

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

July 2, 2009

Honorable Joseph R. Biden, Jr.
President
United States Senate
Washington, DC 20510

Dear Mr. President:

I am writing to transmit the report of the Administrative Office of the United States Courts on applications for delayed-notice search warrants and extensions during fiscal year 2008, as required by 18 U.S.C. § 3103a(d).

If we may be of additional assistance to you, please do not hesitate to contact our Office of Legislative Affairs at (202) 502-1700.

Sincerely,

A handwritten signature in black ink that reads "James C. Duff". The signature is written in a cursive style.

James C. Duff
Director

Enclosure

cc: Honorable Harry Reid
Honorable Mitch McConnell
Honorable Patrick J. Leahy
Honorable Jeff Sessions

**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, 2007 and September 30, 2008.

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 with the AO on the warrant. (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 2008

Summary data on applications for delayed notice search warrants and extensions for fiscal year 2008 are shown in Table 1. A total of 763 warrant requests and 528 requests for extensions were reported for the fiscal year ended September 30, 2008. Four of the applications reported were denied; 36 of the applications were granted as modified.

Judges in 65 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 District of Hawaii, the Southern District of Texas, the Eastern District of Wisconsin, and the Northern District of Georgia; applications in these four districts accounted for over a third of all applications reported. Of the 1,291 applications reported, 1,203 (93 percent) were reported by federal magistrate judges and 88 were reported by federal district judges. No applications were reported by state judges.

The periods of delay specified ranged from 3 days to 365 days. The most frequently reported period of delay was 90 days, specified in 587 (46 percent) of the applications that were granted. (See Graph 1.) Extensions to the period of delay numbered from one to 21, 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 2008. Drug offenses were specified in 65 percent of applications reported, followed by fraud (5 percent), weapons, and tax offenses (4 percent each).

Table 1. Delayed-notice warrant and extension requests – fiscal year 2008

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
ALL CIRCUITS	1291	68	763	737	23	3	528	514	13	1
FIRST CIRCUIT	28	57	26	26	0	0	2	2	0	0
MASSACHUSETTS	11	47	10	10	0	0	1	1	0	0
PUERTO RICO	17	62	16	16	0	0	1	1	0	0
SECOND CIRCUIT	41	63	25	23	2	0	16	16	0	0
NEW YORK (EASTERN)	24	70	14	14	0	0	10	10	0	0
NEW YORK (NORTHERN)	5	81	3	1	2	0	2	2	0	0
NEW YORK (SOUTHERN)	5	42	4	4	0	0	1	1	0	0
NEW YORK (WESTERN)	7	39	4	4	0	0	3	3	0	0
THIRD CIRCUIT	43	58	32	32	0	0	11	11	0	0
NEW JERSEY	15	47	10	10	0	0	5	5	0	0
PENNSYLVANIA (EASTERN)	7	84	4	4	0	0	3	3	0	0
PENNSYLVANIA (MIDDLE)	18	59	16	16	0	0	2	2	0	0
PENNSYLVANIA (WESTERN)	3	50	2	2	0	0	1	1	0	0
FOURTH CIRCUIT	152	61	106	105	1	0	46	42	4	0
MARYLAND	45	74	26	26	0	0	19	17	2	0
NORTH CAROLINA (EASTERN)	48	58	42	42	0	0	6	6	0	0
NORTH CAROLINA (MIDDLE)	12	39	10	10	0	0	2	2	0	0
SOUTH CAROLINA	10	38	5	4	1	0	5	3	2	0
VIRGINIA (EASTERN)	36	65	22	22	0	0	14	14	0	0
WEST VIRGINIA (SOUTHERN)	1	30	1	1	0	0	0	0	0	0
FIFTH CIRCUIT	211	71	84	78	5	1	127	121	5	1
LOUISIANA (WESTERN)	2	60	1	1	0	0	1	1	0	0
MISSISSIPPI (NORTHERN)	19	8	2	2	0	0	17	17	0	0
MISSISSIPPI (SOUTHERN)	4	55	1	1	0	0	3	1	2	0
TEXAS (EASTERN)	1	30	1	1	0	0	0	0	0	0
TEXAS (NORTHERN)	2	25	2	1	1	0	0	0	0	0
TEXAS (SOUTHERN)	106	76	65	60	4	1	41	37	3	1
TEXAS (WESTERN)	77	83	12	12	0	0	65	65	0	0
SIXTH CIRCUIT	68	70	36	34	2	0	32	32	0	0
KENTUCKY (EASTERN)	17	56	8	8	0	0	9	9	0	0
MICHIGAN (EASTERN)	24	79	11	9	2	0	13	13	0	0
OHIO (NORTHERN)	1	30	1	1	0	0	0	0	0	0
OHIO (SOUTHERN)	19	77	10	10	0	0	9	9	0	0
TENNESSEE (EASTERN)	5	66	4	4	0	0	1	1	0	0
TENNESSEE (MIDDLE)	2	53	2	2	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
SEVENTH CIRCUIT	120	78	92	83	9	0	28	27	1	0
ILLINOIS (CENTRAL)	4	30	2	2	0	0	2	2	0	0
ILLINOIS (NORTHERN)	5	40	4	3	1	0	1	1	0	0
ILLINOIS (SOUTHERN)	2	30	2	2	0	0	0	0	0	0
INDIANA (SOUTHERN)	12	56	9	9	0	0	3	3	0	0
WISCONSIN (EASTERN)	97	85	75	67	8	0	22	21	1	0
EIGHTH CIRCUIT	44	45	30	29	1	0	14	12	2	0
ARKANSAS (WESTERN)	1	30	1	1	0	0	0	0	0	0
IOWA (NORTHERN)	4	30	2	2	0	0	2	2	0	0
IOWA (SOUTHERN)	11	59	7	6	1	0	4	3	1	0
MINNESOTA	6	26	5	5	0	0	1	0	1	0
MISSOURI (EASTERN)	1	45	1	1	0	0	0	0	0	0
MISSOURI (WESTERN)	21	47	14	14	0	0	7	7	0	0
NINTH CIRCUIT	355	78	223	220	1	2	132	131	1	0
ALASKA	2	90	2	2	0	0	0	0	0	0
ARIZONA	63	86	38	38	0	0	25	25	0	0
CALIFORNIA (CENTRAL)	35	54	29	27	0	2	6	6	0	0
CALIFORNIA (EASTERN)	1	120	1	1	0	0	0	0	0	0
CALIFORNIA (NORTHERN)	5	59	2	2	0	0	3	3	0	0
CALIFORNIA (SOUTHERN)	19	71	18	18	0	0	1	1	0	0
HAWAII	145	90	75	75	0	0	70	70	0	0
IDAHO	3	60	1	1	0	0	2	2	0	0
MONTANA	16	35	7	6	1	0	9	8	1	0
OREGON	49	77	36	36	0	0	13	13	0	0
WASHINGTON (EASTERN)	9	30	9	9	0	0	0	0	0	0
WASHINGTON (WESTERN)	8	34	5	5	0	0	3	3	0	0
TENTH CIRCUIT	75	57	29	28	1	0	46	46	0	0
COLORADO	62	60	20	20	0	0	42	42	0	0
KANSAS	4	53	2	2	0	0	2	2	0	0
NEW MEXICO	3	50	1	1	0	0	2	2	0	0
OKLAHOMA (NORTHERN)	4	41	4	4	0	0	0	0	0	0
UTAH	2	30	2	1	1	0	0	0	0	0
ELEVENTH CIRCUIT	147	54	74	73	1	0	73	73	0	0
ALABAMA (MIDDLE)	14	60	13	13	0	0	1	1	0	0
FLORIDA (MIDDLE)	2	45	2	1	1	0	0	0	0	0
FLORIDA (NORTHERN)	3	19	2	2	0	0	1	1	0	0
FLORIDA (SOUTHERN)	24	72	8	8	0	0	16	16	0	0
GEORGIA (MIDDLE)	9	70	3	3	0	0	6	6	0	0
GEORGIA (NORTHERN)	84	47	37	37	0	0	47	47	0	0
GEORGIA (SOUTHERN)	11	65	9	9	0	0	2	2	0	0

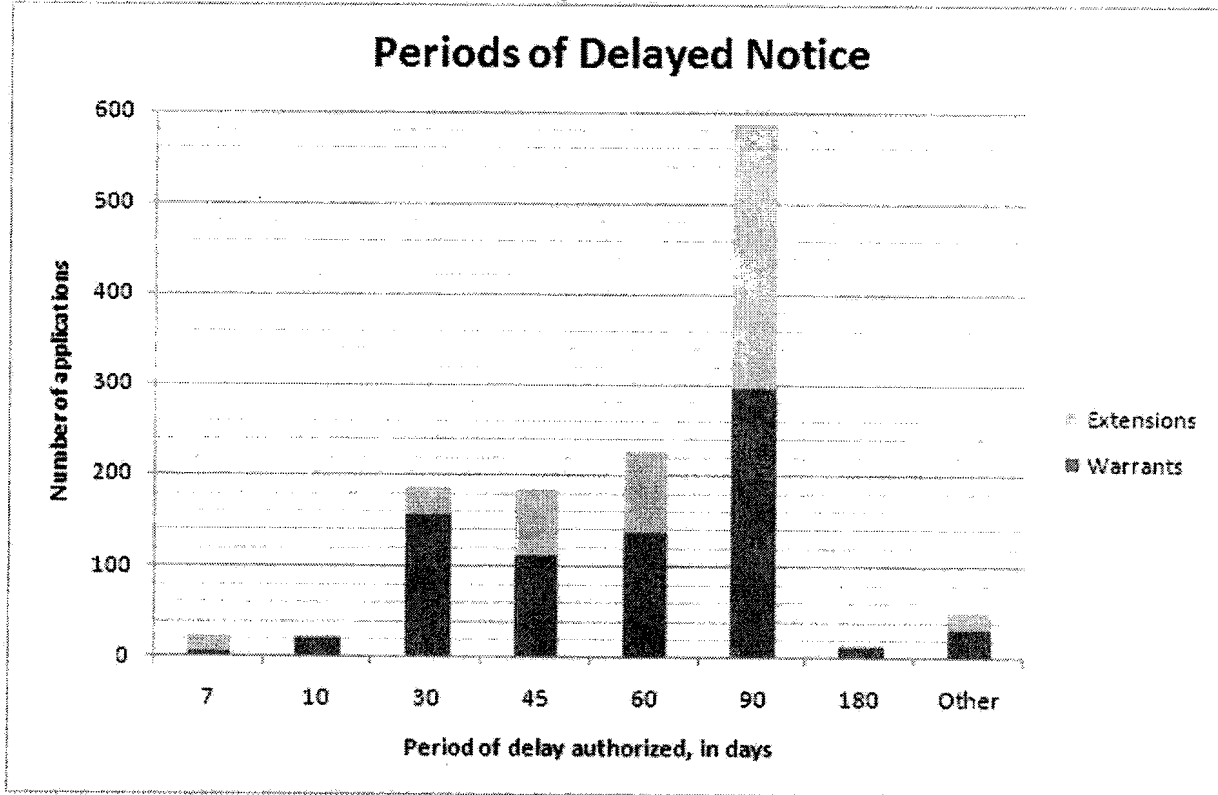
	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
DC CIRCUIT	7	90	6	6	0	0	1	1	0	0
DISTRICT OF COLUMBIA	7	90	6	6	0	0	1	1	0	0

Table 2. Offenses specified for delayed-notice warrant and extension requests – fiscal year 2008

Offense	Reports		Warrants		Extensions	
	Number	Percent*	Number	Percent*	Number	Percent*
Total	1291	100%	763	100%	528	100%
Drugs	843	65%	474	62%	369	70%
Fraud	71	5%	53	7%	18	3%
Weapons	56	4%	39	5%	17	3%
Tax	56	4%	5	-	51	10%
Extortion/racketeering	45	3%	23	3%	22	4%
Unspecified	32	2%	23	3%	9	2%
Fugitive/escape	25	2%	25	3%	0	-
Theft	25	2%	15	2%	10	2%
Kidnapping	19	-	19	2%	0	-
Sex offenses	16	-	12	2%	4	-
Immigration	15	-	12	2%	3	-
Murder	14	-	14	2%	0	-
Assault	8	-	8	-	0	-
Contraband	8	-	5	-	3	-
Robbery	8	-	5	-	3	-
Threats	7	-	7	-	0	-
Food and drug	7	-	5	-	2	-
Counterfeit	7	-	3	-	4	-
Terrorism	5	-	3	-	2	-
Conspiracy	4	-	3	-	1	-
Bribery	3	-	2	-	1	-
Other	17	-	8	-	9	2%

* Percentages not shown where the percentage is less than 2%.

Graph 1. Periods of delayed notice – fiscal year 2008



Graph 2. Total numbers of extensions – fiscal year 2008

