

# Massachusetts Supreme Judicial Court Rules in Covid-19 Emergency Petition

The following was released by Hampden District Attorney Anthony D. Gulluni:

“The Massachusetts Supreme Judicial Court today issued its ruling on an emergency petition filed by the Committee for Public Counsel Services (CPCS) and the Massachusetts Association of Criminal Defense Lawyers (MACDL), which sought to immediately release thousands of inmates held on bail and those sentenced over concerns of COVID-19 in jails and prisons in the Commonwealth.

The decision, written by Justice Frank Gaziano, acknowledges the urgency of the threat on incarcerated populations but accepts the arguments of some of the respondents, including District Attorneys Blodgett, Cruz, Early, Gulluni, Morrissey, O’Keefe, and Quinn. The Court decided that with regard to sentenced inmates, the Separation of Powers limits its authority and, consequently, the decision maintains the executive branch’s authority over those individuals. Further, the Court decided that pre-trial detainees, particularly those with health or age factors that place them at higher risk, should be considered for release on an individual and expedited basis at hearings in the Trial Court. Pre-trial detainees who are outside of excluded categories of serious and violent crimes will be ordered released unless it is established that release would result in an unreasonable danger or very high risk of flight. The Court expressed its view that the system should endeavor to reduce numbers of detainees in light of COVID-19, but that should be done with consideration of public safety, victims’ rights, and the challenges inmates will face upon release.

Hampden District Attorney Anthony D. Gulluni stated, "We are very appreciative of today's decision by the Supreme Judicial Court. The Court's decision contemplates the seriousness of this crisis for all involved, including victims of crime, our communities, and the health of inmates across the Commonwealth. This decision will allow us to continue thoughtful and careful individual reviews of detainees that has and will continue to reduce inmate populations, without jeopardizing victims of crime or our citizens across the Commonwealth."

District Attorneys Blodgett, Cruz, Early, Gulluni, Morrissey, O'Keefe, and Quinn argued in their brief filed with the Court and in oral arguments that the Supreme Judicial Court's powers, particularly on sentenced inmates, was limited due to the Separation of Powers. The District Attorneys also argued that the wholesale release of thousands of pre-trial and sentenced inmates would violate victims' rights and seriously endanger public safety across the Commonwealth. The seven DAs further emphasized that this proposed spontaneous release would not only endanger crime victims and the public, but also the very inmates being released. In this state of emergency, those released would not benefit from the bevy of after-incarceration services typically provided, including medical and substance use care, and would not be supervised by agencies like parole or probation, which provide critical resources and guidance to men and women who re-enter our society after months and years of incarceration. Instead, the District Attorneys preferred that inmates be considered for release on a case-by-case basis in hearings before judges, who can make individual decisions considering the totality of the circumstances."