MASSACHUSETTS STATE POLICE
DISQUALIFICATIONS FOR
STATE POLICE RECRUIT CANDIDATES – 93rd RTT

RECRUIT CANDIDATE STATUTORY/AUTOMATIC DISQUALIFICATION

A candidate is, by operation of law and/or by order/directive of the Colonel, disqualified if:

1. **Not a U.S. citizen (Alien) at time of appointment to Academy, including but not limited to an alien not maintaining lawful permanent residency and any individual who, having been a U.S. citizen, has renounced their citizenship.**

2. **Not a high school graduate or a recipient of an equivalency certificate ("G.E.D." or "HSE") issued by the Massachusetts Department of Education at time of appointment to Academy.**

3. **Not in possession of a valid Massachusetts Class D motor vehicle operator's license at time of appointment to Academy.**

4. **Under the age of 21 years by the date of appointment, as stated in the applicable examination notice.**

5. **Over the age of 35 years on the final date for the filing of application to take a competitive examination for initial appointment, as stated in the applicable examination notice.**

6. **A smoker of any tobacco product.**

7. **Convicted (or adjudicated as a youthful offender or delinquent child), in any state or federal jurisdiction, of a felony.**

8. **Convicted of an offense punishable under M.G.L. c. 94C or convicted or adjudicated as a youthful offender or delinquent child, in any state or federal jurisdiction, of any law regulating the use possession or sale of controlled substances as defined in Section 1 of M.G.L. Chapter 94C.**

9. **Convicted, in any state or federal jurisdiction, of a misdemeanor resulting in confinement (of any duration) to any jail or house of correction or convicted or adjudicated as a youthful offender or delinquent child, in any state or jurisdiction, of a misdemeanor punishable by imprisonment for more than two years.**

10. **Convicted in any court of a crime punishable by imprisonment for a term exceeding one year**.

11. **Under indictment (<u>at time of appointment to Academy</u>) for a crime punishable by imprisonment for a term exceeding one year**.

12. **Convicted or adjudicated as a youthful offender or delinquent child, in any state or federal jurisdiction, of a violent crime as defined in Section 121 of M.G.L. c. 140.**

13. **Convicted or adjudicated as a youthful offender or delinquent child, in any state or federal jurisdiction, of a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed**.

14. **Convicted in any court, in any state or federal jurisdiction, of a misdemeanor crime of domestic violence as defined by 18 U.S.C. 921(a)(33).**

15. **Subject to**:

    a). **a court order for suspension or surrender *(of firearms identification card or license to firearms license, firearms, rifles shotguns, machine guns and/or ammunition)* issued pursuant to Section 3B or 3C of M.G.L. Chapter 209A or similar order issued by another jurisdiction <u>at time of appointment to Academy</u>**; or

    b). **a permanent or a temporary protection order issued pursuant to M.G.L. Chapter 209A or a similar order issued by another jurisdiction <u>at time of appointment to Academy</u>, including but not limited to any order described in 18 U.S.C. 922(g)(8).**

16. **Subject of an outstanding arrest warrant in any state or federal jurisdiction <u>at time of appointment to Academy</u>.**

17. **A current fugitive from justice.**

18. **Currently or formerly committed to a hospital or institution for mental illness, alcohol or substance abuse, unless after 5 years from the date of confinement (and <u>before appointment to Academy</u>), the applicant submits (with an LTC application) an affidavit of a licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that, in their opinion, the applicant is not disabled by such illness or abuse in a manner that shall prevent the applicant from possessing a firearm, rifle or shotgun.**

19. **Currently or formerly committed by COURT ORDER to a hospital or institution for mental illness, unless after 5 years from the date of commitment (and <u>before appointment to Academy</u>), the applicant presents a COURT ORDER granting a petition for relief pursuant to M.G.L. c. 123, §§36C (with an LTC application).**

20. **Currently or formerly subject to AN ORDER OF THE PROBATE COURT appointing a guardian or conservator for an incapacitated person on the grounds that the applicant lacked/lacks the mental capacity to contract or manage the applicant's affairs, unless the applicant was (five years after the date of such Court finding/order of a Court, but before appointment to the Academy) granted a petition for relief of such ORDER pursuant to M.G.L. c. 215, §56C.**

21. **Currently or formerly found to be a person with an alcohol use disorder or substance use disorder or both AND currently or formerly committed by COURT ORDER pursuant to M.G.L. c. 123, §35, unless the applicant was (before appointment to the Academy) granted a petition for relief of such ORDER.**

22. **<u>At time of appointment to Academy</u>, is an unlawful user of or addicted to any controlled substance as defined in Section 102 of the Controlled Substances Act; 21 U.S.C. §802.**

23. **Discharged from the Armed Forces under dishonorable conditions**.

24. **Would represent a violation of PREA hiring guidelines**. The agency shall not hire anyone who—
(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
(2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
(3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph 2 of this section. (Prison Rape Elimination Act **28 C.F.R. Part 115.217)**

25. **Currently found to be a person listed in the National Decertification Index (NDI)**. (M.G.L. c. 6E §11)

Additional Automatic Disqualification(s) established by the Colonel

Additional Automatic Disqualification(s) established by the Colonel which demonstrate a lack of good moral character, sound work ethic, decision making consistent with the Department's Oath of Office and/or that otherwise reflect unsuitability for appointment within the meaning of Article 10.1.2:

1. **Discharged from the Armed Forces under less than honorable conditions, including but not limited to an "Undesirable" or "Bad Conduct" discharge.**

2. **Intentionally, knowingly and/or recklessly making false statements (and/or providing false, incomplete or inaccurate information or material) in connection with the candidacy/candidate's application for employment.**

3. **Convicted of operating under the influence of intoxication liquor and/or drugs, and/or has been assigned to an alcohol treatment program in accordance with M.G.L. c. 90, §24D or similar provision of any other state/jurisdiction, or received a disposition for the same under the provisions of M.G.L. c. 90, §24D or similar law of any other state/jurisdiction within seven (7) years of the time of appointment to the Academy.**

4. **Convicted of operating under the influence of intoxication liquor and/or drugs, and/or has been assigned to an alcohol treatment program in accordance with M.G.L. c. 90, §24D or similar provision of any other state/jurisdiction, <u>at any time as an adult</u>, on two (2) or more occasions.**

5. **Convicted of any crime in another state/jurisdiction that would be considered a felony under Massachusetts law**; and/or

6. **Adjudicated as a "habitual traffic offender" under M.G.L. c. 90, §22F or similarly designated/adjudicated under the law(s) of another state/jurisdiction.**

7. **Convicted of a violation of M.G.L. c. 140 § 131C, unless more than one year has passed since the conviction AND the subsequent date upon which a previously issued FID card or firearm license was, as a result of the conviction, revoked.**

8. **Convicted of a violation of M.G.L. c. 140 § 131E, unless more than two years has passed since conviction AND the date of revocation of a previously issued FID card or firearm license.**