



Town of Foxborough Constable Appointment Regulations

Application Requirements

1. All candidates fill out and return a completed application, including 5 letters of reference from the Town of Foxborough, at least one of which is from an attorney who is currently a member of the Massachusetts Bar.

NOTE- Incomplete applications, applications with incorrect information or applications improperly filled out will result in disqualification from consideration.

2. All candidates sign a CORI release authorizing a criminal history check.
3. After the application, letters of reference and CORI release have been submitted, all candidates schedule a pre-appointment interview with the Chief of Police or his designee.
4. The Chief of Police or his designee shall then make recommendations to the Appointing Authority regarding the fitness of the candidate.

Qualifications

1. All applicants shall be twenty-one years of age or older.
2. All applicants shall be of sound moral character.
3. All applicants shall maintain residency in, or proximity to, Foxborough .
4. Applicants who have any of the following shall be excluded from consideration:
 - a) A conviction for a violent offense within the past ten (10) years,*
 - b) A conviction for a misdemeanor within the past five (5) years,
 - c) A current open case in criminal court

- d) A history of domestic violence, including current or expired restraining orders under MG.L., 208 or 209A.
- e) Has been incarcerated in a state or county penal institution
- f) Is classified as a sex offender under Massachusetts Law

*Violent offenses include, but are not limited to, assaults of any type, armed and unarmed robberies and all crimes of a sexual nature.

Re-appointment Requirements

1. All appointees shall be required to submit to a criminal record check before re-appointment.
2. All appointees shall be required to provide proof of employment to the Chief of Police or his designee as a constable. Proof of employment may include records or logs of service of process or any other documentation that would tend to show that the appointee is utilizing the appointment for proper purposes.
3. Appointees understand that violations of any of the requirements or qualifications listed may result in immediate disqualification from the position of constable. The Board of Selectmen reserve the right to rescind any appointment.
4. The Board of Selectmen reserve the right to alter, amend or otherwise change these requirements and qualifications at any time.

The applicant/appointee understands that appointment as a constable does not constitute employment with the Town of Foxborough or the Foxborough Police Department. Appointees understand that appointment as a constable does not grant them the authority to act in the capacity of a Foxborough Police Officer. Appointees attempting to use their authority as a constable in an improper fashion will have their appointment immediately revoked.



Town of Foxborough

40 South Street ♦ Foxborough, MA 02035 ♦ Phone 508-543-1200 ♦ Fax 508-543-6278

Board of Selectmen – Local Licensing Authority

Application for Constable Appointment

Name: _____

Residence: _____

Mailing Address: _____

Daytime Telephone # _____

Last date Constable powers were exercised: _____

DOB: _____ Social Security # _____

Present Employer, address & Phone: _____

Term of your employment with this employer: _____

List your employers for the last five years, if different from above:

Applicant's reason for desiring appointment:



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40 South Street ♦ Foxborough, MA 02035 ♦ Phone 508-543-1200 ♦ Fax 508-543-6278

Board of Selectmen – Local Licensing Authority

This application must be signed by five reputable citizens of the Town of Foxborough, one of who shall be an attorney at law.

We, the undersigned, hereby attest to the good moral character of said applicant and that the applicant is possessed of sufficient qualifications and abilities to discharge the duties of the office of constable.

Name	Address	Title

Name, address and phone # of all persons employing you as a constable:

Pursuant to Mass. General Law, Chap 62C, Section 49A, I hereby certify, under the penalties of perjury, that I have, to the best of my knowledge and belief, filed all state tax returns, paid all state and local taxes required under the law and desire reappointment as constable by the Town of Foxborough.

Applicant Signature Date

All applicants will be required to provide documentation to indicate adequate bonding with the application.

W:\Board_Of_Selectmen\HUMAN RESOURCES\POLICIES Rev. 1/28/16



**Town of Foxborough
Police Department**

Policy on Appointment of Constables

Policy Statement

The Town of Foxborough recognizes its responsibility to appoint as constables only those qualified individuals who are of good repute and character. This policy will serve as a guide to the application, screening, and appointment process for the office of Constable in the Town of Foxborough. The Board of Selectmen shall appoint not less than ten (10) people constables for three year terms (including the Chief of Police)

References

G.L. c. 41 § 91A – Appointment of Constables in Towns

G.L. c. 41 § 91B – Appointments; qualifications; application; investigation

G.L. c. 41 § 94 – Powers and Duties

Special Terms

None.

Policy Description

I. APPOINTMENT

A. **Application:** Candidates for appointment shall submit a completed application to the Chief of Police of the Foxborough Police Department.

1. The application shall contain the applicant's reasons for appointment and other such information as may be reasonably required to determine the applicant's fitness for the position, including but not limited to:

- a. Residency in, or proximity to, Foxborough
- b. Demonstrated experience in serving process;
- c. Demonstrated experience interacting with state and local law enforcement; and
- d. Knowledge of and history of compliance with (if applicable) this policy and state law governing conduct of constables.

2. The application shall also contain a statement as to the moral character of the applicant signed by at least five reputable citizens of Foxborough, one of whom must be an attorney-at-law.

B. **Background Investigation:** All applicants for the position of Constable must submit to an investigation of their reputation, character, and qualifications to hold the position. The Chief of Police of the Police Department, or his designee, will conduct this background investigation. The background investigator may personally interview the applicant.

C. **Recommendation:** The Chief of Police will make a written report to the Town Manager as to the applicant's suitability for the position on constable. The report will include a summary of the results of the background investigation and findings of fact relative to the applicant's reputation, character, and qualifications. The Chief will make a final written recommendation to the Town Manager as to whether the applicant should be appointed. If the application is not recommended by the Chief of Police for approval, then the application will not go forward unless the applicant specifically requests a hearing before the Board of Selectmen.

D. Number of Constables: The number of constables appointed by the Town of Foxborough shall be no less than ten (10) at any one time. An increase in this number must be approved by the Board of Selectmen, subject to the needs of the community. Applications for constable, regardless of qualifications, shall not be accepted for consideration when the available positions are satisfied.

Applicants for constable shall be notified in writing of the date and time that their application shall be considered by the Board of Selectmen, at which time the applicant must be present.

E. Identification Card: All Constables upon appointment by the Board of Selectmen and being sworn in by the Town Clerk shall receive an Identification Card issued by the Police Department. The Identification Card shall be valid for the term of the appointment or resignation or removal from the position. A new Identification Card with updated photograph is required with each reappointment. Persons appointed shall pay a processing fee of \$25.00 for an identification card. Lost identification cards must be reported to the Police Department, replacement cards shall cost \$50.00. Identification Cards are the property of the Town of Foxborough and must be surrendered upon the demand of the Board of Selectmen. Constables shall submit a valid government-issued photo identification and constable appointment papers to receive identification cards.

Constables shall carry identification cards while in the performance of their duties and they shall be displayed upon request by any citizen or police officer. Constables shall maintain a professional appearance adhering to a minimum standard of business casual dress code during their performance of duties.

F. Bonds: All constables upon appointment by the Board of Selectmen are subject to the bonding requirements set for the in G.L. c. 41, §92. A constable who has given bond to the town in a sum of not less than \$1,000.00, with sureties approved by the Selectmen, conditioned for the faithful performance of his duties in the service of all civil processes committed to him, and has filed the same, with the approval of the Selectmen endorsed thereon, with the Town Clerk, may within Foxborough serve any writ or other process in a personal action in which the damages are not laid at a greater sum than \$200.00, and in replevin in which the subject matter does not exceed in value \$200.00, and any writ or other process under

G.L. c. 239. A constable who has filed such a bond, in a sum of not less than \$5,000.00 may, within Foxborough, also serve any such writ or other process in which the damages are laid at a sum not exceeding \$7,000.00, and any process in replevin in which the subject matter does not exceed in value \$7,000.00. Any appointment to the position of constable is subject to revocation in the event that such bond lapse, expires, or is reduced below the statutory minimum, or in the event that a constable is found to be serving process in matters in which damages are laid at a greater sum than authorized.

G. Fees: All constables shall pay fees to the town in accordance with G.L. C. 41, §95A. Fees shall be submitted to the office of the Board of Selectmen on a quarterly basis for deposit with the town treasurer, except as otherwise provided in Section 95A. Each constable shall annually on or before April 15 file with the town treasurer an account signed under the penalties of perjury of all fees and money received by him under G.L. c. 262, §8 for the service of civil process. Such account shall include an itemization of all civil process fees charged by the constable's civil process office, all revenue received from said fees and all amounts paid by the constable to any city or town treasurer on account of such civil process fees under section 95A. Failure to comply with this section shall be grounds for revocation of appointment.

II. STANDARDS OF CONDUCT

Limitation of Powers and Duties: The Town of Foxborough appoints constables only for the service of limited forms of civil process within the geographical boundaries of the Town of Foxborough. Powers and duties conferred at appointment are strictly limited to only those necessary for this purpose. Constables so appointed are not empowered to and shall not act as police officers. Constables shall not make arrests or otherwise take persons into their custody. They shall not serve warrants, capiases, or criminal process. Constables shall not obtain CORI (Criminal Offender Record Information) through CJIS (the Criminal Justice Information System). Constables under investigation for violations of conduct may have their duties suspended or minimized during the investigation process.

RULE 1 – CONDUCT UNBECOMING A CONSTABLE

Constables shall not commit any specific act or acts of improper, unlawful, disorderly or intemperate conduct, which reflect(s) discredit or reflect(s) unfavorably upon the constable, upon other constables or upon the position of constable. Constables shall conduct themselves at all times both on and off duty in such a manner as to reflect most favorably on their position and the Town of Foxborough.

Conduct unbecoming a constable shall include that which tends to indicate that the constable is unable or unfit to continue in his or her position, or tends to impair the operation, morale, integrity, reputation or effectiveness of the position of constable, or is beyond the scope and authority granted to them under G.L. 41 § 94.

RULE 2 - ABUSE OF POSITION

With the exception of the collection of established fees for the discharge of their official duties, constables shall not use the prestige or influence of their official position for the private gain or advantage of themselves or another.

Except as provided above, they shall not use their official position or badges: (a) for personal or financial gain; (b) for obtaining privileges not otherwise available to them except in the performance of duty, or (c) for avoiding consequences of illegal acts. Constables shall not lend their badges to another person.

RULE 3 – INCOMPETENCE

Constables shall maintain sufficient competency to perform their duty and to assume the responsibilities of their position. Incompetence may be demonstrated by, but is not limited to, the following:

- a. A lack of knowledge of the application of laws related to the service of process and the duties and responsibilities of constables;
- b. An unwillingness or inability to perform the duties of the position;
- c. The failure to conform to work standards established for the position;
- d. Repeated infractions of these rules and/or the Customer Service Policy of the Town of Foxborough.

RULE 4 - DISPARAGING REMARKS

While in the performance of their duties, constables shall not speak slightly of any minority, race, nationality, gender, or religion, nor make derogatory remarks about individuals on account of their marital status or sexual preference.

RULE 5 – COURTESY

Constables shall not be rude, impolite or inconsiderate to the public, their fellow constables, or Town employees. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances.

Constables shall answer questions from citizens in a courteous manner and, if unable to supply an answer, shall make every effort to obtain the answer for the citizen, avoiding argument and unnecessary conversation.

RULE 6 – IDENTIFICATION

While in the performance of their duties, constables shall properly identify themselves to any person requesting this information. Constables shall not use or display blue lights on motor vehicles or use or display badges or other times of identification containing the words “police” or “law enforcement”.

RULE 7 – TRUTHFULNESS

Constables shall speak the truth at all times in the performance of their duties or when discussing a matter arising out of or related to the constable’s duties.

RULE 8 – POLICY & PROCEDURE COMPLIANCE

Constables shall read, be familiar with and comply with the requirements of this policy, applicable Massachusetts General Laws and the rules and procedures contained herein.

RULE 9 – CRIMINAL CONDUCT

Constables shall not commit any criminal act (felony or misdemeanor), or violate the regulatory or criminal laws or statutes of the United States or of any state or local jurisdiction (by-law/ordinance).

NOTE: A constable may be guilty of violating this rule regardless of the outcome of any criminal court case. Conviction for the violation of any law is *prima facie* evidence of a violation of this rule. However, even in the absence of a conviction (which requires proof beyond a reasonable doubt), a constable may still be disciplined under this rule for the conduct that was involved since a preponderance of the evidence is the quantity of proof required in such cases.

RULE 10 – REPORTING CITIZEN COMPLAINTS

Constables shall promptly and courteously make a written record of any complaint made by a citizen against themselves or any other Foxborough constable. Constables may try to resolve the complaint; however, they shall not try to discourage any citizen from filing a complaint with the Town.

RULE 11 – REPORT RULE VIOLATIONS

Constables shall, upon observing or otherwise becoming aware of a violation by another constable of the Town's Rules and Regulations or Policies and Procedures, as set forth in this policy or by other directives or as governed by law, report said violations to the Town Manager who will be responsible for appropriate action.

III. COMPLAINT PROCEDURE

The Town may take disciplinary action or revoke an appointment at any time for cause. Cause is defined as any reason as stated in Section II or any other section of these regulations; and compliance with State Laws concerning Constables (MGL. Ch 41§ 95A, MGL Ch 262 § 8. Complaints against Foxborough constables should be in writing and directed to the Town Manager for investigation. The Town Manager may request the Police Department's assistance in the investigation. A Constable shall receive written notice of the complaint filed against them. Such notice shall state the specific reasons relies con as a cause for disciplinary action and inform the Constable of their right to a hearing before the Town Manager or his designee by applying to him in writing for such a hearing. Such hearing shall be held within twenty-one (21) days after the receipt of a written request thereof. At the hearing, the Constable shall have the opportunity to respond to the complaint filed against them. The Town Manager shall make his recommendation to the Board of Selectmen on a course of action based on the complaint hearing. The board of Selectmen shall at that time vote to accept the recommendation of the

Town Manager, or some other course of action. The decision of the Board of Selectmen shall be final, and not subject to further appeal.

IV. REMOVAL FROM OFFICE

The Board of Selectmen reserves the right to revoke the appointments of those constables who violate this policy or otherwise demonstrate a lack of fitness for the position.

TOWN OF FOXBOROUGH



CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing. The Foxborough Public Schools and the Foxborough Police Department maintain separate CORI policies consistent with their needs and accreditation standards.

State law and regulations govern the use of CORI by the Town. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed. Violations of CORI laws and regulations are actionable in accordance with state law, and any such violations or violation of this policy may also result in disciplinary action against an employee found to have violated said laws, regulations, or policy, up to and including termination from employment.

I. CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and MGL c. 6, § 172, and only after a CORI Acknowledgement Form has been completed. **A sample CORI Acknowledgement Form is attached.**

With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours notice that a new CORI check will be conducted.

If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

In accordance with state regulations, prior to running a CORI check, the applicant's identity will be verified with government-issued photographic identification, such as a driver's license. If the individual has not been issued such a form of identification, then the applicant's information will be verified with a government-issued non-photographic identification, such as a birth certificate or Social Security card, or other identification authorized by DCJIS. A copy of this identification, together with the CORI Acknowledgement Form, shall be maintained on file by the Town for at least one year from the date the Form was signed by the applicant.

II. ACCESS TO CORI

All CORI obtained from the DCJIS is **CONFIDENTIAL**, and access to the information must be limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The Town of Foxborough, through its designated CORI Representative, the Assistant Town Manager, must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

All CORI certifications must be renewed annually, and any persons authorized to access CORI are required to be retrained annually.

III. CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI for the Town of Foxborough will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Additionally, as the Town of Foxborough is an agency required by MGL c. 6, s. 171A, to maintain a CORI Policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS and the Town of Foxborough’s CORI Policy.

IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. In most instances, CORI shall only be accessed for applicants who have been tendered a conditional offer of employment.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

V. VERIFYING A SUBJECT’S IDENTITY

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant. The Town shall document all steps it takes in this regard.

VI. INQUIRING ABOUT CRIMINAL HISTORY

In connection with any decision regarding employment, volunteer opportunities, housing, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, **PRIOR** to questioning the subject about his or her criminal history. The source(s) of the criminal history record is/are also to be disclosed to the subject.

VII. DETERMINING SUITABILITY

If a determination is made, based on the information as provided in section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- a. Relevance of the record to the position sought;
- b. The nature of the work to be performed;
- c. Time since the conviction;
- d. Age of the candidate at the time of the offense;
- e. Seriousness and specific circumstances of the offense;
- f. The number of offenses;
- g. Whether the applicant has pending charges;
- h. Any relevant evidence of rehabilitation or lack thereof; and
- i. Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

VIII. ADVERSE DECISIONS BASED ON CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. **A model letter for this purpose is attached.** The subject shall be provided with a copy of the Town's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*. **A copy of this document is attached.**

The subject will then be provided with a reasonable opportunity to dispute the accuracy of the CORI Record and/or submit additional information. In most instances, that reasonable opportunity shall be seven (7) calendar days from date of notification from the Town of the potential of an adverse decision, unless there are extenuating circumstances. Upon the timely receipt of additional documentation/information from the applicant and/or from the DCJIS, the Town shall review the information, make an appropriate decision based on all information available, and fully document the actions taken.

In the case of license applications, the Town will additionally provide the applicant with information regarding any applicable appeal process, including the opportunity to dispute the accuracy of the CORI at issue.

IX. MAINTENANCE OF CORI

All CORI information, including CORI Acknowledgment Forms and copies of government-issued identification, will be maintained in a secure fashion. This means that hard copies will be stored in a separate, locked, location; electronically-stored CORI will be password-protected and encrypted. No CORI shall be stored using public cloud storage methods.

CORI shall be destroyed within seven years from: the date of hire, or date of entrance into volunteer service (employment); date of final licensing decision (licensing); last date of residency or date of housing decision (housing), whichever is later.

Destruction shall occur by shredding or other similar means (hard copies), prior to disposal. Electronically-stored CORI shall be deleted from all hard drives on which it is stored and from any system used to back up the information. Appropriate measures should be taken to “clean” any computer used to store CORI, prior to disposal or repurposing of such a computer.

X. SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS is **CONFIDENTIAL** and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject. That log must contain the following information: 1. the applicant/subject’s name; 2. the applicant/subject’s date of birth; 3. the date and time of dissemination; 4. the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); and 5. the specific reason for the dissemination. These logs must be maintained for at least one year from the date of dissemination; they may be maintained electronically or on paper in the same, secure manner as other CORI information; and are subject to audit by DCJIS.

Reviewed by the Foxborough Board of Selectmen

March 17, 2015

Date


Approved by William G. Keegan, Jr., Town Manager

April 10, 2015

Date

The forms attached to this policy are attached for ease of reference and are not part of the official policy. These forms are subject to amendment as may be required from time to time without review of the Board of Selectmen.



**CRIMINAL OFFENDER RECORD INFORMATION (CORI)
ACKNOWLEDGEMENT FORM**

The Town of Foxborough is registered under the provisions of M.G.L. c. 6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licensees, and applicants for the rental or lease of housing.

As a prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS. I hereby acknowledge and provide permission to the Town of Foxborough to submit a CORI check for my information to the DCJIS. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing written notice of my intent to withdraw consent to a CORI check.

FOR EMPLOYMENT, VOLUNTEER, AND LICENSING PURPOSES ONLY:
The Town of Foxborough may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that the Town must first provide me with written notice of this check.

By signing below, I provide my consent to a CORI check and acknowledge that the information provided on Page 2 of this Acknowledgement Form is true and accurate.

SIGNATURE

DATE

SUBJECT INFORMATION: A red asterisk (*) denotes a required field.

*Last Name *First Name Middle Name Suffix

Maiden Name (or other name(s) by which you have been known)

*Date of Birth Place of Birth

*Last Six Digits of Your Social Security Number: _____ - _____

Sex: _____ Height: _____ ft. _____ in. Eye Color: _____ Race: _____

Driver's License or ID Number: _____ State of Issue: _____

Mother's Full Maiden Name Father's Full Name

Current and Former Addresses:

Street Number & Name City/Town State Zip

Street Number & Name City/Town State Zip

The above information was verified by reviewing the following form(s) of government-issued identification:

VERIFIED BY: _____
Name of Verifying Employee (Please Print)

Signature of Verifying Employee