

MAR 18 2024

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

LAURA A. AUSTIN, CLERK
BY: mpa
DEPUTY CLERK

IN THE MATTER OF:)
)
CONFIDENTIALITY OF) **STANDING ORDER 2024-2**
PRESENTENCE REPORTS)

Disclosure of presentence investigation reports ("presentence reports") is controlled by 18 U.S.C. § 3552(d) and Fed. R. Crim. P. 32(e). The confidentiality of presentence reports derives from judicial practice, reflecting powerful policy considerations supporting a presumption against disclosure.

[I]n both civil and criminal cases the courts have been very reluctant to give third parties access to the presentence investigation report prepared for some other individual or individuals.... [O]ne reason for this is the fear that disclosure of the reports will have a chilling effect on the willingness of various individuals to contribute information that will be incorporated into the report. A second reason is the need to protect the confidentiality of the information contained in the report. Accordingly, the courts have typically required some showing of special need before they will allow a third party to obtain a copy of a presentence report.

United States v. Julian, 86 U.S. 1, 12 (1988).

To effectuate this policy of confidentiality and pursuant to Fed. R. Crim. P. 35(e)(2), it is **ORDERED** that presentence reports not be disclosed to any person other than the defendant, defense counsel, and counsel for the government. Presentence reports may not be disclosed to third persons or published in any manner, including over social media or the Internet.


It is further **ORDERED** that an incarcerated defendant may not possess a presentence while incarcerated, and a presentence report, or any copies or excerpts thereof, must not be provided to a defendant who is incarcerated, either before or after sentencing. A defendant's presentence report may be read by the incarcerated defendant in the presence of defendant's counsel, or an associate or representative of defendant's counsel, but must not be left at the facility for the defendant's review without prior permission of the court for good cause shown. Without such permission, incarcerated defendants may not possess a presentence report.

The purpose of this order to ensure that the disclosure of confidential information contained in presentence reports does not cause harm to a defendant or others or otherwise contravene the interests of justice.

This Standing Order supersedes and replaces Standing Order 2015-8.

It is so **ORDERED**.

Enter: This 18th day of March, 2024



Michael F. Urbanski
Chief U.S. District Judge
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Michael F. Urbanski
Chief United States District Judge