

# **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 ending September 30, 2007.

This report covers applications for delayed-notice search warrants and extensions between October 1, 2015, and September 30, 2016.

## **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 2016**

Summary data on applications for delayed-notice search warrants and extensions for fiscal year 2016 are shown in Table 1. A total of 9,191 warrant requests and a total of 6,050 requests for extensions were reported for the fiscal year ending September 30, 2016. Thirty-five of the applications reported were denied, 42 of the applications were granted as modified, and 15,164 were granted as requested.

Judges in 92 federal judicial districts reported actions on applications for delayed-notice search warrants or extensions. The highest numbers of applications were reported by judges in the Northern District of Illinois (1,186), the District of Oregon (851), the Eastern District of Michigan (845), the Western District of Texas (783), the Northern District of Ohio (674); and the District of Maryland (635); applications in these six districts accounted for a third of all applications reported. Of the 15,241 applications reported by all districts, 13,824 (91 percent) were reported by federal magistrate judges, and 1,412 were reported by federal district judges.

Five applications were reported by state judges.

The periods of delay specified ranged from 1 day to 999 days. The most frequently reported period of delay was 30 days, specified in 6,913 (45 percent) of the applications that were granted (see Graph 1). Requests for extensions to a delay numbered from 1 to 91, with first extensions being the most frequently requested in 2016 (see Graph 2).

## **Offenses**

Table 2 presents the types of offenses specified in delayed-notice search warrant and extension requests reported in 2016. Drug offenses were specified in 82 percent of applications reported, followed by fraud (4 percent), extortion/racketeering (3 percent), sex offenses (2 percent), weapons (2 percent), and fugitive/escape (2 percent).

**Table 1. Delayed-Notice Warrant and Extension Requests for 12-Month Period Ending September 30, 2016**

	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>15,241</b>	<b>84</b>	<b>9,191</b>	<b>9,140</b>	<b>33</b>	<b>18</b>	<b>6,050</b>	<b>6,024</b>	<b>9</b>	<b>17</b>
<b>DC CIRCUIT</b>	<b>50</b>	<b>73</b>	<b>25</b>	<b>21</b>	<b>3</b>	<b>1</b>	<b>25</b>	<b>25</b>	<b>0</b>	<b>0</b>
DISTRICT OF COLUMBIA	50	73	25	21	3	1	25	25	0	0
<b>FIRST CIRCUIT</b>	<b>742</b>	<b>66</b>	<b>525</b>	<b>501</b>	<b>23</b>	<b>1</b>	<b>217</b>	<b>210</b>	<b>1</b>	<b>6</b>
MAINE	64	64	40	39	0	1	24	23	1	0
MASSACHUSETTS	421	63	315	315	0	0	106	100	0	6
NEW HAMPSHIRE	99	56	31	31	0	0	68	68	0	0
RHODE ISLAND	64	86	47	47	0	0	17	17	0	0
PUERTO RICO	94	60	92	69	23	0	2	2	0	0
<b>SECOND CIRCUIT</b>	<b>812</b>	<b>82</b>	<b>744</b>	<b>743</b>	<b>0</b>	<b>1</b>	<b>68</b>	<b>67</b>	<b>1</b>	<b>0</b>
CONNECTICUT	20	100	18	18	0	0	2	2	0	0
NEW YORK (NORTHERN)	66	60	65	65	0	0	1	1	0	0
NEW YORK (EASTERN)	254	103	202	201	0	1	52	51	1	0
NEW YORK (SOUTHERN)	376	113	373	373	0	0	3	3	0	0
NEW YORK (WESTERN)	40	56	31	31	0	0	9	9	0	0
VERMONT	56	60	55	55	0	0	1	1	0	0
<b>THIRD CIRCUIT</b>	<b>325</b>	<b>52</b>	<b>239</b>	<b>239</b>	<b>0</b>	<b>0</b>	<b>86</b>	<b>86</b>	<b>0</b>	<b>0</b>
DELAWARE	15	55	8	8	0	0	7	7	0	0
NEW JERSEY	51	56	24	24	0	0	27	27	0	0
PENNSYLVANIA (MIDDLE)	83	30	80	80	0	0	3	3	0	0
PENNSYLVANIA (WESTERN)	171	60	123	123	0	0	48	48	0	0
VIRGIN ISLANDS	5	60	4	4	0	0	1	1	0	0
<b>FOURTH CIRCUIT</b>	<b>1,201</b>	<b>87</b>	<b>1,053</b>	<b>1,052</b>	<b>1</b>	<b>0</b>	<b>148</b>	<b>148</b>	<b>0</b>	<b>0</b>
MARYLAND	635	86	597	597	0	0	38	38	0	0
NORTH CAROLINA (EASTERN)	38	131	36	36	0	0	2	2	0	0
NORTH CAROLINA (MIDDLE)	7	30	7	7	0	0	0	0	0	0
NORTH CAROLINA (WESTERN)	217	70	201	201	0	0	16	16	0	0
SOUTH CAROLINA	186	75	124	124	0	0	62	62	0	0
VIRGINIA (EASTERN)	39	162	24	24	0	0	15	15	0	0
VIRGINIA (WESTERN)	28	101	21	20	1	0	7	7	0	0
WEST VIRGINIA (NORTHERN)	47	100	39	39	0	0	8	8	0	0
WEST VIRGINIA (SOUTHERN)	4	30	4	4	0	0	0	0	0	0
<b>FIFTH CIRCUIT</b>	<b>1,525</b>	<b>70</b>	<b>1,076</b>	<b>1,073</b>	<b>2</b>	<b>1</b>	<b>449</b>	<b>446</b>	<b>1</b>	<b>2</b>
LOUISIANA (EASTERN)	132	60	115	115	0	0	17	17	0	0
LOUISIANA (MIDDLE)	9	30	9	9	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
LOUISIANA (WESTERN)	51	60	35	35	0	0	16	16	0	0
MISSISSIPPI (NORTHERN)	9	80	6	6	0	0	3	3	0	0
MISSISSIPPI (SOUTHERN)	18	60	15	15	0	0	3	3	0	0
TEXAS (NORTHERN)	164	46	157	157	0	0	7	7	0	0
TEXAS (EASTERN)	4	60	3	3	0	0	1	1	0	0
TEXAS (SOUTHERN)	355	157	274	273	1	0	81	80	1	0
TEXAS (WESTERN)	783	76	462	460	1	1	321	319	0	2
<b>SIXTH CIRCUIT</b>	<b>2,137</b>	<b>90</b>	<b>1,171</b>	<b>1,171</b>	<b>0</b>	<b>0</b>	<b>966</b>	<b>965</b>	<b>1</b>	<b>0</b>
KENTUCKY (EASTERN)	25	70	18	18	0	0	7	7	0	0
KENTUCKY (WESTERN)	211	58	117	117	0	0	94	94	0	0
MICHIGAN (EASTERN)	845	41	465	465	0	0	380	380	0	0
MICHIGAN (WESTERN)	39	96	28	28	0	0	11	11	0	0
OHIO (NORTHERN)	674	205	246	246	0	0	428	427	1	0
OHIO (SOUTHERN)	240	160	205	205	0	0	35	35	0	0
TENNESSEE (EASTERN)	55	60	49	49	0	0	6	6	0	0
TENNESSEE (MIDDLE)	25	60	24	24	0	0	1	1	0	0
TENNESSEE (WESTERN)	23	60	19	19	0	0	4	4	0	0
<b>SEVENTH CIRCUIT</b>	<b>1,610</b>	<b>72</b>	<b>644</b>	<b>644</b>	<b>0</b>	<b>0</b>	<b>966</b>	<b>965</b>	<b>0</b>	<b>1</b>
ILLINOIS (NORTHERN)	1,186	65	333	333	0	0	853	852	0	1
ILLINOIS (CENTRAL)	23	55	5	5	0	0	18	18	0	0
ILLINOIS (SOUTHERN)	93	60	46	46	0	0	47	47	0	0
INDIANA (NORTHERN)	22	105	20	20	0	0	2	2	0	0
INDIANA (SOUTHERN)	227	75	193	193	0	0	34	34	0	0
WISCONSIN (EASTERN)	53	105	42	42	0	0	11	11	0	0
WISCONSIN (WESTERN)	6	38	5	5	0	0	1	1	0	0
<b>EIGHTH CIRCUIT</b>	<b>936</b>	<b>98</b>	<b>534</b>	<b>534</b>	<b>0</b>	<b>0</b>	<b>402</b>	<b>401</b>	<b>1</b>	<b>0</b>
ARKANSAS (EASTERN)	25	80	23	23	0	0	2	2	0	0
ARKANSAS (WESTERN)	57	60	40	40	0	0	17	17	0	0
IOWA (NORTHERN)	7	60	4	4	0	0	3	3	0	0
IOWA (SOUTHERN)	156	112	103	103	0	0	53	53	0	0
MINNESOTA	104	80	39	39	0	0	65	65	0	0
MISSOURI (EASTERN)	90	90	34	34	0	0	56	56	0	0
MISSOURI (WESTERN)	238	99	127	127	0	0	111	111	0	0
NEBRASKA	225	56	133	133	0	0	92	91	1	0
NORTH DAKOTA	30	213	27	27	0	0	3	3	0	0
SOUTH DAKOTA	4	127	4	4	0	0	0	0	0	0
<b>NINTH CIRCUIT</b>	<b>3,723</b>	<b>91</b>	<b>2,058</b>	<b>2,041</b>	<b>3</b>	<b>14</b>	<b>1,665</b>	<b>1,654</b>	<b>3</b>	<b>8</b>
ALASKA	11	100	7	7	0	0	4	4	0	0
ARIZONA	509	81	203	200	0	3	306	304	0	2

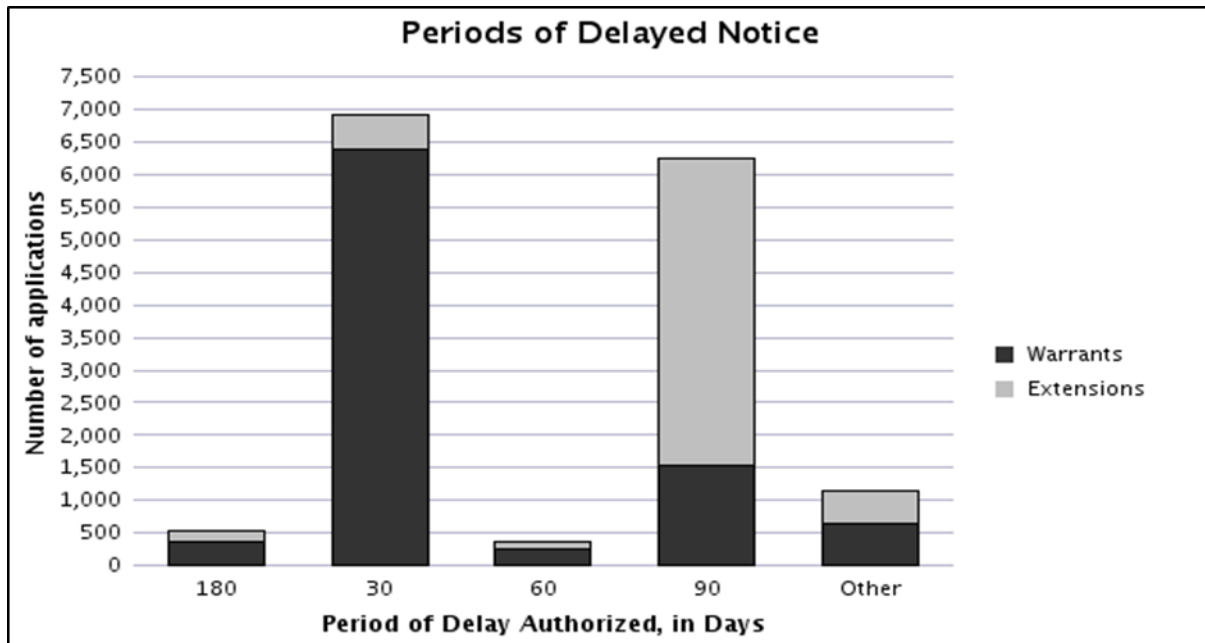
	Total Requests	Average Delay (in Days)	Warrant Requests	Granted	Granted as Modified	Denied	Extension Requests	Granted	Granted as Modified	Denied
CALIFORNIA (NORTHERN)	115	167	89	88	1	0	26	25	1	0
CALIFORNIA (EASTERN)	301	69	216	216	0	0	85	85	0	0
CALIFORNIA (CENTRAL)	490	91	319	315	0	4	171	165	1	5
CALIFORNIA (SOUTHERN)	501	103	325	324	1	0	176	175	1	0
HAWAII	21	90	14	14	0	0	7	7	0	0
IDAHO	56	67	39	39	0	0	17	17	0	0
MONTANA	97	100	81	75	0	6	16	16	0	0
NEVADA	17	55	12	12	0	0	5	5	0	0
OREGON	851	106	385	385	0	0	466	466	0	0
WASHINGTON (EASTERN)	162	99	93	92	0	1	69	69	0	0
WASHINGTON (WESTERN)	380	81	180	179	1	0	200	200	0	0
GUAM	212	60	95	95	0	0	117	116	0	1
<b>TENTH CIRCUIT</b>	<b>1,122</b>	<b>62</b>	<b>610</b>	<b>610</b>	<b>0</b>	<b>0</b>	<b>512</b>	<b>511</b>	<b>1</b>	<b>0</b>
COLORADO	519	53	272	272	0	0	247	247	0	0
KANSAS	322	60	99	99	0	0	223	222	1	0
NEW MEXICO	156	75	125	125	0	0	31	31	0	0
OKLAHOMA (NORTHERN)	6	60	6	6	0	0	0	0	0	0
OKLAHOMA (EASTERN)	7	60	7	7	0	0	0	0	0	0
OKLAHOMA (WESTERN)	6	49	6	6	0	0	0	0	0	0
UTAH	98	54	90	90	0	0	8	8	0	0
WYOMING	8	86	5	5	0	0	3	3	0	0
<b>ELEVENTH CIRCUIT</b>	<b>1,053</b>	<b>60</b>	<b>507</b>	<b>506</b>	<b>1</b>	<b>0</b>	<b>546</b>	<b>546</b>	<b>0</b>	<b>0</b>
ALABAMA (NORTHERN)	9	60	8	8	0	0	1	1	0	0
ALABAMA (MIDDLE)	35	55	34	34	0	0	1	1	0	0
ALABAMA (SOUTHERN)	12	38	11	10	1	0	1	1	0	0
FLORIDA (NORTHERN)	73	54	54	54	0	0	19	19	0	0
FLORIDA (MIDDLE)	57	71	37	37	0	0	20	20	0	0
FLORIDA (SOUTHERN)	368	86	216	216	0	0	152	152	0	0
GEORGIA (NORTHERN)	492	101	140	140	0	0	352	352	0	0
GEORGIA (MIDDLE)	6	60	6	6	0	0	0	0	0	0
GEORGIA (SOUTHERN)	1	14	1	1	0	0	0	0	0	0
<b>STATE</b>	<b>5</b>	<b>30</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
STATE	5	30	5	5	0	0	0	0	0	0

**Table 2. Offenses Specified for Delayed-Notice Warrant and Extension Requests for 12-Month Period Ending September 30, 2016**

Offense	Reports		Warrants		Extensions	
	Number	Percent*	Number	Percent*	Number	Percent*
<b>Total</b>	<b>15,241</b>	<b>100%</b>	<b>9,191</b>	<b>100%</b>	<b>6,050</b>	<b>100%</b>
Drugs	12,439	82%	7059	77%	5380	89%
Fraud	582	4%	451	5%	131	2%
Extortion / Racketeering	401	3%	190	2%	211	3%
Sex Offenses	362	2%	279	3%	83	
Weapons	286	2%	260	3%	26	
Fugitive / Escape	245	2%	229	2%	16	
Other	188		62		5	
Immigration	157		120		37	
Theft	143		121		22	
Robbery	130		107		23	
Terrorism	71	.466%	66		5	
Obstruction	43		31		12	
Unspecified	39		24		15	
Kidnapping	37		26		11	
Smuggling	32		14		18	
Conspiracy	23		18		5	
Tax	22		15		7	
Wildlife	21		15		6	
Contraband	20		12		8	

\* Percentages less than 2% not shown.

Graph 1. Periods of Delayed Notice During 12-Month Period Ending September 30, 2016



Graph 2. Numbers of Extensions Requested During 12-Month Period Ending September 30, 2016

