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Coronavirus Update

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TRIAL COURT RULES

Administrative Order

Trial Court Emergency Administrative Order 20-2: Order concerning probation conditions as a result of COVID-19

ADOPTED DATE:

03/16/2020

EFFECTIVE DATE:

03/16/2020

UPDATES:

Adopted effective March 16, 2020 (https://www.mass.gov/media/2108621/download)

Due to the extreme risk of person-to-person transmission caused by the 2019 novel Coronavirus (COVID-19), which has been declared a pandemic by the World Health Organization, and which has occasioned the declaration of a State of Emergency in the Commonwealth of Massachusetts, Executive Order No. 591: Declaration of a State of Emergency to Respond to COVID-19;

It is hereby ORDERED, pursuant to my authority as set forth in G.L. c. 211B, § 9, and after consultation with the Massachusetts Department of Public Health and the Massachusetts Probation Service (MPS), that, effective March 16, 2020, and until further order:

I. Modification of certain conditions of probation

A. Drug testing

The MPS is temporarily suspending the performance of drug testing by its employees. If a criminal defendant or juvenile, as a condition of either probation or pretrial release, is currently subject to drug testing performed by employees of the Massachusetts Probation Service (MPS), including cups, intoximeters and oral swabs, the individual should contact their probation officer for specific instructions on testing. Probationers, criminal defendants or juveniles who are instructed to continue their testing via an alternate means remain subject to sanctions for violations of probation or conditions of pretrial release for non-compliance.

All testing conducted by outside vendors or entities other than the MPS, including but not limited to Averhealth and sheriff's departments is not modified by this Order, and in those instances, probationers, criminal defendants and juveniles shall continue testing, unless and until instructed otherwise by the specific vendor or entity conducting the testing, and remain subject to sanctions for violations of probation or conditions of pretrial release for non-compliance. In the instance the outside vendor or entity suspends or otherwise discontinues testing, the criminal defendant or juvenile should notify their probation officer immediately.

B. Electronic monitoring (ELMO)

All afterhours satellite locations and hours for ELMO equipment work may be modified due to required reductions in staff. ELMO includes both GPS and SCRAM (remote alcohol monitoring). Based on availability of staff, both equipment and equipment work will be prioritized for existing probationers and individuals with existing pretrial conditions of release. Probationers, criminal defendants and juveniles currently on probation or subject to pretrial conditions of release that involve ELMO, and individuals who are subject to SCRAM in connection with visitation with children, should contact their probation officer with questions, or should contact ELMO after court hours.

II. Temporary suspension of certain conditions of probation

A. DNA collection

All probationers, criminal defendants and juveniles who have been ordered to provide a DNA sample to MPS are not required to, and may not, do so until further order.

B. OCC groups

All group meetings of the Office of Community Corrections (OCC) and all community service conditions are temporarily suspended, and accordingly, any conditions of probation or pretrial release that include attendance at group meetings of OCC and/or community service are temporarily suspended until further order.

C. Courthouse-based reporting, programming and meetings

All probationers, criminal defendants and juveniles who have been ordered to report to court or to participate in programming or community meetings, whether during the day, at night or on weekends shall have those respective conditions of their probation or pretrial release temporarily suspended until further order. During the time that courthouses remain open for emergency matters only in accordance with applicable orders

issued by the Supreme Judicial Court, MPS will move to administrative supervision via telephone. When courthouses re-open to the public without restriction, MPS will resume court-based, in-person office visits.

III. Scope of order

This order builds on and continues prior guidance issued by MPS to its employees, and is subject to change in accordance with public health recommendations surrounding the COVID-19 pandemic. Probationers, criminal defendants or juveniles on probation or pretrial conditions of release should contact their probation officer with any questions.

Downloads

Trial Court Emergency Administrative Order 20-2: Order Concerning Probation Conditions as a Result COVID-19
(https://www.mass.gov/doc/trial-court-emergency-administrative-order-20-2-order-concerning-probation-conditions-as-a/download)
(PDF 217.45 KB)

UPDATES:

Adopted effective March 16, 2020 (https://www.mass.gov/media/2108621/download)

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