

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, 2009, and September 30, 2010.

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 2010

Summary data on applications for delayed-notice search warrants and extensions for fiscal year 2010 are shown in Table 1. A total of 2,395 warrant requests and 1,575 requests for extensions were reported for the fiscal year ended September 30, 2010. Twenty of the applications reported were denied, 48 of the applications were granted as modified, and the rest were granted as requested.

Judges in 72 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 Southern District of California (368), the Southern District of Texas (353), and the Northern District of Georgia (324); applications in these three districts accounted for over a quarter of all applications reported. Of the 3,970 applications reported, 3,855 (97 percent) were reported by federal magistrate judges and 115 were reported by federal district judges. No applications were reported by state judges.

The periods of delay specified ranged from 1 day to 455 days. The most frequently reported period of delay was 90 days, specified in 2,034 (51 percent) of the applications that were granted. (See Graph 1.) Extensions to the period of delay numbered from one to 14, with one 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 2010. Drug offenses were specified in 76 percent of applications reported, followed by extortion/racketeering (4 percent) and fraud (3 percent).

Table 1. Delayed-notice warrant and extension requests – fiscal year 2010

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
ALL CIRCUITS	3970	65	2395	2356	23	16	1575	1546	25	4
FIRST CIRCUIT	199	49	153	147	5	1	46	43	3	0
MAINE	30	50	21	21	0	0	9	8	1	0
MASSACHUSETTS	95	40	71	71	0	0	24	24	0	0
NEW HAMPSHIRE	23	76	14	14	0	0	9	7	2	0
PUERTO RICO	51	53	47	41	5	1	4	4	0	0
SECOND CIRCUIT	347	46	251	249	1	1	96	94	2	0
CONNECTICUT	5	90	5	5	0	0	0	0	0	0
NEW YORK (EASTERN)	105	50	68	67	1	0	37	37	0	0
NEW YORK (NORTHERN)	24	59	11	11	0	0	13	12	1	0
NEW YORK (SOUTHERN)	166	43	150	149	0	1	16	15	1	0
NEW YORK (WESTERN)	41	35	14	14	0	0	27	27	0	0
VERMONT	6	40	3	3	0	0	3	3	0	0
THIRD CIRCUIT	100	56	82	82	0	0	18	18	0	0
DELAWARE	2	53	1	1	0	0	1	1	0	0
NEW JERSEY	35	55	30	30	0	0	5	5	0	0
PENNSYLVANIA (EASTERN)	2	60	0	0	0	0	2	2	0	0
PENNSYLVANIA (MIDDLE)	26	37	21	21	0	0	5	5	0	0
PENNSYLVANIA (WESTERN)	35	72	30	30	0	0	5	5	0	0
FOURTH CIRCUIT	233	49	181	179	2	0	52	52	0	0
MARYLAND	37	56	33	32	1	0	4	4	0	0
NORTH CAROLINA (EASTERN)	63	60	40	39	1	0	23	23	0	0
NORTH CAROLINA (MIDDLE)	53	35	44	44	0	0	9	9	0	0
NORTH CAROLINA (WESTERN)	49	38	47	47	0	0	2	2	0	0
SOUTH CAROLINA	11	35	9	9	0	0	2	2	0	0
VIRGINIA (EASTERN)	19	74	7	7	0	0	12	12	0	0
WEST VIRGINIA (SOUTHERN)	1	30	1	1	0	0	0	0	0	0
FIFTH CIRCUIT	463	76	213	204	7	2	250	247	3	0
LOUISIANA (WESTERN)	16	92	13	13	0	0	3	3	0	0
TEXAS (EASTERN)	1	30	1	1	0	0	0	0	0	0
TEXAS (NORTHERN)	31	64	28	28	0	0	3	3	0	0
TEXAS (SOUTHERN)	353	77	146	137	7	2	207	204	3	0
TEXAS (WESTERN)	62	72	25	25	0	0	37	37	0	0

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
SIXTH CIRCUIT	414	53	282	281	1	0	132	132	0	0
KENTUCKY (EASTERN)	10	57	6	5	1	0	4	4	0	0
MICHIGAN (EASTERN)	241	65	151	151	0	0	90	90	0	0
MICHIGAN (WESTERN)	12	40	10	10	0	0	2	2	0	0
OHIO (NORTHERN)	21	60	16	16	0	0	5	5	0	0
OHIO (SOUTHERN)	83	45	69	69	0	0	14	14	0	0
TENNESSEE (EASTERN)	25	47	19	19	0	0	6	6	0	0
TENNESSEE (MIDDLE)	22	63	11	11	0	0	11	11	0	0
SEVENTH CIRCUIT	170	68	139	139	0	0	31	31	0	0
ILLINOIS (CENTRAL)	2	30	1	1	0	0	1	1	0	0
ILLINOIS (NORTHERN)	2	30	2	2	0	0	0	0	0	0
INDIANA (NORTHERN)	24	58	15	15	0	0	9	9	0	0
INDIANA (SOUTHERN)	50	38	45	45	0	0	5	5	0	0
WISCONSIN (EASTERN)	92	89	76	76	0	0	16	16	0	0
EIGHTH CIRCUIT	129	69	56	55	1	0	73	73	0	0
ARKANSAS (EASTERN)	3	50	2	2	0	0	1	1	0	0
IOWA (SOUTHERN)	3	50	3	3	0	0	0	0	0	0
MINNESOTA	53	74	15	14	1	0	38	38	0	0
MISSOURI (EASTERN)	12	67	7	7	0	0	5	5	0	0
MISSOURI (WESTERN)	57	66	28	28	0	0	29	29	0	0
NEBRASKA	1	73	1	1	0	0	0	0	0	0
NINTH CIRCUIT	1052	74	572	563	3	6	480	460	16	4
ARIZONA	246	79	89	85	0	4	157	153	2	2
CALIFORNIA (CENTRAL)	123	60	71	69	0	2	52	38	12	2
CALIFORNIA (EASTERN)	21	39	19	19	0	0	2	2	0	0
CALIFORNIA (NORTHERN)	36	80	10	10	0	0	26	25	1	0
CALIFORNIA (SOUTHERN)	368	76	234	234	0	0	134	133	1	0
GUAM	4	75	1	1	0	0	3	3	0	0
HAWAII	111	90	44	44	0	0	67	67	0	0
IDAHO	9	43	5	5	0	0	4	4	0	0
NEVADA	52	57	34	34	0	0	18	18	0	0
OREGON	47	81	38	35	3	0	9	9	0	0
WASHINGTON (EASTERN)	6	63	5	5	0	0	1	1	0	0
WASHINGTON (WESTERN)	29	47	22	22	0	0	7	7	0	0
TENTH CIRCUIT	263	68	130	130	0	0	133	133	0	0
COLORADO	7	73	6	6	0	0	1	1	0	0
KANSAS	228	70	102	102	0	0	126	126	0	0
NEW MEXICO	22	38	16	16	0	0	6	6	0	0
OKLAHOMA (EASTERN)	1	30	1	1	0	0	0	0	0	0
OKLAHOMA (NORTHERN)	1	30	1	1	0	0	0	0	0	0
UTAH	4	45	4	4	0	0	0	0	0	0

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
ELEVENTH CIRCUIT	487	75	247	238	3	6	240	240	0	0
ALABAMA (MIDDLE)	17	85	17	17	0	0	0	0	0	0
ALABAMA (NORTHERN)	41	39	33	33	0	0	8	8	0	0
FLORIDA (MIDDLE)	8	47	8	8	0	0	0	0	0	0
FLORIDA (NORTHERN)	5	90	2	2	0	0	3	3	0	0
FLORIDA (SOUTHERN)	55	69	26	23	3	0	29	29	0	0
GEORGIA (MIDDLE)	22	90	19	13	0	6	3	3	0	0
GEORGIA (NORTHERN)	324	81	130	130	0	0	194	194	0	0
GEORGIA (SOUTHERN)	15	57	12	12	0	0	3	3	0	0
DC CIRCUIT	113	57	89	89	0	0	24	23	1	0
DISTRICT OF COLUMBIA	113	57	89	89	0	0	24	23	1	0

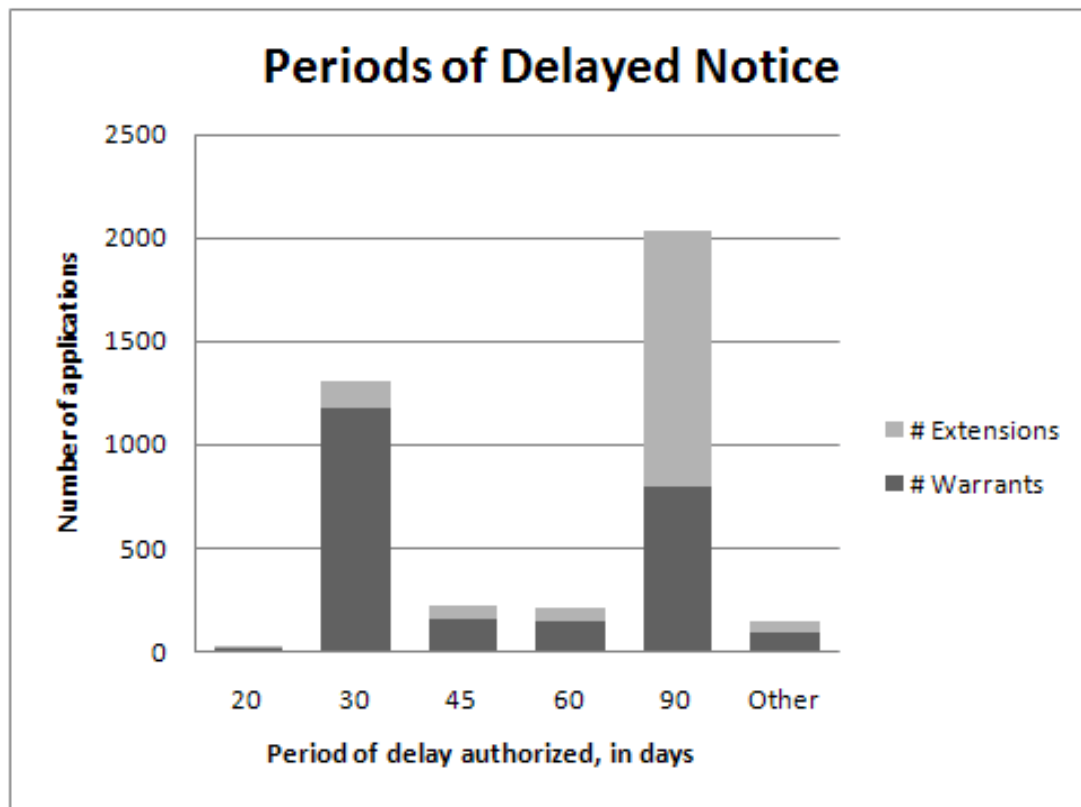
Table 2. Offenses specified for delayed-notice warrant and extension requests – fiscal year 2010

	Reports		Warrants		Extensions	
Offense	Number	Percent*	Number	Percent*	Number	Percent*
Total	3970	100%	2395	100%	1575	100%
Drugs	3034	76%	1764	74%	1270	81%
Extortion/Racketeering	166	4%	79	3%	87	6%
Fraud	115	3%	90	4%	25	2%
Weapons	86	2%	49	2%	37	2%
Fugitive/Supervised Release Violation	47	-	47	2%	0	-
Immigration	39	-	22	-	17	-
Terrorism	37	-	21	-	16	-
IEEPA**	36	-	16	-	20	-
Robbery/Carjacking	34	-	25	-	9	-
Sex Offense/Forced Labor	33	-	29	-	4	-
Theft/Embezzlement	27	-	19	-	8	-
Murder	21	-	17	-	4	-
Smuggling/Contraband	18	-	15	-	3	-
Computer	16	-	9	-	7	-
Food & Drug	14	-	14	-	0	-
Kidnapping	13	-	11	-	2	-
Currency	13	-	5	-	8	-
Conspiracy	11	-	11	-	0	-
Gambling	10	-	7	-	3	-
Bribery	8	-	2	-	6	-
Counterfeit	7	-	5	-	2	-
Treason	7	-	5	-	2	-
Threats	6	-	4	-	2	-
Perjury	4	-	0	-	4	-
Other	28	-	21	-	7	-
Unspecified	140	4%	108	5%	32	2%

* 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 2010



Graph 2. Total numbers of extensions – fiscal year 2010

