

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)
)
ADOPTION OF STANDARD AND SPECIAL)
CONDITIONS OF PROBATION AND)
SUPERVISED RELEASE)
_____)

Misc. No. 2:23-mc-1291

**ORDER ADOPTING FORMS OF STANDARD AND SPECIAL CONDITIONS OF
PROBATION AND SUPERVISED RELEASE**

AND NOW, this 20th day of November, 2023;

WHEREAS the Court is required to impose upon a defendant sentenced to a term of probation or supervised release the mandatory conditions of supervision set forth in 18 U.S.C. §§ 3563(a) (for probation) and 3583(d) (for supervised release);

WHEREAS the Court may impose upon a defendant sentenced to a term of probation or supervised release discretionary conditions, e.g., “Standard Conditions” or “Special Conditions,” to the extent that such conditions are reasonably related to the relevant factors set forth in 18 U.S.C. § 3553(a), involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in § 3553(a)(2), and are consistent with any pertinent policy statements issued by the Sentencing Commission, pursuant to 18 U.S.C. §§ 3563(b) and 3583(d);

WHEREAS the Standard Conditions set forth in **Exhibit A** to this Order, which were approved by the Judicial Conference of the United States Courts, are basic behavioral expectations for the defendant and minimum tools required by probation officers to adequately monitor the conduct of all defendants under supervision;

WHEREAS the form of Special Conditions set forth in **Exhibit B** to this Order provides for additional sanctions, restrictions, correctional interventions, or monitoring tools as necessary

to achieve the purposes of sentencing in the individual case when deemed appropriate for imposition by the sentencing judge; and

WHEREAS the Administrative Office of the United States Courts Probation and Pretrial Services Office has recommended that each Court adopt the Standard Conditions of probation and supervised release set forth in **Exhibit A** to this Order and fashion Special Conditions that comply with applicable laws,¹

IT IS HEREBY ORDERED that the Standard Conditions set forth in **Exhibit A** to this Order are adopted by the United States District Court for the Western District of Pennsylvania as the Standard Conditions of probation and supervised release in this Court; and

IT IS FURTHER ORDERED that the Special Conditions set forth in **Exhibit B** to this Order are adopted by the United States District Court for the Western District of Pennsylvania as the form of such Special Conditions of probation and supervised release in this Court; and

¹ In September 2016, the Judicial Conference of the United States Courts approved the Standard Conditions set forth in **Exhibit A** to this Order and the release of a report created by the Administrative Office of the United States Courts, Probation and Pretrial Services Office, entitled “Overview of Probation and Supervised Release Conditions” (the “Overview”). Judicial Conference of the United States, *Report of the Proceedings of the Judicial Conference of the United States*, UNITED STATES COURTS, Sept. 2016, at 14-15, https://www.uscourts.gov/sites/default/files/2016-09_0.pdf.

In the Overview, it is recommended that—to establish “[s]ome level of national uniformity...because approximately 20 percent of persons under supervisions were sentenced in districts other than the district of supervision”—each district court adopt the Standard Conditions of probation and supervised release set forth in **Exhibit A** to this Order. Administrative Office of the United States Courts Probation and Pretrial Services Office, *Overview of Probation and Supervised Release Conditions*, UNITED STATES COURTS, Nov. 2016, at 16, https://www.uscourts.gov/sites/default/files/overview_of_probation_and_supervised_release_conditions_0.pdf. The Overview also recommends that each district “fashion special conditions that comport with circuit case law” and lists the Special Conditions that are contained in **Exhibit B** to this Order. *Id.* at 16 n.11, 42-93. The Overview addresses in detail the statutory authority, language, purpose, and method of implementation for each of the Standard Conditions listed in **Exhibit A** to this Order and each of the Special Conditions listed in **Exhibit B** to this Order. *Id.* at 16.

IT IS FURTHER ORDERED that the forms of Standard and Special Conditions adopted by this Order are deemed to be the default forms of such Conditions in this Court, subject to the determination of the sentencing judge as to the imposition of any specific Condition in a given case.

FOR THE COURT:

s/Mark R. Hornak

MARK R. HORNAK

Chief United States District Judge

STANDARD CONDITIONS

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.¹
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

¹ This condition applies to defendants released to the community after a period of imprisonment. For probation cases, the condition is: "You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame."

SPECIAL CONDITIONS

1. Substance Abuse Treatment, Testing, and Abstinence

You must participate in an [inpatient/outpatient] substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). [[You must pay the costs of the program.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the program.]]

You must participate in an [inpatient/outpatient] alcohol abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). [[You must pay the costs of the program.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the program.]]

You must not use or possess any controlled substances without a valid prescription. If you do have a valid prescription, you must disclose the prescription information to the probation officer and follow the instructions on the prescription.

You must submit to substance abuse testing to determine if you have used a prohibited substance. [[You must pay the costs of the testing.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the testing.]] You must not attempt to obstruct or tamper with the testing methods.

You must not use or possess alcohol.

You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption, except with the prior approval of the probation officer.

2. Mental Health Treatment

You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). [[You must pay the costs of the program.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the program.]]

You must take all mental health medications that are prescribed by your treating physician. [[You must pay the costs of the medication.] [You must pay [\$___ per ___ (e.g., week, month)] or [___ % of the costs of the medication.]]

3. Financial Requirements and Restrictions

You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.

You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.

If the judgment imposes a financial penalty, you must pay the financial penalty in accordance with the Schedule of Payments sheet of this judgment. You must also notify the court of any changes in economic circumstances that might affect the ability to pay this financial penalty.

4. Employment Restrictions

You must not engage in an occupation, business, profession, or volunteer activity that would require or enable you to _____ without the prior approval of the probation officer.

You must not work in any type of employment without the prior approval of the probation officer.

5. Association and Contact Restrictions

You must not have direct contact with any child you know or reasonably should know to be under the age of 18, [including][not including] your own children, without the permission of the probation officer. If you do have any direct contact with any child you know or reasonably should know to be under the age of 18, [including][not including] your own children, without the permission of the probation officer, you must report this contact to the probation officer within 24 hours. Direct contact includes written communication, in-person communication, or physical contact. Direct contact does not include incidental contact during ordinary daily activities in public places.

You must not communicate, or otherwise interact, with any known member of the _____ gang, without first obtaining the permission of the probation officer.

You must not communicate, or otherwise interact, with [name of victim], either directly or through someone else, without first obtaining the permission of the probation officer.

6. Place Restrictions

You must not knowingly enter [name of neighborhood, city, county, subdivision, park, or other geographic entity with clearly defined boundary] without first obtaining the permission of the probation officer.

You must not knowingly enter any [bar, tavern, etc.] without first obtaining the permission of the probation officer.

You must not go to, or remain at any place where you know controlled substances are illegally sold, used, distributed, or administered without first obtaining the permission of the probation officer.

You must not go to, or remain at, any place where you know children under the age of 18 are likely to be, including parks, schools, playgrounds, and childcare facilities.

You must not go to, or remain at, a place for the primary purpose of observing or contacting children under the age of 18.

7. Supporting Dependents

If you are ordered by the government to make child support payments or to make payments to support a person caring for a child, you must make the payments and comply with the other terms of the order.

You must meet any legal obligation to support or make payment toward the support of any person, including any dependent child, the co-parent or caretaker of a dependent child, or a spouse or former spouse.

8. Gambling-Related Conditions

You must participate in a gambling addiction treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). [[You must pay the costs of the program.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the program.]]

You must not engage in any form of gambling (including, but not limited to, lotteries, on-line wagering, sports betting) and you must not enter any casino or other establishment where gambling is the primary purpose (e.g., horse race tracks, off-track betting establishments).

9. Community Service

You must complete ___ hours of community service within ___ months. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

You must be employed and complete community service for a combination of 30 hours per week. The probation officer will supervise the participation in the community service program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed community service hours to the probation officer.

10. Cognitive Behavioral Treatment

You must participate in a cognitive-behavioral treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). Such programs may include group sessions led by a counselor or participation in a program administered by the probation office. [[You must pay the costs of the program.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the program.]]

11. Educational or Vocational Services

You must participate in an educational services program and follow the rules and regulations of that program. Such programs may include high school equivalency preparation, English as a Second Language classes, and other classes designed to improve your proficiency in skills such as reading, writing, mathematics, or computer use. [[You must pay the costs of the program.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the program.]]

You must participate in a vocational services program and follow the rules and regulations of that program. Such a program may include job readiness training and skills development training. [[You must pay the costs of the program.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the program.]]

12. Location Monitoring Technology to Monitor Compliance with Conditions of Supervision

You will be monitored by the form of location monitoring technology indicated below for a period of ___ months, and you must follow the rules and regulations of the location monitoring program. [[You must pay the costs of the program.] [You must pay [\$___ per ___ (e.g., week, month)] or [___ % of the costs of the program.]]

- Location monitoring technology at the discretion of the probation officer
- Radio Frequency (RF) Monitoring
- GPS Monitoring (including hybrid GPS)
- Voice Recognition

This form of location monitoring technology will be used to monitor the following restriction on your movement in the community:

- You are restricted to your residence every day from _____ to _____ (Curfew).
- You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the officer (Home Detention).
- You are restricted to your residence at all times except for medical necessities and court appearances or other activities specifically approved by the court (Home Incarceration).
- You must comply with the following condition: _____.

13. Residential Reentry Center

You must reside in a residential reentry center for a term of _____ days. You must follow the rules and regulations of the center.

14. Intermittent Confinement

You must serve a total of _____ days of intermittent confinement. The intermittent confinement shall be served for _____ consecutive (weekends or days) at the _____ facility beginning on (day), (date) at (time) and ending on (day), (date), no later than (time). You must follow the rules and regulations of the _____ facility.

15. Search and Seizure

You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

16. Immigration-Related Requirements

You must [immediately report, continue to report, or surrender] to U.S. Immigration and Customs Enforcement and follow all their instructions and reporting requirements until any deportation proceedings are completed.

If you are ordered deported from the United States, you must remain outside the United States, unless legally authorized to re-enter. If you re-enter the United States, you must report to the nearest probation office within 72 hours after you return.

You must seek proper documentation from U.S. Immigration and Customs Enforcement authorizing you to work in the United States.

17. Restrictions on Viewing Sexually Explicit Materials

You must not view or possess any “visual depiction” (as defined in 18 U.S.C. § 2256), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of “sexually explicit conduct” (as defined in 18 U.S.C. § 2256).

You must not view or possess any “visual depiction” (as defined in 18 U.S.C. § 2256) including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of “sexually explicit conduct” (as defined in 18 U.S.C. § 2256), that would compromise your sex offense-specific treatment.

18. Sex Offense-Specific Assessment, Treatment, and Physiological Testing

You must participate in a sex offense-specific assessment. [[You must pay the costs of the assessment.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the assessment.]]

You must participate in a sex offense-specific treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). [[You must pay the costs of the program.] [You must pay [\$___ per ___ (e.g., visit, week, month)] or [___ % of the costs of the program.]]

You must participate in plethysmograph testing as part of the required participation in a sex offense specific assessment and/or treatment.

You must participate in visual response testing as part of the required participation in a sex offense specific assessment and/or treatment.

19. Polygraph for Sex Offender Management

You must submit to periodic polygraph testing at the discretion of the probation officer as a means to ensure that you are in compliance with the requirements of your supervision or treatment program.

20. Computer and Internet Restrictions

You must not possess and/or use computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media.

You must not access the Internet.

You must not access the Internet except for reasons approved in advance by the probation officer.

You must submit your computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media, to a search. You must warn any other people who use these computers or devices capable of accessing the Internet that the devices may be subject to searches pursuant to this condition. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

You must allow the probation officer to install computer monitoring software on any computer (as defined in 18 U.S.C. § 1030(e)(1)) you use.

To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. These searches shall be conducted for the purposes of determining whether the computer contains any prohibited data prior to installation of the monitoring software; to determine whether the monitoring software is functioning effectively after its installation; and to determine whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition.