

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

**RE: ADOPTION OF SPECIAL CONDITIONS OF PROBATION AND SUPERVISED  
RELEASE IN CRIMINAL CASES INVOLVING SEX OFFENSES AND IN  
OTHER APPROPRIATE CRIMINAL CASES**

**STANDING ORDER NO. 2013-04**

Pursuant to 18 U.S.C. § 3563(b)(22), 18 U.S.C. § 3583(d), and Rules 32(d) and (e) of the Federal Rules of Criminal Procedure, it is hereby **ORDERED** that, in making a sentencing recommendation to the court for a defendant who:

- 1) is convicted of a sex offense as defined under the Sex Offender Registration and Notification Act (SORNA); or
- 2) is otherwise required to register with any local, state, or federal sex offender registry; or
- 3) has a history that may otherwise justify the need for additional conditions,

the probation officer shall consider appropriate special conditions of probation or supervised release, including but not limited to the following conditions:

1. The defendant shall register with all local and state sex offender registration agencies in any jurisdiction where the defendant resides, is employed, carries a vocation, is a student, or is otherwise required to register by SORNA.
2. The defendant shall have no direct or indirect contact at any time, for any reason, with any victim identified in the presentence report or any victim's family.
3. The defendant shall not possess, view, or otherwise use any materials depicting or describing "child pornography" as defined in 18 U.S.C. § 2256, nor shall the defendant knowingly enter, or knowingly remain in, any location where such materials can be accessed, obtained, or viewed, including pictures, photographs, books, writings, drawings, videos, or video games.

4. The defendant's residence and employment shall be approved by the probation officer. Any proposed change in residence or employment must be provided to the probation officer at least 10 days prior to the change and must be approved before the change may take place.
5. The defendant shall submit to an evaluation by a qualified mental health professional, approved by the probation officer, who is experienced in the treatment of sexual offenders. The defendant shall take all medications reasonably related to his or her condition, complete all treatment recommendations, and abide by all rules, requirements, and conditions imposed by the treatment provider until discharged from treatment by the provider.
6. The defendant shall submit to risk assessments and psychological and physiological testing, which may include but is not limited to polygraph or plethysmograph examinations or other specific tests to monitor the defendant's compliance.
7. The defendant shall submit to a search of his or her person, property, residence, vehicle, papers, computer, electronic communication devices, or data storage devices or media at any time by the probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of release. The defendant should warn any other residents or occupants that their premises or vehicles in which the defendant may be located could be subject to search pursuant to this condition.
8. The defendant shall provide the probation officer access to any requested financial records and authorize the probation officer's access to any banks, telephone providers and Internet providers, as necessary, to monitor the defendant's compliance.
9. The defendant shall not linger within 100 feet of any parks, school property, playgrounds, arcades, amusement parks, daycare centers, swimming pools, community recreation fields, zoos, youth centers, carnivals, circuses, or other places that are primarily used or can reasonably be expected to be used by minors, without prior permission of the probation officer.
10. The defendant shall not use, purchase, possess, procure, or otherwise obtain any computer or electronic device or cellular telephone that can be linked to any computer networks, bulletin boards, the Internet, or other exchange formats involving computers unless approved by the probation officer for such purposes as the defendant's lawful gainful employment, use by an immediate family member living in the defendant's same household, or other legitimate activities. In addition, the defendant shall not access or use any computer that utilizes any "cleaning" or "wiping" software programs.

11. The defendant shall not associate or have verbal, written, telephonic, electronic communications or knowingly socialize through the Internet with any minor, except: 1) in the presence of the parent or legal guardian of said minor; 2) on the condition that the defendant notifies the parent or legal guardian of the defendant's sex offender condition(s); and 3) with prior approval from the probation officer. This provision does not encompass minors working as waiters, cashiers, ticket vendors, and similar service positions with whom the defendant must deal in order to obtain ordinary and usual commercial services.
12. The defendant may only use and possess a cellular telephone that is limited to vocal telephone communication without the capability to access the Internet.
13. The defendant shall not purchase, possess, or use any camera or video recording devices without approval of the probation officer.
14. The defendant shall notify employers, family members, and others with whom the defendant has regular contact of the defendant's sex offender conditions and that the defendant is under the supervision of the probation officer.
15. The defendant shall not own, use, or have access to the services of any commercial mail receiving agency or storage unit, nor shall the defendant open or maintain a post office box or storage unit without the prior approval of the probation officer.
16. The defendant shall not be employed in any position or participate as a volunteer in any activity that involves contact with minors without prior approval of the probation officer. The defendant may not engage in an activity that involves being in a position of trust or authority over any minor.
17. The defendant shall participate in the Computer and Internet Monitoring Program and abide by all conditions therein as directed by the probation officer. Participation in this program is contingent upon all program criteria being met.
18. The defendant shall contact the probation officer within 72 hours of establishing an ongoing romantic relationship with another individual and provide the probation officer with information about the other party. The defendant shall also inform the other party of his or her prior criminal history concerning sex offenses.
19. The defendant shall not be in the company of or have contact with children under the age of 18, including the defendant's own children, without prior permission of the probation officer. Contact includes but is not limited to letters, communication devices, audio or visual devices, and communication through a third party. The defendant shall immediately report any such contact to the probation officer.

20. The defendant shall not have any contact, other than incidental contact in a public forum such as ordering in a restaurant or grocery shopping, with any minor that is under the age of 18 without prior permission of the probation officer. Any approved contact shall be supervised by an adult at all times. The contact addressed in this condition includes but is not limited to direct or indirect, personal, telephonic, written, and through a third party. If the defendant has any contact with any such minor not otherwise addressed in this condition, the defendant is required to immediately leave the situation and notify the probation officer.
21. The defendant shall not possess or have under his control any material depicting sexually explicit conduct involving adults or minors, child pornography, or visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256.
22. The defendant shall not possess any sexually oriented material that, according to a qualified sex offender treatment provider, may interfere with an ongoing treatment regimen.
23. The defendant shall not frequent any business whose primary function is to serve alcoholic beverages, if, according to a qualified sex offender treatment provider, such activity may interfere with an ongoing treatment regimen.
24. The defendant shall not possess any bindings, restraints, handcuffs, or other sadomasochistic paraphernalia.
25. The defendant shall not utilize by any means any social networking forums offering an interactive user network of friends, personal profiles, blogs, chat rooms, or other environments which allow for interaction with others without prior approval of the probation officer.
26. The defendant shall submit to unannounced examination by the probation officer of the defendant's computer equipment and electronic devices, which may include the retrieval and copying of all data from the equipment or devices, to ensure compliance with the conditions of supervision. If the probation officer has reasonable suspicion that the defendant has violated the terms and conditions of supervision, the defendant shall consent to the seizure of such equipment and devices for the purpose of conducting a more thorough investigation.

27. The defendant shall permit the probation officer to conduct periodic, unannounced examinations of any computer equipment the defendant uses or possesses, which includes all hardware and software related to online use. This computer equipment includes but is not limited to any internal or external peripherals, internet-capable devices, and data storage media. These examinations may include retrieval and copying of data related to online use and viewing of pictures and movies which may be potential violations of the terms of supervision. The relevant computer equipment may be removed by the probation officer for more thorough examination. The probation officer may use and install any hardware or software system that is needed to monitor the defendant's computer use.
28. The defendant is authorized contact with minor children who are relatives of the defendant, but the contact may occur only in the presence of another adult who has been previously approved by the probation officer.

It is further **ORDERED** that, in the criminal cases encompassed by this Standing Order, the probation officer shall disclose the recommended special conditions in the presentence report prior to sentencing.

It is hereby **ORDERED** that Standing Order 07-1, entered on August 20, 2007, shall be, and it hereby is, vacated and superseded by this Standing Order.

The Clerk is directed to enter this Standing Order in the order book for each division of this court and to mail certified copies to the Judges and Magistrate Judges, the United States Attorney, the Federal Public Defender, and the Chief Probation Officer for this district.

ENTER: June 25, 2013



---

Chief United States District Judge