

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
GENERAL ORDER 21-02**

**March 23, 2021**

**IN RE: COVID-19 PUBLIC EMERGENCY**

The purpose of this Order is to review current court operations and issue authorizations for continued mitigation efforts and the use of video and telephone conferences in accordance with the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). All previously entered Orders are rescinded.

WHEREAS the Governor of the State of Illinois has declared a public health emergency in response to the spread of the coronavirus disease 2019 (“COVID-19”) and has subsequently placed restrictions on all regions within the Central District of Illinois; and, WHEREAS, the Centers for Disease Control and Prevention (CDC) and other public health authorities have advised public and private entities to take precautions to reduce the spread of the virus and set forth measures to avoid exposure; the United States District Court for the Central District of Illinois recognizes the need to take measures to effectuate these goals, while also continuing to fulfill its mission and keep both its civil and criminal court functions operating.

NOW THEREFORE, to protect the public health, reduce the size of public gatherings, and reduce any non-essential travel, the Court hereby enters General Order 21-02, to remain in effect until June 21, 2021.

**I. Court Operations**

- The federal courthouses in Peoria, Springfield, and Urbana will be open with regular business hours. Court operations in the Rock Island Division, temporarily relocated in Davenport, Iowa, will resume with regular business hours.
- All persons seeking entry to, or occupying any of the District’s courthouses, must wear a face covering in the public areas of the courthouses and maintain six feet of physical distance from other persons whenever possible. The face covering must

always completely conceal the wearer's nose and mouth. Individuals who provide medical documentation that they are unable to wear a face covering will be excepted from this requirement. Individuals are expected to read and follow all posted safety signage. Any person seeking entry to a courthouse who refuses to wear a face covering or removes their face covering in violation of this Order will be expelled from the courthouse. The presiding judge may excuse an individual from wearing a face covering when necessary for the effective administration of a proceeding.

- Personnel working in a workspace that permits at least six feet of physical distance from other persons may temporarily remove the face covering.
- Individuals without access to the Court's electronic filing system may submit filings for District Court and Bankruptcy Court via United States Mail to the relevant divisional mailing address or to a drop box located in each location. Payments by check or money order will also be accepted via United States Mail or the courthouse drop boxes. Cash payments must be made in the clerk's office.
- Jury trials may resume in all divisions beginning March 23, 2021. Jury trials will be conducted with safeguards the Court has enacted to maximize the health and safety of anyone participating in the proceedings. All participants are required to follow directions regarding the established safeguards. The public may attend trials in the courtroom galleries. The public is advised that due to space limitations and social distancing requirements, seating for the public may be limited. The presiding judge may provide a public viewing room inside the courthouse if space is available and doing so does not hinder the ability to conduct all scheduled proceedings in the courthouse safely.
- Naturalization ceremonies may resume with restrictions as determined by the presiding judge.
- All Petty Offense (CVB) proceedings may resume at the discretion of the presiding judge.
- All civil hearings, including settlement conferences, may be conducted in person if the presiding judge determines that conducting the hearing by telephone or video teleconference would be impractical.

## **II. Pro Se Filers Without CM/ECF Accounts**

This Court lifts the restrictions contained in the District's Local Rules prohibiting non-incarcerated pro se filers without CM/ECF accounts from filing documents via email and will temporarily accept filings from non-incarcerated pro se litigants via email when the submission complies with the following:

- The email must be sent to [temporary\\_efiling@ilcd.uscourts.gov](mailto:temporary_efiling@ilcd.uscourts.gov); emails sent to any other address will be disregarded by the Clerk's Office;
- The email must include the filer's name, address, and telephone number;

- The email must include the case number in the subject line;
- The document to be filed must be attached to the email in either Microsoft Word or PDF format;
- The document must be signed in electronic format (“s/name”) or signed by hand and scanned;
- No additional comments, questions, or other messages are to be included in the email;
- The filer may contact the Clerk’s Office by phone with questions; and
- This procedure does not alter the filer’s responsibility to effect service as required by the Federal Rules of Civil Procedure.

### **III. The CARES Act and Criminal Proceedings**

On March 27, 2020, the President of the United States signed into law the CARES Act. Pub. L. No. 116-136, 134 Stat. 281 (2020). Section 15002(b) of the CARES Act provides for video conferencing, or telephone conferencing if video conferencing is not reasonably available, for certain criminal proceedings, if the Judicial Conference of the United States finds that emergency conditions caused by the COVID-19 outbreak will materially affect the functioning of either the federal courts generally or a particular district court, and the chief judge of a court covered by that finding authorizes video conferencing, or telephone conferencing if video conferencing is not reasonably available. Additional case-by-case findings are required of the presiding judge relative to felony pleas and sentencings.

Since March 2020, the State of Illinois has undergone mitigation efforts to decrease the spread of the COVID-19 pandemic. On March 5, 2021, the Governor of Illinois declared all counties in the State of Illinois remain a disaster area. At the time of this Order, the CDC reports 29,652,483 total positive COVID-19 cases, with 39,466 of these being new cases reported today, and 539,517 deaths in the United States. Although for many this disease appears to cause only flu-like symptoms, for others it can pose a serious risk, even death. On December 11, 2020, the U.S. Food and Drug Administration (FDA) issued the first emergency use authorization for a COVID-19 vaccine to be distributed in the U.S. to individuals 16 years of age and older. The State of Illinois implemented a three phased

approach to distributing the COVID-19 vaccine, notably with Phase 1 having two subgroups: 1-A and 1-B, respectively. On January 25, 2021, Phase 1-B began by distributing the COVID-19 vaccine to frontline essential workers and residents age 65 and over, and on February 25, 2021, expanded to include residents with specific health-complicating conditions. At the time of this Order, vaccine distribution to other populations has not begun.

For the reasons stated, the Court continues to find that it cannot return to usual court operations without endangering the health of defendants, counsel, the public, and court personnel, thereby continuing to necessitate the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available. As of the date of this Order, video conferencing is fully operational in all four divisional offices and continues to be utilized daily.

Therefore, the Court, on its own motion, continues to **AUTHORIZE** the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for the following criminal proceedings, as specified in the CARES Act:

- Detention hearings under 18 U.S.C. § 3142;
- Initial appearances under Federal Rule of Criminal Procedure 5;
- Preliminary hearings under Federal Rule of Criminal Procedure 5.1;
- Waivers of Indictment under Federal Rule of Criminal Procedure 7(b);
- Arraignments under Federal Rule of Criminal Procedure 10;
- Probation and supervised revocation proceedings under Federal Rule of Criminal Procedure 32.1;
- Pretrial release revocation proceedings under 18 U.S.C. § 3148;
- Appearances under Federal Rule of Criminal Procedure 40;
- Misdemeanor pleas and sentencings under Federal Rule of Criminal Procedure 43(b)(2);
- Proceedings under 18 U.S.C. § 403 (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings

The video conferencing or telephone conferencing authorized above may only take place with the consent of the defendant, or the juvenile, after consulting with counsel.

Further, if a felony plea under Federal Rule of Criminal Procedure 11 or a felony

sentencing under Federal Rule of Criminal Procedure 32 cannot be conducted in person without seriously jeopardizing public health and safety, in accordance with the CARES Act, these proceedings are authorized to be conducted by video conference, or by telephone conference if video conference is not reasonably available, if the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.

Information detailing how to access any audio and/or video feed of court proceedings will be posted in the notice of setting on a case-by-case basis, and general information will be published on the district court's public web page, [www.ilcd.uscourts.gov](http://www.ilcd.uscourts.gov). The minutes of the proceeding will reflect when video conferencing and/or telephone conferencing is utilized.

In criminal cases, the Court finds that the time period of any continuance entered from the date of this Order through June 21, 2021, as a result of this Order shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial, given the need to protect the health and safety of defendants, their counsel, prosecutors, court staff, and the public by reducing the number of in-person hearings to the fullest extent possible.

This Court, in accordance with Section 15002(b)(3)(B) of the CARES Act, will continue to review the findings and authorizations made in this Order no later than ninety (90) days after this and any subsequent renewal.

#### **IV. The Press and Public**

In any traditional in-court proceeding that is conducted via video conference or telephone conference due to the exigent circumstances stemming from the COVID-19 outbreak, audio and video feeds will be available to the public and press to the extent practicable. Information detailing how to access any audio and/or video feed of court

proceedings will be posted in the notice of setting on a case-by-case basis, and general information will be published on the district court's public web page. Members of the public and press are expected to mute their end of the line and to not disrupt proceedings in any way. All rules and prohibitions on the recording of proceedings remain in effect. *See* CDIL-LR 83.7.

In the event a defendant in a criminal case does not consent to the use of video conferencing or telephone conferencing under Sections 15002(b)(1)–(2) of the CARES Act, credentialed members of the press and public may attend such hearings in person at the discretion of the presiding judge. Principal participants and the public and press may be physically segregated from each other, including utilizing multiple rooms, and video conferencing and/or telephone conferencing. Social distancing and face covering protocols will be required in all proceedings, and the number of in-person participants may be limited based on the capacity of the room and in consideration of CDC guidelines. Courtroom spectators are reminded that there are health and safety risks associated with attending an in-person court hearing.

The Court recognizes that the public and the press have a qualified First Amendment right of access to certain court proceedings and that the use of video conferencing and/or telephone conferencing may implicate that right. Nonetheless, for the reasons set forth herein, the Court finds that these revised procedures are necessitated by the emergency conditions caused by COVID-19 and must be implemented to prevent the spread of COVID-19. *See Press–Enter. Co. v. Superior Court*, 478 U.S. 1, 9 (1986); *Press–Enter. Co. v. Superior Court*, 464 U.S. 501, 510 (1984); *Walton v. Briley*, 361 F.3d 431, 433 (7th Cir. 2004).

Entered for the Court: March 23, 2021

s/ Sara Darrow

Hon. Sara Darrow, Chief U.S. District Judge