

City of Salem

FIRST PASSAGE

In the year Two Thousand and Seventeen

An Ordinance to amend the ordinance relative to Constables

Be it ordained by the City Council of the City of Salem, as follows:

Section I

Chapter 32 – Police is hereby amended by deleting Sec. 32-19 – Constables in its entirety and replacing it with the following:

"Sec. 32-19. - Constables.

(a) Pursuant to G.L. Chapter 41, Section 91, the mayor may appoint constables. Such appointments shall be made for a term not exceeding three years. An application for appointment as constable shall be accompanied by a non-refundable application fee of \$100.00 for first-time applicants to cover the city's cost of processing. There shall also be a fee of \$50.00 for each year of the appointment, payable to the city upon application which shall be refunded in the event the application is not approved. The total number of constables at any one time shall not exceed 100. No fees shall apply to any city employees who are appointed to serve as constables as a part of their city jobs.

(b) Applicants for constable must be at least 21 years of age and submit a written resume and completed application to the mayor containing such information reasonably required by the city for use in determining the fitness, reputation and character of the applicant to hold the office of constable. Proof of appropriate training and/or experience shall be required as a part of this determination. All applicants for appointment or reappointment as constable shall, as part of the application, consent in writing to a background investigation and a Criminal Offender Record Information (CORI) report. These application materials shall be forwarded to the police chief who shall conduct an investigation and make a recommendation to the mayor as to the individual's fitness to serve as a constable. Pursuant to M.G.L., Chap. 41, Sec. 91B, the application shall include a statement as to the moral character of the applicant signed by a minimum of five (5) citizens of the community in which he/she resides, one of whom must be an attorney. All constables shall also be subject to the fingerprinting requirements of Sec. 14-46, and shall, once appointed, receive a photo identification badge issued by the police department.

(c) Prior to appointment, a constable must obtain and submit to the city clerk a surety bond in the amount of \$5,000 pursuant to the provisions of M.G.L., Chap. 41, Sec. 92. Said bond shall be maintained throughout the term of the constable's appointment.

(d) Constables appointed pursuant to this ordinance shall be subject at all times to the orders as well as any rules and regulations pertaining to constables issued by the police chief. No constable appointed by the city shall wear a uniform similar to that of the appointed officers of the city's police department, or to that of any other appointed police officers within the Commonwealth, or otherwise attempt to present themselves as an appointed police officer. A constable who possesses a valid license to carry a firearm shall comply with all laws and regulations governing the use and possession of firearms. The mayor may, with the approval of the city council, revoke the appointment of a constable for gross misconduct. Gross misconduct shall include, but not be limited to: (1) failure to follow the police chief's orders; (2) violation of the rules and regulations governing constables; (3) violation of any provision of this section; and (4) criminal acts in violation of the laws of the United States or any local jurisdiction."

Section II. This Ordinance shall take effect as provided by City Charter.

In City Council September 22, 2016

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole

In City Council April 13, 2017

Adopted as amended for first passage

ATTEST:

Advertised Salem News
May 3, 2017

CHERYL A. LAPOINTE
CITY CLERK