

**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, 2010, and September 30, 2011.

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 2011

Summary data on applications for delayed-notice search warrants and extensions for fiscal year 2011 are shown in Table 1. A total of 3,743 warrant requests and 3,032 requests for extensions were reported for the fiscal year ended September 30, 2011. Sixteen of the applications reported were denied, 51 of the applications were granted as modified, and the rest were granted as requested.

Judges in 85 federal judicial districts reported actions on applications for delayed-notice search warrants or extensions, an increase from 72 districts in the 2010 fiscal year. The greatest numbers of applications were reported by judges in the Southern District of California (828), the District of Arizona (536), the District of Kansas (531), and the Northern District of Georgia (468); applications in these four districts accounted for over a third of all applications reported. Of the 6,775 applications reported, 6,607 (98 percent) were reported by federal magistrate judges and 168 were reported by federal district judges. No applications were reported by state judges.

The periods of delay specified ranged from 1 day to 366 days. The most frequently reported period of delay was 90 days, specified in 3,446 (51 percent) of the applications that were granted. (See Graph 1.) Extensions to the period of delay numbered from one to 47, 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 2011. Drug offenses were specified in 75 percent of applications reported, followed by extortion/racketeering (5 percent) and fraud (4 percent).

Table 1. Delayed-notice warrant and extension requests - fiscal year 2011

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
ALL CIRCUITS	6775	66	3743	3698	35	10	3032	3010	16	6
DC CIRCUIT	68	38	58	58	0	0	10	10	0	0
DISTRICT OF COLUMBIA	68	38	58	58	0	0	10	10	0	0
FIRST CIRCUIT	356	54	254	239	14	1	102	102	0	0
MAINE	70	47	39	38	0	1	31	31	0	0
MASSACHUSETTS	153	43	117	117	0	0	36	36	0	0
NEW HAMPSHIRE	53	97	22	22	0	0	31	31	0	0
RHODE ISLAND	15	70	12	12	0	0	3	3	0	0
PUERTO RICO	65	49	64	50	14	0	1	1	0	0
SECOND CIRCUIT	612	39	498	493	3	2	114	112	2	0
CONNECTICUT	10	81	6	6	0	0	4	4	0	0
NEW YORK (NORTHERN)	27	50	7	7	0	0	20	20	0	0
NEW YORK (EASTERN)	149	42	113	110	3	0	36	36	0	0
NEW YORK (SOUTHERN)	391	36	347	345	0	2	44	43	1	0
NEW YORK (WESTERN)	24	43	17	17	0	0	7	6	1	0
VERMONT	11	40	8	8	0	0	3	3	0	0
THIRD CIRCUIT	120	34	117	117	0	0	3	3	0	0
DELAWARE	1	90	1	1	0	0	0	0	0	0
NEW JERSEY	74	29	73	73	0	0	1	1	0	0
PENNSYLVANIA (EASTERN)	2	60	2	2	0	0	0	0	0	0
PENNSYLVANIA (MIDDLE)	26	30	26	26	0	0	0	0	0	0
PENNSYLVANIA (WESTERN)	17	53	15	15	0	0	2	2	0	0
FOURTH CIRCUIT	346	48	296	295	0	1	50	50	0	0
MARYLAND	123	47	108	108	0	0	15	15	0	0
NORTH CAROLINA (EASTERN)	25	39	22	22	0	0	3	3	0	0
NORTH CAROLINA (MIDDLE)	55	30	55	55	0	0	0	0	0	0
NORTH CAROLINA (WESTERN)	79	55	67	67	0	0	12	12	0	0
SOUTH CAROLINA	16	36	14	14	0	0	2	2	0	0
VIRGINIA (EASTERN)	43	66	26	25	0	1	17	17	0	0
VIRGINIA (WESTERN)	2	68	1	1	0	0	1	1	0	0
WEST VIRGINIA (NORTHERN)	1	30	1	1	0	0	0	0	0	0
WEST VIRGINIA (SOUTHERN)	2	45	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
FIFTH CIRCUIT	691	77	346	340	5	1	345	336	9	0
LOUISIANA (EASTERN)	21	30	21	21	0	0	0	0	0	0
LOUISIANA (MIDDLE)	6	64	4	3	0	1	2	2	0	0
LOUISIANA (WESTERN)	60	94	56	56	0	0	4	4	0	0
MISSISSIPPI (SOUTHERN)	4	45	2	1	1	0	2	2	0	0
TEXAS (NORTHERN)	107	53	81	80	1	0	26	26	0	0
TEXAS (EASTERN)	5	60	3	3	0	0	2	2	0	0
TEXAS (SOUTHERN)	382	86	115	112	3	0	267	258	9	0
TEXAS (WESTERN)	106	68	64	64	0	0	42	42	0	0
SIXTH CIRCUIT	540	59	290	288	2	0	250	249	0	1
KENTUCKY (EASTERN)	7	34	4	2	2	0	3	3	0	0
KENTUCKY (WESTERN)	12	60	6	6	0	0	6	6	0	0
MICHIGAN (EASTERN)	222	68	112	112	0	0	110	110	0	0
MICHIGAN (WESTERN)	11	41	11	11	0	0	0	0	0	0
OHIO (NORTHERN)	101	59	57	57	0	0	44	44	0	0
OHIO (SOUTHERN)	120	52	52	52	0	0	68	68	0	0
TENNESSEE (EASTERN)	18	32	15	15	0	0	3	3	0	0
TENNESSEE (MIDDLE)	47	48	31	31	0	0	16	15	0	1
TENNESSEE (WESTERN)	2	20	2	2	0	0	0	0	0	0
SEVENTH CIRCUIT	275	59	216	216	0	0	59	59	0	0
ILLINOIS (NORTHERN)	9	63	5	5	0	0	4	4	0	0
ILLINOIS (CENTRAL)	1	30	1	1	0	0	0	0	0	0
ILLINOIS (SOUTHERN)	67	61	40	40	0	0	27	27	0	0
INDIANA (NORTHERN)	27	46	22	22	0	0	5	5	0	0
INDIANA (SOUTHERN)	110	47	94	94	0	0	16	16	0	0
WISCONSIN (EASTERN)	61	85	54	54	0	0	7	7	0	0
EIGHTH CIRCUIT	389	76	101	95	6	0	288	287	1	0
ARKANSAS (EASTERN)	5	30	5	5	0	0	0	0	0	0
IOWA (SOUTHERN)	23	65	17	11	6	0	6	5	1	0
MINNESOTA	170	88	18	18	0	0	152	152	0	0
MISSOURI (EASTERN)	51	71	12	12	0	0	39	39	0	0
MISSOURI (WESTERN)	129	69	43	43	0	0	86	86	0	0
NEBRASKA	6	50	4	4	0	0	2	2	0	0
NORTH DAKOTA	5	30	2	2	0	0	3	3	0	0

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
NINTH CIRCUIT	1990	75	913	908	2	3	1077	1069	3	5
ALASKA	5	60	5	5	0	0	0	0	0	0
ARIZONA	536	74	175	175	0	0	361	360	1	0
CALIFORNIA (NORTHERN)	44	67	18	18	0	0	26	26	0	0
CALIFORNIA (EASTERN)	29	53	23	23	0	0	6	6	0	0
CALIFORNIA (CENTRAL)	192	65	114	111	1	2	78	75	0	3
CALIFORNIA (SOUTHERN)	828	81	351	349	1	1	477	473	2	2
HAWAII	112	89	69	69	0	0	43	43	0	0
IDAHO	6	40	1	1	0	0	5	5	0	0
MONTANA	2	60	1	1	0	0	1	1	0	0
NEVADA	44	56	35	35	0	0	9	9	0	0
OREGON	45	78	18	18	0	0	27	27	0	0
WASHINGTON (EASTERN)	19	72	15	15	0	0	4	4	0	0
WASHINGTON (WESTERN)	112	67	73	73	0	0	39	39	0	0
GUAM	16	52	15	15	0	0	1	1	0	0
TENTH CIRCUIT	784	68	335	335	0	0	449	449	0	0
COLORADO	120	47	72	72	0	0	48	48	0	0
KANSAS	531	76	164	164	0	0	367	367	0	0
NEW MEXICO	83	55	67	67	0	0	16	16	0	0
OKLAHOMA (NORTHERN)	5	45	5	5	0	0	0	0	0	0
OKLAHOMA (EASTERN)	33	62	17	17	0	0	16	16	0	0
OKLAHOMA (WESTERN)	5	72	5	5	0	0	0	0	0	0
UTAH	7	42	5	5	0	0	2	2	0	0
ELEVENTH CIRCUIT	604	75	319	314	3	2	285	284	1	0
ALABAMA (NORTHERN)	30	54	22	22	0	0	8	8	0	0
ALABAMA (MIDDLE)	5	90	5	5	0	0	0	0	0	0
FLORIDA (NORTHERN)	17	90	14	14	0	0	3	3	0	0
FLORIDA (MIDDLE)	14	51	12	12	0	0	2	2	0	0
FLORIDA (SOUTHERN)	33	61	21	21	0	0	12	11	1	0
GEORGIA (NORTHERN)	468	78	226	226	0	0	242	242	0	0
GEORGIA (MIDDLE)	28	81	13	8	3	2	15	15	0	0
GEORGIA (SOUTHERN)	9	67	6	6	0	0	3	3	0	0

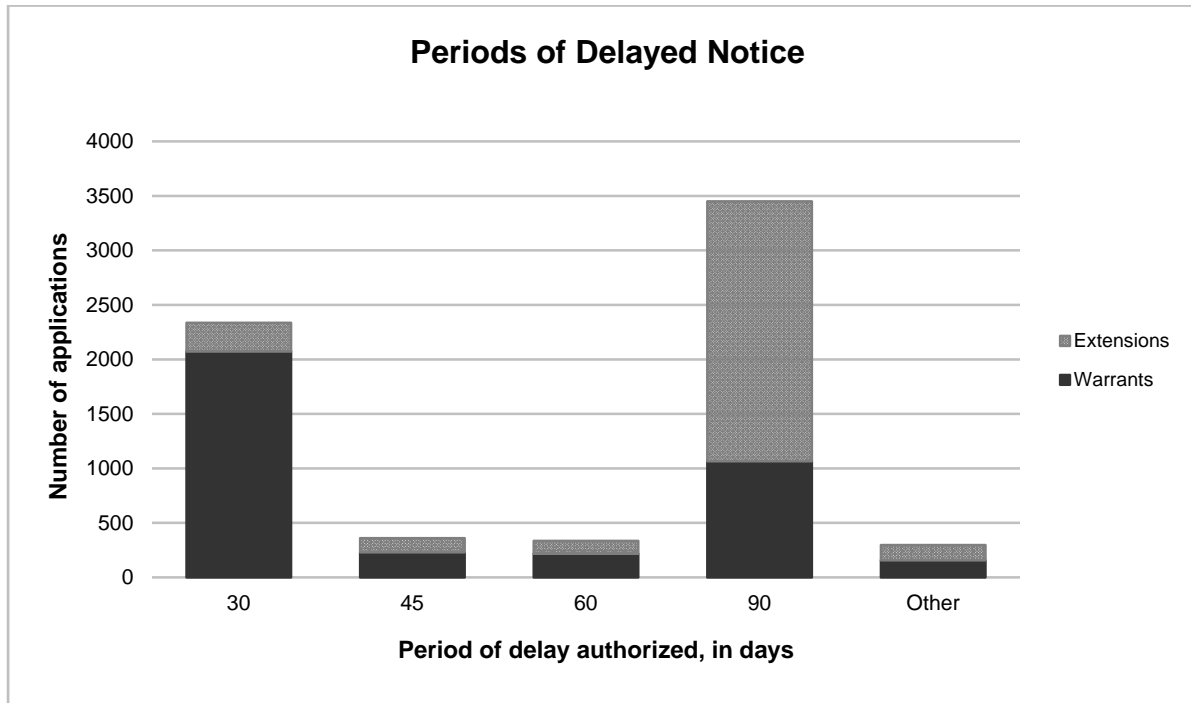
Table 2. Offenses specified for delayed-notice warrant and extension requests - fiscal year 2011

Offense	Reports		Warrants		Extensions	
	Number	Percent*	Number	Percent*	Number	Percent*
Total	6775	100%	3743	100%	3032	100%
Drugs	5093	75%	2693	72%	2400	79%
Extortion/Racketeering	337	5%	155	4%	182	6%
Fraud	240	4%	160	4%	80	3%
Sex Offense/Forced Labor	194	3%	175	5%	19	-
Immigration	102	2%	50	-	52	2%
Weapons	96	-	61	2%	35	-
Fugitive/Supervised Release Violation	58	-	57	2%	1	-
Robbery/Carjacking	56	-	38	-	18	-
Theft/Embezzlement	38	-	33	-	5	-
Terrorism	31	-	11	-	20	-
Conspiracy	29	-	21	-	8	-
Smuggling/Contraband	20	-	15	-	5	-
Arms	15	-	4	-	11	-
Forfeiture	14	-	0	-	14	-
Murder	14	-	13	-	1	-
Counterfeit	12	-	10	-	2	-
Food & Drug	12	-	9	-	3	-
Kidnapping	12	-	12	-	0	-
Bribery	10	-	5	-	5	-
Threats	9	-	9	-	0	-
IEEPA**	6	-	4	-	2	-
Obstruction	6	-	5	-	1	-
Currency	5	-	4	-	1	-
Environment	5	-	2	-	3	-
Espionage	4	-	4	-	0	-
Gambling	4	-	4	-	0	-
Wildlife	4	-	3	-	1	-
Other	19	-	16	-	3	-
Unspecified	330	5%	170	5%	160	5%

* 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 2011



Graph 2. Total numbers of extensions - fiscal year 2011

