



Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Youth Services

DYS GUIDANCE REGARDING BAIL PROCESSING DURING COVID-19

This advisory is issued to respond to the emergent issues related to the COVID-19 pandemic that may impact bail processing at Overnight Arrest (ONA), Detention and Revocation programs operated by or for the Department of Youth Services and in response to **Emergency Administrative Order 20-6: Temporary Alternative Procedures for Bail Magistrates and Bail Commissioners Setting and Taking Bail after Court Hours during the COVID-19 Pandemic (Emergency Administrative Order 20-6)** issued April 1, 2020 by the Executive Office of the Trial Court. DYS reserves the right to rescind or modify this advisory at any time if it determines that the public health or health and safety of youth and staff are at risk, or to comply with state and federal guidance.

On April 1, 2020, the Executive Office of the Trial Court issued Emergency Administrative Order 20-6 which outlines temporary alternative procedures that Bail Magistrates and Bail Commissioners may use when setting and collecting bail. Emergency Administrative Order 20-6 specifically allows Bail Magistrates and Bail Commissioners to set bail and collect bail remotely and allows holding authorities to send information to Bail Magistrates and Bail Commissioners electronically via email or facsimile. Programs operated by or for DYS are considered a “holding authorities” under Emergency Administrative Order 20-6.

To facilitate the remote collection of bail at programs operated by or for DYS, upon learning that a youth may be bailed, ONA, Detention or Revocation Programs staff shall:

1. Call parent/guardian to confirm that they are going to bail the youth.
2. Call the Bail Commissioner to inform them that the youth is to be bailed and forward Bail Commissioner any arrest reports and Police Booking sheet in the program’s possession, to minimize the time the parent/guardian will be at the location.
3. Inform parent that the bail will be collected remotely by the Bail Commissioner via a financial application such as Venmo or PayPal or in person if the parent is unable to use a financial application.
4. Screen the parent for COVID19 prior to allowing them into the building.
5. Obtain Recognizance form from Bail Commissioner via email or facsimile.
6. Send signed Recognizance form back to Bail Commissioner via email or facsimile.
7. Release youth to parent/guardian once given the OK by the Bail Commissioner.

*If bail process is not done electronically and both the Bail Commissioner and Parent/Guardian are coming to the location, all parties will need to be screened for entrance through the Single Point of Entry Guidance.

Effective April 3, 2020