



# POLICY AND PROCEDURE

# NO.341

## Constable Application Guidelines Procedures

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The following guidelines and procedures shall be adhered to strictly whenever an individual applies to the City of Worcester for an appointment to the position of “constable,” pursuant to in M.G.L. c. 41 §§ 91 or 91A, & 91B, and the City of Worcester Revised Ordinances, Part Two, Art. Five, §1.

### GENERAL PROVISIONS—ALL APPLICANTS:

1. The application fee is \$100.00, and it must be received before the application will be reviewed. It is non-refundable.
2. Applications shall only be considered if they are filled out completely and properly prior to filing; any such application which does not meet these criteria shall be automatically denied, and the burden shall be on the applicant to submit a new application that meets all criteria.
3. All applicants must have continuously resided within the City of Worcester for a minimum of twelve [12] months prior to the date of their application. For the purposes of this process, “resided” shall mean actually having lived at an address within the City of Worcester during said time period. Any evidence uncovered that shows that the applicant was using a “straw” residence for purposes of this application shall automatically disqualified from consideration. All persons appointed to the position of constable shall continue to maintain their actual residence within the City; otherwise the appointment to the position of constable shall be voided.
4. All applicants shall have a current, valid Massachusetts License to Operate Motor Vehicles and furnish a copy thereof;
5. **A]** All applicants shall either [a] have a current, valid Massachusetts License To Carry Firearms and furnish a copy thereof, or [b] be deemed eligible to obtain one, by virtue of successful completion of the WPD background check conducted as part of this application process; **B]** In conjunction with #5A, *all applicants* shall contact the Massachusetts Department of Mental Health and obtain a records release form. This form shall be completed so as to allow the Worcester Police Department to obtain from the DMH any and all records it may have in its possession that pertain to the applicant. The completed release form must be attached to the constable application at the time that it is submitted. Any such records obtained shall be reviewed so as to determine whether any conditions exist that would disqualify the applicant from eligibility to obtain a License to Carry. The Massachusetts Department of Mental Health can be contacted at 508-368-3838 [Worcester Office].
6. All applicants shall be checked by this department for criminal histories in WPD records and the Massachusetts Criminal System History Board [“BOP” & “III” checks]. An applicant shall be automatically disqualified from further consideration if any of the following appear on his or her criminal record:
  - A. Felony conviction[s];
  - B. Misdemeanor conviction[s] within the past five [5] years; or, misdemeanor conviction[s] at any time for a crime involving violence, including but not limited to, simple assault and domestic violence;

- C. Any other conviction[s] which render the applicant to be disqualified from possessing firearms under either state or federal laws/guidelines;
- D. Existing restraining orders issued against him or her by any court of competent jurisdiction, whether said court is located within or without of the Commonwealth of Massachusetts.

Furthermore, an applicant may be disqualified for further consideration, at the sole discretion of the Chief of Police or his or her designee, if any of the following appear on his or her criminal record:

- E. Felony arrest[s];
- F. Misdemeanor arrests;
- G. Any arrest for Domestic Violence pursuant to M.G.L. c. 209A;
- H. Prior or existing restraining orders issued by any court of competent jurisdiction, whether said court is located within or without of the Commonwealth of Massachusetts.
- I. Substantial evidence that indicates that, but for extraordinary circumstances beyond the control of the WPD, the applicant both could have been charged with any of the crimes indicated above and more likely than not been convicted in a court of law.
- J. Poor driving record, including but not limited to:
  - i. Prior license suspension/revocation;
  - ii. Three [3] or more findings of “Responsible” on civil driving infractions in any 12 month period;
  - iii. Multiple at-fault accidents;
  - iv. A combination of incidents from any of the above categories.

**OTHER PROVISIONS:**

**1. Additional Background Check:**

A further background may be conducted at the discretion of the Chief of Police or his or her designee. Such background check may include any or all of the following steps:

- 1) Contacting references;
- 2) Contacting current and former employers;
- 3) Contacting schools attended;
- 4) Participation by the applicant in an interview to be conducted by the Chief of
- 5) Police’s Designee[s].

**2. Chief of Police’s Determination:**

Upon consideration of the application and all relevant documentation, the Chief of Police or his designee shall make a determination of the whether the applicant is

“a person of good repute and character and qualified to hold said office.”<sup>1</sup> Only those applicants who meet these strictly defined criteria shall be appointed constables.

**3. Notifications:**

Upon a determination as described in #2 above, the Chief of Police Shall notify the City Manager with respect to the Chief’s finding and recommendation. Once the City Manager has informed the Chief of Police as to the Manager’s decision as the appointing authority, the Chief will notify the applicant in writing as to whether his application has been approved or denied.

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<sup>1</sup>M.G.L. c. 41 § 91B

Per:

A handwritten signature in black ink, appearing to read "Gary J. Gemme". The signature is written in a cursive style with a light blue rectangular highlight behind the first few letters.

*Gary J. Gemme*  
Chief of Police

GJG:mjk