

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

IN RE:

**ADMINISTRATIVE ORDER  
NO. 2021-03**

MODIFICATION OF THE STANDARD CONDITION  
OF SUPERVISION PERTAINING TO THIRD-PARTY  
RISK

-----X

WHEREAS, Standard Condition #12 of the Standard Conditions of Supervised Release currently included in this Court's Judgment in a Criminal Case ("Current Standard Condition #12") reads as follows:

If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk;

and

WHEREAS, in *United States v. Boles*, 914 F.3d 95 (2d Cir. 2019), the Second Circuit held that the language used in Current Standard Condition #12 impermissibly accords too much discretion to the probation officer; and

WHEREAS, in light of *Boles*, the Court intends that all defendants upon whom Current Standard Condition Number #12 was imposed should be relieved of that condition immediately, and without the need for motion practice or further judicial proceedings;

NOW, THEREFORE, it is hereby

ORDERED that all judgments entered in this Court in which Current Standard Condition #12 was imposed are hereby modified to remove from the judgment Current Standard Condition #12, and any defendant who was sentenced subject to Current Standard Condition #12 is immediately relieved from the requirements of said condition; and

IT IS FURTHER ORDERED that the form used in this Court for any Judgment in a Criminal Case be modified to incorporate a new standard third-party risk condition ("Revised Standard Condition #12") as follows:

If the probation officer determines based on your criminal record, personal history and characteristics, and the nature and circumstances of your offense, you pose a risk to another person (including an organization), the probation officer, with prior

approval of the Court, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk;

and

IT IS FURTHER ORDERED that in any case, including any case with a judgment affected by this Order, in which the probation officer believes that a third-party risk condition is warranted, the probation officer shall recommend to the Court that Revised Standard Condition #12 be imposed, and, if the Court accepts the recommendation, Revised Standard Condition #12 shall be imposed.

SO ORDERED.

Dated: Brooklyn, New York  
February 10, 2021

*S/Margo K. Brodie*  
MARGO K. BRODIE  
Chief United States District Judge