

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

FILED

IN RE: ENFORCEMENT AND IMPOSITION  
OF STANDARD CONDITION OF  
SUPERVISED RELEASE AND PROBATION  
NO. TWELVE (12).

JUL 25 2019

PATRICK KEANEY  
Clerk, U.S. District Court

By \_\_\_\_\_  
Deputy Clerk

NO. 19-6

GENERAL ORDER

This administrative order addresses recent changes to the law on Standard Condition Twelve (12) of Supervised Release and Probation. That condition allows probation officers to: (1) “determine whether a criminal defendant “pose[s] a risk to another person;” and (2) “require [the defendant] to notify that person about the risk.” U.S.S.G. § 5D1.3(c)(12) (“risk-notification condition”). The Tenth Circuit recently held that imposing the risk-notification condition as written, and without limitations, constitutes an improper delegation of judicial power to the probation officer. *See United States v. Cabral*, 926 F.3d 687, 691 (10<sup>th</sup> Cir. 2019).

In accordance with *Cabral*, the United States Probation Office (“USPO”) shall cease enforcing the risk-notification condition for those Defendants already under supervision, unless Court approval is first obtained. Additionally, the risk-notification condition shall remain a standard condition of supervision, but shall be modified as follows:

If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may, **after obtaining Court approval**, require you to notify that 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.

IT IS SO ORDERED this 25<sup>th</sup> day of July, 2019.



RONALD A. WHITE  
CHIEF UNITED STATES DISTRICT JUDGE