

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**GENERAL ORDER 20-9**  
**MARCH 27, 2020**

**IN RE: CORONAVIRUS PUBLIC EMERGENCY**

**ORDER CONCERNING RELEASE OF PRETRIAL SERVICES REPORTS  
TO COUNSEL IN CRIMINAL CASES**

**SAYLOR, C.J.**

The following procedure is hereby adopted by the United States District Court for the District of Massachusetts to permit counsel to receive certain pretrial services reports by electronic means during the emergency caused by the coronavirus pandemic.

The Office of the Federal Public Defender, members of the Criminal Justice Act Panel, and privately-retained attorneys are reviewing the cases of pretrial detainees in an effort to identify defendants who, because of health conditions or other extraordinary circumstances, should be considered for release on conditions. Defense counsel and counsel for the government will need to review the pretrial services reports for these defendants in order to try to reach agreement concerning the release of these defendants or, alternatively, to prepare written motions and prepare for oral argument.

Under the circumstances, the Court finds that it is necessary and appropriate to adopt procedures on an emergency basis to permit the electronic dissemination of pretrial services reports subject to certain conditions, as set forth below. The Court further finds that any potential harm by having such information disseminated to counsel electronically is outweighed by the strong interest in permitting an expeditious review of defendants' detention status and the

need to protect the health and safety of all participants in the process by limiting in-person contact to the extent reasonably feasible.

Accordingly, the following procedures are hereby adopted to allow counsel for a defendant and counsel for the United States electronic access to pretrial services reports in circumstances where the defendant's detention status is being reviewed. These procedures shall remain in place during the emergency caused by the coronavirus epidemic, subject to further order of the Court.

1. All pretrial services reports shall remain confidential. Absent specific authorization by a judicial officer, such reports may be reviewed only by (a) a judicial officer (or clerk or other judicial employee assisting the judicial officer); (b) a probation officer; (c) counsel for the United States (or a professional, paralegal, or assistant working with counsel on the case); (d) counsel for the defendant about whom the report is written (or a professional or paralegal, or assistant working with counsel on the case); (e) an interpreter assisting counsel; or (f) the defendant, and only to the extent permitted under this Order.
2. Upon request, the Probation Office shall email a password-protected copy of the pretrial services report, with a separate email containing the password, to the defense counsel of record and government counsel of record.
3. Counsel may not disseminate the report other than to a professional, paralegal, or assistant working with them on the case, and may do so only for purposes of addressing issues of detention or release. The report may be shown or read, but not disseminated, to the defendant to prepare the argument for release or to obtain approval to agree to release.

4. At the conclusion of the detention proceeding, all counsel and persons working with counsel, shall delete all electronic copies and shred any paper copies of the report.
5. All counsel receiving a report pursuant to this Order shall file a certification on the docket in the relevant case stating that all electronic copies have been deleted and any paper copies of the report have been shredded.
6. Any failure to comply with this Order shall be punishable by contempt or other appropriate sanction.

**So Ordered.**

Dated: March 27, 2020

/s/ F. Dennis Saylor IV  
F. Dennis Saylor IV  
Chief Judge, United States District Court