

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA

IN THE MATTER OF  PANDEMIC CAUSED  JURY TRIAL CONTINUANCES	<b>ORDER</b>  Public Administrative Order  No. 20-AO-19-P
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In response to the COVID-19 pandemic, Congress passed the Coronavirus Aid, Relief and Economic Security Act. The Act permitted the use of video conferencing for federal court proceedings to a much greater extent than had been previously authorized. In March 2020, after consultation with the other members of the bench in this district, the court found that felony guilty pleas and sentencings could not be conducted in person in this district without seriously jeopardizing public health and safety. The court further found that the public could not be safely summoned to the courthouses in this district for jury trials until at least July 2020. The prohibition on jury trials in the district was extended until August. The prohibition expired in the Eastern and Western Divisions in August, but was extended until September 2020 in the Central Division.

In March 2020, the court suspended grand jury proceedings and then permitted them to be conducted starting in April in order for emergency business of the grand jury to be conducted. The court employed extraordinary measures to distance participants in the grand jury, while allowing its business to be conducted.

In late June, the court conducted an analysis of new COVID-19 cases in every county in each division of the Southern District of Iowa between June 10 and June 23, 2020. The court determined that the vast majority of counties in the court's Western and Eastern Divisions were experiencing very few new cases of COVID-19. Accordingly, in early July, the court lifted the prohibition on in-person hearings and jury trials in this court's Western and Eastern Divisions. However, the Central Division of the district still had remarkably high numbers of new cases and a high ratio of positive cases among those tested. In addition,



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the Polk County Jail, which houses the vast majority of detainees for the court's Central Division, had an extraordinary outbreak of Coronavirus. At one point, 126 detainees in the Polk County Jail were sick with the Coronavirus. That number has since dropped to four detainees.

Within the past thirty days, the number of new cases of COVID-19 in the Central Division has risen to the highest levels to date. An analysis conducted by the court this week shows that this spike in cases is not limited to the heavily populated counties of Polk and Dallas. Many counties in the Central Division are experiencing record high numbers of positive COVID-19 tests. Iowa currently has the highest ratio of positive COVID-19 tests to total tests taken of any state in the nation.

As a result of recent events, the court has consulted with all the judges of this court who handle criminal matters. The court has consulted with the United States Attorney, the Federal Public Defender, the Criminal Justice Act panel representative and others to determine whether jury trials can be safely conducted in the Central Division between now and October 12, 2020. Concerns have been expressed for the constitutional rights of the accused that we all share. However, the overwhelming consensus is that jury trials cannot be safely conducted in the Central Division between now and October 12, 2020.

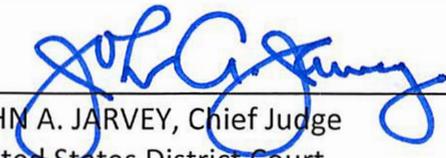
The State of Iowa judiciary has undertaken a similar and more sophisticated analysis of the questions addressed in this Administrative Order. The State of Iowa has determined that jury trials have not been able to be safely conducted from the onset of the pandemic until the present.

After consideration of all of these concerns, the court concludes that it has no option but to extend findings made in March 2020 for the Central Division of the Southern District of Iowa. As chief judge and pursuant to § 15002(b)(1) of the CARES Act, I authorize the use of video conferencing, or teleconferencing if video conferencing is not reasonably available, for all events listed in § 15002(b) of the legislation.

Pursuant to § 15002(b)(2), I further specifically find that felony pleas under Rule 11 of

the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person in the Central Division of this district without seriously jeopardizing public health and safety. As a result, if a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in § 15002(b)(2)(B). The court will not conduct criminal or civil jury trials in the Central Division of this district until at least October 12, 2020. The court will review the matter shortly prior to October 12, 2020 to determine whether further extension of this order is appropriate.

**DATED** this 3rd day of September, 2020.

  
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JOHN A. JARVEY, Chief Judge  
United States District Court  
Southern District of Iowa