

CITY OF GARDNER
REQUIREMENTS FOR CONSTABLE APPLICANTS

1. All applicants must have continuously resided within the City of Gardner 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 Gardner during said time period. Any evidence uncovered that shows that the applicant was using a “straw” residence for purposes of this application shall automatically disqualify the applicant 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.
2. There is a \$100.00 application fee, payable by Check or Money Order made out to the City of Gardner. This fee is non-refundable.
3. It is the responsibility of the applicant to submit a fully completed application. 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 filing criteria.
4. All persons renewing their applications or being initially appointed to the position of constable will be for a term of one (1) to three (3) years, and then each subsequent renewal will be for three (3) years.

Completed applications shall include all of the following:

- All applicants shall have obtained at least a high school diploma or G.E.D., and furnish proof thereof (copy of diploma or transcript of high school, G.E.D. or college);
- All applicants shall have a current, valid Massachusetts License to Operate Motor Vehicles and furnish a copy of the front and back thereof;
- **A]** All applicants shall either [a] have a current, 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 GPD background check conducted as part of this application process; **B]** In conjunction with A] of this section, ***all applicants*** who do not have a current, valid Massachusetts License to Carry Firearms shall contact the Massachusetts Department of Mental Health and obtain a records release form. This form shall be completed so as to allow the Gardner 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];
- All applicants shall have a current bond that will be valid for three (3) years in the minimum amount of \$5,000.00, as described in M.G.L. c. 41 s. 92, and file a copy of said bond with his/her application;

- All applicants shall state precisely, in the space provided, the reason[s] for requesting appointment as a constable, including whether he/she is to be employed independently, by another constable, or is going to work for a specific attorney or law office. If this is an application for renewal, print “Renewal” in this space, in addition to the aforementioned information;
- Applicants who have served in the military must provide a certified copy of their DD-214 discharge form;
- The application must be signed by (5) residents of the City of Gardner, one of whom must be an Attorney-at-Law. Please note that the Attorney-at-Law must also ***reside*** in the City of Gardner.

Background Checks:

The Gardner Police Department (“GPD”) will conduct a criminal background check, as well as a Driver’s License history through the Registry of Motor Vehicles. An applicant shall be automatically disqualified from further consideration if any of the following appear on his/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/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/her designee, if any of the following appear on his/her criminal record:

- A. Felony arrest[s];
- B. Misdemeanor arrest[s];
- C. Any arrest for Domestic Violence pursuant to M.G.L. c209A;
- D. 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;
- E. Substantial evidence that indicates that, but for extraordinary circumstances beyond the control of the GPD, 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;
- F. Poor driving record, including but not limited to, prior license suspension/revocation, three [3] or more findings of “responsible” on civil driving infractions in any 12 month period, and multiple at-fault accidents.

OTHER PROVISIONS

1. Additional Background Check

A further background check may be conducted at the discretion of the Chief of Police or his/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 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/her designee shall make a determination of whether the applicant is "a person of good repute and character and qualified to hold said office." 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 Mayor with respect to the Chief's finding and recommendation. If the application is approved, the Office of the Mayor will notify you of your swearing in date.

4. Identification Cards

Once sworn in, you are responsible for obtaining a Constable Identification Card for the current calendar year from the City of Gardner Personnel Department. The cost of this identification card is \$5.00 and must be obtained ***before*** you may conduct any business as a Constable. You must carry this identification card with you whenever conducting business as a Constable.

5. Expiration Date

The Constable Appointment is valid for [3] years from the date the appointment is issued through December 31 of the third year only. If you were previously appointed, you must renew your appointment every three [3] years by filing an application, paying the application fee and obtaining a new Constable Identification Card from the City of Gardner Personnel Department, or else you must cease functioning as a Constable for the City of Gardner after December 31 of the year for which the most recent ID card was issued. It is the applicant's sole responsibility to contact the City of Gardner Personnel Department and make an appointment to obtain the ID card.

6. Fees Collected

In accordance with M.G.L. c41 s95A, Constables appointed by the City of Gardner shall pay to the City 25% of all fees collected for the service of civil process under the fee structure established by M.G.L. c262 s8. This payment shall be made to the City of Gardner Treasurer on a quarterly basis, January 15, April 15, July 15 and October 15.

7. Reporting

Constables appointed by the City of Gardner shall file, in accordance with M.G.L. c41 s95B, an itemization of all civil process fees charged and revenues received from said fees as well all amounts paid to the City of Gardner Treasurer's Office. This report shall be filed annually on or before April 15.

To His Honor the Mayor:

In accordance with Chapter 41 of the General Laws and Acts, and any amendments thereto, I hereby make application for an appointment as Constable for the City of Gardner.

My reason[s] for requesting this appointment are as follows: (Use extra page[s] if necessary.)

Full Name: _____ Date: _____
Last First M.I.

Address: _____
Street Address City, State Zip Code

Home Phone: __ (____) _____ Business Phone: __ (____) _____

Date of Birth: _____ Driver's License No: _____

Applicant's Signature: _____ SS #: _____

You must be a Gardner resident to sign below.

We hereby certify that the above-named applicant is a person of good repute and character.

Name (Please Print Legibly)	Residential Address	Phone No.	Signature
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This is to certify that the Gardner Police Department have investigated the reputation and character of the above-named applicant and find him/her **qualified/not qualified** to hold the office of Constable.

Chief of Police

Application: Approved Not Approved