

# **Report of the Director of the Administrative Office of the United States Courts on Applications for Delayed-Notice Search Warrants and Extensions**

The USA Patriot Improvement and Reauthorization Act of 2005 requires the Director of the Administrative Office of the United States Courts (AO) to transmit to Congress annually a full and complete report summarizing information reported by judges to the AO on delayed-notice search warrants. The report is to include the number of applications for warrants and extensions of warrants authorizing delayed notice, and the number of such warrants and extensions granted or denied during the preceding fiscal year. The requirement to report this information to Congress began with the fiscal year ended September 30, 2007.

This report covers applications for delayed-notice search warrants and extensions between October 1, 2008 and September 30, 2009.

## **Reporting Requirements of the Statute**

Any federal or state judge who issues or denies a federal warrant authorizing delayed notice, or an extension of such a warrant, is required to file a report on the warrant with the AO. (18 U.S.C. § 3103a(d)(1).) This report is to be furnished not later than 30 days after the expiration of the warrant's notice period (including any extensions to the notice period) or 30 days after the denial of the warrant or the request for extension. The report must include the offense specified in the warrant or application, the period of delay authorized, the number and duration of any extensions, and the action taken on the application.

The AO is required to report annually to Congress on the information submitted by judges for the preceding fiscal year. This report must include the number of applications for delayed-notice search warrants and extensions, and the number of warrants and extensions granted or denied. (18 U.S.C. § 3103a(d)(2).)

## **Summary and Analysis of Reports for Fiscal Year 2009**

Summary data on applications for delayed notice search warrants and extensions for fiscal year 2009 are shown in Table 1. A total of 1,150 warrant requests and 749 requests for extensions were reported for the fiscal year ended September 30, 2009. Six of the applications reported were denied, 27 of the applications were granted as modified, and the rest were granted as requested.

Judges in 69 federal judicial districts reported actions on applications for delayed-notice search warrants or extensions. The greatest numbers of applications were reported by judges in the Northern District of Georgia (361), the Southern District of Texas (137), the District of Arizona (133), and the District of Hawaii (108); applications in these four districts accounted for over a third of all applications reported. Of the 1,899 applications reported, 1,836 (97 percent) were reported by federal magistrate judges and 63 were reported by federal district judges. No applications were reported by state judges.

The periods of delay specified ranged from 7 days to 300 days. The most frequently reported period of delay was 90 days, specified in 888 (47 percent) of the applications that were granted. (See Graph 1.) Extensions to the period of delay numbered from one to 23, with two being the most frequently reported number of extensions. (See Graph 2.)

## **Offenses**

Table 2 presents the types of offenses specified in delayed-notice search warrant and extension requests reported in 2009. Drug offenses were specified in 77 percent of applications reported, followed by fraud (4 percent) and extortion/racketeering (3 percent).

**Table 1. Delayed-notice warrant and extension requests – fiscal year 2009**

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
<b>ALL CIRCUITS</b>	<b>1899</b>	<b>64</b>	<b>1150</b>	<b>1124</b>	<b>21</b>	<b>5</b>	<b>749</b>	<b>742</b>	<b>6</b>	<b>1</b>
<b>FIRST CIRCUIT</b>	<b>61</b>	<b>50</b>	<b>59</b>	<b>54</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>
MAINE	1	30	1	1	0	0	0	0	0	0
MASSACHUSETTS	8	28	8	8	0	0	0	0	0	0
NEW HAMPSHIRE	3	70	2	2	0	0	1	1	0	0
PUERTO RICO	49	53	48	43	2	3	1	1	0	0
<b>SECOND CIRCUIT</b>	<b>122</b>	<b>44</b>	<b>65</b>	<b>64</b>	<b>1</b>	<b>0</b>	<b>57</b>	<b>57</b>	<b>0</b>	<b>0</b>
NEW YORK (EASTERN)	48	65	26	25	1	0	22	22	0	0
NEW YORK (NORTHERN)	33	20	6	6	0	0	27	27	0	0
NEW YORK (SOUTHERN)	21	39	20	20	0	0	1	1	0	0
NEW YORK (WESTERN)	16	31	9	9	0	0	7	7	0	0
VERMONT	4	75	4	4	0	0	0	0	0	0
<b>THIRD CIRCUIT</b>	<b>78</b>	<b>44</b>	<b>36</b>	<b>36</b>	<b>0</b>	<b>0</b>	<b>42</b>	<b>42</b>	<b>0</b>	<b>0</b>
DELAWARE	3	70	1	1	0	0	2	2	0	0
NEW JERSEY	13	58	8	8	0	0	5	5	0	0
PENNSYLVANIA (EASTERN)	4	44	1	1	0	0	3	3	0	0
PENNSYLVANIA (MIDDLE)	40	31	13	13	0	0	27	27	0	0
PENNSYLVANIA (WESTERN)	18	60	13	13	0	0	5	5	0	0
<b>FOURTH CIRCUIT</b>	<b>114</b>	<b>57</b>	<b>79</b>	<b>78</b>	<b>1</b>	<b>0</b>	<b>35</b>	<b>35</b>	<b>0</b>	<b>0</b>
MARYLAND	22	62	16	16	0	0	6	6	0	0
NORTH CAROLINA (EASTERN)	47	59	32	31	1	0	15	15	0	0
NORTH CAROLINA (MIDDLE)	2	30	1	1	0	0	1	1	0	0
NORTH CAROLINA (WESTERN)	1	60	1	1	0	0	0	0	0	0
SOUTH CAROLINA	17	38	11	11	0	0	6	6	0	0
VIRGINIA (EASTERN)	18	73	11	11	0	0	7	7	0	0
WEST VIRGINIA (SOUTHERN)	7	39	7	7	0	0	0	0	0	0
<b>FIFTH CIRCUIT</b>	<b>234</b>	<b>68</b>	<b>107</b>	<b>103</b>	<b>4</b>	<b>0</b>	<b>127</b>	<b>125</b>	<b>2</b>	<b>0</b>
LOUISIANA (MIDDLE)	1	30	1	1	0	0	0	0	0	0
LOUISIANA (WESTERN)	9	30	9	9	0	0	0	0	0	0
MISSISSIPPI (NORTHERN)	2	90	1	1	0	0	1	1	0	0
MISSISSIPPI (SOUTHERN)	5	45	2	1	1	0	3	3	0	0
TEXAS (NORTHERN)	8	64	5	5	0	0	3	2	1	0
TEXAS (SOUTHERN)	137	62	77	74	3	0	60	59	1	0
TEXAS (WESTERN)	72	87	12	12	0	0	60	60	0	0

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
<b>SIXTH CIRCUIT</b>	<b>134</b>	<b>55</b>	<b>98</b>	<b>97</b>	<b>1</b>	<b>0</b>	<b>36</b>	<b>34</b>	<b>2</b>	<b>0</b>
KENTUCKY (EASTERN)	3	30	1	0	1	0	2	0	2	0
MICHIGAN (EASTERN)	60	60	38	38	0	0	22	22	0	0
MICHIGAN (WESTERN)	10	30	10	10	0	0	0	0	0	0
OHIO (NORTHERN)	3	65	3	3	0	0	0	0	0	0
OHIO (SOUTHERN)	41	56	35	35	0	0	6	6	0	0
TENNESSEE (EASTERN)	7	49	6	6	0	0	1	1	0	0
TENNESSEE (MIDDLE)	10	54	5	5	0	0	5	5	0	0
<b>SEVENTH CIRCUIT</b>	<b>75</b>	<b>85</b>	<b>60</b>	<b>59</b>	<b>1</b>	<b>0</b>	<b>15</b>	<b>15</b>	<b>0</b>	<b>0</b>
ILLINOIS (NORTHERN)	7	63	3	3	0	0	4	4	0	0
INDIANA (SOUTHERN)	9	78	7	7	0	0	2	2	0	0
WISCONSIN (EASTERN)	59	89	50	49	1	0	9	9	0	0
<b>EIGHTH CIRCUIT</b>	<b>77</b>	<b>51</b>	<b>54</b>	<b>46</b>	<b>8</b>	<b>0</b>	<b>23</b>	<b>23</b>	<b>0</b>	<b>0</b>
ARKANSAS (EASTERN)	6	50	6	6	0	0	0	0	0	0
IOWA (NORTHERN)	1	30	1	1	0	0	0	0	0	0
IOWA (SOUTHERN)	10	48	8	0	8	0	2	2	0	0
MINNESOTA	22	65	12	12	0	0	10	10	0	0
MISSOURI (EASTERN)	10	51	8	8	0	0	2	2	0	0
MISSOURI (WESTERN)	25	43	16	16	0	0	9	9	0	0
NORTH DAKOTA	3	30	3	3	0	0	0	0	0	0
<b>NINTH CIRCUIT</b>	<b>502</b>	<b>70</b>	<b>345</b>	<b>340</b>	<b>3</b>	<b>2</b>	<b>157</b>	<b>155</b>	<b>1</b>	<b>1</b>
ARIZONA	133	70	60	59	0	1	73	71	1	1
CALIFORNIA (CENTRAL)	54	43	48	44	3	1	6	6	0	0
CALIFORNIA (EASTERN)	31	55	26	26	0	0	5	5	0	0
CALIFORNIA (NORTHERN)	16	68	5	5	0	0	11	11	0	0
CALIFORNIA (SOUTHERN)	64	64	61	61	0	0	3	3	0	0
GUAM	6	90	2	2	0	0	4	4	0	0
HAWAII	108	90	74	74	0	0	34	34	0	0
IDAHO	4	56	1	1	0	0	3	3	0	0
MONTANA	7	58	3	3	0	0	4	4	0	0
NEVADA	8	53	8	8	0	0	0	0	0	0
OREGON	53	84	45	45	0	0	8	8	0	0
WASHINGTON (EASTERN)	6	67	4	4	0	0	2	2	0	0
WASHINGTON (WESTERN)	12	49	8	8	0	0	4	4	0	0
<b>TENTH CIRCUIT</b>	<b>74</b>	<b>50</b>	<b>51</b>	<b>51</b>	<b>0</b>	<b>0</b>	<b>23</b>	<b>23</b>	<b>0</b>	<b>0</b>
COLORADO	21	63	5	5	0	0	16	16	0	0
KANSAS	39	41	34	34	0	0	5	5	0	0
NEW MEXICO	4	60	3	3	0	0	1	1	0	0
OKLAHOMA (NORTHERN)	5	72	4	4	0	0	1	1	0	0
UTAH	5	30	5	5	0	0	0	0	0	0

	<b>Total requests</b>	<b>Average delay (in days)</b>	<b>Warrant requests</b>	<b>Granted</b>	<b>Granted as modified</b>	<b>Denied</b>	<b>Extension requests</b>	<b>Granted</b>	<b>Granted as modified</b>	<b>Denied</b>
<b>ELEVENTH CIRCUIT</b>	<b>401</b>	<b>73</b>	<b>170</b>	<b>170</b>	<b>0</b>	<b>0</b>	<b>231</b>	<b>230</b>	<b>1</b>	<b>0</b>
ALABAMA (MIDDLE)	9	63	9	9	0	0	0	0	0	0
FLORIDA (NORTHERN)	5	30	4	4	0	0	1	1	0	0
FLORIDA (SOUTHERN)	22	54	17	17	0	0	5	4	1	0
GEORGIA (NORTHERN)	361	74	137	137	0	0	224	224	0	0
GEORGIA (SOUTHERN)	4	68	3	3	0	0	1	1	0	0
<b>DC CIRCUIT</b>	<b>27</b>	<b>43</b>	<b>26</b>	<b>26</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>
DISTRICT OF COLUMBIA	27	43	26	26	0	0	1	1	0	0

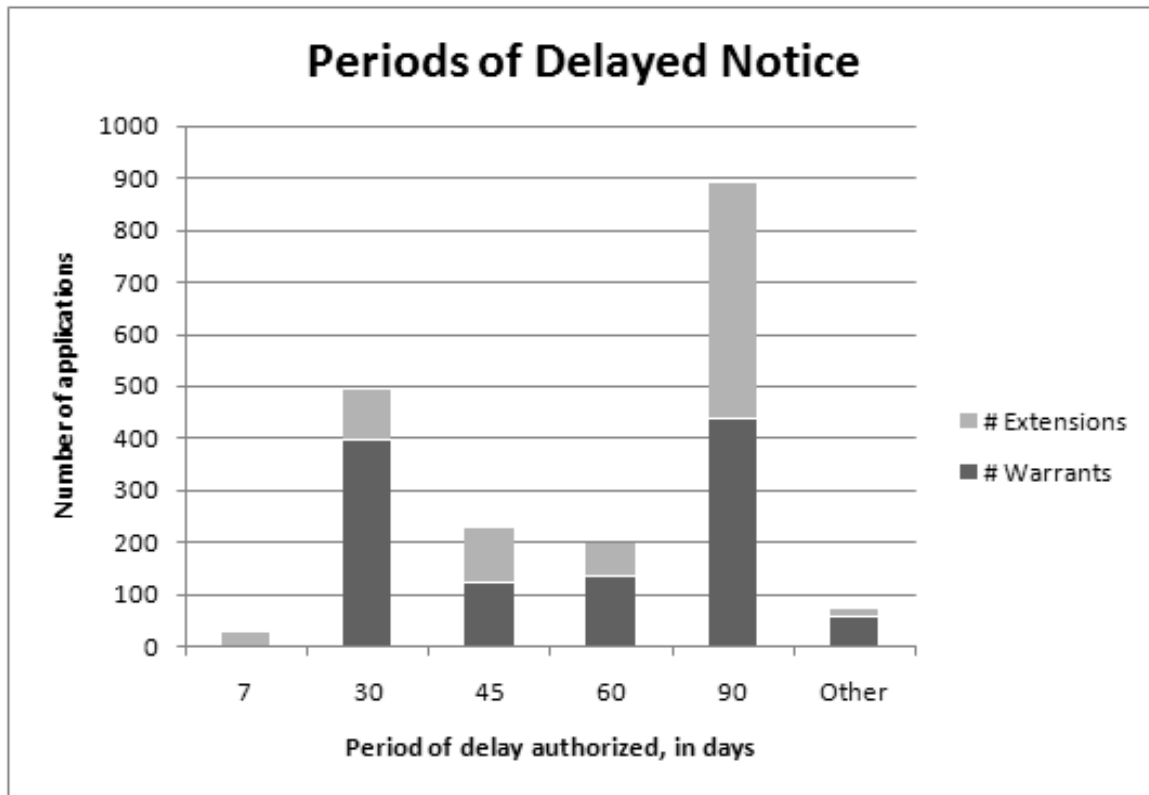
**Table 2. Offenses specified for delayed-notice warrant and extension requests – fiscal year 2009**

Offense	Reports		Warrants		Extensions	
	Number	Percent <sup>*</sup>	Number	Percent <sup>*</sup>	Number	Percent <sup>*</sup>
<b>Total</b>	<b>1899</b>	<b>100%</b>	<b>1150</b>	<b>100%</b>	<b>749</b>	<b>100%</b>
Drugs	1456	77%	844	73%	612	82%
Fraud	76	4%	55	5%	21	3%
Extortion/Racketeering	55	3%	37	3%	18	2%
Unspecified	46	2%	38	3%	8	-
Currency	30	2%	14	-	16	2%
Fugitive/Escape	26	-	26	2%	0	-
Weapons	26	-	15	-	11	-
IEEPA**	24	-	8	-	16	2%
Immigration	18	-	17	-	1	-
Robbery	14	-	13	-	1	-
Theft	14	-	9	-	5	-
Terrorism	14	-	6	-	8	-
Customs	14	-	5	-	9	-
Sex Offenses	11	-	9	-	2	-
Murder	9	-	8	-	1	-
Conservation	7	-	5	-	2	-
Conspiracy	7	-	5	-	2	-
Threats	7	-	3	-	4	-
Counterfeit	7	-	2	-	5	-
Kidnapping	4	-	4	-	0	-
Obstruction	4	-	4	-	0	-
Computer	4	-	3	-	1	-
Food & Drug	4	-	3	-	1	-
Perjury	4	-	1	-	3	-
Bribery	3	-	3	-	0	-
Tax	3	-	3	-	0	-
Treason	3	-	1	-	2	-
Other	9	-	9	-	0	-

<sup>\*</sup> Percentages not shown where the percentage is less than 2%.

\*\* International Emergency Economic Powers Act, 50 U.S.C. § 1701-1707.

Graph 1. Periods of delayed notice – fiscal year 2009



Graph 2. Total numbers of extensions – fiscal year 2009

