The City's current municipal Police Force was not established by a state board of police commissioners.

47. The State Takeover Law requires increased activities or services by the City.

48. Prior to the State Takeover Law, the City was not subject to a minimum police funding requirement.

49. As explained above, the State Takeover Law creates a new financial obligation that previously did not exist on the City of St. Louis to fund the police department up to a minimum amount.

50. Specifically, the State Takeover Law requires the City of St. Louis to take money that was previously unrestricted and available to the City and requires the City's officials to restrict that funding to meet the state-required minimum funding.

51. The State Takeover Law requires the City to increase its already-robust funding of the police department, without increased state funding, above the amount that was required when the Hancock Amendment was passed.

52. The State Takeover Law does not fall within the exception in subpart 2 of the Hancock Amendment because subpart 2 only authorizes laws that *increase* minimum police funding requirements. An increase in the minimum funding requirement presumes that such a

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minimum funding requirement already exists. Subpart 2 of the Hancock Amendment does not authorize laws *imposing new* minimum funding requirements.

53. Additionally, the exception in subpart 2 of the Hancock Amendment applies only to a "police force established by a state board of police commissioners," whereas the City's Police Force was not established by any such board.

54. Because the imposition of new minimum police funding is not an authorized "increase" of such a minimum requirement and because the Police Force is not one "established by a state board of police commissioners," subpart 2 of the Hancock Amendment is inapplicable, and the State Takeover Law's unfunded mandate violates the Missouri Constitution.

COUNT II: HB 495 VIOLATES THE PROHIBITION ON CERTAIN LOCAL OR SPECIAL LAWS IN ARTICLE III

55. Plaintiffs incorporate by reference the allegations in the foregoing paragraphs of this Petition.

56. The provisions of HB 495 instituting and governing the State takeover apply to a class of one political subdivision—the City of St. Louis.

57. Article III, Section 40(21) of the Missouri Constitution prohibits the passing of any local or special law that "prescrib[es] the powers and duties of officers in, or regulat[es] the affairs of counties, cities, townships, election or school districts" and prohibits the passing of such a law "where a general law can be made applicable[.]"

58. Article III, Section 40(25) prohibits the State from applying a local or special law that "legaliz[es] the unauthorized or invalid acts of any officer or agent of the state or of any county or municipality" and prohibits the passing of such a law "where a general law can be made applicable[.]"

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59. HB 495 prescribes the powers and duties of officers in, and regulates the affairs of, the City of St. Louis.

60. HB 495 gives the State Board the unilateral authority to change police department policies and procedures notwithstanding any ordinances passed by the elected officials of the City of St. Louis that may have previously held certain conduct to be unauthorized or invalid.

61. The State had no rational basis for imposing the requirements of the State Takeover Law only on the City of St. Louis.

62. For example, the State has no rational basis for imposing minimum police department funding requirements only on the City of St. Louis and excluding other municipalities from those requirements.

63. A general law could be made applicable to address the policy issues the legislature has identified.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Jamala Rogers and Mike Milton pray that this Court enter judgment in their favor, ordering and declaring that:

a. Certain provisions of HB 495 are invalid under the Missouri Constitution because they violate Article X, Section 21's prohibition on unfunded mandates of political subdivisions.

b. Certain provisions of HB 495 are invalid under the Missouri Constitution because they violate Article III, Section 40's prohibition on local or special laws.

c. Enforcement of the unconstitutional provisions of HB 495 is permanently enjoined.

d. The unconstitutional provisions of HB 495 can be severed from the remainder of HB 495.

e. Such other relief as the Court finds just and proper given the circumstances described in this Petition and the Court's ultimate rulings.

Dated: June 5, 2025

Respectfully submitted,

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