

**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, 2011, and September 30, 2012.

### **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 2012**

Summary data on applications for delayed-notice search warrants and extensions for fiscal year 2012 are shown in Table 1. A total of 5,606 warrant requests and 4,577 requests for extensions were reported for the fiscal year ended September 30, 2012. Ten of the applications reported (five initial requests and five extensions) were denied, 67 of the applications (42 initial requests and 25 extensions) were granted as modified, and the rest were granted as requested.

Judges in 92 federal judicial districts reported actions on applications for delayed-notice search warrants or extensions, an increase from 85 districts in the 2011 fiscal year. The greatest numbers of applications were reported by judges in the District of Arizona (834), the Southern District of California (807), the Southern District of Texas (692), and the District Court of Guam (513); applications in these four districts accounted for over a quarter of all applications reported. Of the 10,183 applications reported, 9,946 (98 percent) were reported by federal magistrate

judges and 236 were reported by federal district judges. One application was reported by a state judge.

The periods of delay specified ranged from 1 day to 365 days. The most frequently reported period of delay was 90 days, specified in 5,047 (50 percent) of the applications that were granted. (See Graph 1.) Extensions to the period of delay numbered from one to 16, with two being the most frequently reported extension number. (See Graph 2.)

*Note:* The method of counting extensions has changed with this year's report. In prior years, warrants and extensions were matched up so that only the last extension for a warrant was counted in Graph 2. (For example, for a warrant with two extensions to the period of delay, only the second extension would be counted.) Starting this year, because of limitations in the methodology for matching up warrants and extensions, every extension is counted in Graph 2. (So both the first and second extensions to the warrant in the previous example would be counted.)

## **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 82 percent of applications reported, followed by fraud and extortion/racketeering (3 percent each).

**Table 1. Delayed-notice warrant and extension requests - fiscal year 2012**

	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>10,183</b>	<b>65</b>	<b>5,606</b>	<b>5,559</b>	<b>42</b>	<b>5</b>	<b>4,577</b>	<b>4,547</b>	<b>25</b>	<b>5</b>
<b>DC CIRCUIT</b>	<b>28</b>	<b>54</b>	<b>27</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>
DISTRICT OF COLUMBIA	28	54	27	27	0	0	1	1	0	0
<b>FIRST CIRCUIT</b>	<b>635</b>	<b>54</b>	<b>412</b>	<b>397</b>	<b>15</b>	<b>0</b>	<b>223</b>	<b>222</b>	<b>1</b>	<b>0</b>
MAINE	51	60	23	23	0	0	28	28	0	0
MASSACHUSETTS	407	54	242	242	0	0	165	164	1	0
NEW HAMPSHIRE	37	94	14	14	0	0	23	23	0	0
RHODE ISLAND	48	42	41	41	0	0	7	7	0	0
PUERTO RICO	92	40	92	77	15	0	0	0	0	0
<b>SECOND CIRCUIT</b>	<b>718</b>	<b>38</b>	<b>603</b>	<b>597</b>	<b>6</b>	<b>0</b>	<b>115</b>	<b>114</b>	<b>1</b>	<b>0</b>
CONNECTICUT	4	90	1	1	0	0	3	3	0	0
NEW YORK (NORTHERN)	20	65	10	10	0	0	10	9	1	0
NEW YORK (EASTERN)	167	43	142	141	1	0	25	25	0	0
NEW YORK (SOUTHERN)	461	35	415	411	4	0	46	46	0	0
NEW YORK (WESTERN)	45	33	21	20	1	0	24	24	0	0
VERMONT	21	41	14	14	0	0	7	7	0	0
<b>THIRD CIRCUIT</b>	<b>124</b>	<b>43</b>	<b>107</b>	<b>106</b>	<b>1</b>	<b>0</b>	<b>17</b>	<b>17</b>	<b>0</b>	<b>0</b>
DELAWARE	4	30	4	4	0	0	0	0	0	0
NEW JERSEY	28	39	24	24	0	0	4	4	0	0
PENNSYLVANIA (EASTERN)	24	40	20	20	0	0	4	4	0	0
PENNSYLVANIA (MIDDLE)	22	44	20	20	0	0	2	2	0	0
PENNSYLVANIA (WESTERN)	46	47	39	38	1	0	7	7	0	0
VIRGIN ISLANDS	-	-	-	-	-	-	-	-	-	-
<b>FOURTH CIRCUIT</b>	<b>506</b>	<b>41</b>	<b>400</b>	<b>395</b>	<b>5</b>	<b>0</b>	<b>106</b>	<b>100</b>	<b>6</b>	<b>0</b>
MARYLAND	238	38	193	189	4	0	45	45	0	0
NORTH CAROLINA (EASTERN)	17	51	12	11	1	0	5	5	0	0
NORTH CAROLINA (MIDDLE)	55	32	52	52	0	0	3	3	0	0
NORTH CAROLINA (WESTERN)	48	39	41	41	0	0	7	7	0	0
SOUTH CAROLINA	46	48	27	27	0	0	19	19	0	0
VIRGINIA (EASTERN)	84	51	62	62	0	0	22	16	6	0

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
VIRGINIA (WESTERN)	10	33	8	8	0	0	2	2	0	0
WEST VIRGINIA (NORTHERN)	3	45	1	1	0	0	2	2	0	0
WEST VIRGINIA (SOUTHERN)	5	30	4	4	0	0	1	1	0	0
<b>FIFTH CIRCUIT</b>	<b>1,243</b>	<b>70</b>	<b>638</b>	<b>634</b>	<b>3</b>	<b>1</b>	<b>605</b>	<b>602</b>	<b>3</b>	<b>0</b>
LOUISIANA (EASTERN)	67	31	67	67	0	0	0	0	0	0
LOUISIANA (MIDDLE)	6	50	3	3	0	0	3	2	1	0
LOUISIANA (WESTERN)	40	97	32	32	0	0	8	8	0	0
MISSISSIPPI (NORTHERN)	4	30	4	4	0	0	0	0	0	0
MISSISSIPPI (SOUTHERN)	1	90	0	0	0	0	1	1	0	0
TEXAS (NORTHERN)	191	43	145	145	0	0	46	46	0	0
TEXAS (EASTERN)	7	46	3	3	0	0	4	4	0	0
TEXAS (SOUTHERN)	692	81	252	248	3	1	440	438	2	0
TEXAS (WESTERN)	235	66	132	132	0	0	103	103	0	0
<b>SIXTH CIRCUIT</b>	<b>948</b>	<b>62</b>	<b>484</b>	<b>483</b>	<b>1</b>	<b>0</b>	<b>464</b>	<b>464</b>	<b>0</b>	<b>0</b>
KENTUCKY (EASTERN)	9	43	8	7	1	0	1	1	0	0
KENTUCKY (WESTERN)	163	73	42	42	0	0	121	121	0	0
MICHIGAN (EASTERN)	359	62	203	203	0	0	156	156	0	0
MICHIGAN (WESTERN)	14	34	12	12	0	0	2	2	0	0
OHIO (NORTHERN)	137	63	71	71	0	0	66	66	0	0
OHIO (SOUTHERN)	191	61	90	90	0	0	101	101	0	0
TENNESSEE (EASTERN)	25	44	23	23	0	0	2	2	0	0
TENNESSEE (MIDDLE)	49	40	34	34	0	0	15	15	0	0
TENNESSEE (WESTERN)	1	30	1	1	0	0	0	0	0	0
<b>SEVENTH CIRCUIT</b>	<b>544</b>	<b>74</b>	<b>272</b>	<b>269</b>	<b>3</b>	<b>0</b>	<b>272</b>	<b>272</b>	<b>0</b>	<b>0</b>
ILLINOIS (NORTHERN)	6	72	0	0	0	0	6	6	0	0
ILLINOIS (CENTRAL)	30	53	21	21	0	0	9	9	0	0
ILLINOIS (SOUTHERN)	256	83	49	49	0	0	207	207	0	0
INDIANA (NORTHERN)	34	37	31	31	0	0	3	3	0	0
INDIANA (SOUTHERN)	67	35	58	56	2	0	9	9	0	0
WISCONSIN (EASTERN)	128	93	102	101	1	0	26	26	0	0
WISCONSIN (WESTERN)	23	63	11	11	0	0	12	12	0	0

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
<b>EIGHTH CIRCUIT</b>	<b>594</b>	<b>65</b>	<b>266</b>	<b>262</b>	<b>4</b>	<b>0</b>	<b>328</b>	<b>328</b>	<b>0</b>	<b>0</b>
ARKANSAS (EASTERN)	25	37	20	20	0	0	5	5	0	0
ARKANSAS (WESTERN)	5	90	5	5	0	0	0	0	0	0
IOWA (NORTHERN)	1	30	1	1	0	0	0	0	0	0
IOWA (SOUTHERN)	57	53	32	28	4	0	25	25	0	0
MINNESOTA	135	77	16	16	0	0	119	119	0	0
MISSOURI (EASTERN)	44	75	27	27	0	0	17	17	0	0
MISSOURI (WESTERN)	256	66	115	115	0	0	141	141	0	0
NEBRASKA	45	49	33	33	0	0	12	12	0	0
NORTH DAKOTA	18	40	10	10	0	0	8	8	0	0
SOUTH DAKOTA	8	59	7	7	0	0	1	1	0	0
<b>NINTH CIRCUIT</b>	<b>3,175</b>	<b>73</b>	<b>1,700</b>	<b>1,693</b>	<b>3</b>	<b>4</b>	<b>1,475</b>	<b>1,456</b>	<b>14</b>	<b>5</b>
ALASKA	49	159	49	49	0	0	0	0	0	0
ARIZONA	834	72	333	332	0	1	501	500	1	0
CALIFORNIA (NORTHERN)	105	74	38	36	2	0	67	67	0	0
CALIFORNIA (EASTERN)	76	47	62	62	0	0	14	14	0	0
CALIFORNIA (CENTRAL)	267	60	150	147	0	3	117	111	1	5
CALIFORNIA (SOUTHERN)	807	88	419	419	0	0	388	388	0	0
HAWAII	196	90	143	143	0	0	53	53	0	0
IDAHO	4	53	4	4	0	0	0	0	0	0
MONTANA	1	90	1	1	0	0	0	0	0	0
NEVADA	36	56	22	22	0	0	14	14	0	0
OREGON	21	48	7	7	0	0	14	14	0	0
WASHINGTON (EASTERN)	55	68	34	34	0	0	21	21	0	0
WASHINGTON (WESTERN)	211	67	83	82	1	0	128	116	12	0
GUAM	513	50	355	355	0	0	158	158	0	0
NORTHERN MARIANAS	-	-	-	-	-	-	-	-	-	-
<b>TENTH CIRCUIT</b>	<b>911</b>	<b>67</b>	<b>355</b>	<b>355</b>	<b>0</b>	<b>0</b>	<b>556</b>	<b>556</b>	<b>0</b>	<b>0</b>
COLORADO	227	66	68	68	0	0	159	159	0	0
KANSAS	441	79	110	110	0	0	331	331	0	0
NEW MEXICO	188	43	135	135	0	0	53	53	0	0
OKLAHOMA (NORTHERN)	23	49	16	16	0	0	7	7	0	0
OKLAHOMA (EASTERN)	17	74	12	12	0	0	5	5	0	0
OKLAHOMA (WESTERN)	7	26	7	7	0	0	0	0	0	0
UTAH	7	56	6	6	0	0	1	1	0	0

	Total requests	Average delay (in days)	Warrant requests	Granted	Granted as modified	Denied	Extension requests	Granted	Granted as modified	Denied
WYOMING	1	90	1	1	0	0	0	0	0	0
<b>ELEVENTH CIRCUIT</b>	<b>756</b>	<b>79</b>	<b>341</b>	<b>340</b>	<b>1</b>	<b>0</b>	<b>415</b>	<b>415</b>	<b>0</b>	<b>0</b>
ALABAMA (NORTHERN)	26	78	19	19	0	0	7	7	0	0
ALABAMA (MIDDLE)	14	40	14	14	0	0	0	0	0	0
ALABAMA (SOUTHERN)	-	-	-	-	-	-	-	-	-	-
FLORIDA (NORTHERN)	23	52	20	20	0	0	3	3	0	0
FLORIDA (MIDDLE)	69	52	52	52	0	0	17	17	0	0
FLORIDA (SOUTHERN)	131	62	75	74	1	0	56	56	0	0
GEORGIA (NORTHERN)	465	90	142	142	0	0	323	323	0	0
GEORGIA (MIDDLE)	18	90	10	10	0	0	8	8	0	0
GEORGIA (SOUTHERN)	10	35	9	9	0	0	1	1	0	0
<b>STATE</b>	<b>1</b>	<b>30</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
STATE	1	30	1	1	0	0	0	0	0	0

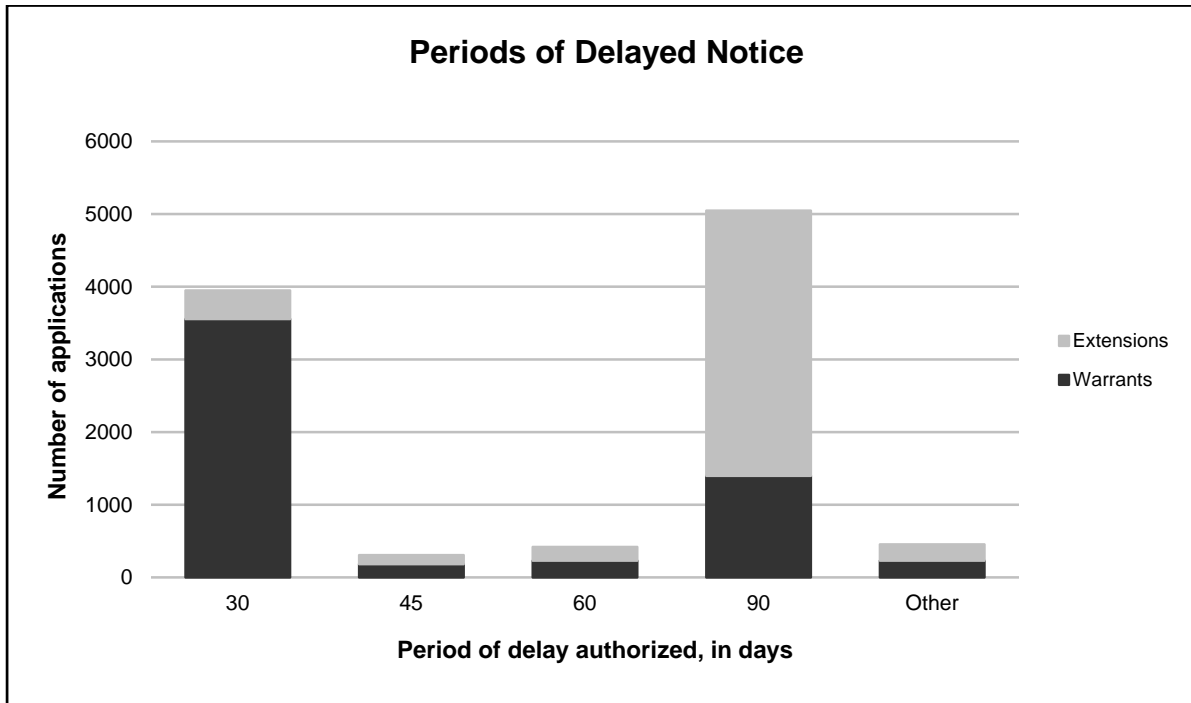
**Table 2. Offenses specified for delayed-notice warrant and extension requests - fiscal year 2012**

Offense	Reports		Warrants		Extensions	
	Number	Percent*	Number	Percent*	Number	Percent*
<b>Total</b>	<b>10,183</b>	<b>100%</b>	<b>5,606</b>	<b>100%</b>	<b>4,577</b>	<b>100%</b>
Drugs	8,307	82%	4,321	77%	3,986	87%
Fraud	316	3%	241	4%	75	2%
Extortion/Racketeering	264	3%	180	3%	84	2%
Immigration	219	2%	89	2%	130	3%
Sex Offenses	147	-	133	2%	14	-
Weapons	141	-	98	2%	43	-
Fugitive / Escape	102	-	88	2%	14	-
Terrorism	58	-	34	-	24	-
Robbery	43	-	33	-	10	-
Smuggling/Contraband	40	-	30	-	10	-
Theft	44	-	34	-	10	-
Murder	35	-	27	-	8	-
Counterfeit	29	-	19	-	10	-
Wildlife	25	-	11	-	14	-
Conspiracy	24	-	23	-	1	-
Currency	24	-	22	-	2	-
Tax	22	-	14	-	8	-
Gambling	16	-	11	-	5	-
Espionage	10	-	4	-	6	-
IEEPA**	8	-	8	-	0	-
Kidnapping	8	-	8	-	0	-
Bribery	7	-	6	-	1	-
Obstruction	5	-	5	-	0	-
Other	47	-	32	-	15	-
Unspecified	242	2%	135	2%	107	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 2012**



**Graph 2. Total numbers of extensions - fiscal year 2012**

