

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

IN THE MATTER OF:

General Order No. 2020-08

USE OF VIDEO AND TELEPHONE CONFERENCING  
IN CRIMINAL PROCEDURES (CARES ACT)  
UNDER THE EXIGENT CIRCUMSTANCES CREATED BY  
COVID-19 AND RELATED CORONAVIRUS

GENERAL ORDER

To the extent this Order differs from previous orders of the Court on this subject, this Order supersedes and replaces those orders, through the termination of this Order.

On March 27, 2020, the CARES Act was signed into law. On March 29, 2020, the Judicial Conference of the United States found that emergency conditions due to the national emergency declared by the President with respect to the Coronavirus Disease 2019 will materially affect the functioning of the Federal courts generally.

Accordingly, in compliance with Section 15002 of the CARES Act, on the Court's own motion, and with the approval of the Judges of the District, the undersigned Chief Judge for the United States District Court for the Northern District of Indiana authorizes the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, in the following criminal procedures:

- (A) Detention hearings under 18 U.S.C. § 3142;
- (B) Initial appearances under Federal Rule of Criminal Procedure 5;
- (C) Preliminary hearings under Federal Rule of Criminal Procedure 5.1;
- (D) Waivers of indictment under Federal Rule of Criminal Procedure 7(b);
- (E) Arraignments under Federal Rule of Criminal Procedure 10;
- (F) Probation and supervised release revocation proceedings under Federal Rule of Criminal Procedure 32.1;
- (G) Pretrial release revocation proceedings under 18 U.S.C. § 3148;
- (H) Appearances under Federal Rule of Criminal Procedure 40;
- (I) Misdemeanor pleas and sentencings as described in Federal Rule of Criminal Procedure 43(b)(2); and

- (J) Proceedings under 18 U.S.C. § 403 (Federal Juvenile Delinquency Act), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

*See* CARES ACT, § 15002(b)(1).

The Court further authorizes the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, in felony pleas under Federal Rule of Criminal Procedure 11 and felony sentencings under Federal Rule of Criminal Procedure 32, finding that felony pleas and felony sentencings cannot be conducted in person without seriously jeopardizing public health and safety. *See* CARES Act, § 15002(b)(2)(A). Under the CARES Act, in order for a felony plea or a felony sentencing to be conducted by video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, the presiding district court judge in the particular case must find for specific reasons that the plea or sentencing cannot be further delayed without serious harm to the interests of justice. *See id.* Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B).

Video teleconferencing or telephone conferencing authorized by this Order may only take place with the consent of the defendant, or the juvenile, after consultation with counsel. *See* CARES Act, § 15002(b)(4).

On or before June 26, 2020, the Chief Judge of the United States District Court for the Northern District of Indiana will review the above authorization and determine whether to extend the authorization, if the emergency authority has not been terminated under Section 15002(b)(5) of the CARES Act. *See* CARES Act, § 15002(b)(3)(A).

Thereafter, the Chief Judge of the United States District Court for the Northern District of Indiana will review the extension of the authority not less frequently than once every 90 days until the earlier of (A) the date on which the Chief Judge determines the authorization is no

longer warranted or (B) the date the emergency authority is terminated under Section 15002(b)(5) of the CARES Act. *See* CARES Act, § 15002(b)(3)(B).

The authorization to conduct video teleconferencing or telephone conferencing granted by this Order will terminate on the earlier of (A) the last day of the covered emergency period as defined in Section 15002(a) of the CARES Act or (B) the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act with respect to the Coronavirus Disease 2019 no longer materially affect the functioning of either the Federal courts generally or the United States District Court for the Northern District of Indiana. *See* CARES Act, § 15002(b)(5).

So ORDERED March 30, 2020.

s/ Theresa L. Springmann  
CHIEF JUDGE THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT