

WIRETAP REPORTING 101



UNITED STATES COURTS

Judiciary Data and Analysis Office

Overview



- The Wiretap Act
- The Wiretap Report

The Wiretap Act



Title III of the Omnibus Crime Control and Safe Streets Act of 1968, also known as the "Wiretap Act", codified at 18 U.S.C. §§ 2510-22:

- Prohibits the unauthorized, nonconsensual interception of "wire, oral, or electronic communications" by government agencies as well as private parties
- Establishes procedures for obtaining warrants to authorize surveillance of electronic communications by government officials, including cell phones, landline telephones, e-mail, fax, and internet
- Regulates the disclosure and use of authorized intercepted communications by investigative and law enforcement officers

The Wiretap Act



Section 2519(3) of the Wiretap Act requires:

- The Director of the Administrative Office of the United States Courts (AO) to report the number of federal and state applications for orders authorizing or approving the interception of wire, oral, or electronic communications pursuant to this chapter.
- The number of orders and extensions granted or denied pursuant to this chapter during the preceding calendar year, along with a report of data required by section 2519.

The Wiretap Act



Section 2519(3) *continued*:

- Such report shall include a summary and analysis of the data required to be filed with the Administrative Office by subsections (1) and (2) of section 2519. The Director of the Administrative Office of the United States Courts is authorized to issue binding regulations dealing with the content and form of the reports required to be filed by subsections (1) and (2) of this section.

The Wiretap Act: In Summary



- *The collection and reporting of surveillance data by the AO is limited to what is detailed in the Wiretap Act (18 U.S.C. 2519(3)).*
- *Please keep in mind that while all responses will be considered, primary consideration will be given to those that are within the scope of section 2519 subsection (3).*

The Wiretap Report



Consists of a summary and analysis of federal and state court-ordered applications for authorizing or approving the interception of wire, oral, or electronic communications, including:

- The number of orders and extensions granted or denied during the preceding calendar year
- The duration period of orders and extensions authorized
- The type of criminal offense under investigation
- Total expenses related to the surveillance

The Wiretap Report



- The approximate nature and frequency of incriminating communications intercepted
 - The number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of intercepted communications
- The type and location of the interception
- The number of arrests, trials, and convictions resulting from the authorized intercept

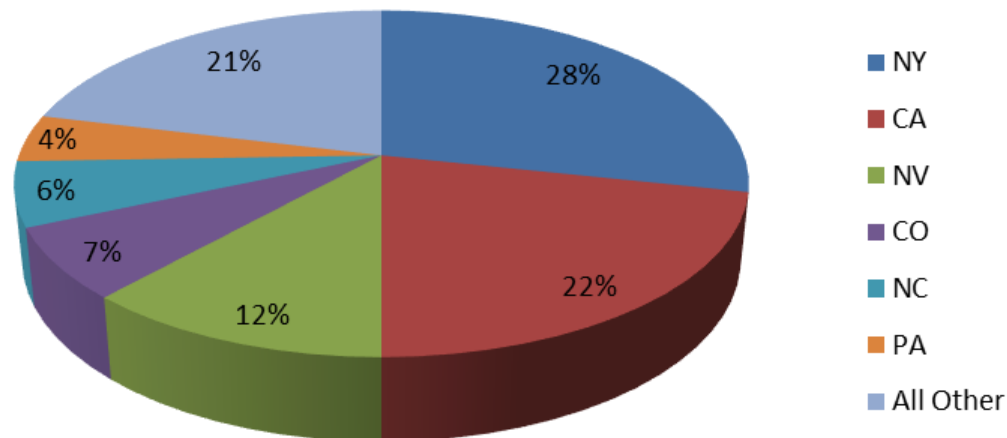
The Wiretap Report



- The Wiretap Report does **not** summarize:
 - The identity of the applying investigative or law enforcement officer and agency
 - The number of persons whose communications were intercepted
 - The number of motions to suppress made with respect to such interceptions

2019 Wiretap Statistics

State Wiretap Authorizations in 2019

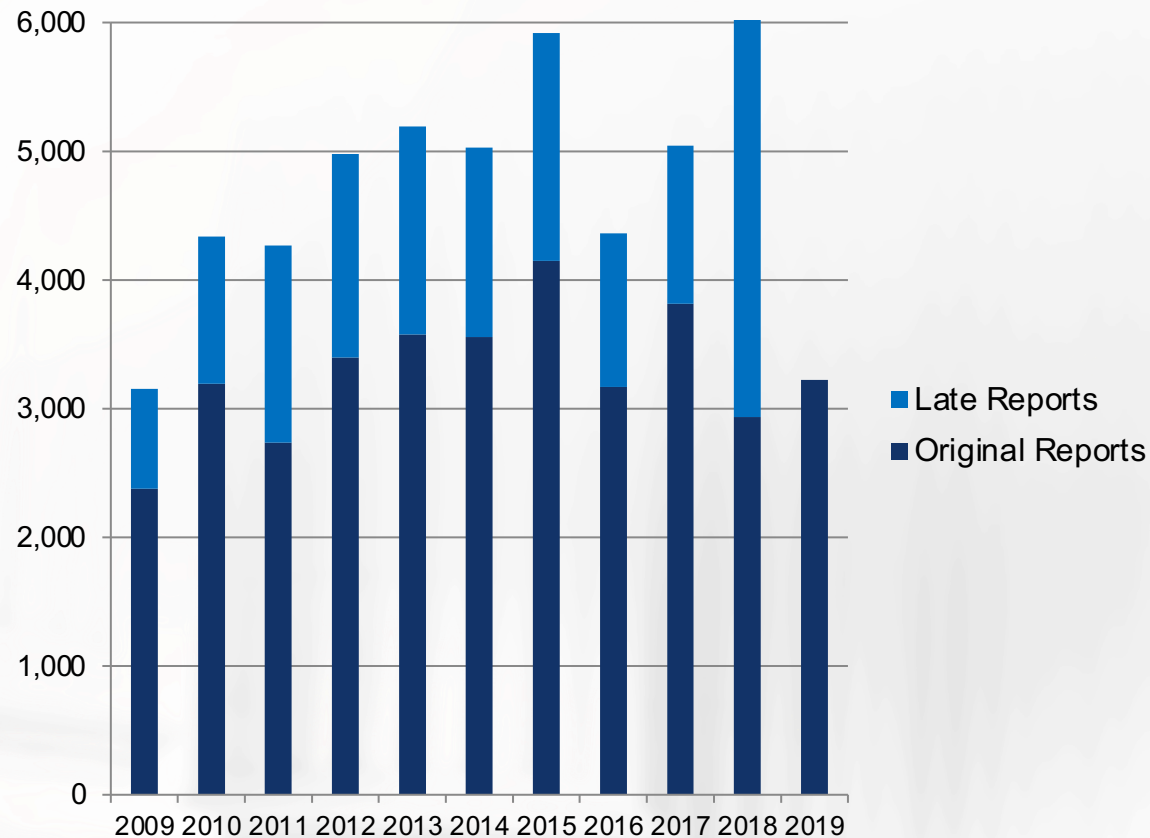


- A total of 3,225 wiretaps were reported as authorized in 2019, with 1,417 authorized by federal judges and 1,808 authorized by state judges.
- In 28 states, a total of 147 separate local jurisdictions (including counties, cities, and judicial districts) reported wiretap applications for 2019. Applications concentrated in six states (New York, California, Nevada, Colorado, North Carolina, and Pennsylvania) accounted for 79 percent of all state wiretap applications.

2019 Wiretap Statistics: Authorized Intercepts



Wiretaps Reported from 2009 to 2019



This bar chart presents data on intercepts requested and authorized each year from 2009 to 2019. Total authorized intercept applications reported by year increased 2 percent from 3,155 in 2009 to 3,225 in 2019.

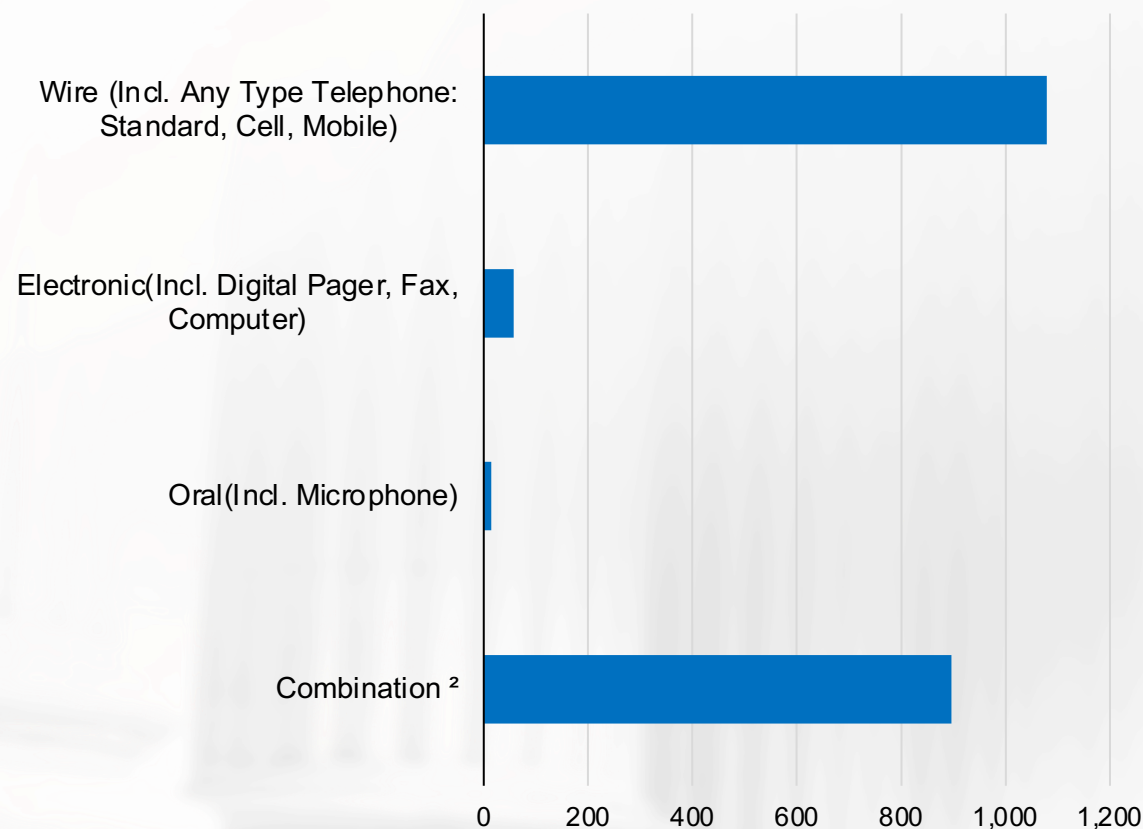
Note: *Late reports represent concluded intercepts reported to the AO later than their statutorily required reporting period.*

Original reports represent concluded intercepts reported to the AO during their statutorily required reporting period.

2019 Wiretap Statistics: Surveillance Methods



Methods of Surveillance



Surveillance (intercept) methods collected and reported by the AO:

- Phone (wire)
 - Standard Telephone
 - Cellular or Mobile Phone
- Oral (in-person)
 - Microphone
- Electronic
 - Computer or Email
 - Digital Pager
 - Fax Machine
 - Text Messaging
 - Mobile Applications (i.e., WhatsApp)

The *Annual Wiretap Report* can be accessed from the Statistics & Reports section provide on uscourts.gov.

