

CIRCUIT COURT PHASE ANNOUNCEMENT – 2/12/21

As directed by the Missouri Supreme Court on May 4, 2020 (and ultimately modified on July 24, 2020), judicial circuits cannot rush to “open their doors” during this pandemic. They must do so gradually. The Court developed four phases (Zero through Three) to allow for this process. In determining whether changing phases is appropriate, the Supreme Court provided the following specific “Gateway Criteria” to consider:

- “1. No confirmed COVID-19 cases in the court facility within a 14-day period.
2. Rescission or lack of stay-at-home orders or the relaxing of group gathering restrictions applicable to the community.
3. Improving COVID-19 health conditions over a 14-day period in the community, including conditions such as the number of confirmed COVID-19 cases and related deaths in relation to a community’s population density, size of particularly vulnerable populations, and availability of medical facilities including emergency and intensive care capacity.
4. Consultation with local health officials or departments concerning changes to levels of court and courthouse activities.
5. Consultation with local judiciary partners such as children’s division personnel, juvenile officers, members of the local bar, prosecutors and public defenders, law enforcement and probation and parole.”

Starting on May 12, 2020, the 21st Circuit has engaged in phasing discussions with judges, law enforcement officers, court administrators, prosecutors, public defenders, juvenile officers, Department of Public Health officials, probation officers, bar leaders and others. These discussions occur on a weekly basis, and will continue even after this Circuit enters into Phase Three, as the possibility of moving back to a lower phase always remains, depending on the status of the spread of the virus.

This Circuit has also engaged in discussions with the Chief Judge of the Eastern District Court of Appeals and the Presiding Judge of the 22nd Circuit; both Presiding Judges agreed to regularly speak with the Chief Judge and always before deciding to change phases.

The 21st Circuit is currently in Phase One, as it has been since January 29, 2021.

(Continued)

Factors that this Circuit has considered this week include the following:

1. Courthouse Staff:

There are no cases of coronavirus among courthouse staff. Two employees are in quarantine, due to living with household members who had tested positive for COVID-19. Courthouse staff resumed working A/B shifts during the week of February 2, 2021.

2. DJS Jail Residents and Staff (and the Missouri Department of Corrections):

Two residents of the jail tested positive for COVID-19 in the past week, and are currently in medical isolation, in accordance with Department of Public Health guidelines and protocols. Five staff members who had tested positive for the virus last week remain in quarantine.

No “in person” trials are being conducted while the Court is in Phase One, due in part, to ongoing concerns about exposure to the virus from transporting inmates to and from the Courthouse for hearings. These concerns, as expressed by the Department of Public Health, are primarily due to both the potential for “likely transmission” in the Jail and an increasing number of cases reported in the community at large. Of special concern to the Department of Public Health is the risk of bringing inmates who are currently housed in the Missouri Department of Corrections to the Jail to address pending criminal matters.

The Missouri Department of Corrections system has taken a number of steps to both reduce the transmission of the virus and contain outbreaks when they occur. Containment measures include suspending regular transfers among facilities, isolating those who are or may be infected, and providing additional medical care. The department is also turning to new technology to fight the spread of COVID-19, including wastewater testing equipment, air purifiers, and disinfecting sprayers. (*Sources: St. Louis Post-Dispatch, January 7, 2021; fox2now.com, January 4, 2021; Missouri Department of Corrections Website, “COVID-19 Data,” January 28, 2021).*

All Missouri corrections officers and some offenders are now eligible to receive the vaccine. Each state in the U.S. has developed a three-phase vaccine distribution plan.¹ Missouri is one of only 11 states in the nation to include corrections staff in Phase 1, according to a survey by the Prison Policy Initiative. Corrections staff are eligible during Phase 1B - Tier 1, which was activated on January 14. People in high-risk populations because of age (65 or older) or medical condition are in Phase 1B - Tier 2. Incarcerated offenders in these high-risk populations are eligible. Phase 1B - Tier 2 was activated on January 18. All other offenders are included in a later phase. *(Source: Missouri Department of Corrections Website, "COVID-19 Data," January 28, 2021).*

According to M.D.C. spokesperson, Karen Pojmann, the number of coronavirus cases has fallen by 80% since early December, when the department began installing air purifiers and disinfectant sprayers. Most M.D.C. facilities have four or less active cases. "The only prisons with more than four cases are the reception and diagnostic centers, where COVID-positive offenders are being sent from county jails, a situation that, unfortunately, is out of our control," Pojmann said. Since the start of the pandemic, forty-two prisoners and six department employees have died from the virus. Missouri's prison population consists of about 23,000 offenders across 22 institutions. *(Source: KMBC.com, February 8, 2021).*

3. Detention Center Residents and Staff:

One juvenile tested positive for COVID-19 and is being held in medical isolation, in accordance with Department of Public Health protocol; the juvenile is asymptomatic. Five staff members are in quarantine due to potential exposure to the virus.

¹ On January 14, 2021, the director of the Missouri Department of Health and Senior Services established three phases, with various sub-phases and tiers; each sub-phase (or tier) provides for the administration of the COVID-19 vaccine to distinct groupings of Missouri residents. The groupings are based on occupations, health conditions and/or places of residence. Phase 1A includes "Patient-Facing Health Care Workers and Long-Term Care Facility Residents and Staff." Phase 1B -- Tier 1 includes "First Responders, Emergency Services and Public Health Infrastructure." Phase 1B -- Tier 2 includes "High-Risk Individuals" (i.e., anyone aged 65 and older and adults with certain severe illnesses). Phase 1B -- Tier 3 includes those whose jobs provide "Critical Infrastructure," (i.e., "keep the essential functions of society running"). This tier specifically addresses those whose employment is in "Education, Childcare, the Communications Sector, the Dams Sector, the Energy Sector, the Food/Agriculture Sector, Government, the Information Technology Sector, the Nuclear Reactor/Materials/Waste Sector, the Transportation Systems Sector and the Water and Wastewater Systems Sector." Phase 2 includes those who protect "those who have been disproportionately affected" and those who "accelerate... economic recovery." Phase 3 includes everyone else who wishes to be vaccinated. *(Source: MO DHSS 01/14/21 letter from DHSS Director Dr. Randall W. Williams).*

4. St. Louis County: On Thursday, February 11, St. Louis County reported 160 new COVID-19 cases, making the seven-day average 147 per day.² The seven-day average is down from 167 a week earlier (on February 4), and 187 two weeks earlier (on January 28). The average number of new cases per day has decreased dramatically from its peak of 726 on November 12.³ (Source: *showmestrong.mo.gov*, February 11, 2021).

Deaths in St. Louis County have also declined since peaking in early December. As of February 5, the seven-day moving average number of deaths per day due to COVID-19 is 3. On February 1, the average was 5 deaths per day. The seven-day average is down from highs of approximately 13 deaths per day in early December. (Source: *showmestrong.mo.gov*, February 11, 2021). Since the start of the pandemic, 1,776 St. Louis County residents have died due to coronavirus. (Source: *stlcorona.com*, February 11, 2021).

On Thursday, February 11, St. Louis County's seven-day average rate of positive tests was 7.1%, down slightly from 8.1% the previous week.⁴ These averages are calculated using the Centers for Disease Control and Prevention's (CDC) method.⁵ (Source: *showmestrong.mo.gov*, February 11, 2021).

St. Louis County has the highest total number of COVID-19 vaccinations of any county in the state, with more than 82,000 residents having received the first vaccine dose so far. 8.3% of the population in St. Louis County has received at least one dose of the vaccine. (Source: *showmestrong.mo.gov*, February 11, 2021).

According to analysis by the *New York Times*, St. Louis County is in the "Very High" risk category with 262 average daily cases, which amounts to 26 per 100,000 residents.⁶ The *Times* lists several recommended precautions for each risk category.

² This number lags 3 days to ensure accuracy.

³ These numbers reflect the number of positive PCR tests, and do not include antigen (rapid) test results.

⁴ The World Health Organization has advised state and local governments that before reopening, the rate of positivity in testing should remain at 5% or lower for at least 14 days. (Source: *Johns Hopkins University of Medicine Coronavirus Resource Center*, *coronavirus.jhu.edu*, August 31, 2020).]

⁵ Under the CDC method, the total number of positive PCR tests is divided by the total number of PCR tests. This methodology does not "de-duplicate", meaning it is not adjusted for instances where the same individual has been tested multiples times in the same week.

⁶ A county is in the "Very High" risk category if it reported more than 160 cases per 100,000 people during the past two weeks, which would be equivalent to a daily rate of 11 cases per 100,000 people. A county with fewer cases may also be in this category if more than 10% of tests had a positive result over the past two weeks.

Residents of counties in the “Very High” risk category should avoid nonessential indoor activities, nonessential travel, and large gatherings. Residents can enjoy outdoor activities, should protect themselves at work or school, and should not skip or delay medical care. *(Source: nytimes.com, February 11, 2021).*

5. St. Louis Region: New hospital admissions due to COVID-19 in the St. Louis area have trended downward since peaking in late November, and are getting closer to levels seen in the fall of last year. On Thursday, February 11, the Task Force reported that 42 new COVID-19 patients were admitted to St. Louis area hospitals, making the seven-day average 47. The week before (on February 4), the seven-day average was at 63. It was at 70 the week before that (on January 28). In late November, the average was up to nearly 140. Before October of last year, the average hovered around 40. *(Source: St. Louis Metropolitan Pandemic Task Force Facebook page, February 11, 2021).*

Similarly, the number of COVID-positive patients hospitalized across St. Louis area hospitals has steadily declined since November. On Thursday, February 11, the St. Louis Metropolitan Pandemic Task Force⁷ reported that the seven-day average total number of COVID-positive patients in Task Force hospitals was 400, down from 484 a week prior (on February 4) and 580 two weeks ago (on January 28). *(Source: St. Louis Metropolitan Pandemic Task Force Facebook page, February 11, 2021).*

Deaths across St. Louis area hospitals have steadily declined since December. On Thursday, February 11, the Task Force reported a seven-day moving average of 6 deaths per day due to COVID-19 in Task Force hospitals. A week earlier (on February 4), the average was 9 deaths per day. Two weeks prior (on January 28), the average was 11 deaths per day. The average number of deaths across Task Force hospitals per day is down to levels last seen in early November. The average peaked around mid-December, when it was above 20. *(Source: St. Louis Metropolitan Task Force Facebook page, February 11, 2021).*

As of Thursday, February 11, St. Louis area hospitals were operating at approximately 76% in-patient bed capacity and 82% ICU bed capacity. *(Source: showmestrong.mo.gov, February 11, 2021).*

⁷ The Task Force is a collaboration of local health systems and collects data from BJC HealthCare, Mercy, SSM Health and St. Luke's Hospital facilities in the region.

This week, the St. Louis Metropolitan Pandemic Task Force released data showing that patients with confirmed or suspected cases of COVID-19 took up fewer than 10% of all St. Louis area hospital beds for the first time in months. The Task Force's leader, Dr. Alex Garza, said that suspected and confirmed COVID-19 patients took up 9.4% of the beds, which is below the 10% threshold that had put the Task Force in the yellow zone—indicating cause for concern. "Our bed occupancy, really good news to report with this, this has been the first time in a long time that we have been below that yellow mark for our total in-patient census," Dr. Garza said. The number of ICU beds in use by COVID-19 patients has also been trending lower, and is now down to 13.8%. Although that number remains in the Task Force's yellow zone, it is down significantly from the peak in December 2020. *(Source: KSDK.com, February 8, 2021).*

The transmission rate of the virus in the St. Louis area is down to 0.81%. That is among the lowest levels reported in the region since the summer of last year.⁸ *(Source: KSDK.com, February 8, 2021).*

Dr. Garza said that the improvement in key metrics has been due to the mitigation efforts by St. Louis residents. "Just to remind everyone, the way to prevent deaths is to prevent people from getting sick enough to come into the hospital, and the way to do that is to prevent cases," Dr. Garza said. "And the way to prevent cases is through prevention: wearing masks, keeping socially distant, not gathering in groups." *(Source: KSDK.com, February 8, 2021).*

On Wednesday, Missouri health officials announced the number of vaccine doses distributed to the St. Louis area will increase next week. State officials plan to distribute 97,525 doses across Missouri next week. 33,200, or 34% of the doses, will come to the St. Louis area. Hospital systems in the region will get 21,000 doses (more than the 15,600 weekly amount that they had been receiving in the past few weeks). *(Source: St. Louis Post-Dispatch, February 11, 2021).*

6. Missouri: Missouri's seven-day moving average number of new COVID-19 cases has declined since January 11, when the average was 3,147 new cases per day. On Thursday, February 11, the state reported 876 new cases, making the seven-day average 924. The seven-day average is down from 1,221 reported a week earlier (on February 4), and 1,534 reported two weeks prior (on January 28).

⁸ The transmission rate, R_0 , measures the average number of people who become sick from an infectious person. An R_0 value of 1.0 means each case causes on average, one new case. If the value is less than one, the spread of the disease is slowing. The higher the R_0 number, the worse the spread.

Since the start of the pandemic, Missouri has reported 468,189 cases. (Source: *St. Louis Post-Dispatch, February 11, 2021*).

For the week of February 2 through 8, Missouri recorded 5,720 new COVID-19 cases.⁹ This represents a decrease of 23.5% from the previous week. (Source: *showmestrong.mo.gov, February 11, 2021*). Over the past week, Missouri has the 4th lowest rate of new COVID-19 cases in the United States (14.6 cases per 100,000 people).¹⁰ (Source: *St. Louis Post-Dispatch, February 11, 2021*).

New deaths in Missouri due to COVID-19 appear to be trending downward, although the rolling seven-day average remains volatile.¹¹ On January 19, the average fell sharply to 15.4. By January 26, the average had spiked back up to 60.4 deaths per day. Then, on January 31, the average fell back down to 28.6, only to bounce back up to 56 on February 4. Most recently, on February 9, the average fell dramatically to 8.7. Missouri has recorded 7,161 deaths since the start of the pandemic. (Source: *St. Louis Post-Dispatch, February 11, 2021*).

On Thursday, February 11, Missouri reported a seven-day average positivity rate of 7.6%, down from 8.9% the previous week. These averages are calculated using the CDC method.¹² (Source: *showmestrong.mo.gov, February 11, 2021*).

Missouri hospitalizations due to COVID-19 are down to levels last seen in late October. As of Monday, February 8, Missouri had 1,488 patients hospitalized with confirmed or suspected COVID-19, making the seven-day moving average 1,592.¹³ A week earlier (on February 1), the seven-day average was 1,808. A week before that (on January 25), the average was 2,086. [On Oct. 15, the average was 1,394. On Nov. 1, the average was 1,604]. (Source: *showmestrong.mo.gov, February 11, 2021*).

As of January 23, 2021, the transmission rate, R_0 , for Missouri is 0.92. That is roughly the same as the transmission rate of 0.93 on January 18. (Source: *statista.com, February 11, 2021*).

⁹ This number reflects the number of individuals with confirmed cases, meaning the individual returned a positive PCR test result. It does not include positive antigen test results.

¹⁰ With antigen test results included, Missouri has the 12th lowest rate (20.8 cases per 100,000 people).

¹¹ The volatility may be attributed to the fact that deaths are often reported in batches and with a delay.

¹² See Footnote 5.

¹³ This data was reported on Thursday. The delay is to ensure accuracy. More recent data is available, but is subject to reporting delays.

Missouri hospitals are operating at 73% in-patient bed capacity and at 75% ICU bed capacity. (Source: showmestrong.mo.gov, February 11, 2021).

As of Friday, February 12, Missouri reported that 574,408 people statewide have received at least one dose of the vaccine, or 9.4% of the population. 3.1% have received two doses. (Source: showmestrong.mo.gov, February 12, 2021).

On Wednesday, February 10, Missouri public health officials announced the state's COVID-19 dashboard at showmestrong.mo.gov will now include antigen test results.¹⁴ Positive results from PCR tests will be referred to as “confirmed cases” and positive results from antigen tests are referred to as “probable cases.” Since the start of the pandemic, Missouri has had 486,189 confirmed cases and 75,894 probable cases. The positivity rate for each test is about the same—approximately 11% of antigen tests have been positive and 12% of PCR tests have been positive. (Source: *St. Louis Post-Dispatch*, February 10, 2021). According to data available Friday, Missouri recorded 5,327 confirmed cases and 2,527 probable cases over the past week—an average of 761 confirmed and 361 probable new cases per day. (Source: showmestrong.mo.gov, February 12, 2021).

Missouri has recorded its first case of the B.1.1.7 variant, an extremely transmissible variant of the coronavirus that was first detected in the United Kingdom. Public health officials are working to ensure that contact tracing and quarantine protocols are followed. (Source: *St. Louis Post-Dispatch*, February 7, 2021). Dr. Garza indicated that mitigation efforts should not change. He said that the way to slow the spread remains the same, even though the variant has been shown to spread more easily. (Source: *KSDK.com*, February 8, 2021).

Adam Crumbliss, director of the public health division of the Missouri Department of Health and Senior Services, admits that vaccine distribution across the state may be uneven at times. “We recognize it’s an ebb and flow. Every week we are going to see numbers grow and fade in each region, but our commitment and our expectation is that we will work towards achieving that regional balance.”

¹⁴ The dashboard will show the antigen test results separately from PCR, or polymerase chain reaction, test results. Previously, the state's dashboard included only PCR test results. Health experts consider the PCR test the “gold standard” for detecting the virus. It detects the genetic material of the virus within days of infection, even in individuals who have no symptoms. Results come back in two or three days. Antigen tests, also known as rapid tests, have been growing in use since November and currently make up around 30% of total tests administered. On February 2, Missouri recorded 16,518 PCR tests and 7,939 antigen tests. The antigen test detects protein fragments specific to the coronavirus, and turnaround time for results is only 15 minutes. A positive test is considered highly accurate, especially for those experiencing symptoms, but negative test results are less reliable. Both PCR and antigen tests are conducted by nasal swab. If a person tests positive using both a PCR test and antigen test, they are counted only once—the PCR test is counted as a confirmed case. (Sources: *St. Louis Post-Dispatch*, February 10, 2021; showmestrong.mo.gov, February 12, 2021).

Crumbliss added that “our objective is to get to a good sense of parity across all the regions.” (*Source: St. Louis Post-Dispatch, February 11, 2021*).

Crumbliss also said that officials in some Missouri counties have asked if they can expand who is eligible for the vaccine because they are already close to vaccinating all of their residents who currently qualify. D.H.S.S. refuses to allow this to occur. “We have to move as a state, as a whole entity through those tier processes.” (*Source: St. Louis Post-Dispatch, February 11, 2021*).

State officials have indicated that 30% of Missouri residents older than 85 have received at least one dose; more than 18% of residents between 75 and 84; and more than 20% of those between 65 and 74. (*Source: St. Louis Post-Dispatch, February 11, 2021*).

Through a partnership with the federal government, doses will be sent to 81 Walmart and Sam’s Club pharmacy locations across Missouri (including locations in Shrewsbury and Ferguson) and 21 Health Mart locations. In total, the 102 locations are scheduled to receive a total of more than 18,000 doses per week, which is in addition to the more than 97,000 doses the state is already receiving each week. Dr. Randall Williams, director of the Missouri health department, said these locations were chosen by federal officials “because of their accessibility for many Missouri communities[.]” (*Source: St. Louis Post-Dispatch, February 11, 2021*).

Missouri continues to not rank well compared to the other states in the U.S., as to administering the vaccination doses received from the federal government. Missouri ranks 49th of the states, at a rate of 8.8% of the population that has received at least one shot. (Alaska ranks first, at a rate of 16.0%; the national average is 11.0%; Rhode Island ranks 50th at a rate of 8.7%) (*Source: N.Y. Times, February 12, 2021*). (Note that the Missouri numbers quoted by showmestrong.mo.gov, on the previous page, are slightly higher.)

7. St. Louis County Executive Action: Three executive orders issued by St. Louis County Executive Dr. Sam Page went into effect November 17, 2020: 1.) a “Safer at Home” order (which imposed significant limitations on activities outside the home); 2.) a modified face covering order (which expanded the areas where masks should be worn) and 3.) a revised isolation and quarantine order (which imposed directives to those infected by or exposed to the virus). (*Source: stlcorona.com/news/dph-covid19-update-11132020, November 13, 2020*).

St. Louis County's "Safer at Home" order has since been amended three times as the number of new COVID-19 cases continues to decline. Under the current restrictions, restaurants and bars are limited now to 50% occupancy, must close by 11 p.m., and must record the name and contact information of at least one member of each dining party, in order to assist with contact tracing. Before Thursday, February 11, restaurants and bars had been limited to 25% occupancy. (Sources: <https://stlcorona.com/dr-pages-messages/public-health-orders/>, February 9, 2021; [fox2now.com](https://www.fox2now.com), February 9, 2021).

8. Other considerations: New COVID-19 cases across the United States continue to decline, after hitting all-time highs in January. On February 10, the seven-day moving average number of new cases in the U.S. was 104,217 per day. A week before that (on February 3), the average was 134,523 new cases per day. Two weeks prior (on January 27), the average was 161,832 new cases per day. The all-time high occurred on January 8, when the seven-day average was 248,706. (Source: [CDC.gov](https://www.cdc.gov), February 11, 2021).

Since the start of the pandemic, the U.S. has recorded approximately 27.1 million cases. 729,530 of those occurred in the past week. (Source: [CDC.gov](https://www.cdc.gov), February 4, 2021).

New deaths due to COVID-19 in the U.S. are down from the all-time highs hit in January, but not by much and are still very high. On February 10, the seven-day moving average was 3,012 deaths per day. A week before that (on February 3), the average was 3,056 deaths per day. And two weeks prior (on January 27), the average was 3,276. [The all-time high was on January 13, when the seven-day average was 3,357 deaths. On July 1, 2020 the average was 887. On September 1, 2020 the average was 903. On Nov. 1, 2020 the average was 826.] (Source: [CDC.gov](https://www.cdc.gov), February 11, 2021).

The U.S. has recorded 470,110 deaths due to COVID-19 since the start of the pandemic. 21,093 of those were reported in the past seven days. (Source: [CDC.gov](https://www.cdc.gov), February 11, 2021).

The number of patients hospitalized with COVID-19 across the U.S. has decreased since last month. On January 15, 127,235 patients were hospitalized with COVID-19. By February 10, that number had decreased to 76,979, which is approximately the same number of COVID-19 hospitalizations that the U.S. had in mid-November.

(Source: The COVID Tracking Project, available at covidtracking.com, February 11, 2021).

Approximately 3.2% of U.S. residents are fully vaccinated. *(Source: Johns Hopkins Coronavirus Resource Center, available at coronavirus.jhu.edu, February 11, 2021).*

On Thursday, Dr. Anthony Fauci, the nation's leading infectious disease expert, said that most members of the general public could become eligible for the coronavirus vaccine by April. "As we get into March and April, the number of available doses will allow for much more of a mass vaccination approach," he said. By the time we get to April, he said, "virtually everybody and anybody in any category could start to get vaccinated." *(nytimes.com, February 11, 2021).*

Public health experts continue to be concerned about the B.1.1.7 variant of the coronavirus that was first detected in the United Kingdom.¹⁵ Sharon Peacock, director of the COVID-19 Genomics UK consortium, said that, so far, vaccines are effective against the variant, but further mutations could potentially undermine that. "What's concerning about this is that the 1.1.7. variant that we have had circulating for some weeks and months is beginning to mutate again and get new mutations which could affect the way that we handle the virus in terms of immunity and effectiveness of vaccines," she said. The B.1.1.7 variant has been found to be more infectious, but not necessarily deadlier than other variants. Peacock predicts it is likely "to sweep the world, in all probability." *(Source: St. Louis Post-Dispatch, February 11, 2021).*

An employee of a Michigan prison tested positive for the B.1.1.7 variant of the coronavirus—the first time the variant has been detected in a U.S. correctional facility. The strain's potential to spread rapidly in prisons and jails has public health experts alarmed. Correctional facilities and detention centers across the U.S. have already been hit hard by COVID-19, with more than 600,000 infections and 2,700 deaths among inmates and correctional officers. *(nytimes.com, February 11, 2021).*

¹⁵ Out of thousands of variants, there are three major known variants that are concerning to public health experts: (1) the South African variant—known as 20I/501Y.V2 or B.1.351; (2) the UK or Kent variant—known as 20I/501Y.V1 or B.1.1.7; and (3) the Brazilian variant—known as P.1. *(Source: St. Louis Post-Dispatch, February 11, 2021).*

The U.S. has reported more than 600 cases of B.1.1.7 variant across 33 states. (*St. Louis Post-Dispatch, February 7, 2021*).

IN CONCLUSION

Most of the Supreme Court's "Gateway Criteria" factors remain extremely encouraging. The presence of COVID in this community is consistently decreasing. The numbers of hospitalized COVID patients are significantly decreasing.

News about the vaccines is also very encouraging, of course, but the limited supply and the low statewide rate of administering the vaccine continue to be concerning.

This court is mindful of a directive provided by the Missouri Supreme Court on July 24, 2020: "If any court employee, bailiff, or other court personnel currently working in a court facility tests positive for COVID-19, the presiding or chief judge shall move that court facility to Operating Phase One or Zero." This directive makes no distinctions between courthouses in small rural counties and courthouses in large metropolitan counties like St. Louis County. The presence in the Courthouse of one person with COVID precludes the Courthouse from moving to Phase Two.

This Circuit hopes to move into Phase Two next month, but is very aware of the rapid presence of the new coronavirus variant strains in this country. The infectious disease experts maintain that an increase in COVID numbers lies ahead again, perhaps especially because of the B.1.1.7 strain. Moving into Phase Two may not happen as quickly as we hope. (This court will note, however, that the many warnings about post-holiday upticks of the virus did not prove to be true in the St. Louis metropolitan area because, as Dr. Garza indicated, most people here exercised the proper protocols of masking, social distancing and sanitizing. Perhaps the continued exercising of these protocols will sufficiently combat the B.1.1.7 strain...)

Accordingly, after the aforementioned consultation and consideration, the 21st Judicial Circuit will remain in Operating Phase One on February 12, 2021. The Court's phase status will continue to be reviewed weekly on an ongoing basis.

Michael D. Burton, Presiding Judge of the 21st Circuit Court
St. Louis County, Missouri
February 12, 2021

SO ORDERED:



Judge

Division 16

February 12, 2021

(Continued)

WHAT DOES PHASE ONE ALLOW BEYOND WHAT PHASE ZERO ALLOWED?

According to the Missouri Supreme Court's May 4, 2020 Operational Directives (which were ultimately modified on July 24, 2020), during Phase Zero, all in-person proceedings must be suspended, with very few designated exceptions. The Court, however, did not suspend court operations; it simply indicated that proceedings continue, but through video conferencing and other means.

Court operations during Phase One do not significantly change from those permitted in Phase Zero. Only the "most extraordinary, pressing and urgent" cases can additionally be heard in person. Occupancy rates in courtrooms and other court areas must be ten people or less, whenever possible. The Supreme Court has consequently made it clear to presiding judges that Phase One does not allow for any jury trial exceptions whatsoever.

In summary, there simply cannot be any additional "in person" court proceedings than those allowed in Phase Zero, unless a judge deems them to be "most extraordinary, pressing and urgent."

The St. Louis County Courthouse is not closed to the public. People may enter the building to file pleadings, motions and responses. Petitioners may enter the building to file for *ex parte* (temporary) orders of protection, as the Adult Abuse Office remains open.

Due to the current pandemic, however, this court strongly encourages the public to visit the St. Louis County Circuit Court's website. The website provides means to participate in proceedings and avoid physically entering the building. For example, petitioners can obtain orders of protection through online filing.

To improve access to justice during the pandemic, secure computer stations ("E-Court") are now available on the street level of the St. Louis County Courthouse to allow members of the public to participate in live court proceedings, including criminal preliminary hearings, small claims, landlord-tenant and order of protection dockets. Court staff members are available to assist litigants in connecting to their hearings before the judges.

This Court has established another Access to Justice site in the County, outside of the Courthouse, in the Northwest Crossings Government Building in St. Ann, MO. At that location, a similar "E-Court" set of secure computer stations are available for litigants, connecting them to the live proceedings in the Courthouse in Clayton. This site's grand opening occurred on February 8, 2021. Court staff members are now available to assist litigants in connecting to their hearings.

On March 1, 2021, individuals who are County residents or who have been abused in St. Louis County may seek temporary (*ex parte*) orders of protection at the Northwest Crossings location. Court staff members will be available to assist litigants in completing their petitions for orders of protection. Domestic violence victim advocates will be available to assist with safety planning and providing resources.