

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

STANDING ORDER

Pursuant to 18 U.S.C. § 3583(e)(2) Ordering the Probation Office to Construe the Thirteen Standard Conditions of Supervised Release in Modified Form

This standing order pertains to the conditions of supervised release regarding defendants who are currently on supervised release to Judge Philip G. Reinhard or sentenced but not yet on supervised release and subject to the following thirteen standard conditions of supervised release:


- (1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- (2) the defendant shall report to the probation officer in the 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 or 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 at least ten days prior to any change in residence or employment;
- (7) the defendant shall refrain from any use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled 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 him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of 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 a special agent of a law enforcement agency without the permission of the court; and
- (13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Based on recent caselaw authority from the Seventh Circuit regarding the impermissible vagueness of certain conditions of supervised release, *see, e.g. United States v. Thompson*, 777 F.3d 368 (7th Cir. 2015); *United States v. Miller*, ___ F. App'x. ___ 2016 WL 1059410 (7th Cir. Mar. 17, 2016), and pursuant to its authority to modify "the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release," *see* 18 U.S.C. § 3583(e)(2), the court hereby orders the probation office to construe and apply the above thirteen conditions as hereinafter modified to defendants currently on supervised release or sentenced but not yet on supervised release in the following manner:

- (1) For defendants being supervised in the Northern District of Illinois, this condition shall be modified to the following: “you shall refrain from knowingly leaving the geographic area of the jurisdiction of the district court where you are being supervised, which currently consists of the Illinois counties of Cook, DuPage, Grundy, Kane, Kendall, Lake, LaSalle, Will, Boone, Carroll, DeKalb, JoDaviess, Lee, McHenry, Ogle, Stephenson, Whiteside, and Winnebago, unless granted permission to leave by the court or a probation officer”;
- (2) This condition shall be modified to the following: “you shall report to a probation officer at reasonable times as directed by the court or a probation officer”;
- (3) This condition shall be modified to the following: “you shall, absent constitutional or other legal privilege, answer inquiries by a probation officer.”
- (4) This condition shall be removed;
- (5) This condition shall be modified to the following: “you shall seek lawful employment and work conscientiously at any lawful employment that has been obtained, or pursue conscientiously a course of study or vocational training that will equip you for employment”;
- (6) This condition shall be modified to the following: “you shall notify a probation officer promptly, within 72 hours, of any change in residence, employer, or workplace and, absent constitutional or other legal privilege, answer inquiries by a probation officer”;
- (7) This condition shall be modified to the following: “you shall refrain from excessive use of alcohol (defined as having a blood alcohol concentration greater than 0.08%)”;
- (8) and (9) These conditions shall be modified to the following: “you shall refrain from knowingly meeting or communicating with any person whom you know to be engaged, or planning to be engaged, in criminal activity and from knowingly visiting places where controlled substances are illegally sold, used, distributed, or administered”;
- (10) This condition shall be modified to the following: “you shall permit a probation officer to visit you at home between the hours of 6:00 a.m. and 10:00 p.m., or visit you at any other reasonable location specified by the probation officer upon prior reasonable notice to you”;
- (11) This condition shall be modified to the following: “you shall notify a probation officer promptly, within 72 hours, if arrested or questioned by a person you know to be a law enforcement officer regarding activities pertaining to you”;
- (12) This condition shall be modified to the following: “you 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) This condition shall be removed.

Dated: 5/24/2015

ENTER:



Philip G. Reinhard, Judge
United States District Court