

September 2024

## Sex Offender Conditions Worksheet Western District of Virginia

The following special conditions may be recommended to the Court in certain cases. If imposed, the conditions will be in addition to the mandatory and standard conditions of supervision.

### NO CONTACT WITH VICTIMS OR THEIR FAMILIES

The defendant shall have no contact, direct or indirect, with any victim identified in the presentence report, or any victim's family member.

### NO CONTACT WITH MINORS

The defendant shall have no contact, or communicate, directly or indirectly, with persons less than 18 years of age ("minors"). This includes communication by any means, including verbal, written, telephonic, electronic, or other communications. The prohibition against communication with minors is intentionally wide-ranging, encompassing the transmission of any information, whether by audio, video, digital or other means. It includes, but is not limited to, any communications via the Internet, cellular phone, any cellular phone or computer application, text message, social media, social networking website, blog, peer to peer file sharing network or other method. This provision does not encompass incidental contact with minors working as waiters, cashiers, ticket vendors, and similar service positions with whom the defendant must deal with to obtain ordinary and usual commercial services.

However, the defendant is authorized contact with minors 1) who are relatives of the defendant; 2) who have familial relationships with relatives of the defendant; or 3) who have been identified and approved by the U.S. Probation Officer (USPO). The contact may occur only in the presence of another adult and with the prior approval of the probation officer. In considering approval of such contact, the probation officer should make an individualized inquiry and a particularized showing of need for the condition.

The defendant shall not use any computer, cellular telephone, Internet-capable device, GPS device or other device to contact a minor, gather information about a minor, or locate a minor.

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 a minor.

## COMPLIANCE WITH TESTING AND TREATMENT

The defendant shall submit to periodic polygraph testing or any other court approved testing to monitor the defendant's compliance while on supervision.

The defendant shall submit to an evaluation/risk assessment by a qualified mental health professional approved by the probation officer, who is experienced in the treatment of sexual offenders. If deemed appropriate by the qualified mental health professional, the evaluation may include psychological and physiological testing (i.e. plethysmograph exams).

The defendant must participate in a sex offense-specific treatment program and follow the rules and regulations of that program. The probation officer will supervise the defendant's participation in the program with (provider, location, modality, duration, intensity, etc.).

While in a sex offense-specific treatment program, the defendant shall take all medications reasonably related to his or her condition; complete all treatment recommendations, which may include physiological testing (i.e., polygraph exams), and abide by all rules, requirements, and conditions imposed by the treatment provider until discharged from treatment by the provider.

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

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

## RESTRICTIONS ON VIEWING SEXUALLY EXPLICIT MATERIALS

The defendant 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).

The defendant 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 sex offense-specific treatment.

## CYBERCRIME MANAGEMENT

### **General Condition for Cybercrime Management**

The defendant is ordered to participate in cybercrime management and will inform the probation officer of all computer devices possessed or accessible to him/her. This includes (a) desktop or laptop computers; (b) smartphones, smart watches, and tablets; (c) smart appliances/Internet of Things (IoT) devices, including hub or personal assistant devices; and (d) all network accessing devices, including internet-connectable gaming systems. The defendant will not acquire or access any new or additional computer devices unless approved by the probation officer. The defendant will also inform the probation officer of all his/her computer devices, internet service providers (ISP), and social media user accounts (local and on-line services), both upon entering supervision and in the event that the defendant creates or receives additional user accounts.

### **Monitored Computer Devices with Internet Access**

The defendant is permitted use of standard computer device(s) (desktop/laptop computers, smart phones/tablets) with internet access and will permit the U.S. Probation Office to configure, manage, and install monitoring software on all approved standard computer devices. Standard computer device(s) are limited to those that can be configured, managed, and monitored by the USPO. The configuration, management, and monitoring of the standard computer devices shall be specific to the defendant's Court-ordered conditions, risk and needs, and cybercrime management requirements.

### **Monitored Computer without Internet Access**

The defendant is permitted use of standard computer devices (desktop/laptop computer, smart phones/tablets) without internet access and will permit the U.S. Probation Office to configure and install monitoring software on all approved standard computer devices. Standard computer device(s) are limited to those that can be configured, managed, and monitored by the USPO. The configuration, management, and monitoring of the standard computer devices shall be specific to the defendant's Court ordered conditions, risk and needs, and Cybercrime Management Program requirements.

### **Unmonitored Computer with Internet Access**

The defendant is permitted use of standard computer devices (desktop/laptop computers, smart phones/tablets) with internet access and will permit the U.S. Probation Office to configure and manage all approved standard computer devices. The approval of standard computer devices is limited to devices that can be configured and managed by the USPO. The configuration and management of the defendant's standard computer devices shall be specific to the defendant's Court ordered conditions, risk and needs, and Cybercrime Management Program requirements.

### **Unmonitored Computer without Internet Access**

The defendant is permitted use of standard computer device(s) (desktop/laptop computer, smart phones/tablets) without internet access and will permit the U.S. Probation Office to configure and manage all approved standard computer devices. Standard computer device(s) are limited to those that can be configured and managed by the USPO. The configuration and management of the defendant's standard computer devices shall be specific to the defendant's Court ordered conditions, risk and needs, and Cybercrime Management Program requirements.

### **No Computer Use**

The defendant is restricted from any personal use of standard computer devices (desktop/laptop computer, smart phones/tablets).

### **Non-Standard Computer Devices/Internet of Things (IoT)**

Non-standard computer devices possessed or accessible to the defendant (such as smart TV's, refrigerators, game systems, and personal assistants) shall be assessed by the U.S. Probation Office for risk and need of use. The defendant must permit the U.S. Probation Office to configure and/or manage approved non-standard devices for compliance with Court ordered conditions and cybercrime management requirements. Non-standard computer devices that are not able to be configured and/or managed, or which are assessed as being of substantial risk to the successful completion of supervision, may be prohibited.

### **Publicly Accessible/Limited Purpose Computer Devices**

The defendant may access publicly accessible computer devices for legitimate transactional purposes (such as ATMs, kiosks, and point of sale terminals). With the awareness and approval of the probation officer, the defendant may also use specialized computer devices outside his/her residence (i.e., employment agency, work search, and employers' computer devices) but only for their intended use.

### **Restrictions on Specific and/or General Use**

(Legitimate and necessary)

The defendant's use of standard computer device(s) (desktop/laptop computers, smart phones/tablets) is restricted to legitimate and necessary purposes. Examples of legitimate and necessary use are employment, education, religious activities, treatment services, medical services, communication with friends/family and attorney, personal finance, and legal obligations.

### **Restricted Use**

The defendant shall not access (insert specific “blacklisted” sites, applications, categories, or activities here based on identified individual risk).

The defendant shall only access (insert specific “whitelisted” sites, applications, categories, or activities here based on identified individual risk).

### **Computer Device Limitations**

The defendant may be limited to two standard computer devices (desktop/laptop computer, smart phones/tablets), unless otherwise approved by the probation officer.

### **Payment Responsibility for Computer Monitoring**

**Full responsibility:** The defendant is responsible for all computer monitoring and/or management costs for approved computer devices.

**Partial responsibility:** The defendant is responsible for computer monitoring and/or management costs for approved computer devices based on the defendant’s ability to pay, as determined by the Probation/Pretrial Services Office.

### **Computer Search for Monitoring and/or Management Purposes**

The defendant must allow the U.S. Probation Office to conduct initial and periodic unannounced searches of any computer devices or networked systems used or possessed by the defendant. Initial searches of computer devices and networked systems will be conducted to determine if they contain or allow access to any materials or capabilities which would violate the Court’s ordered conditions; or programs/applications, settings, configurations that would be problematic for monitoring software (if ordered) and Cybercrime Management Program requirements. Periodic unannounced searches of these devices and systems will be conducted to verify that the monitoring software is functional (if ordered), that required configurations are unaltered, and that no circumvention efforts have been made to alter the device’s operation(s) or functionality.

### **GENERAL SEARCH & SEIZURE CONDITION**

The defendant shall submit his or her person, property, house, residence, vehicle, papers, [computers as defined in 18 USC § 1030(e)(1), other electronic communication, network or cloud storage, 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. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his or her supervision and that the areas to be searched contain evidence of this violation.

### SEX OFFENDER REGISTRATION CONDITION

The defendant must comply with the requirements of the Sex Offender Registration and Notification Act (34 USC § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which the defendant resides, works, or is a student, or was convicted of a qualifying offense.

### MISCELLANEOUS RESTRICTIONS

Upon request, the defendant must provide to the probation officer copies of financial statements to include phone bills, credit card statements, and billing statements from Internet providers.

The defendant will be subject to credit bureau checks conducted by the probation officer.

The defendant shall notify the probation officer of any changes in employment within 72 hours. The defendant shall not obtain employment in any capacity that violates the local or state sex offender registry in which they reside, are employed, or are a student.

The defendant shall not reside or loiter within 100 feet of any park, school property, playground, arcade, amusement park, day care center, swimming pool, community recreation field, zoo, youth center, carnival, circus, or other places that are primarily used or can reasonably be expected to be used by minors.

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.

The defendant shall not possess any bindings, restraints, handcuffs, or other sadomasochistic paraphernalia.

The defendant shall notify employers, family members, and others with whom the defendant has regular contact of the Court ordered conditions of supervision and that the defendant is under supervision by the United States Probation Office.