

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

**In Re: FIFTH EXTENSION OF AUTHORIZATION
TO USE VIDEO AND TELEPHONE
CONFERENCING FOR CRIMINAL
PROCEEDINGS PURSUANT TO THE CARES ACT**

**GENERAL ORDER
No. 21-12**

*** **

On March 30, 2020, this Court entered General Order 20-5, authorizing the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events pursuant to the Coronavirus Aid, Relief, and Economic Security Act (“CARES ACT”), Public Law No. 116-136, H.R. 748. This authorization was reviewed and extended on June 29, 2020, September 25, 2020, December 24, 2020, and March 24, 2021 by way of General Orders 20-13, 20-20, 20-28, and 21-09.

Just under 90 days have passed since the issuance of General Order 21-09, and in the interim, the undersigned judge has continued to monitor COVID-19 data from within and outside this District, as well as the developing guidance from the Centers for Disease Control and Prevention (CDC) and state and local health authorities. Kentucky, and the rest of the United States, continues to vaccinate the public against COVID-19, and the gains achieved as a result of vaccinations have led the Governor of Kentucky to end statewide mask and social distancing mandates for fully vaccinated individuals. This Court recently ended its own mask requirement for fully vaccinated individuals.

Many of those residing within the Western District, however, remain unvaccinated with roughly 45% of the population of the Commonwealth having received at least one dose of the vaccine.¹ Moreover, the vaccination rates of the populations in the counties comprising this judicial District, and of detained individuals and detention center staff and necessary courtroom participants, vary widely across this judicial District.


Indeed, according to the United States Marshal Service for this District, as of June 15, 2021, the Western District had 272 prisoners in custody, only 37 of whom have been fully vaccinated. This despite the fact that Western District jails continue to offer vaccinations weekly. In addition, it is not feasible for the Court to determine the vaccination status of all Courthouse visitors or participants in in-person proceedings.

¹ See the Ky. Cabinet for Health and Family Service’s [COVID-19 Vaccination Dashboard](#), updated June 18, 2021.

Weighing the markedly improved pandemic conditions against the still-present risk, and with the President's and Judicial Conference's emergency declaration still in effect, this Court concludes that conditions warrant an additional extension of the video and teleconferencing authorization under the CARES Act. Such finding does not suggest that it is still necessary to conduct a large percentage of approved criminal hearings remotely, but rather acknowledges the continued need for flexibility to use such hearings in appropriate cases.

NOW THEREFORE, acting pursuant to Section 15002(b) of the CARES Act and having conducted the necessary review, all findings and authorizations made in General Orders 20-13, 20-20, 20-28, and 21-09 are hereby extended for an additional 90 days, unless earlier terminated. The authorization allowed by this general order will be again reviewed at or near its date of termination to determine if a further extension is warranted based on conditions existing at that time. Should the President's National Emergency declaration, or the Judicial Conference's finding that this national emergency materially affect the function of the federal courts, terminate or be revoked prior to the expiration of 90 days from the date of this Order, then this Order may then be vacated according to law.

DATED: June 22, 2021


Greg N. Stivers, Chief Judge
United States District Court

ENTERED
JAMES J. VILT JR., CLERK
6/22/2021
U.S. DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
