



## OFFICE OF THE BOARD OF SELECTMEN

Veronica Kell, *Chairman*

Chaz Sexton-Diranian, *Vice Chairman*

Theresa A. Morse, *Clerk*

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R. Eric Slagle, Town Administrator

**POLICY #: 7-2023**

**REPLACE POLICY #: N/A**

### **CONSTABLE APPLICATION PROCESS AND ROLE** **POLICY**

**Purpose:** The purpose of this policy is to define the application process and the powers and duties of Constables appointed by the Select Board.

#### **MEMBERSHIP**

The number of constables appointed by the Select Board shall be no more than five at any one time. An increase in this number must be approved by the Select Board, subject to the needs of the community. Vacancies shall be announced and publicized in accordance with the Town of Townsend Charter Article 7 Section 7-10 Notice of Vacancies.

#### **POWERS AND DUTIES**

The Select Board shall appoint constables, for terms not exceeding three years, only for the service of:

1. limited forms of civil process within the geographical boundaries of the Town of Townsend
2. all warrants and other processes directed to them by the Select Board for notifying town meetings, or for other purposes.

Powers and duties conferred at appointment are strictly limited to only those necessary for these purposes or such other purposes as may be authorized by statute. 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 processes. Constables shall not obtain CORI (Criminal Offender Record Information) through CJIS (the Criminal Justice Information System).

#### **APPLICATION PROCESS**

1. Interested applicants for Constable shall make a written application to the Select Board stating their reasons for desiring such appointment, such information as may be reasonably required by the Select Board relative to their fitness for the office, and authorization to search and review the applicant's criminal offender record information (CORI).
2. Applicants shall include in the application a statement as to the moral character of the applicant signed by at least five reputable citizens of the city or town of their residence, one of whom shall be an attorney-at-law.
3. The Select Board shall investigate the reputation and character of every applicant and their fitness for the office of Constable, including both RMV (Registry of Motor Vehicles) and CORI (Criminal Offender Record Information) background checks.
4. The chief of police or other official having charge of the police shall upon request give the Select Board all possible assistance in making such investigation.
5. The office of Constable shall be filled only by appointment of an applicant who is found by the Select Board, after investigation as aforesaid, to be a person of good repute and character and qualified to hold said office.



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### UPON APPOINTMENT

1. A Constable shall not serve any civil process until the constable has given a bond to the town clerk as required by G.L. c 41 s. 92. A constable shall comply with the civil process fee reporting requirement of G.L. c. 41 s. 95A and s. 95B. Failure to comply with the statutes may be grounds for removal from office.
2. Constables appointed by the Select Board are not employees of the Town of Townsend, but are considered special municipal employees for purposes of G.L. c 268A, s. 1 et seq., the Conflict of Interest Law.
3. Persons appointed to the office of constable may be appointed to such additional three-year terms as the Select Board determines subject to a subsequent determination by the Select Board that the person remains a person of good repute and character and remains qualified to hold the office of constable. All constables shall be a resident of Townsend at the time of original appointment and at all subsequent reappointments. The Select Board may remove a constable from office in accordance with the Town of Townsend Charter, Article 7, Section 7-8.

### Approved:

  
Veronica Kell, *Chairman*

  
Chaz Sexton-Diranian, *Vice-Chairman*

  
Theresa Morse, *Clerk*

First Reading: 09/07/2022

Second Reading: 09/20/2022

Adopted: 09/20/2022