U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
FILED FEB 07 2012
CLERK'S OFFICE

**UNITED STATES DISTRICT COURT**

**MIDDLE DISTRICT OF LOUISIANA**

**GENERAL ORDER**

**NUMBER: 2012: 15**

**Adoption of Standard, Mandatory and Special Conditions of Supervision**

Pursuant to 18 U.S.C. §§ 3563(a), 3563(b), 3583(d), and 3553(a), the following detailed standard, mandatory and special conditions of supervision are hereby approved and adopted by this Court for purposes of sentencing in all criminal cases appearing before this Court. These detailed conditions will apply in both probation and supervised release cases when summarily ordered (in brief format) at the time of sentencing and shall be written, as specifically stated below (in detailed format), in the final judgment. It is understood specific Courts will order the "Standard" conditions in all cases and appropriately order the "Special" and "Mandatory" conditions as needed or required by law. It is also understood specific Courts are not limited only to these detailed conditions and are free to change, modify, or add additional "Special" conditions, pursuant to the statutes listed above. Pursuant to 18 U.S.C. §§ 3563(d) and 3583(f), this Court directs that the probation officer provide the defendant with a written statement that sets forth, in detail, all the conditions of supervision that are summarily ordered in each case.

**"Standard" Conditions of Supervision**

1. The defendant shall not leave the judicial district without permission of the Court or probation officer;

2. The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;

3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4. The defendant shall support his/her dependents and meet other family responsibilities;

5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;

6. The defendant shall notify the probation officer within seventy-two hours of any change of residence or employment;

7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;

8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;

10. The defendant shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;

11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12. The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court;

13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by his/her criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm his/her compliance with such notification requirement.

## "Mandatory" Conditions of Supervision

14. While on probation or supervised release, the defendant shall not commit another federal, state, or local crime, pay any financial penalty ordered by the judgment, shall not illegally possess a controlled substance and shall refrain from unlawful use of a controlled substance.

15. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic tests thereafter.

16. The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (*Mandatory for felony convictions only.*)

17. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

18. The defendant shall participate in an approved program for domestic violence.

19. The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (*42 U.S.C. § 16901, et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense (*Mandatory for Sex Offenses Only.*)

## "Special" Conditions of Supervision

20. The defendant shall participate in an alcohol assessment and/or treatment program and residential treatment if needed, and shall assist in the cost of said treatment, as approved by the probation officer.

21. The defendant shall participate in a substance abuse assessment and/or treatment program and residential treatment if needed, and shall assist in the cost of said treatment, as approved by the probation officer.

22. The defendant shall submit to random substance abuse testing as directed by the probation officer.

23. The defendant shall participate in a mental health assessment and/or treatment program and shall assist in the cost of said treatment, as approved by the probation officer.

24. The defendant shall participate in a cognitive behavioral treatment program and shall assist in the cost of said treatment, as directed by the probation officer.

25. The defendant shall participate in an anger management education and/or treatment program, and shall assist in the cost of said treatment, as approved by the probation officer.

26. The defendant shall refrain from any form of gambling and shall participate in a program for the treatment of gambling addiction, and shall assist in the cost of said treatment, as approved by the probation officer.

27. The defendant shall not enter, frequent, or be involved with any legal or illegal gambling establishment or activity, except for the purpose of employment, as approved by the probation officer.

28. The defendant shall conscientiously pursue a course of study of vocational training that will equip him/her for suitable employment, as approved the probation officer.

29. The defendant shall perform *(to be set at sentencing)* hours of community service, as approved by the probation officer.

30. The defendant shall participate in a financial assessment and/or counseling program, and shall assist in the cost of said program, as approved by the probation officer.

31. The defendant shall provide the probation officer with access to any requested financial information.

32. The defendant shall not incur new credit charges or open additional lines of credit, or negotiate or consummate any financial contracts without the approval of the probation officer.

33. The defendant shall reside for a period of *(to be set at sentencing)* months to commence at *(to be set at sentencing)* on *(to be set at sentencing)*, in the Ecumenical Community Corrections Center, 6753 Cezanne St., Baton Rouge, Louisiana and shall observe the rules of that facility.

34. The defendant shall reside for a period of *(to be set at sentencing)* months, or until released by the probation officer, to commence at *(to be set at sentencing)* on *(to be set at sentencing)*, in the Ecumenical Community Corrections Center, 6753 Cezanne St., Baton Rouge, Louisiana and shall observe the rules of that facility.

35. The defendant shall participate in the Location Monitoring Program, under the (*to be set at sentencing*)/[Home Detention, Home Incarceration, Curfew of ___pm to ___am] component, for a period of *(to be set at sentencing)* months, to commence at the direction of the probation office. The defendant shall follow the conditions specified in the "Location Monitoring Program - Participant Agreement" which may include the wearing of an electronic device. The form of location monitoring technology shall be at the discretion of the officer. The defendant shall pay all or part of the costs of participation in the Location Monitoring Program as directed by the court and the probation officer.

36. The defendant shall participate in the Location Monitoring Program under the *(to be set at sentencing)*/[Home Detention, Home Incarceration, Curfew of ___pm to ___am] component, for a period of (*to be set at sentencing)* months, to commence at the direction of the probation office. The defendant shall follow the conditions specified in the "Location Monitoring Program - Participant Agreement" which may include the wearing of an electronic device. The defendant shall be monitored using *(to be set at sentencing) [Radio Frequency, Passive G.P.S., Active G.P.S., Continuous Alcohol Monitor, Voice Recognition]* form of Location Monitoring. The defendant shall pay all or part of the costs of participation in the Location Monitoring Program as directed by the court and the probation officer.

37. The defendant shall be monitored by the *(to be set at sentencing)* [Radio Frequency, Passive G.P.S., Active G.P.S., Continuous Alcohol Monitor, or Voice Recognition] form of location monitoring for a period of *(to be set at sentencing)*, which shall be utilized for purposes of verifying compliance with any court-imposed condition of supervision. The defendant shall pay all or part of the costs of participation in the Stand Alone Monitoring Program as directed by the court and the probation officer.

38. The defendant shall submit to a remote alcohol testing system and be monitored for a period of *(to be set at sentencing)* months, with the location monitoring technology, at the discretion of the probation officer. The defendant shall abide by all technology requirements and shall pay all or part of the costs of participation in the location/alcohol monitoring program, as directed by the court and/or probation officer. The defendant is restricted to his/her 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 probation officer.

39. The defendant shall attend a public, private, or private nonprofit offender rehabilitation program approved by the Court.

40. The defendant shall comply with the terms of any Court order or order of administrative process pursuant to any state law, the District of Columbia or any other possession or territory of the United States, requiring payments by the defendant for the support or maintenance of a child or of a child and the parent with whom the child is living.

41. The defendant shall be deported from the United States.

42. If ordered deported by a U.S. Immigration Court or other authority, the defendant shall not re-enter the United States unless authorized by the Department of Homeland Security, Bureau of Immigration Customs Enforcement.

43. The defendant is restricted from the following employment: *(to be set at sentencing)*

44. The defendant/offender shall reside in an emergency housing facility designated by the probation/pretrial services officer for a period of *(to be set at sentencing)*, or until the probation officer approves an alternative residence. The emergency housing may be provided through a halfway house, if available, or through lodging arranged by the probation/pretrial services office if necessary. [The defendant/offender must contribute $_____ per _____ towards the cost of the housing.]

45. The defendant/offender shall participate in a vocational services program as directed by the probation/pretrial services officer. Such program may include job readiness training and skills development training. [The defendant/offender must contribute $_____ per _____ towards the cost of the program.]

46. The defendant/offender shall participate in an educational services program as directed by the probation/pretrial services officer. Such programs may include GED preparation, English as a Second Language classes, and other classes designed to improve the defendant's/offender's proficiency in skills such as reading, writing, mathematics, or computer use. [The defendant/offender must contribute $_____ per _____ towards the cost of the program.]

47. The defendant/offender shall participate in a cognitive behavioral treatment program as directed by the probation/pretrial services officer. Such programs may include group sessions led by a counselor or participation in a program administered by the probation/pretrial services office. [The defendant/offender must contribute $_____ per _____ towards the cost of the program.]

48. The defendant shall submit his or her person, property, house, residence, vehicle, papers or 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. 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/her 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.

49. The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (*42 U.S.C. § 16901, et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (*Mandatory for Sex Offenses.*)

50. The defendant is prohibited from contact with individuals under the age of 18 unless granted permission by the probation officer. This provision does not encompass persons under the age of 18, such as waiters, cashiers, etc. with whom the defendant must deal in order to obtain ordinary and usual commercial services.

51. The defendant shall not associate or have verbal, written, telephone, or electronic communication with any person under the age of 18 except (1) in the presence of the parent or legal guardian of said minor and (2) on the condition that the defendant notifies said parent or legal guardian of his/her conviction in the instant offense, personal history, prior offenses, and other factors that involve minor victims. This provision does not encompass persons under the age of 18, such as waiters, cashiers, ticket vendors, etc., with whom the defendant must deal in order to obtain ordinary and usual commercial services.

52. The defendant shall not frequent or loiter within 100 feet of school yards, parks, public swimming pools, playgrounds, youth centers, video arcade facilities, or other places primarily used by persons under the age of 18. (*Locations to be set at sentenc*ing.)

53. The defendant shall not reside within direct view of school yards, parks, public swimming pools, playgrounds, youth centers, video arcades facilities, or other places primarily used by persons under the age of 18. The defendant's residence shall be approved by the probation officer, and any change in residence must be pre-approved by the probation officer. The defendant shall submit the address of the proposed residence to the probation officer at least 10 days prior to any scheduled move.

54. The defendant shall undergo a psychosexual evaluation, and if diagnosed with a sexual disorder, shall participate in sex offender-specific treatment (which may include inpatient treatment), and shall assist in the cost of said treatment, as approved by the probation officer.

55. The defendant shall abide by all rules, requirements, and conditions of any assessment or treatment program, including submission to risk assessment evaluation and physiological testing, such as polygraph, plethysmograph (*for male offenders*), and Abel testing, and shall take all prescribed medication. The defendant shall be required to submit to periodic polygraph testing at the discretion of the probation officer as a means to ensure that he or she is in compliance with the requirements of his or her supervision or treatment program.

56. The defendant shall grant a limited waiver of his/her right of confidentiality in any records of mental health treatment imposed as a consequence of this judgement to allow the treatment provider to provide information to the probation officer and sign all necessary releases to enable the probation officer to monitor the defendant's progress. The defendant shall disclose the presentence report and/or any other previous sex offender or mental health evaluations to the treatment provider.

57. The defendant shall not possess any materials, including pictures, photographs, books, writings, drawings, videos, or video games, depicting and/or describing "sexually explicit conduct" as defined in 18 U.S.C.§2256(2) or child pornography as defined in 18 U.S.C. §2256(8).

58. The defendant shall not use sexually oriented telephone numbers or services.

59. The defendant shall not contact the victim, or (*name of other identified parties*) by any means, including in person, by mail or electronic means, or via third parties. Further, the defendant shall remain at least 100 yards from the victim(s) at all times. If any contact occurs, the defendant shall immediately leave the area of contact and report the contact to the probation officer.

60. The defendant's employment, participation in organizations, and/or volunteer activity must be approved by the probation officer, and any change in employment must be pre-approved by the probation officer. The defendant shall submit the name and address of the proposed employer, organization, and/or volunteer activity to the probation officer at least 10 days prior to any scheduled change.

61. The defendant shall consent to the U.S. Probation Office conducting periodic unannounced examinations of the defendant's computer system(s), which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection and will consent to having installed on the defendant's computer(s), at the defendant's expense, any hardware/software to monitor the defendant's computer use or prevent access to particular materials. The defendant shall consent to periodic inspection of any such installed hardware/software to insure it is functioning properly.

62. The defendant shall provide the U.S. Probation Office with accurate information about the defendant's entire computer system (*hardware/software*); all passwords used by the defendant; and the defendant's Internet Service Provider(s); and will abide by all rules of this Court's Computer Restriction and Monitoring Program.

63. The defendant is prohibited from access to any "on-line" computer service at any location (including employment or education) without prior written approval of the U.S. Probation Office. This includes any Internet Service Provider, bulletin board system or any other public or private computer network. Any approval shall be subject to conditions set by the U.S. Probation Office or the Court with respect to that approval.

64. The defendant is prohibited from access to any computer, Internet Service Provider, bulletin board system, or any other public or private computer network or the service at any location (including employment or education) without prior written approval of the U.S. Probation Office. Any approval shall be subject to any conditions set by the U.S. Probation Office or the Court with respect to that approval.

65. The defendant shall maintain a driving log with details about mileage, routes traveled and destinations.

66. The defendant is required to adhere to a curfew as follows: (*Location Monitoring condition wording followed here.*)

**It is so ordered.**

**Baton Rouge, Louisiana, this 7th day of February, 2012.**

**BRIAN A. JACKSON**
***Chief U.S. District Judge***

**JAMES J. BRADY**
***U.S. District Judge***

**FRANK J. POLOZOLA**
***U.S. District Judge***